

APPG on
Social Media



All- Party Parliamentary Group for Social Media Meeting

Video Sharing Platform and Age-Appropriate Design Code Regulations

Monday 25th October 2021

Speakers: Chris Elmore MP (Chair of APPG Social Media), Stephen Bonner (ICO), Mark Bunting (Ofcom)

Members of Parliament and Peers in attendance: Aaron Bell MP (Secretary), Baroness Brady (Vice Chair) Lord Lipsey, Lord Vaizey, Siobhan Baillie MP

Alexandra Landes (Office of Chris Elmore MP), Oliver Bourton (Office of Lord Griffiths of Burry Port), Lucy Cserna (Office of Sarah Champion MP),

Secretariat: Michael Tunks, Abigail Fedorovsky (UK Safer Internet Centre)

External Attendees: Alex Rawle (Google), Alison Trew (NSPCC), Andy Burrows (NSPCC), Bronagh McCloskey (Talk Talk), Liz Kanter (Tik Tok), Elly Savill (ISPA), Jacquie Mellor (Virgin Media), Laura Higgins (Roblox), Sanjit Gill (Snap), Declan Hennessy (Ofcom), Chloe Grant (Ofcom), Ellen Arrowsmith (ICO), Emma Chadwick (Ofcom), Silvia Fukuoka (Ofcom), Sabrina Tozi, Jacob Ohrvik-Shott (ICO), Online Dating Association.

Opening Remarks-

Chris Elmore welcomed everyone to the APPG and explained the purpose of the session was to understand more from Ofcom and the ICO on how the Video Sharing Platform and Age-Appropriate Design Code aim to improve online safety, particularly for children.

Chris introduced both Mark Bunting and Stephen Bonner to the group.

Presentation by Mark Bunting, Ofcom, and Stephen Bonner, ICO-

Mark is a Director for Online Safety at Ofcom and leads on the implementation of the VSP regime which came into force last year and explained that Ofcom has recently published information in the strategic plan of how this will be implemented in the next year.

Stephen is Executive Director for Regulatory Futures at the ICO and leads on developing capacities and capabilities to regulate new and emerging technologies. In the last year Stephen has led on the development of the Children's Code.

The Digital Regulation Cooperation Forum (DRCF) was established because the interactions between different regulatory regimes are becoming more frequent and more complex. The speed of innovation, which Stephen noted they are keen to encourage, also means that regulators need to anticipate new approaches for influencing changing business models and technologies.

The DRCF has three main pillars: coherence, coordination and resources and skills. Stephen explained they want to be able to communicate to the public who is responsible for what, to share best practice and information and exchange skills between the regulatory bodies.

Mark explained different regulators are at different stages in their regulatory journey. Ofcom are still relatively early in the process, but VSP regime is at the heart of the long-term strategy and Ofcom already has powers to regulate in this space. This regime does not cover the biggest providers who are based in Dublin, and this is EU legislation.

The VSP regime requires platforms to protect children from content that maybe harmful to them. Final guidance was published early this month, following a long period of consultation, dating back to last summer. Ofcom is now looking to put the regime into practice and make more concrete the ways we expect companies to take forward the guidance.

The Online Safety Bill regime is a very different regime, and the systems, processes and risk-based approach is very different to the VSP regime. However, through the VSP regime we have tried to encourage companies to take a risk-based approach in our preparations for what might follow.

Stephen explained the Children's Code is slightly further down the road. The Code creates 15 standards about how the internet can be better designed to meet the needs of children. The Code makes suggestions such as privacy settings by default, giving children the tools to use their systems, being transparent and designing services in an age-appropriate way.

The Children's Code has recently entered its enforcement stage, following a one-year grace period, which was the maximum we could have opted for in the legislation, due to the complexity of the changes that are required of the companies. We have seen significant changes from companies both prior to and post the Code coming into effect.

Ofcom and ICO have worked closely for several years, commissioning research that has helped to inform policy development. Use of online services is near ubiquitous for under 18s but there are some risks. Only 56% of 12–15-year-olds feel safe on social media. 78% know how to change their privacy settings, but the use of other tools such as reporting and flagging mechanisms weren't used as frequently by them, because they didn't feel the companies would act on their concerns.

Further research has been commissioned to support the VSP regime. Ofcom are very focussed on the risk of harm to individuals and there is a difference between the risk of harm and actual harm occurring.

VSP providers will need to consider users' experience and their relationship with their users, not just the content itself.

Ofcom has started receiving information from users about problematic content that they might have come across, but it is not Ofcom's job to adjudicate on the content itself.

There are 10 measures within the Bill, but the areas of particular focus include platforms must have terms and conditions that are clear and enforceable, parental controls and age assurance systems, flagging and reporting, content rating systems, user redress and advertising standards.

Ofcom is alive to the risks around free expression, which could chill innovation. We are not requiring platforms to monitor every piece of content that is uploaded to their platform; in fact, that isn't possible in the UK because of the e-commerce directive. Platforms also don't have to implement everything in our guidance if they are not suitable to their platform but there are three things, we think they will all have to do:

- Terms and Conditions (T+Cs) and ensure they are enforced effectively.
- Reporting requirements
- Companies that host material which would be severely problematic for young children, such as pornographic content.

Stephen explained the Children's Code ran a transparency champions call and worked with designers at a design level to ensure that the Code can be implemented at a design level.

We are now working to enforce the code in places with the highest risk. We have identified social media, instant messaging, and gaming services as the priority areas around children's data.

Ofcom and ICO share a common ambition to make safer spaces for children and all users. Both regulations encourage proactive safeguards for children to be built into services and respect users rights and needs to be at the heart of company decision making. Age assurance, upholding T+C's and effective risk management and user reporting risk are all areas of clear commonality.

We are working together in creating common collaborative approaches through regular weekly meetings between the two organisations and future regulatory frameworks.

Ofcom and ICO want Parliamentarians to champion the VSP regime and Children's Code amongst colleagues and share the lessons learned in the implementation of both regulatory regimes. If you are from industry, it would be great if this could be shared amongst industry partners. We know a number of the companies are putting a great deal of investment into this space.

The last couple of years have highlighted just how important it is to safe online spaces that can support children.

Question and Answer:

Lord Vaizey: How is the Age-Appropriate Design Code influencing the effectiveness of services? The regulation creates a floor for companies and how does this therefore work outside of the UK?

Stephen: Code has high level principles but also has some specifics such as geolocation off by default. We have seen some companies going further and building on both the specificities in the Code and doing more. Two examples, some platforms have introduced bed time settings for children or removing images of children from search when their parents overshare online. Not every platform has publicly spoken about their efforts- so doing more work on this.

The Commissioner (Elizabeth Denham) has been clear that we will look back on this time and wonder why we didn't design these platforms with children in mind. Many different nations are looking at this and putting pressure on legislators and platforms to do more, but it is good to see that companies are deploying these standards internationally.

Mark: The VSP regime is an EU piece of legislation, this means we have to work very closely with EU partners. The UK is in a good place, and we are quite far ahead of other jurisdictions, we are the only regulator that has published guidance for the companies.

Chris Elmore: Lots of other countries are looking at Online Safety Bills but what does the US make of the forthcoming Bills around the world? How can the UK Parliament champion this and what more can be done to encourage Ministers to bring in forthcoming legislation?

Mark: Online Harms legislation can be divided into two categories; the UK approach is to provide a regulatory response, whereas the US approach is to go via the courts on account of section 230. UK further ahead in terms of the comprehensive accountability process, some others have passed legislation such as the German Netz DG law, but the UK process is the most enhanced process in the world.

Stephen: Very keen that the world leading nature is played up. We need to maintain a focus on these challenges. We must ensure that we don't just focus on the downstream changes, we need to be eliminating harms before they occur. Every enforcement is a failure, we need to make sure the guidance prevents the currently growing harms and design it out. Reputation is also becoming a matter of increasing importance. We need to highlight the positive steps being taken as well as the steps that aren't acceptable.

Siobhan Baillie also put a question in the chat which will be followed up on after the meeting.