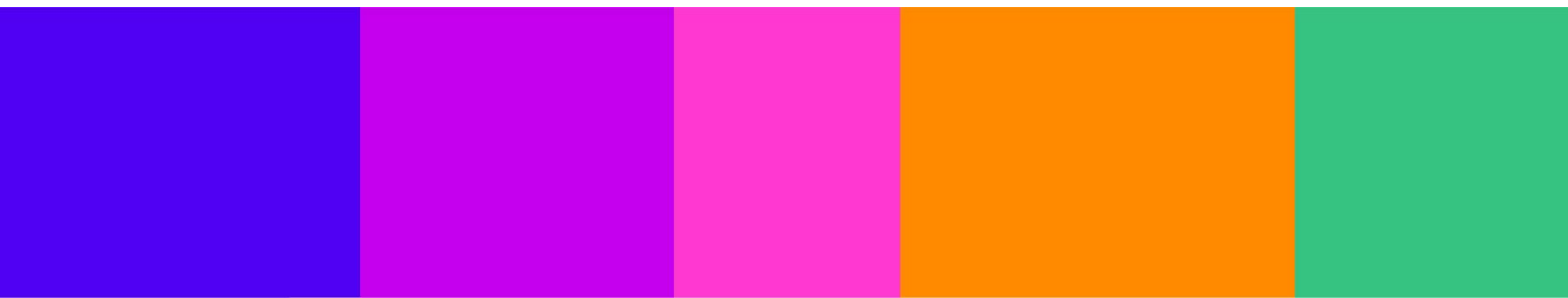# Consultation response form

Please complete this form in full and return to protectingchildren@ofcom.org.uk.

Consultation title	Consultation: Protecting children from harms online
Organisation name	Free Dating Limited

Your response

Question	Your response
Volume 2: Identifying the services children are using Children's Access Assessments (Section 4).	
Do you agree with our proposals in relation to children's access assessments, in particular the aspects below. Please provide evidence to support your view. 1. Our proposal that service providers should only conclude that children are not normally able to access a service where they are using highly effective age assurance? 2. Our proposed approach to the child user condition, including our proposed interpretation of "significant number of users who are children" and the factors that service providers consider in assessing whether the child user condition is met? 3. Our proposed approach to the process for children's access assessments?	Free Dating is an existing UK dating service which has been running for 20 years. It is a tiny micro business – just one person does everything (me). I already have effective measures for keeping children off my service, which I know to be effective because (1) I have moderation processes to detect accounts operated by children and (2) I have very clear mechanisms for reporting children on the service. So I do know when children manage to get on the service. I am concerned that the proposals, if not sufficiently proportionate, could render businesses like mine unviable. I am providing this information to give context to my answers. *1. Our proposal that service providers should only conclude that children are not normally able to access a service where they are using highly effective age assurance?* I don't think this is proportionate, and I do think it is excessively prescriptive. A more proportionate test would be whether the service can evidence that the outcome of the measures it has in place is an insignificant number of child users. The problem with HEAA as prescribed is that the drop-off rate in onboarding users is dramatic for services which do not have a sufficiently strong brand to persuade a user to go through an HEAA process in exchange for accessing the service. The UK internet-using public have been told for years not to provide their personal information to online services which they do not trust, and now they are being asked to do exactly the opposite. The same user who may be willing to go through HEAA for Tinder or Bumble, will decline HEAA for Free Dating because it is a small business without a widely recognised brand. Free Dating do use HEAA for a proportion of users, and the drop off rate is over 90% compared to users who are not taken through such an extreme assurance process. If all users had to go through HEAA, the business would be unviable.

Question	Your response
	If the definition of HEAA were outcomes-based then services could take a more proportionate approach whilst still providing a high level of protection to children – and I accept that they should be able to evidence this. Alternatively services could be permitted to use a non-HEAA method as long as they can evidence that it is sufficiently effective.
	2. Our proposed approach to the child user condition, including our proposed interpretation of "significant number of users who are children" and the factors that service providers consider in assessing whether the child user condition is met?
	I think the child user condition is excessively onerous, because it requires the service to **not meet** both of the Stage Two criteria:
	(1) Are there a significant number of children who are users of the service? (2) Is the service of a kind likely to attract a significant number of children?
	My suggestion would be that if the service can evidence that there are **not** a significant number of children who are users of the service, then it should not matter whether or not the service is likely to attract a significant number of children. In other words, if a service **does not** meet criteria (1), it should **not** have to also **not meet** criteria (2). This is important because a service which is likely to attract children, but cannot implement HEAA, could instead implement a system which, whilst not meeting the strict HEAA definition, does deliver the desired result of ensuring that there are not a significant number of children who are users of the service. This would give small businesses a pragmatic, proportionate, and outcomes-based route to compliance whilst affording children the necessary level of protection.

Volume 3: The causes and impacts of online harm to children

Draft Children's Register of Risk (Section 7)

Proposed approach: 4. Do you have any views on Ofcom's assessment of the causes and impacts	Confidential? – Y / N

Question	Your response
of online harms? Please provide evidence to support your answer. a. Do you think we have missed anything important in our analysis? 5. Do you have any views about our interpretation of the links between risk factors and different kinds of content harmful to children? Please provide evidence to support your answer. 6. Do you have any views on the age groups we recommended for assessing risk by age? Please provide evidence to support your answer. 7. Do you have any views on our interpretation of non-designated content or our approach to identifying non-designated content? Please provide evidence to support your answer. **Evidence gathering for future work:** 8. Do you have any evidence relating to kinds of content that increase the risk of harm from Primary Priority, Priority or Non-designated Content, when viewed in combination (to be considered as part of cumulative harm)? 9. Have you identified risks to children from GenAI content or applications on U2U or Search services? a) Please Provide any information about any risks identified 10. Do you have any specific evidence relevant to our assessment of body image content and depressive content as kinds of non-designated content? Specifically, we are interested in: a) (i) specific examples of body image or depressive content linked to significant harms to children,	

Question	Your response
b. (ii) evidence distinguishing body image or depressive content from existing categories of priority or primary priority content. 11. Do you propose any other category of content that could meet the definition of NDC under the Act at this stage? Please provide evidence to support your answer.	
Draft Guidance on Content Harmful to Children (Section 8)	
12. Do you agree with our proposed approach, including the level of specificity of examples given and the proposal to include contextual information for services to consider? 13. Do you have further evidence that can support the guidance provided on different kinds of content harmful to children? 14. For each of the harms discussed, are there additional categories of content that Ofcom a) should consider to be harmful or b) consider not to be harmful or c) where our current proposals should be reconsidered?	Confidential? – Y / N
Volume 4: How should services assess the risk of online harms? **Governance and Accountability (Section 11)**	
15. Do you agree with the proposed governance measures to be included in the Children's Safety Codes? a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.	Confidential? – Y / N

Question	Your response
b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response. 16. Do you agree with our assumption that the proposed governance measures for Children's Safety Codes could be implemented through the same process as the equivalent draft Illegal Content Codes?	
Children's Risk Assessment Guidance and Children's Risk Profiles' (Section 12)	
17. What do you think about our proposals in relation to the Children's Risk Assessment Guidance? a) Please provide underlying arguments and evidence of efficacy or risks that support your view. 18. What do you think about our proposals in relation to the Children's Risk Profiles for Content Harmful to Children? a) Please provide underlying arguments and evidence of efficacy or risks that support your view. Specifically, we welcome evidence from regulated services on the following: 19. Do you think the four-step risk assessment process and the Children's Risk Profiles are useful models to help services understand the risks that their services pose to children and comply with their child risk assessment obligations under the Act? 20. Are there any specific aspects of the children's risk assessment duties that you consider need additional	Confidential? – Y / N

Question	Your response
guidance beyond what we have proposed in our draft?	
21. Are the Children's Risk Profiles sufficiently clear and do you think the information provided on risk factors will help you understand the risks on your service?	
a) If you have comments or input related to the links between different kinds of content harmful to children and risk factors, please refer to Volume 3: Causes and Impacts of Harms to Children Online which includes the draft Children's Register of Risks.	

Volume 5 – What should services do to mitigate the risk of online harms

Our proposals for the Children's Safety Codes (Section 13)

Question	Your response
Proposed measures	Confidential? – Y / N
22. Do you agree with our proposed package of measures for the first Children's Safety Codes?	
a) If not, please explain why.	
Evidence gathering for future work.	
23. Do you currently employ measures or have additional evidence in the areas we have set out for future consideration?	
a) If so, please provide evidence of the impact, effectiveness and cost of such measures, including any results from trialling or testing of measures.	
24. Are there other areas in which we should consider potential future measures for the Children's Safety Codes?	
a) If so, please explain why and provide supporting evidence.	

Developing the Children's Safety Codes: Our framework (Section 14)	
25. Do you agree with our approach to developing the proposed measures for the Children's Safety Codes? a) If not, please explain why. 26. Do you agree with our approach and proposed changes to the draft Illegal Content Codes to further protect children and accommodate for potential synergies in how systems and processes manage both content harmful to children and illegal content? a) Please explain your views. 27. Do you agree that most measures should apply to services that are either large services or smaller services that present a medium or high level of risk to children? 28. Do you agree with our definition of 'large' and with how we apply this in our recommendations? 29. Do you agree with our definition of 'multi-risk' and with how we apply this in our recommendations? 30. Do you agree with the proposed measures that we recommend for all services, even those that are small and low-risk?	Confidential? – Y / N
Age assurance measures (Section 15)	
31. Do you agree with our proposal to recommend the use of highly effective age assurance to support Measures AA1-6? Please provide any information or evidence to support your views.	Free Dating is an existing UK dating service which has been running for 20 years. It is a tiny micro business – just one person does everything (me). I already have effective measures for keeping children off my service, which I know to be effective because (1) I have moderation processes to detect accounts operated by children

a) Are there any cases in which HEAA may not be appropriate and proportionate?

b) In this case, are there alternative approaches to age assurance which would be better suited?

32. Do you agree with the scope of the services captured by AA1-6?

33. Do you have any information or evidence on different ways that services could use highly effective age assurance to meet the outcome that children are prevented from encountering identified PPC, or protected from encountering identified PC under Measures AA3 and AA4, respectively?

34. Do you have any comments on our assessment of the implications of the proposed Measures AA1-6 on children, adults or services?

a) Please provide any supporting information or evidence in support of your views.

35. Do you have any information or evidence on other ways that services could consider different age groups when using age assurance to protect children in age groups judged to be at risk of harm from encountering PC?

and (2) I have very clear mechanisms for reporting children on the service. So I do know when children manage to get on the service. I am concerned that the proposals, if not sufficiently proportionate, could render businesses like mine unviable. I am providing this information to give context to my answers.

31. Do you agree with our proposal to recommend the use of highly effective age assurance to support Measures AA1-6? Please provide any information or evidence to support your views.

Free Dating implements HVAA during onboarding for a proportion of users, and the drop off rate for those users is in excess of 90% compared to the users who are onboarded using less onerous checks. Clearly to take all users through HVAA would make the business unviable: I would not be able to persuade sufficient users to go through the HVAA process. This is perfectly understandable – these users have been told for years and decades not to share their personal information online with services they do not trust. They might share their information with Tinder or Bumble, who have large marketing budgets and established brands, but they won't do it with Free Dating and other small online services. I agree with the need to identify children and restrict what they have access to, but HVAA is an extreme option, is extremely unpopular with users, and the same outcome can be achieved with less onerous measures. I would urge an outcomes-based approach, especially for small businesses.

a) Are there any cases in which HEAA may not be appropriate and proportionate?

Where a service can demonstrate that they have measures in place to both ensure the number of children accessing the service is insignificant, and they can evidence this as an outcome, then this would deliver the result of protecting children whilst also being proportionate to the viability of small businesses who need to comply with the regulations.

b) In this case, are there alternative approaches to age assurance which would be better suited?

Free Dating takes a multi-layered approach which is dynamic and constantly evolving to the changing risk of children accessing the service. The approach involves both constantly detecting and logging any children that

access the service to ensure that this remains insignificant, and updating the technology and processes to keep children off the service accordingly. An audit is maintained to evidence that the measures are effective.

34. Do you have any comments on our assessment of the implications of the proposed Measures AA1-6 on children, adults or services?

There does not seem to be any analysis of the drop-off rate in onboarding users to services who find they must implement HEAA, and are not large enough to persuade the majority of their users to submit to an HEAA process. This is far more significant than the cost of implementing and running HEAA – if you cannot onboard users then this is not a "cost of doing business", it is a barrier to business and an existential threat to any business which cannot overcome it. This is likely to disproportionately affect small businesses and start-ups with less well-known brands, who cannot persuade a new user to complete the HEAA process. This is of course not a reason to allow such businesses to ignore the requirement to protect children, but a more proportionate approach would be to allow the business to implement measures which do not meet the HEAA definition, but deliver the same outcome of protecting children, with the requirement that they should be able to evidence this. It is of great concern that the issue of small businesses being able to onboard users does not seem to have received any significant analysis, as this could dramatically affect large parts of the UK digital economy, which is predominantly small and micro businesses.

a) Please provide any supporting information or evidence in support of your views.

Free Dating currently take a proportion of our users through an HEAA process during onboarding, and the drop off rate for those users is over 90% at the point where they must complete the HEAA, when compared with the users who are processed using alternative methods. When users drop off, I can capture a certain amount of feedback, and they generally do not trust an online service which they are not already familiar with, when that service is asking them for what they consider to be excessive personal information or indeed an ID document in order to create an account.

Content moderation U2U (Section 16)	
36. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views. 37. Do you agree with the proposed addition of Measure 4G to the Illegal Content Codes? a) Please provide any arguments and supporting evidence.	Confidential? – Y / N
Search moderation (Section 17)	
38. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views. 39. Are there additional steps that services take to protect children from the harms set out in the Act? a) If so, how effective are they? 40. Regarding Measure SM2, do you agree that it is proportionate to preclude users believed to be a child from turning the safe search settings off? The use of Generative AI (GenAI), see Introduction to Volume 5, to facilitate search is an emerging development, which may include where search services have integrated GenAI into their functionalities, as well as where standalone GenAI services perform search functions. There is currently limited evidence on how the use of GenAI in search services may affect the implementation of the safety measures as set out in this code. We welcome further evidence from stakeholders on the following questions and please provider arguments and evidence to support your views:	Confidential? – Y / N

41. Do you consider that it is technically feasible to apply the proposed code measures in respect of GenAI functionalities which are likely to perform or be integrated into search functions? 42. What additional search moderation measures might be applicable where GenAI performs or is integrated into search functions?	

User reporting and complaints (Section 18)	
43. Do you agree with the proposed user reporting measures to be included in the draft Children's Safety Codes? a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence. b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response. 44. Do you agree with our proposals to apply each of Measures UR2 (e) and UR3 (b) to all services likely to be accessed by children for all types of complaints? a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence. b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response. 45. Do you agree with the inclusion of the proposed changes to Measures	Confidential? – Y / N

UR2 and UR3 in the Illegal Content Codes (Measures 5B and 5C)? a) Please provide any arguments and supporting evidence.	

Terms of service and publicly available statements (Section 19)	
46. Do you agree with the proposed Terms of Service / Publicly Available Statements measures to be included in the Children's Safety Codes? a) Please confirm which proposed measures your views relate to and provide any arguments and supporting evidence. b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response. 47. Can you identify any further characteristics that may improve the clarity and accessibility of terms and statements for children? 48. Do you agree with the proposed addition of Measure 6AA to the Illegal Content Codes? a) Please provide any arguments and supporting evidence.	Confidential? – Y / N
Recommender systems (Section 20)	
49. Do you agree with the proposed recommender systems measures to be included in the Children's Safety Codes? a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence. b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.	Confidential? – Y / N

50. Are there any intervention points in the design of recommender systems that we have not considered here that could effectively prevent children from being recommended primary priority content and protect children from encountering priority and non-designated content?	
51. Is there any evidence that suggests recommender systems are a risk factor associated with bullying? If so, please provide this in response to Measures RS2 and RS3 proposed in this chapter.	
52. We plan to include in our RS2 and RS3, that services limit the prominence of content that we are proposing to be classified as non-designated content (NDC), namely depressive content and body image content. This is subject to our consultation on the classification of these content categories as NDC. Do you agree with this proposal? Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3. • Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3.	
User support (Section 21)	
53. Do you agree with the proposed user support measures to be included in the Children's Safety Codes? a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence. b) If you responded to our Illegal harms consultation and this is relevant to your response here, please signpost	Confidential? – Y / N

to the relevant parts of your prior response.	

Search features, functionalities and user support (Section 22)

54. Do you agree with our proposals? Please provide underlying arguments and evidence to support your views. 55. Do you have additional evidence relating to children's use of search services and the impact of search functionalities on children's behaviour? 56. Are there additional steps that you take to protect children from harms as set out in the Act? a) If so, how effective are they? As referenced in the Overview of Codes, Section 13 and Section 17, the use of GenAI to facilitate search is an emerging development and there is currently limited evidence on how the use of GenAI in search services may affect the implementation of the safety measures as set out in this section. We welcome further evidence from stakeholders on the following questions and please provide arguments and evidence to support your views: 57. Do you consider that it is technically feasible to apply the proposed codes measures in respect of GenAI functionalities which are likely to perform or be integrated into search functions? Please provide arguments and evidence to support your views.	Confidential? – Y / N

Combined Impact Assessment (Section 23)	
58. Do you agree that our package of proposed measures is proportionate, taking into account the impact on children's safety online as well as the implications on different kinds of services?	Confidential? – Y / N
Statutory tests (Section 24)	
59. Do you agree that our proposals, in particular our proposed recommendations for the draft Children's Safety Codes, are appropriate in the light of the matters to which we must have regard? a) If not, please explain why.	Confidential? – Y / N
Annexes **Impact Assessments (Annex A14)**	
60. In relation to our equality impact assessment, do you agree that some of our proposals would have a positive impact on certain groups? 61. In relation to our Welsh language assessment, do you agree that our proposals are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English? a) If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.	Confidential? – Y / N

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