Consultation at a glance: our proposals and who they apply to

1.1   This document summarises the proposals we are making in our Illegal Harms consultation and outlines which services they apply to. In order it sets out:

- The measures we have proposed for U2U services;
- The measures we have proposed for Search services;
- Our proposed guidance for risk assessment and review duties, applicable to all U2U and Search services; and
- Our proposed guidance for record keeping duties, applicable to all U2U and Search services.

Measures proposed for U2U services

1.2   The table below sets out the proposed measures for U2U services. Each of the rows represents a different measure. The measures are grouped in the way we have discussed them in the different chapters of this consultation, which aligns with the way they are set out in the draft Codes.

1.3   Whether some of the measures are recommended for a particular service can depend on the size of the service and how risky it is. The different columns show different types of services. The columns are divided into two groups by size:

a) Large services. As discussed further below, we propose to define a service as large where it has an average user base greater than 7 million per month in the UK, approximately equivalent to 10% of the UK population.

b) Smaller services. These are all services that are not large, and will include services provided by small and micro businesses.

1.4   We sub-divide each of these broad size categories into three:

a) 'Low risk' refers to a service assessed as being low risk for all kinds of illegal harm in its risk assessment.

b) 'Specific risk' refers to a service assessed as being medium or high risk for a specific kind of harm for which we propose a particular measure. Different harm-specific measures are recommended depending on which risk a service has identified. A service could have a single specific risk, or many specific risks. We are not currently proposing harm specific measures for specific risks of each kind of harm. The notes beneath Table 1 explain which risks of a kind of harm different measures relate to.

c) 'Multi risk' refers to a service that faces significant risks for illegal harms. For such services, we propose additional measures that are aimed at illegal harms more generally, rather than being targeted at specific risks. As described in paragraph 11.46, our provisional view is to define a service as multi-risk where it is assessed as being medium or high risk for at least two different

kinds of harms from the 15 kinds of priority illegal harms set out in the Risk Assessment Guidance.[1]

1.5 Measures could be recommended for the same service from both the specific risk and multi risk columns, depending on the kinds of harms for which it is medium or high risk. If a service were medium or high risk for all kinds of harm, then all of the measures in the specific risk and multi-risk columns could apply to it.

1.6 For some measures, 'Yes' for it being recommended. In places we point to additional conditions (aside from risk and the size of the service) affecting whether a measure is recommended. These are explained in notes after the table.

1.7 The first column in the table below shows the measures that would apply to a service if it were small and were low risk for all kinds of harm.

Table 1: Measures proposed for U2U services

No.	Ref.	Description of proposed measure	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
Governance & Accountability								
1	3A	Boards or overall governance bodies carry out an annual review and record how the service has assessed risk management activities in relation to illegal harms, and how developing risks are being monitored and managed	No	No	No	Yes	Yes	Yes
2	3B	A named person is accountable to the most senior governance body for compliance with illegal content safety duties, and reporting and complaints duties	Yes	Yes	Yes	Yes	Yes	Yes
3	3C	Written statements of responsibilities for senior members of staff who make decisions related to the management of online safety risks	No	No	Yes	Yes	Yes	Yes

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[1] The 15 different kinds of illegal harms set out in Ofcom's draft risk assessment guidance are: Terrorism offences; Child Sexual Exploitation and Abuse (CSEA), including Grooming and Child Sexual Abuse Material (CSAM); Encouraging or assisting suicide (or attempted suicide) or serious Self Harm; Hate offences; Harassment, stalking, threats and abuse; Controlling or coercive behaviour (CCB); Drugs and psychoactive substances offences; Firearms and other weapons offences; Unlawful immigration and human trafficking; Sexual exploitation of adults; Extreme pornography offence; Intimate Image Abuse; Proceeds of crime offences; Fraud and financial services offences; and the Foreign interference offence (FIO).

No.	Ref.	Description of proposed measure	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
4	3D	Internal monitoring and assurance function to independently assess the effectiveness of measures to mitigate and manage the risks of harm, reporting to a governance body or an audit committee	No	No	No	No	No	Yes
5	3E	Evidence of new kinds of illegal content on a service, or increases in particular kinds of illegal content, is tracked and reported to the most senior governance body	No	No	Yes	Yes	Yes	Yes
6	3F	A Code of Conduct or principles provided to all staff that sets standards and expectations for employees around protecting users from risks of illegal harm	No	No	Yes	Yes	Yes	Yes
7	3G	Staff involved in the design and operational management of a service are sufficiently trained in a service's approach to compliance	No	No	Yes	Yes	Yes	Yes
Content Moderation								
8	4A	Content moderation systems or processes are designed to take down illegal content swiftly	Yes	Yes	Yes	Yes	Yes	Yes
9	4B	Internal content moderation policies are set having regard to the findings of risk assessment and any evidence of emerging harms on the service	No	No	Yes	Yes	Yes	Yes
10	4C	Performance targets are set for content moderation functions and services measure whether they are achieving them	No	No	Yes	Yes	Yes	Yes
11	4D	When prioritising what content to review, regard is had to the following factors: virality of content, potential severity of content and the likelihood that content is illegal	No	No	Yes	Yes	Yes	Yes

No.	Ref.	Description of proposed measure	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
12	4E	Content moderation teams are resourced to meet performance targets and can ordinarily meet increases in demand for content moderation caused by external events	No	No	Yes	Yes	Yes	Yes
13	4F	Staff working in content moderation must receive training and materials to enable them to identify and take down illegal content	No	No	Yes	Yes	Yes	Yes
Automated Content Moderation								
14	4G	An automated technique known as 'hash matching' is used to detect image based Child Sexual Abuse Material (CSAM)	No	(Yes) See note a	No	No	(Yes) See note a	No
15	4H	Automated tools detect URLs which have been previously identified as hosting CSAM or which include a domain identified as dedicated to CSAM	No	(Yes) See note b	No	No	(Yes) See note b	No
16	4I	Keyword search is used to detect content containing keywords strongly associated with offences concerning articles for use in frauds (such as the sale of stolen credentials)	No	No	No	No	(Yes) See note c	No
Reporting and Complaints								
17	5A	Complaints processes enable UK users and affected persons to make each type of relevant complaint in a way which will secure that appropriate action is taken	Yes	Yes	Yes	Yes	Yes	Yes
18	5B	Complaints system & processes are easy to find, easy to access and easy to use	Yes	Yes	Yes	Yes	Yes	Yes
19	5C	Appropriate action: indicative timeframes for considering complaints should be sent to complainants	Yes	Yes	Yes	Yes	Yes	Yes

No.	Ref.	Description of proposed measure	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
20	5D	Appropriate action for complaints: illegal content complaints should be handled in accordance with our proposed content moderation recommendations	Yes	Yes	Yes	Yes	Yes	Yes
21	5E(i)	Appropriate action for complaints: performance targets for determining appeals should be set and services resourced to give effect to them	No	No	Yes	Yes	Yes	Yes
	5E(ii)	Appropriate action for complaints: appeals are determined promptly	Yes	Yes	No	No	No	No
22	5F	Appropriate action for complaints: upheld appeals should lead to the complainant being restored to their original position	Yes	Yes	Yes	Yes	Yes	Yes
23	5G	Appropriate action for complaints: for proactive technology complaints, the service should inform the complainant of their rights	Yes	Yes	Yes	Yes	Yes	Yes
24	5H	Appropriate action for complaints: other complaints should be triaged and passed to the appropriate function or team internally, with view to protecting users from harm	Yes	Yes	Yes	Yes	Yes	Yes
25	5I	There is a dedicated reporting channel for fraud	No	No	No	No	Yes See note c	No
Terms of service								
26	6A	Terms of services have provisions on how individuals are protected from illegal content, any proactive technology used, and how relevant complaints are handled and resolved	Yes	Yes	Yes	Yes	Yes	Yes
27	6B	Relevant provisions of terms of service are clear and accessible	Yes	Yes	Yes	Yes	Yes	Yes

No.	Ref.	Description of proposed measure	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
Default settings and support for child users								
28	7A	Default setting are set to protect the child users: • Children using a service are not presented with network expansion prompts, or included in network expansion prompts presented to other users. • Children using a service should not be visible in the connection lists of other users. The connection lists of child users should also not be visible to other users • Non-connected accounts do not have the ability to send direct messages to children using a service • For services with no formal connection features, they should implement mechanisms to ensure children using a service do not receive unsolicited direct messages • Location information of child users' accounts should not be visible to any other users via profile or content posts by default. In addition, any location sharing functionality should be 'opt in'	No	(Yes) See note d	No	No	(Yes) See note d	No
29	7B	Supportive information is provided to children using a service in a timely and accessible manner. This is to help child users make informed choices about risk by giving them information, access to safeguarding processes, and support on a service, when they are: • seeking to disable one of the default settings recommended above which are set to reduce risk; • responding to a request from another user to establish a formal connection; • receiving a direct message from another user for the first time; and • taking action against an account including blocking and reporting	No	(Yes) See note d	No	No	(Yes) See note d	No

No.	Ref.	Description of proposed measure	Smaller service **Low risk**	Smaller service **Specific risk**	Smaller service **Multi-risk**	Large service **Low risk**	Large service **Specific risk**	Large service **Multi-risk**
Recommender Systems								
30	8A	When undertaking on-platform tests, services collect safety metrics, which will allow them to assess whether the changes are likely to increase user exposure to illegal content	No	No	(Yes) See note e	No	No	(Yes) See note e
Enhanced User Control								
31	9A	Users are able to block or mute other individual users, and be able to be uncontactable by users they do not yet have an on-service connection with	No	No	No	No	(Yes) See note f	No
32	9B	Users can disable comments relating to their own posts, including comments from users that are not blocked	No	No	No	No	(Yes) See note g	No
33	9C	There are clear internal policies for operating notable user verification and paid-for user verification schemes and improved public transparency for users about what verified status means in practice	No	No	No	No	(Yes) See note h	No
User Access								
34	10A	Accounts should be removed if there are reasonable grounds to infer they are run by or on behalf of a terrorist group or organisation proscribed by the UK Government	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

a) Specific harm of CSAM. Measure does not apply to private communications or end-to-end encrypted communications. Measure recommended for services which:

   i) are at medium or high risk for image-based CSAM and are large services; or

   ii) are at high-risk for image-based CSAM and have more than 700,000 monthly UK users; or

   iii) are file-storage and file-sharing services and are at high-risk for image-based CSAM and have more than 70,000 monthly UK users.

b) Specific harm of CSAM. Measure does not apply to private communications or end-to-end encrypted communications. Measure recommended for services which:

   i) are at medium or high risk for CSAM URLs and are large services; or

   ii) are at high risk for CSAM URLs and have more than 700,000 monthly UK users.

c) Specific harm of fraud. Measure does not apply to private communications or end-to-end encrypted communications. Measure recommended for large services which are at medium or high risk of fraud.

d) Specific harm of grooming children for the purposes of sexual exploitation and abuse (CSEA). Measure does not apply to private communications or end-to-end encrypted communications. Measure recommended for services which:

    i)   are at high risk of grooming, or are large services at medium risk of grooming; and

    ii)   has an existing means of identifying child users.

    The measure applies where the service has certain functionalities, as set out in the draft Codes.

e) Measure recommended for services which:

    i)   carries out on-platform tests of their recommender systems; and

    ii)   are assessed as being at medium or high risk of at least two of the following kinds of illegal harm: terrorism, CSAM, encouraging or assisting suicide (or attempted suicide) or serious self-harm; hate; harassment, stalking, threat and abuse; drugs and psychoactive substances; extreme pornography; intimate image abuse; foreign interference offence.

f) Measure recommended for large services which:

    i)   are assessed as being medium or high risk of one or more of the following kinds of illegal harm: grooming; encouraging or assisting suicide (or assisted suicide) or serious self-harm; hate; harassment, stalking, threats and abuse; controlling or coercive behaviour;

    ii)   have user profiles; and

    iii)   have at least one of the following functionalities: user connection, posting content, user communication (including but not limited to direct messaging and commenting on content).

g) Measure recommended for large services which:

    i)   are assessed as being medium or high risk of one or more of the following kinds of illegal harm: grooming, encouraging or assisting suicide (or attempted suicide) or serious self-harm, hate, harassment, stalking, threats and abuse; and

    ii)   have the functionality of commenting on content.

h) Measure recommended for large services which:

    i)   are assessed as being at medium or high risk of either or both of fraud or the foreign interference offence; and

    ii)   label user profiles under one or more of the following: (i) a notable user scheme; or (ii) a monetised scheme.

Measures proposed for search services

Table 2: Measures proposed for search services

No.	Ref.	Description of proposed measures	Smaller service **Low risk**	Smaller service **Specific risk**	Smaller service **Multi-risk**	Large service **Low risk**	Large service **Specific risk**	Large service **Multi-risk**
Governance & Accountability								
1	3A	Boards or overall governance bodies carry out an annual review and record how the service has assessed risk management activities in relation to illegal harms, and how developing risks are being monitored and managed	No	No	No	(Yes) See note i	(Yes) See note i	(Yes) See note i
2	3B	A named person is accountable to the most senior governance body for compliance with illegal content safety duties, and reporting and complaints duties	Yes	Yes	Yes	Yes	Yes	Yes
3	3C	Written statements of responsibilities for senior members of staff who make decisions related to the management of online safety risks	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
4	3D	Internal monitoring and assurance function to independently assess the effectiveness of measures to mitigate and manage the risks of harm, reporting to a governance body or an audit committee	No	No	No	No	No	Yes
5	3E	Evidence of new kinds of illegal content on a service, or increases in particular kinds of illegal content, is tracked and reported to the most senior governance body	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
6	3F	A Code of Conduct or principles provided to all staff that sets standards and expectations for employees around protecting users from risks of illegal harm	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes

No.	Ref.	Description of proposed measures	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
7	3G	Staff involved in the design and operational management of a service are sufficiently trained in a service's approach to compliance	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
Search Moderation								
8	4A	Systems and processes are designed so that search content that is illegal content is deprioritised or deindexed for UK users	Yes	Yes	Yes	Yes	Yes	Yes
9	4B	Internal search moderation policies are set having regard to the findings of risk assessment and any evidence of emerging harms on the service	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
10	4C	Performance targets are set for search moderation functions and services measure whether they are achieving them	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
11	4D	When prioritising what content to review, regard is had to the following factors: search query frequency, potential severity of content and complaints	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
12	4E	Search moderation teams are resourced to meet performance targets and can ordinarily meet increases in demand for search moderation caused by external events	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
13	4F	Staff working in search moderation must receive training and materials to enable them to moderate content	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes

No.	Ref.	Description of proposed measures	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
Search Automated Content Moderation								
14	4G	URLs which have been previously identified as hosting CSAM or which include a domain identified as dedicated to CSAM are deindexed from the search index.	(Yes) See note k	(Yes) See note k	(Yes) See note k	(Yes) See note k	(Yes) See note k	(Yes) See note k
Reporting and Complaints								
15	5A	Complaints processes enable UK users, affected persons and interested persons to make each type of relevant complaint in a way which will secure that appropriate action is taken	Yes	Yes	Yes	Yes	Yes	Yes
16	5B	Complaints system & processes are easy to find, easy to access and easy to use	Yes	Yes	Yes	Yes	Yes	Yes
17	5C	Appropriate action: indicative timeframes for considering complaints should be sent to complainants	Yes	Yes	Yes	Yes	Yes	Yes
18	5D	Appropriate action for complaints: illegal content complaints should be handled in accordance with our proposed search moderation recommendations	Yes	Yes	Yes	Yes	Yes	Yes
19	5E(i)	Appropriate action for complaints: performance targets for determining appeals should be set and services resourced to give effect to them	No	No	Yes	(Yes) See note j	(Yes) See note j	Yes
	5E(ii)	Appropriate action for complaints: appeals are determined promptly	Yes	Yes	No	(Yes) See note l	(Yes) See note l	No

No.	Ref.	Description of proposed measures	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
20	5F	Appropriate action for complaints: upheld appeals should lead to the complainant being restored to their original position	Yes	Yes	Yes	Yes	Yes	Yes
21	5G	Appropriate action for complaints: for proactive technology complaints, where relevant the service should inform the complainant of their rights	Yes	Yes	Yes	Yes	Yes	Yes
22	5H	Appropriate action for complaints: other complaints should be triaged and passed to the appropriate function or team internally, with view to protecting users from harm	Yes	Yes	Yes	Yes	Yes	Yes
23	5I	There is a dedicated reporting channel for fraud	No	No	No	No	(Yes) See note m	No
Publicly available statements								
24	6A	Publicly available statements have provisions on how individuals are protected from illegal content, any proactive technology used, and how relevant complaints are handled and resolved	Yes	Yes	Yes	Yes	Yes	Yes
25	6B	Relevant provisions of publicly available statements are clear and accessible	Yes	Yes	Yes	Yes	Yes	Yes
Search design								
26	7A	Users have a means to easily report predictive search suggestions which they believe can direct users towards priority illegal content	No	No	No	(Yes) See notes n, o and p	(Yes) See notes n and o	(Yes) See notes n and o

No.	Ref.	Description of proposed measures	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
27	7B	Search requests where the wording clearly indicates that the user may be seeking to encounter Child Sexual Abuse Material (CSAM) and which use terms that explicitly relate to CSAM should surface content warnings and support resources to users	No	No	No	(Yes) See notes n and p	(Yes) See note n	(Yes) See note n
28	7C	Search requests that contain general queries regarding suicide and queries seeking specific, practical or instructive information regarding suicide methods should be detected and crisis prevention information should be provided to the user	No	No	No	(Yes) See notes n and p	(Yes) See note n	(Yes) See note n

Notes:
  i) Measure recommended for general search services only, so excluding vertical search services.
  j) Measure not recommended for large vertical search services just because they are large. If a vertical search service were multi-risk, then the measure would apply.
  k) Measure recommended for general search services only, so excluding vertical search services.
  l) Measure recommended for services that are neither large general search services nor multi-risk services. This means that either 5E(i) or 5E(ii) is recommended for every service, but not both.
  m) Specific harm of fraud. Measure recommended for large general services which are assessed as being medium or high risk of fraud, so excluding large vertical search services
  n) Measure recommended for general search services only, so excluding vertical search services
  o) Measure recommended only when services have a predictive search functionality
  p) We propose various measures for large general search services that technically apply if those services were low risk for all kinds of harm. However, we do not consider it realistic that such services would in practice be low risk for all kinds of harm without relevant measures.

Draft guidance for risk assessment and review duties

1.8   The table below sets out the areas covered by our draft guidance on the risk assessment and review duties. Unless specified, each row represents a duty which all U2U and search services are required to comply with, regardless of size or risk.

Table 3: Draft guidance for risk assessment and review duties for all services

No.	Ref.	Areas covered by draft guidance	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
1	Annex 5	Duty to carry out a suitable and sufficient risk assessment.	Yes	Yes	Yes	Yes	Yes	Yes
2	Annex 5	Duty to keep a risk assessment up to date, including when Ofcom makes a significant change to a Risk Profile that relates to a service.	Yes	Yes	Yes	Yes	Yes	Yes
3	Annex 5	Duty to carry out a further suitable and sufficient risk assessment before making any significant change to any aspect of a service's design or operation.	Yes	Yes	Yes	Yes	Yes	Yes
4	Annex 6	Duty to review compliance with the relevant duties regularly and as soon as reasonably practicable after making any significant change to any aspect of the design or operation of the service.	Yes	Yes	Yes	Yes	Yes	Yes
5	Annex 5 + 6	We propose to include as guidance that as a minimum, service providers should conduct a compliance review at least once a year. Services should review their risk assessments annually.	Yes	Yes	Yes	Yes	Yes	Yes

Draft guidance for record-keeping duties

1.9   The table below sets out the areas covered by our draft guidance on the record-keeping duties. Unless specified, each row represents a duty which all U2U and search services are required to comply with, regardless of size or risk.

Table 4: Draft guidance for record keeping duties for all services

No.	Ref.	Areas covered by our draft guidance	Smaller service Low risk	Smaller service Specific risk	Smaller service Multi-risk	Large service Low risk	Large service Specific risk	Large service Multi-risk
1	Annex 6	The records that providers must make and keep should be durable, easy to understand and up-to-date	Yes	Yes	Yes	Yes	Yes	Yes
2	Annex 6	Where reasonably practicable, records should be kept in English (or for providers based in Wales, in English or in Welsh). If this is not reasonably practicable, the records must be capable of being translated into English	Yes	Yes	Yes	Yes	Yes	Yes
3	Annex 6	Records should be updated to capture changes to a risk assessment or Code measure, but earlier versions should be retained so the provider is able to provide both current and historic records of how it has complied with the relevant duties	Yes	Yes	Yes	Yes	Yes	Yes
4	Annex 6	Records which are no longer current should be retained for a minimum of five years, unless the specific record has been provided to Ofcom	Yes	Yes	Yes	Yes	Yes	Yes