

## Consultation response form

### Your response

**Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2023/24?**

*Is this response confidential? –N (delete as appropriate)*

Reset welcomes the opportunity to provide comment about Ofcom's forthcoming work plan for 2023 to 2024. This promises to be a watershed moment for the UK's digital regulatory landscape with Royal Assent of the Online Safety Bill. This will be an incredible opportunity for Ofcom to improve the safety and experience of British social media users.

We believe that in order to harness the opportunities presented by the Online Safety Bill that the forthcoming work plan should focus on a few key areas:

Data Access & Transparency:

Clause 146 of the forthcoming Online Safety Bill mandates Ofcom to provide a report on how and whether independent researchers should be afforded access to data relating to social media platforms. Ofcom will be required to do this within the first two years of the Bill coming into effect. We believe that this report should detail *how* to provide researcher access to data, not *if* the data should be made available. Furthermore:

- Ofcom should accelerate this work in order to improve researcher access to data within a shorter time frame — we propose 6 months. The EU's Digital Services Act provides for a similar program of work and will be up and running this year. In order to ensure British researchers are not left behind Ofcom needs to prioritise this important transparency measure and work with European counterparts to ensure a similar standard of data access is in place in the UK. Failure to prioritise this will result in a brain drain of British researchers who will seek to get access to data via European mechanisms. Two years is too long.
- The recent announcement that Twitter, long heralded as providing more data access than counterparts through its API, will start charging for the service is a stark reminder of the urgency of data access. This should be Ofcom's key priority.
- Last year more than 40 charities, online safety campaigners and academics signed a letter to the Prime Minister and Culture Secretary, calling for verified researchers and civil society to be empowered to request data access under the Online Safety Bill, on an accelerated timeline. This provision enjoys widespread support in the UK and accelerating data access is within Ofcom's remit.
- In addition, over 300 academics from across the world wrote an open letter to Mark Zuckerberg, asking him to be more transparent with data in order for them to monitor and research children's mental health
- Ofcom should collaborate closely with the Information Commissioner's Office during the course of this work to ensure that the data access regime is fully compliant with UK data protection legislation

and follows due process when providing access to data sets. A privacy respecting data access framework is crucial.

- Ofcom needs to ensure that data access is provided not only to verified academics and researchers but also to civil society organisations who are embedded within different UK communities and often act as what Frances Haugen, the Facebook whistleblower, described as “the canaries in the coal mine” for potential threats to online services. For far too long Big Tech has benefited from a lack of transparency around its services and the harms they may cause. Ofcom has a crucial and enviable opportunity to seek to increase transparency to ensure a safer consumer experience for Britons.
- Any measures to increase transparency surrounding how tech platforms operate and the societal effects of product changes need to be enhanced and welcomed.
- 'The Report of the European Digital Media Observatory's Working Group on Platform-to-Researcher Data access' provides a helpful guide on the rationale and technical proposals relating to data access. Research, facilitated by improved platform-to-researcher data access can help to “identify trends, to monitor change over time, to build understanding of what is happening and why, and to develop and trial innovations that can improve society.”
- We believe that accelerating data access under the Online Safety Bill is firmly within Ofcom (and UK users') interests and appears to be aligned with the excellent Ofcom paper, 'Transparency Reporting: The UK Regulatory Perspective.' The paper demonstrates excellent technical and regulatory insights within Ofcom and bodes well for the future of digital regulation under the Online Safety Bill.

#### Framework for tendering broader engagement and consultation

- Over the past couple of years there has been a packed legislative agenda which has resulted in a heavy burden on civil society groups, academics and the non-profit sector as government and regulators have relied heavily on external expertise to inform effective policy making and regulation. In our recent consultation to the DRCF, we proposed that the DRCF and member regulators should establish a formal framework in order to commission research and analysis and solicit tenders from these groups. Ofcom should do the same. External engagement is critical to informed regulation but many organisations have scarce resources and capacity and are not able to engage with consultations or projects as consistently as they would otherwise be able to if there was a form of engagement that allowed remuneration.
- By formally commissioning research and responses Ofcom would be able to help ensure a sustainable pipeline of external research and expertise. The heavy flow of legislation (and enforcement) shows little sign of abating and this should be something that is considered. Furthermore, a formal tender process might remove the risk of conflicts of interest in the event that third-sector groups are receiving funding from companies that might be under investigation or enforcement action by Ofcom or other DRCF members. Such a process will be

particularly helpful during secondary legislation relating to the Online Safety Bill and the drafting of Codes of Practice. The implementation and enforcement of this Bill will be the true test of the UK's digital regulation.

#### Collaboration:

- We strongly encourage increased international cooperation between Ofcom and counterparts. The newly launched Global Online Safety Regulators Network is an excellent opportunity to do this. We would, however, also highlight the similarities between the Digital Services Act (EU) and the Online Safety Bill. Given the similarities and the EU's proximity to the UK market we would strongly urge bilateral collaboration with the EU on enforcement, data access and investigations. The safety issues users face online are transnational and not limited to one jurisdiction. The solutions, therefore, should be cross-jurisdictional too.

#### Whistleblower protections and engagement:

- Holding Big Tech to account for its business model and negative externalities over the past decade has proved increasingly difficult given the power imbalance between well-resourced companies and a sector-wide lack of transparency. New laws in the UK and elsewhere will hopefully increase transparency and accountability. However, up until now some of the largest scandals relating to social media platforms have only come to light as a result of brave whistleblowers. Notable examples include Frances Haugen (Facebook), Chris Wylie (Cambridge Analytica) and Peter Zlatos (Twitter). Whistleblowers have offered great utility to policymakers and regulators. Consequently, we believe that whistleblowers should be afforded greater protection in the UK and that these protections should be consistent across the regulators involved in the DRCF. London remains a large hub for businesses outside of Silicon Valley and consequently there are many potential opportunities for risk mitigation through whistleblowing. Important work has been done on this issue, such as the [Tech Worker Handbook](#), and the DCRF should articulate a coherent strategy to incentivise and protect such bravery. All member regulators, and consumers, would benefit from such a move.