House of Commons
Culture, Media and Sport Committee

Online safety:
Responses to the Committee's Sixth Report of Session 2013–14

First Special Report of Session 2014–15

Ordered by the House of Commons
to be printed 1 July 2014
The Culture, Media and Sport Committee

The Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Culture, Media and Sport and its associated public bodies.

Current membership

Mr John Whittingdale MP (Conservative, Maldon) (Chair)
Mr Ben Bradshaw MP (Labour, Exeter)
Angie Bray MP (Conservative, Ealing Central and Acton)
Conor Burns MP (Conservative, Bournemouth West)
Tracey Crouch MP (Conservative, Chatham and Aylesford)
Philip Davies MP (Conservative, Shipley)
Paul Farrelly MP (Labour, Newcastle-under-Lyme)
Mr John Leech MP (Liberal Democrat, Manchester, Withington)
Steve Rotheram MP (Labour, Liverpool, Walton)
Jim Sheridan MP (Labour, Paisley and Renfrewshire North)
Mr Gerry Sutcliffe MP (Labour, Bradford South)

The following members were also a member of the committee during the parliament:

David Cairns MP (Labour, Inverclyde)
Dr Thérèse Coffey MP (Conservative, Suffolk Coastal)
Damian Collins MP (Conservative, Folkestone and Hythe)
Alan Keen MP (Labour Co-operative, Feltham and Heston)
Louise Mensch MP (Conservative, Corby)
Mr Adrian Sanders MP (Liberal Democrat, Torbay)
Mr Tom Watson MP (Labour, West Bromwich East)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/cmscom. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some of the written evidence are available in a printed volume.

Additional written evidence is published on the internet only.

Committee staff

The current staff of the Committee are Elizabeth Flood (Clerk), Grahame Danby (Second Clerk), Kevin Candy (Inquiry Manager), Hannah Wentworth (Senior Committee Assistant), Keely Bishop (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Culture, Media and Sport Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6188; the Committee’s email address is cmscom@parliament.uk.
First Special Report

On 19 March 2014, the Culture, Media and Sport Committee published its Sixth Report of Session 2013-14, Online safety. The Government responded to this Report on 23 June 2014, and Ofcom responded to the Report on 12 May 2014. On 1 July 2014 the Committee agreed to publish the Responses, which are appended below.
Government response

The Government is pleased to respond to conclusions and recommendations set out in the Committee’s Report on Online Safety published on 19 March 2014.

Protecting children and vulnerable people online remains a priority for the Government and we continue to work closely with a range of stakeholders including law enforcement, charities, and industry, to ensure the UK remains at the forefront in this important area. Overall, Government’s policy when it comes to addressing the internet is clear - where something is illegal offline it is illegal online.

A number of the Committee’s recommendations are aimed directly at independent organisations and while Government will continue to work closely with them, these are recommendations which are outside of Government’s remit to deliver.

Addressing your conclusions and recommendations directly we are pleased to provide the following response, which comprises contributions from a number of Government Departments.

1. We believe that the Government should, in due course, consolidate the law around child abuse images into a single Act of Parliament with a view to providing even greater clarity for the purposes of law enforcement and deterrence.

Response: The United Kingdom is a world leader in the fight against child abuse images. The laws in these areas are rightly robust and clear. They are respected internationally and apply equally to material online and offline. They have stood the test of time against a background of rapidly developing new technology.

These laws are effective and are well understood by legal practitioners, the courts and the police. The Government is unaware of any evidence to suggest there is a need further to amend these laws in the manner suggested. Whilst they are kept under constant review the Government has no current plans to consolidate them.

2. Given the worldwide nature of online crime, we recommend that the Government press for wider international adoption of both the Budapest and Lanzarote Conventions. The Government should ratify the Lanzarote Convention as soon as practicable.

Response: The UK already works closely with EU member states and other international partners in combating online crime and the protection of children online.

The UK signed the Council of Europe’s Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse in 2008 (the Lanzarote Convention). Home Office officials are completing their assessment of what needs to be done under domestic legislation and other arrangements to ensure full compliance and will complete that work this year. In addition to work on the Convention, the Government has set out a comprehensive programme to tackle sexual violence in the action plan of the Sexual Violence Against Children and Vulnerable People National Group.
The Government strongly supports the Budapest Convention on Cybercrime. We ratified it in 2011, and have supported the promotion of the Convention and the work to build global capacity to tackle cybercrime, that the Council of Europe is leading.

3. We recommend that the Government examines whether adequate resources are being deployed to track down online paedophiles in sufficient numbers to act as a meaningful deterrent to others. If not, additional funding should be provided to recruit and train a sufficiently large number of police officers adequate to the task.

Response: As part of the National Crime Agency (NCA), the Child Exploitation and Online Protection (CEOP) Command has access to extensive specialist resources to deal with complex cases of child sexual exploitation and abuse. We welcome that the Select Committee recognised this as a “game-changer”. Every one of the NCA’s 4500 officers has a legal duty to safeguard children and promote child welfare. Staff can be deployed from across the Agency to meet operational needs including for detection of online paedophiles. The NCA also work with other law enforcement agencies such as the police to track down offenders.

Since the creation of the NCA, CEOP has benefited from the support of its specialist functions such as the National Cyber Crime Unit (NCCU) and the local knowledge of officers stationed in over 40 countries. This has allowed the UK’s child protection expertise to be deployed more effectively overseas in areas targeted by paedophiles.

In a recent operation, four individuals were sentenced to a total of 20 years’ imprisonment in Bahrain, following an investigation by the NCA in partnership with Surrey Police and Bahraini authorities. The men were found guilty of a range of sexual offences against children involving online extortion. As a result of the operation over 200 children have been safeguarded. Operations such as this one give a clear message regarding the work our law enforcement agencies do in partnership with other countries to tackle online paedophiles. This in turn acts as a deterrent to others.

Work is also underway to develop a national image database that will hold images seized by the police. This will help police in different parts of the country work together more effectively to close the net on paedophiles, and safeguard victims.

4. CEOP has been increasingly effective not least because it is not solely a criminal justice organisation: its education and social care work has also been very important in increasing public understanding of the problem of child abuse and in offering means of countering abusers. We therefore recommend that CEOP continues to publish an annual review which includes an assessment of its ongoing contribution to all three elements of its mission—education, social care and criminal justice.

Response: As part of the NCA, CEOP command is continuing its education and social care work, such as its ‘Think U Know’ campaign, which has already attracted over 16m hits on its website. In line with the Crime and Courts Act 2013, the NCA will publish a report annually on the exercise of its functions during that year. This Annual Report will include reporting on the full range of the Agency’s activity to tackle child abuse.
5. We welcome the increasing use of alerting tools to identify individuals who seek out child abuse and other illegal material online provided these tools are deployed in ways that do not unduly compromise the privacy of the law-abiding majority.

**Response:** The Government supports this recommendation, and believes that organisations have a responsibility to take steps to identify those individuals who seek such imagery. Compliance by organisations with the UK’s data protection laws ensure that the correct balance is maintained between protecting the privacy of the law-abiding majority and tackling child abuse and other illegal material online.

6. We very much welcome the commitment by the Internet Watch Foundation to embark on proactive searching for online child abuse images. The sooner these can be found and removed, the better. However, we are concerned that seven additional staff might prove woefully insufficient to achieve substantial progress towards what must be an important intermediate goal: the eradication of child abuse images from the open internet.

**Response:** The Internet Watch Foundation (IWF) is an independent, industry-funded self-regulatory body. We welcome the Internet Watch Foundation’s decision to embark on proactive searching for online child abuse images. Following the Internet Summit where this was agreed, the MOU between the IWF and the Crown Prosecution Service and Association of Chief Police Officers was updated to reflect the IWF’s new function.

Government will continue to work with the IWF to ensure children are protected, for instance we are engaging with them on a project, together with the CEOP Command and industry, with the aim of preventing the distribution of torrent files which enable the download of child sexual abuse images.

7. Search engines and other internet service providers have a vital role in ensuring that access to online child abuse images is prevented and deterred. We expect the Government to monitor closely their degree of commitment and success and to consider the introduction of legislation should they fall short of reasonable expectations.

**Response:** Working with the private sector is an important part of the Government’s approach to tackling online child abuse. Industry has already done significant work to tackle indecent images, through their support of the Internet Watch Foundation and through blocking illegal images hosted outside the UK.

At the Prime Minister’s summit with internet industry representatives on 18 November 2013 Microsoft and Google announced that they had introduced a number of changes to their search function, not only in the UK, but across the world and National Crime Agency testing of the new measures shows that child abuse images, videos or pathways are no longer being returned against a blacklist of search terms at present.

The changes introduced by the search engines include:

- the introduction of new algorithms that will block child abuse images, videos and pathways that lead to illegal content, covering 100,000 unique searches on Google worldwide
• stopping auto-complete features from offering people child abuse search terms

• Google and Microsoft will now work with the National Crime Agency and the Internet Watch Foundation to bring forward a plan to tackle peer to peer networks featuring child abuse images

• Google will bring forward new technology that will put a unique identification mark on illegal child abuse videos, which will mean all copies are removed from the web once a single copy is identified.

We will ensure monitoring is carried out to check the continued effectiveness of these changes. The Government is also setting up a pilot project with the Internet Watch Foundation, NCA CEOP Command, Google and Microsoft, with the aim of removing, from search results, torrent URLs claiming either in the title or in associated text to provide access to illegal child sexual abuse material.

8. We welcome the Government’s decision to include pornographic depictions of rape in the definition of extreme pornography. It has been illegal to publish such images for many years; outlawing their possession is long overdue.

Response: We are grateful for the Committee’s support for the Government’s proposals to extend the extreme pornography offence.

9. There is clearly a need to obtain wider international consensus and cooperation in relation to combating criminally obscene adult material and terrorist material and we urge the Government to use all the influences it can bring to bear to bring this about within a transparent, legal framework.

Response: The UK Government is a world-leader in online child safety and is committed to raising these issues on the international stage – for instance we are planning a summit for December to drive international action to tackle illegal images.

The Government is also committed to working through existing international forums to tackle violence against women and girls to raise opportunities for further action with key international partners.

The UK has the Terrorism Acts 2000 and 2006 as the legal basis for taking action against illegal terrorist content online. The Government plays a full and active part in international discussions about combating terrorist material online; is improving cooperation with the internet industry and seeks to be open and clear regarding the legal basis for UK domestic action against illegal terrorist content.

10. We believe that the existing obscenity laws already proscribe the publication of adult material in ways that make it readily available to children. However, we are concerned that no prosecutions have been brought despite the proliferation of pornography sites which make no attempt to restrict access by children. We welcome the Government’s declared intention to legislate to clarify the law in this area. However, in the meantime, we urge the prosecuting authorities to use the existing law to crack down on the worst offenders in order to put pressure on all suppliers of hardcore pornography to make greater efforts to ensure that such material is accessible only by adults.
Response: Government’s response to recommendations 10 and 11 is below.

The Government will legislate shortly to ensure that video-on-demand material that would be rated R18 by the British Board of Film Classification (BBFC) is put behind access controls and to ban the provision of material that would not receive any classification by the BBFC. This will ensure that we have the same level of protection for hard-copy and on-demand material based in the UK which is rated R18. We will work with the police and the Crown Prosecution Service to strengthen the enforcement of these laws (recommendation 10).

The UK already works closely with member states across the EU in the development of child internet safety measures, as part of the EU Commission’s Safer Internet Programme (recommendation 11). This programme provides advice to parents, professionals and children, as well as providing a hotline to report illegal material. There also is an agreement through the Audio Visual Media Services Directive (AVMSD) that material which might seriously impair minors must not be broadcast at all and must be put behind access controls on video-on-demand platforms.

The UK Government will continue to actively engage in any revisions to the AVMSD and will work to find a common standard throughout the EU for the classification of material that might harm.

We have also engaged intensively with industry to introduce measures that will help parents protect their children from accessing inappropriate material online. The four main ISPs all now provide family friendly network level domestic filtering which allows parents to prevent their children from accessing potentially harmful content. We continue to look at ways in which our policies can be strengthened and are considering whether there are further measures which would help to protect children from accessing pornography.

11. The Government should seek agreement with other European Union Member States to ban on demand programme services that make pornography readily available to children. We further urge the Government to engage with other international partners, particularly the USA, with the aim of securing a similar outcome more widely.

Response: [See above]

12. We believe that, as part of its existing media literacy duties, Ofcom has an important role in monitoring internet content and advising the public on online safety. However, we are anxious to avoid suggesting a significant extension of formal content regulation of the internet. Among the unintended consequences this could have would be a stifling of the free flow of ideas that lies at the heart of internet communication.

Response: We welcome the Committee’s acknowledgement that content regulation of the internet could give rise to unintended consequences such as stifling the free flow of ideas and expression that lies at the heart of the development of the internet. The UK Government defends strongly the successful record of the multi-stakeholder model of internet governance where government joins stakeholders from the private sector, civil society and technical community on an equal footing.
We agree that Ofcom delivers an important role, through its existing media literacy duties and particularly through its annual Children and Parents; Media Use and Attitudes Report, to raise awareness of the ways in which parents and children approach issues related to online safety.

13. Providers of adult content on the internet should take all reasonable steps to prevent children under 18 from accessing inappropriate and harmful content. Such systems may include, but will not necessarily be restricted to, processes to verify the age of users.

Response: The Government agrees with the Committee that content providers, including those providing adult content, have a key role to play in improved age verification processes. Under the umbrella of the UK Council for Child Internet Safety (UKCCIS), which brings together a broad range of industry, law enforcement, charities and others with an interest in child internet safety, industry bodies are working together to consider potential age-verification models.

14. We have no reason to suppose that Nominet has either the resources or inclination to police the internet. Age verification, while ideal, is not the only way of preventing children from accessing unsuitable content. However, we believe that no .uk site should offer unimpeded access to adult pornography to children. This should be made a condition of registration.

Response: We welcome the Committee’s view that Nominet is not an appropriate body to police content on the internet. Following recommendations made by Lord Macdonald in his Review of .uk Registration Policy Report, Nominet recently amended their terms and conditions of registration to expressly prohibit any .uk domains being used to carry out criminal activity, whether that is related to pornography, fraud, or any other crime. This helps them to act quickly to suspend a domain name when alerted to its use for criminal activity by the police or other law enforcement agencies. Given this general prohibition, Nominet does not consider it necessary to highlight any specific laws that must not be broken in the conditions of registration.

15. Site blocking is highly unlikely to be a suitable approach for adult pornography or violent material much of which is legal (at least if it is unavailable to minors) and which is prevalent on the internet. However, blocking should be considered as a last resort for particularly harmful adult websites that make no serious attempt to hinder access by children.

Response: Government agrees with the Committee that site blocking, while entirely appropriate when it comes to illegal child abuse content, is unlikely to be a suitable approach to restricting access to legal material on the internet. Rather, we believe that the development and implementation of measures that help parents keep their children safe online, such as the free and easy to use family-friendly network-level parental controls which have been introduced by the four largest ISPs and which include age-verification processes, filtered public Wi-Fi where children are likely to be, filtered mobile phones and raising parents awareness of the risks that exist online is a more effective approach to minimising children’s access to such content. As noted in response to Recommendation 10 in respect of video-on-demand (VOD) material, Government intends to legislate shortly
to ensure that VOD content that would be rated R18 by the British Board of Film Classification (BBFC) is put behind access controls and to ban the provision of material that would not receive any classification by the BBFC.

16. We welcome the introduction of whole home filtering solutions that prompt account holders with a choice to apply them. We encourage all internet service providers to offer their customers this valuable service. Ofcom should monitor the implementation of this filtering and report back on its level of success and adoption.

Response: Government welcomes the Committee’s endorsement of the introduction of family-friendly network-level parental control tools and would like to acknowledge the efforts of the four largest Internet Service Providers (ISPs) BT, Sky, TalkTalk and Virgin Media, who together constitute almost 90% of the UK’s broadband market, in implementing them.

We agree that other ISPs with domestic customers should consider offering parental control tools and we have been working with the Internet Service Providers Association (ISPA) to encourage them to do so. We understand a number of the other providers are currently actively working on the development of such tools and we look forward to these being rolled out over the coming year.

Ofcom is currently working with the four largest ISPs on a report, which we expect to be published in the coming months, on how far the ISPs have delivered on the commitments they have made on introduce family-friendly internet tools. In addition, Government asked Ofcom to oversee this work, to judge how well the ISPs are doing and to report back regularly.

17. We value the UK games industry and the many educational and recreational benefits it provides to children. As filtering technologies continue to develop, as they should, we trust parents will be empowered to provide the supervision they want of what games their children play and when.

Response: Clearly many games are specifically designed for children and can offer them rich, rewarding and sometimes educational experiences. Over 50% of games submitted to the UK’s Games Rating Authority in 2012 were classified as suitable for young children.

We know many parents value a range of advice and tools which they find helpful in managing their children’s access to video games content. This may include labels on individual games showing their age-suitability and content (such as PEGI ratings), parental controls that can work with games ratings to restrict access, or that prevent in-game purchasing or that can be set to limit the amount of time that children spend playing games.

We welcome the video games industry’s interest in taking part in the dialogue about filters and we are pleased to see that they have joined UKCISS working group on over-blocking.

18. We agree that the availability and performance of filtering solutions must be closely monitored, both for efficacy and the avoidance of over-blocking. It should also be easy for websites inadvertently blocked to report the fact and for corrective action to be taken.
Response: Government agrees with the Committee that websites which are inadvertently filtered should have a simple reporting route through which this can be addressed.

A UKCCIS Working Group, Chaired by Dave Miles of the Family Online Safety Institute (FOSI) and including representation by the ISPs, charities and content providers has been set up to consider this issue.

The four largest ISPs each has in place processes for customers or site owners to inform them of sites which may have been either inappropriately classified or inadvertently filtered. However, the Working Group is looking at the opportunities for a centralised process and common procedures across the ISPs which are easy to understand and use.

19. Websites that provide adult content should signal the fact clearly to enable filters better to take effect. A failure on the part of the operators of such sites to do so should be a factor in determining what measures should be taken against them.

Response: Government agrees that it is likely that more could be done by content producers to improve the accuracy of metadata to enable filters to take better effect.

20. Filters are clearly a useful tool to protect children online. Ofcom should continue to monitor their effectiveness and the degree to which they can be circumvented.

Response: Government agrees with the Committee that Ofcom plays a valuable role, through its Media Use and Attitude Report, in reporting on parents’ and children’s experiences of using, and circumventing, filters. Government also notes the Committee’s acknowledgement that, as published in Ofcom’s Children and Parents: Media Use and Attitudes Report in October last year, and in its report on Internet Safety Measures: Strategies of Parental Protection for Children Online of January this year, while 18% of online children aged 12-15 say they know how to disable online filters or controls only 6% report that they have done so. Government awaits with interest Ofcom’s 2014 Media Use and Attitudes Report, and notes that the report also monitors a range of other important parental mediation strategies such as communication and rules.

21. We welcome the introduction of ParentPort but believe Ofcom should seek to promote and improve it further. For example, more use could be made of it to collect data on complaints concerning children's access to adult material.

Response: Government’s response to recommendations 21, 22 and 31 is below.

We are aware that Ofcom and the other regulators involved with ParentPort are considering how the website could be developed to benefit as many parents and carers as possible. Following the Prime Minister’s speech in July last year, the four largest ISPs have been working together to develop a large-scale parental awareness campaign, 'Internet Matters'. This aims to encourage parents to learn about the risks that exist when children are online, talk to their children and actively deal with issues that arise, with the tag-line “Learn about it. Talk about it. Deal with it”. This launched in May 2014 and directs parents to a range of existing sites of help and advice, including ParentPort; this may help promote the site and raise parents’ awareness that the site exists to help them make a complaint in relation to inappropriate content (recommendation 21).
While ParentPort does also now include a wide range of advice for parents and carers to help them keep children safe when they are online, including when using social networking sites, it does not gather data on the speed and effectiveness of social media providers’ responses to complaints. We understand that Ofcom intends to review ParentPort to make it as helpful as possible for users and Ofcom may wish to consider the recommendations of the Committee as part of that review (recommendation 31).

Government agrees with the Committee’s view that Ofcom has a key role to play in relation to a range of internet safety issues, including reporting on the effectiveness of filters. As the Committee sets out, there are parts of the Children and Parents: Media Use and Attitudes Report which cover some of these areas, including children’s reporting of online content that is nasty, worrying or offensive. Moreover, Ofcom will be publishing the second of two Internet Safety Measures reports looking at parents’ take up, confidence in and awareness of parental control tools including filters, expected in December 2014 (recommendation 22).

Government agrees with the Committee’s view that developing a body of research and evidence in relation to a range of internet safety issues, including complaints levelled against social media providers would be helpful. We encourage Ofcom to consider this. The UKCCIS also has an Evidence and Research Working Group which looks at the research and evidence available in this area; Government will consider, through that group, what further research would be helpful. Ofcom is a member of that group.

22. We further recommend that Ofcom regularly reports on children’s access to age-restricted material, particularly adult pornography and the effectiveness of filters and age verification measures. Ofcom is well-placed to fulfil this role given the work it does on its Children and Parents: Media Use and Attitudes Report.

Response: [See above]

23. We note comments on the state of, and access to, sex and relationships education. We are aware this is a politically contested subject but believe the Government should take into account the views of the young people who gave evidence to us of the value and importance of good quality mandatory sex and relationship education as policy develops. In the meantime, teachers have many opportunities to use their professional judgement in advising children both on online safety and on respect for each other. We believe there is scope for providing teachers with clearer signposting of the advice and educational resources that are already available.

Response: We have recently revised the statutory safeguarding guidance for all schools and colleges: ‘Keeping Children Safe in Education’. In it we have made it clear to schools their responsibilities to safeguard children, including online, and ensure that they are safe. This may include using opportunities as part of a broad and balanced curriculum to promote children’s welfare – for example through personal, social, health and economic education (PSHE) and sex and relationship education (SRE). In the document we have also signposted schools to sources of advice, such as that provided by NSPCC, on specific safeguarding issues. Also, in recognition that children are increasingly accessing the internet from an early age the new computing curriculum includes online safety content at
all key stages ensuring that for the first time, primary school pupils will also be taught about online safety.

Schools will welcome the new supplementary advice, ‘Sex and relationships education (SRE) for the 21st century’, recently published by the PSHE Association, the Sex Education Forum, and Brook. This addresses changes in technology and legislation since 2000, in particular equipping teachers to help protect children and young people from inappropriate online content, and from online bullying, harassment and exploitation.

In addition, the CEO at the PSHE Association has agreed to act as chair and set up a new expert subject group on PSHE education and SRE to support teachers. It will clarify the key areas on which teachers most need further support, and identify the topics that can present the greatest challenge during discussions with pupils. He is keen to ensure that the expert group includes young people’s involvement.

24. Any changes to legislation, including consolidation of current laws, which clarify the status of bullying, whether off-line or online, would be welcome. At the same time, much could be achieved by the timely introduction of improved guidance on the interpretation of existing laws.

Response: It is of course the case that what is illegal offline, is illegal online. As the Committee notes, there is a wide range of offences that could cover bullying behaviour depending on the nature of it and the circumstances under which it takes place.

These laws are effective and are well understood by practitioners and the police and appropriately interpreted and enforced by the courts in relation to both on-line and off-line conduct. As things stand, the Government is not aware of any evidence to suggest the need for further clarification in this area and whilst the laws are kept under constant review, the Government has no current plans to consolidate them.

25. Both Facebook and Twitter have sensible terms and conditions attaching to the use of their services. However, these should be made much clearer, explicit and visible. People who might be tempted to misuse social media need to be left in no doubt that abuses online are just as unacceptable as similar misbehaviour face-to-face.

26. Given that Facebook and Twitter are aware of the extent to which their services are accessed by younger children, we expect them to pay greater attention to factoring this into the services provided, the content allowed and the access to both. The same applies to other social media companies in a similar position.

27. Twitter told us that users can mark their own tweets as sensitive which by default means a warning message is posted to anyone wishing to view these. This is a good reminder that self-restraint and self-regulation are crucial aspects of any enforcement regime in the online world.

28. In spite of reassuring words from Facebook and Twitter, it is clear that these platforms, in common with other social media providers, could do far more to signal the unacceptability of abuse and to stamp it out when it arises.

29. Social media providers should follow the examples of Facebook and Twitter in having appropriate terms and conditions. We believe there is significant scope for such
providers—including Facebook and Twitter—to enforce such conditions with greater robustness.

30. Social media providers should offer a range of prominently displayed options for, and routes to, reporting harmful content and communications. They need to act on these reports much more quickly and effectively, keeping the complainant and—where appropriate—the subject of the complaints informed of outcomes and actions.

Response: The Government notes that recommendations 25, 26, 27, 28, 29, 30 and 32 are aimed at social media companies.

The Government has been clear that we expect social media companies to respond quickly to incidents of abusive behaviour on their networks. Social media companies have responsibilities to their users and it is important that they consider what they will do in future as they are best placed to develop solutions and keep abreast of new usage and challenges. We would also echo the Committee’s call for social media companies to give greater consideration to the fact that children may be using their services. We will continue to talk to the industry about these issues and what more might be done to protect people when they are online.

31. Ofcom should monitor and report on complaints it receives, perhaps via an improved ParentPort, regarding the speed and effectiveness of response to complaints by different social media providers.

Response: [See 21]

32. We believe it is in the interests of social media platforms, if they wish to avoid a more regulatory approach, to put their money where their mouths are and provide more funding for the valuable work being done on internet safety by voluntary organisations and charities.

Response: [See 30]

33. A good deal of advice on the safe use of social media is available already. This should be signposted more clearly for teachers, who are likely to be in the front line when it comes to dealing with bullying both in the playground and in the online world.

Response: The Department for Education (DfE) clarified its advice on preventing and tackling bullying in 2011, reducing it from 481 pages to 13 to make it more accessible to teachers. The document provides links to specialist organisations that provide advice on bullying and cyberbullying. This includes the DfE funded guide produced by the Anti-Bullying Alliance on cyber-bullying which focuses on children with special educational needs and disabilities. Schools will also welcome the new supplementary advice, ‘Sex and relationships education (SRE) for the 21st century’, published recently by the PSHE Association, the Sex Education Forum, and Brook. This addresses changes in technology and legislation since 2000, in particular equipping teachers to help protect children and young people from inappropriate online content, and from online bullying, harassment and exploitation.
Ofcom’s response

Introduction: Ofcom’s remit

Ofcom’s written submission to the Committee set out our duties in relation to online safety and explained that our role in relation to internet services is limited. We regulate television channels and notified On Demand Programme Services delivered over the internet when they are established in the UK; but we have no powers or duties to regulate any other online content.

Section 11 of the Communications Act 2003 places a responsibility on Ofcom regarding the promotion of media literacy. We fulfil this duty through the publication of Media Literacy research into adults’ and children/parents’ media use and attitudes. We publish two substantial annual reports: ‘Children and Parents: Media Use and Attitudes’ and ‘Adults’ Media Use and Attitudes’. These provide detailed evidence about media use, attitudes and understanding among adults and among children and young people aged 3-15. The children’s report also provides evidence about parental concerns over children’s media use and the ways that parents seek to monitor and mediate that use.

Ofcom also publishes a range of other consumer research, exploring similar themes. In the context of the debate about network filters, Ofcom has been asked by the Secretary of State to report on parents’ approaches to children’s online safety, and specifically at the implementation of network-level filters by UK ISPs.

We share the findings of our research widely, including with the Government, industry, academia and the third sector. We also share our research data with the UK Council for Child Internet Safety (UKCCIS), on whose Executive Board we have a seat, to help inform debates about online safety, and have been involved in a number of UKCCIS initiatives (including, the ‘Advice for Child Internet Safety 1.0 - universal guidelines for providers’1 and the ‘Good practice guidance for providers of social networking and other inter-active services’2).

Ofcom response to Committee recommendations:

We have limited our comments to those conclusions and recommendations directly relating to Ofcom’s work or duties.

Recommendation 12:

We believe that, as part of its existing media literacy duties, Ofcom has an important role in monitoring internet content and advising the public on online safety. However, we are anxious to avoid suggesting a significant extension of formal content regulation of the internet. Among the unintended consequences this could have would be a stifling of the free flow of ideas that lies at the heart of internet communication. (Paragraph 55)

2 http://media.education.gov.uk/assets/files/industry%20guidance%20social%20networking.pdf
As noted above, Ofcom has a limited role in relation to internet services. We regulate television channels delivered over the internet and notified on-demand programme services (ODPS) where they are established in the UK (in this respect we have formally designated the Authority for Television On Demand [ATVOD] as the co-regulator for editorial content). We have no duties or powers to regulate, or monitor, any other online content.

Ofcom agrees with the Committee’s caution against stifling the free flow of ideas on the internet; and freedom of expression is central to our approach to content regulation of the services for which we have such responsibilities.

As noted above and in our written submission to the Committee, Ofcom has media literacy duties which include the analysis of online media consumption. We fulfil this duty through the publication of Media Literacy research into adults’ and children/parents’ media use and attitudes. Our research provides evidence about parents’ concerns about their children’s media use and the ways that they seek to monitor and mediate that use.

We also publish the UK and Nations’ Communications Market Report³, last published in August 2013, which informs the delivery of our duties and our programme of work, and also keeps others informed about new technology developments and the impact these may have on the sectors that we regulate.

In addition to the above, the ParentPort website⁴ aims to protect children by making it easier for parents to complain about material they have seen or heard across the media, communications and retail industries. In March 2013 it was updated to provide advice for parents on, amongst other things, keeping children safe online.

Any extension to our duties, related to media literacy or otherwise, would be a matter for Government and, ultimately, for Parliament.

**Recommendation 13:**

*Providers of adult content on the internet should take all reasonable steps to prevent children under 18 from accessing inappropriate and harmful content. Such systems may include, but will not necessarily be restricted to, processes to verify the age of users.*

(Paragraph 62)

Ofcom welcomes any measures by industry players to promote child safety on the internet, including steps to protect under-18s from accessing inappropriate and harmful content.

Where Ofcom has regulatory duties, the approach recommended by the Committee is already applied. As explained in our evidence submission and above, Ofcom is responsible for ensuring that providers of television channels and video-on-demand services established in the UK observe relevant standards.

---


⁴ [www.parentport.org.uk](http://www.parentport.org.uk), ParentPort has been jointly developed by the Advertising Standards Authority (ASA), the Authority for Television On-demand (ATVOD), the BBC Trust, the British Board of Film Classification (BBFC), Ofcom, the Press Complaints Commission (PCC) and the Video Standards Council (VSC)/Pan-European Game Information (PEGI).
For linear services, the Ofcom Broadcasting Code (the Code) includes rules which help ensure the protection of minors from harmful content and from material that is unsuitable for them (covering content such as drugs, smoking, alcohol, violence and dangerous behaviour, and offensive language). This includes requirements that content unsuitable for children is appropriately scheduled and that television broadcasters must observe the watershed. The Code also includes rules that specifically relate to protecting children from sexual material, including prohibiting the broadcast of material equivalent to the British Board of Film Classification (BBFC) R18 rating and requiring ‘adult-sex material’ to be shown only between 10pm and 5.30am and behind mandatory restricted access.

For video-on-demand services we have formally designated the Authority for Television On Demand (ATVOD) as the co-regulator for editorial standards. As stated above, ATVOD’s designated duties apply only to notified On Demand Programme Services (ODPS) delivered over the internet when they are established in the UK. ATVOD have no powers or duties to regulate any other online content. ATVOD’s Rules and Guidance state that “if an on-demand programme service contains material which might seriously impair the physical, mental or moral development of persons under the age of eighteen, the material must be made available in a manner which secures that such persons will not normally see or hear it”. ATVOD interprets this to mean that R18 material or equivalent should only be made available in on-demand programme services in a manner if there is a robust age verification process in place.

Where R18 material or equivalent material has been made available in an on-demand programme service without robust age verification, we have taken enforcement action as appropriate – as in the case of our recent sanctions imposed on three ATVOD notified on-demand programme services ‘Playboy TV’, ‘Demand Adult’ and ‘Strictly Broadband’; and the service ‘Jessica Pressley’, which was suspended because it did not have a robust age verification process in place.

**Recommendation 16:**

*We welcome the introduction of whole home filtering solutions that prompt account holders with a choice to apply them. We encourage all internet service providers to offer their customers this valuable service. Ofcom should monitor the implementation of this filtering and report back on its level of success and adoption. (Paragraph 74)*

In July 2013, the four largest UK Internet Service Providers (ISPs) – BT, Sky, Virgin Media and TalkTalk – made a commitment to Government to offer network-level filtering (also described as “family-friendly” filtering) to all new customers, starting by the end of the

---


6 Material that contains images and/or language of a strong sexual nature which is broadcast for the primary purpose of sexual arousal or stimulation.

7 Mandatory restricted access means there is a PIN protected system (or other equivalent protection) which cannot be removed by the user, that restricts access solely to those authorised to view.


9 [http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/Playboy_TV_Sanction.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/Playboy_TV_Sanction.pdf)

10 [http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/Demand_Adult.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/Demand_Adult.pdf)

2013. Ofcom welcomes this development, as an addition to the range of tools which parents may use to manage the online experiences of their children.

Ofcom has been asked to play a specific role in the debate about network filters, by examining parents’ approaches to children’s online safety, their awareness of and confidence in parental controls of all kinds, and specifically at the implementation of network-level filters in the UK. In November 2013 the Secretary of State requested that Ofcom provide the Government with three reports during 2014.

The first report, published on 16 January 2014, covered:

- the broader strategies parents may adopt to improve their children’s online safety, including supervision, rules about online behaviour and the use of technical tools like parental control filters; and the extent to which parents use such approaches.
- the levels of parental awareness and confidence with the safety measures that may be in place on sites regularly visited by children including, but not restricted to, content providers, search engines and social networking sites; and
- research into the reasons parents may choose not to apply technical tools like parental controls.

A second report later in the year will report on the implementation of a network filtering service by BT, Sky, Virgin Media and TalkTalk, in line with the commitments made to Government in July 2013.

A third report, to be published in December 2014, will track developments across the range of measures examined in the first report.

**Recommendation 18:**

*We agree that the availability and performance of filtering solutions must be closely monitored, both for efficacy and the avoidance of over-blocking. It should also be easy for websites inadvertently blocked to report the fact and for corrective action to be taken.* (Paragraph 79)

**Recommendation 20:**

*Filters are clearly a useful tool to protect children online. Ofcom should continue to monitor their effectiveness and the degree to which they can be circumvented.* (Paragraph 81)

As noted above, Ofcom has a specific role in reporting on parents’ approaches to child online safety, and on the implementation of network level filtering solutions. During 2014 we will provide the Government with three reports on parental awareness of, confidence in and take-up of parental controls. The final of our reports will be published in December 2014.

The December 2014 report will include some research into parents’ and children’s use of parental controls, including the extent to which parents and children experience filters as blocking appropriate content; failing to restrict access to inappropriate content; or being circumvented.
Ofcom agrees that there should be clear procedures by which website operators can assess their filtering status, to notify ISPs if they believe they have been incorrectly classified (and blocked), and have their status reviewed. In this context, we welcome the clear framework and procedures set out by the Mobile Broadband Group, which includes specific points of contact for complaints about a mobile operator’s filtering service, and a process of review operated by the British Board for Film Classification (BBFC). In our report on ISP implementation of network filtering (Report 2, above), we propose to cover ISPs’ approaches to such issues. We also note that the UK Council for Child Internet Safety’s has a working group on over-blocking which is considering on this and related issues.

**Recommendation 21:**

*We welcome the introduction of ParentPort but believe Ofcom should seek to promote and improve it further. For example, more use could be made of it to collect data on complaints concerning children’s access to adult material. (Paragraph 83)*

ParentPort was launched in 2011 following a recommendation in Reg Bailey’s review of the sexualisation and commercialisation of childhood. The website is jointly operated and owned by seven of the UK’s media regulators – the Advertising Standards Authority (ASA), the Authority for Television on Demand (ATVOD), the BBC Trust, the British Board of Film Classification (BBFC), Ofcom, the Press Complaints Commission (PCC) and the Video Standards Council (VSC)/Pan-European Game Information (PEGI).

The site was launched to:

- set out simply and clearly what parents and carers can do if they feel a programme, advertisement, product or service is inappropriate for children;
- explaining the rules in simple terms, and direct users to the right regulator for their area of concern so they can make a complaint quickly and easily; and
- give parents and carers a way to provide informal feedback and comments which regulators can use as an extra gauge of parental views.

ParentPort now has a fourth function, added in March 2013, in providing a wide range of tips and advice to help parents keep children safe when they are online, using mobiles, social networking sites, watching films, advertising and playing video games.

ParentPort does not allow for the collection of data on complaints about children’s access to adult material. The site only enables users to make complaints directly to the ParentPort regulators and therefore within their remits only.

All of the ParentPort regulators have well established complaints functions which can be accessed directly on their own websites, and they report publically on the complaints they receive. For example, Ofcom publishes data on viewers’ and listeners’ complaints as part of our Annual Report. As a result, complaints data from ParentPort would only provide a subsection of parental concerns.

---


All of the regulators involved in ParentPort have worked to promote the site and raise parents’ awareness of it. The regulators are currently reviewing how the website could be developed to benefit as many parents and carers as possible. This will take into account other parent-focused internet safety websites and campaigns, including the upcoming Internet Matters campaign developed and funded by the major UK ISPs.

**Recommendation 22:**

*We further recommend that Ofcom regularly reports on children’s access to age restricted material, particularly adult pornography and the effectiveness of filters and age verification measures. Ofcom is well-placed to fulfil this role given the work it does on its Children and Parents: Media Use and Attitudes Report. (Paragraph 84)*

As noted in our submission and above, Ofcom fulfils its media literacy duties through the publication of Media Literacy research into adults’ and children/parents’ media use and attitudes. This provides detailed evidence of media use, attitudes and understanding among adults and among children and young people aged 3-15. The children’s report also provides evidence of parents’ concerns about their children’s media use and the ways that they seek to monitor and mediate that use. We share the findings of our research widely, including with the Government, industry, academia, the third sector, and through our seat on the Executive Board of UKCCIS.

Our media literacy survey does not ask children directly in detail about their access to age restricted material, particularly adult pornography, as there are a number of methodological challenges in obtaining this type of data due to the sensitivity of the subject. However, we include questions that ask more generally about whether 8-15s have come across material online that they have found worrying, nasty or offensive. We also ask 12-15s if they have seen anything of a sexual nature online or on a mobile phone. In addition, we report comScore online measurement metrics that can provide useful additional context in terms of what children are accessing online.

With regard to the effectiveness of filters and age verification measures, this year Ofcom has introduced to the media literacy survey new questions related to internet safety measures (specifically filters and age verification systems). These questions will ask parents whether they believe the measures are useful, and whether they believe they block sites too much or too little. The results of these questions will be reported this autumn.

Any extension to our reporting duties in this area would be a matter for the government, and, ultimately for Parliament.

**Recommendation 31:**

*Ofcom should monitor and report on complaints it receives, perhaps via an improved ParentPort, regarding the speed and effectiveness of response to complaints by different social media providers. (Paragraph 115)*

As explained above, Ofcom has limited powers in relation to internet services, and we do not have any statutory duties in relation to social media. As such, we do not investigate complaints in relation to social media.
Any broadening of our duties in this area would be a matter for Government, and ultimately for Parliament.

While we do not have any statutory duties in this area, together with the other regulators involved in ParentPort we have contributed to making available a wide range of advice for parents and carers to help them keep children safe when they are online, including when using social networking sites. This includes, for example, information on setting up an account for a child, using social networks, and social networking safety features.

However, ParentPort does not gather data on the speed and effectiveness of social media providers’ responses to complaints.