

Question 1: Would extending mandatory daytime protection have an adverse impact on the 9pm watershed? Could the change erode public confidence in the 9pm watershed?

AETN UK ('A+E Networks') believes that the introduction of a mandatory daytime PIN protection would not dilute the significance of the 9pm watershed.

PIN protection is a very obvious way to indicate that the content of a programme may be unsuitable for audiences under a certain age. For example, the existing daytime PIN allows a viewer access to various supporting information such as EPG title, programme synopsis and clear ratings guidance before engaging with a programme.

In our view, this works as an additional layer of protection to the 9pm watershed and may even strengthen public confidence in protecting younger viewers from inappropriate content.

Although the mandatory daytime PIN is currently in use by platforms such as Sky and Virgin for their premium subscription film services, parents will also be familiar with using PIN protection on VOD services. Despite these available options, parents continue to rely on the 9pm watershed as the main method for protecting children from material that might be unsuitable for them.

A+E Networks envisage a limited use of the mandatory daytime PIN protection, mainly for our Crime + Investigation and History channels.

A significant amount of our post watershed programmes can be reversioned to make a more family friendly pre watershed version to play in the daytime. However, there is a smaller amount of content which is only suitable for post watershed viewing and to edit it for daytime would affect the editorial integrity and overall enjoyment of the show.

As both channels have a predominantly adult audience (see Tables 1.1 and 1.2), we believe our viewers would be able to view a select but impactful number of un-cut versions during the daytime without undermining the importance

	<p>of the 9pm watershed.</p> <p>This also works in our interest as a broadcaster so that we do not alienate our viewers by over-using the PIN method. A+E Networks would want to default to scheduling a daytime and a post watershed version wherever possible, with PIN protection as a secondary option.</p>
<p>Question 2: Would extending mandatory daytime protection increase the risk of children viewing post watershed content?</p>	<p>The current risk of children viewing post watershed content on our channels is already very low. Crime + Investigation and History are channels with an adult target audience and have less than 5% of all viewing from children in the daytime. 71% of History viewing households and 65.2% of Crime and Investigation households have no children (see Table 1.2).</p> <p>Though we do not envisage a high number of children wanting to watch our content on these particular channels, Ofcom have highlighted the possibility of a child knowing the PIN code which could then expose them to post watershed programmes during the day.</p> <p>Despite best efforts from the broadcaster to ensure that all content is scheduled and classified correctly, we agree that there is a potential risk that a child could access unsuitable content should they become aware of the PIN number for their set top box.</p> <p>However, when assessing the current protection method of the 9pm watershed, parental control plays a contributing role. The reason for having the 9pm watershed is due to the assumption that parents have either put their children to bed by 9pm or they can decide to allow their children to watch post watershed content under adult supervision at this time. Furthermore, parents are already familiar with setting parental controls for both their set top boxes and their VOD services so a certain amount of risk already exists. PIN protection would be no different in that it would be the parent’s responsibility to keep the PIN code safe from children.</p>
<p>Question 3: How effective are mandatory PINs currently in protecting children? As part of this</p>	<p>PIN protection is well established in EU territories like the Netherlands and Germany</p>

<p>response we welcome views on the effectiveness of the protection offered for younger and older children.</p>	<p>where high standards of child protection have been successfully applied, and a healthy balance has arguably been achieved between responsible broadcasting and parental discretion/media literacy.</p>
<p>Question 4: What more could be done to bolster the effectiveness of PINs?</p>	<p>As a broadcaster, we would have a responsibility to provide viewer's with enough information about mandatory PIN protection and how it works. Were PIN protection to be implemented, we would work closely with our platforms to ensure the most robust approaches to parental controls are implemented, and information about how to use them widely shared.</p>
<p>Question 5: Do you agree with Ofcom's assessment of the technical limitations involved in implementing an expansion to the mandatory daytime protection rules? Have there been any technical advancements in this area since the Call for Inputs in 2016?</p>	<p>A+E Networks are a Joint Venture with BSKYB ('Sky') and therefore our ability to implement a PIN functionality for our channels relies heavily on Sky's content management systems. However, we are aware that Sky and other platform services had a limited mandatory daytime PIN protection system in place since 2005 on premium subscription and pay per view film channels. We have discussed the possibility of a daytime mandatory PIN with our platform providers and the overall feedback is that this should be relatively easy with minimal set top box development.</p> <p>Specific detail on technical advancements can be provided by the platforms.</p>
<p>Question 6: As a broadcaster or platform provider, do you foresee any issues with the provision or collection of metadata required for an expansion to the mandatory daytime protection rules?</p>	<p>We already provide a wide range of accurate metadata related to content and scheduling restrictions. Other than some development work to allow us to schedule programmes with a Post 2100 time code before the watershed with PIN protection, we believe it should be relatively straightforward to link metadata information with the requirements for PIN protection.</p>
<p>Question 7: How would unconnected and legacy devices behave with the introduction of an expansion to the mandatory daytime protection rules? How do broadcasters and platform providers intend to ensure that there would be no risk of inadvertently broadcasting unsuitable content which is not secured by mandatory PIN protection?</p>	<p>Please refer to platform providers.</p>
<p>Question 8: How would mandatory daytime protection interact with the live pause/</p>	<p>Please refer to platform providers.</p>

<p>rewind/ fast forward functions on certain devices?</p>	
<p>Question 9: What accessibility features are currently available, or could in future be implemented, to assist visually impaired people in accessing content restricted by a mandatory PIN?</p>	<p>Please refer to platform providers.</p>
<p>Question 10: Are there any other technological, practical or cost issues involved which Ofcom should be aware of?</p>	<p>We believe the existing programme metadata workflow can be straightforwardly adapted to take on board PIN protection requirements. There is likely to be a modest cost to the broadcaster and platform provider to modify their content management system.</p>
<p>Question 11: Which particular types of pay TV subscribers could benefit from increased viewing choice, as a result of an extension in mandatory daytime protection? We welcome information and evidence from stakeholders about the size of such groups.</p>	<p>As stated above the vast majority of viewers of History and Crime + Investigation live in households without children. Demographically the viewers of these channels tend to be older males, and females.</p> <p>A+E Networks thinks that viewers without children, including retirees, shift workers and households without the internet or internet literacy, would benefit from the increased choice daytime PIN would provide.</p>
<p>Question 12: To what extent could an extension of mandatory daytime protection result in any decreased choice for households with children? We welcome information and evidence from stakeholders.</p>	<p>The subscription channels that are likely to opt for daytime PIN protection are not aimed at or attractive to children, so there would be no appreciable reduction in the choice of content available to them.</p>
<p>Question 13: As a broadcaster, would you be likely to use mandatory daytime protection to broadcast content on your channel(s)? What type of content would this be? Please provide an estimate of the number of hours of broadcast that would be likely to take place in a typical month.</p>	<p>As mentioned previously, A+E Networks envisage a limited use of the mandatory daytime PIN protection, mainly for our Crime + Investigation and History channels and for content which can only offer a post-watershed version to viewers (as explained in Question 1).</p> <p>Programmes under a daytime mandatory PIN protection are likely to be broadcast for a maximum of 2 hours a day. <i>The Jail: 60 Days In</i> and <i>Vikings</i> are both examples of the kind of content to be expected.</p>
<p>Question 14: To what extent would there be any increase in choice for pay TV household groups as a result of the expansion of the mandatory daytime protection rules? We</p>	<p>A+E Networks expects the daytime PIN protection to allow our viewers the chance to watch their favourite shows which are currently only available after 9pm.</p>

<p>welcome information and evidence.</p>	<p>Titles such as <i>The Jail: 60 Days In</i> and <i>Vikings</i> have high production values and a loyal fan base.</p> <p>With the option to access an ever-increasing amount of content at one’s own convenience, we believe PIN protection will help diversify programme choice and will encourage broadcasters to invest more heavily in high-end content due to the increased flexibility in scheduling it under a PIN protected system.</p>
<p>Question 15: To what extent might households be likely to switch away from FTA platforms due to the provision of mandatory daytime protection on pay TV platforms only? Ofcom would welcome information and evidence.</p>	<p>Please refer to Question 19</p>
<p>Question 16: To what extent would channels which currently broadcast on FTA platforms be likely to stop broadcasting on those platforms, because mandatory daytime protection can only be used on pay TV platforms? Ofcom would welcome information and evidence.</p>	<p>Please refer to Question 19</p>
<p>Question 17: To what extent could platform competition be stimulated as a result of an extension to mandatory daytime protection? What effects could there be in the longer run on innovation and investment? Ofcom would welcome views and evidence.</p>	<p>See Question 14</p>
<p>Question 18: To what extent are viewers likely to switch to channels that offer content behind mandatory daytime protection?</p>	<p>Please see Question 14 – we see daytime PIN as extending choice to our existing viewers.</p>
<p>Question 19: Do you agree with our competition assessment above? Please give reasons and evidence where available for your answer.</p>	<p>Ofcom’s competition assessment focuses primarily on the respective impacts of daytime PIN on subscription channels versus free-to-air channels. A+E Networks thinks the relevant market is different to this, and should include set top on-demand and catch-up services, and OTT services such as Amazon Prime, Netflix, and Apple TV. In fact it is arguable that subscription television channels are in direct competition with the subscription OTT services, rather than FTAs. Pay channels are just not targeting the same type of audiences as FTA channels, so any competition impact would be very limited. Also, with the relevant market properly redrawn to include OTT services, the relative impact of daytime PIN on linear child safety will also be put into its proper context, as</p>

	<p>awareness of the need for parental responsibility, and use of PIN protection during the day are already widely established in the OTT content viewing consumer market.</p>
<p>Question 20: Are there any other relevant competition considerations that Ofcom has not taken into account? Please give details.</p>	<p>Social media, and in particular video sharing platforms (VSP), may arguably be in competition for viewers with linear and on-demand television services. They are certainly in competition for advertising revenue. There is considerable public concern about the lack of child protection provided on some social media and VSP services. The introduction of daytime PIN on certain linear TV channels, would be yet another example of broadcasters using technology to provide a safe and trusted environment for younger viewers.</p>
<p>Question 21: Do you have any comments on the proposed revisions to the rules in Section One to allow for an extension to the mandatory daytime protection regime?</p>	<p>No</p>
<p>Question 22: Should the revised rules allow up to BBFC 15-rated films to be shown at 20:00 on premium subscription film channels (as the current rules do)? Or would consistency across all channels be more beneficial?</p>	<p>N/A</p>
<p>Question 23: What information should/ could be provided with programmes using a mandatory daytime protection to inform viewers on the suitability of the content?</p>	<p>Information such as programme title, programme synopsis, certification information and warnings could be provided with programmes using a mandatory daytime PIN protection which would help viewers gauge the suitability of the content prior to watching it.</p>