



Home Office

Knives and offensive weapons: Consultation on personal liability measures on senior executives of online platforms or marketplaces

Government consultation

Consultation start: Wednesday 13 November 2024

Consultation end: Wednesday 11 December 2022

Questionnaire

Introduction

This consultation seeks views on introducing personal liability measures on senior executives of online platforms and marketplaces which fail to take action on illegal content concerning knives and offensive weapons.

1. Do you agree with the government's approach to introduce personal liability measures on senior executives of online companies and marketplaces?

Delete as appropriate.

No

Size and scope of the online market

As part of this consultation, the government wants to develop an estimate of the size of the online market and also the scale at which private sellers and resellers are operating within the online market for knives.

2. Do you represent a marketplace or platform involved in the online sale or marketing of knives, or which has resellers operating on its platform (even if these resellers are not abiding by the terms of service)?

Delete as appropriate.

No

3. If 'yes', are you able to provide us with an estimate of the volume of online sales of knives that take place on your marketplace or platform? (Maximum 250 words)

If your company owns more than one platform or marketplace, please give a separate response for each platform or marketplace.

Please type your response below.

4. If you are responding as a representative of a organisation or body, please tell us about them. (Maximum 250 words)

Please type your response below.

The Computer and Communications Industry Association (CCIA) is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy.

Content removal notices

The government has proposed that online companies should have 48 hours to take down illegal content when notified by a content removal notice.

5. Do you agree that content removal notices should be introduced?

Delete as appropriate.

No

6. Should online platforms and marketplaces have 48 hours to take action against a seller or reseller once issued with a content removal notice?

Delete as appropriate.

n/a

7. If you answered 'no', how long do you think online companies should have to take down illegal content when a content removal notice has been issued?

Delete as appropriate.

n/a

Defence and exemptions

8. Do you agree with the proposed defences for executives of online platforms and marketplaces in relation to flouting the rules on knives?

Delete as appropriate.

n/a

9. Are there any further defences that we should consider?

Please type your response below.

n/a

Impact and effectiveness

As part of this consultation, we want to develop an understanding of the expected impact of this legislation on online companies (social media companies and online marketplaces).

10. Do you anticipate changes being required to your processes and systems, in relation to this specific change, (in addition to any changes you have made or plan to make to comply with your duties under the Online Safety Act 2023)?

Delete as appropriate.

Yes

11. If you have answered 'Yes', what would be the changes that you need to make and estimated costs (including the hiring of additional content moderators and their FTE costs) (Maximum 250 words)

Please type your response below.

The Online Safety Act (OSA) provides a broad framework to prevent or remove illegal content online. Implementing that law has been challenging for the regulator (Ofcom) and regulated companies to implement, with a lengthy process that is now nearing completion. That law also attempts to strike a difficult balance between safety and free expression. If the Government wishes to further regulate specific content (in this case relating to knives) they can do so through evolutionary change in that framework. This proposal instead adopts a fundamentally different approach in specific notice-and-takedown requirements; an inflexible timeline; and a separate enforcement regime.

This change would introduce uncertainty over OSA implementation and discourage online safety investments by creating uncertainty over the nature of the future regime. The proposed approach will not be able to reflect the diverse circumstances of online services and the risks associated with content related to knives. Platforms vary from some managing large amounts of user-generated content, where careful proactive removal of illegal content is the priority, through smaller services which will have less content to manage but also less capacity to respond to notifications. Content also varies from cut-and-dried illegal content through to cases where the nature of the marketing of the knives might be disputed.

This risks over-removal of legitimate content given the personal nature of the sanctions. Police forces facing a range of other pressures will understandably make mistakes. This will have consequences for trust and the availability of important commercial or educational content.

12. To what extent do you feel this policy will result in illegal content in relation to knives and offensive weapons being more swiftly removed from online platforms and marketplaces? (Maximum 250 words)

Please type your response below.

Many leading digital services already have portals for law enforcement organisations to report illegal content and no evidence is presented that services are not responding to notifications through these channels. If this proposal were to be implemented without considering existing tools, fragmenting global compliance and requiring bespoke new systems and processes, it could undermine swift removal of such content. There should at

minimum be a more detailed consultation that considers the actual evidence base and alternative policy options.

This regulation could also lead to under-removal in some instances as companies' trust and safety attention and resources may be diverted from proactively removing illegal content. Existing proactive efforts and other internal processes often mean illegal content is removed faster than it would be with a process that requires the police identifying knife-related content, notifying the platform and then 24-168 hours allowed for content to be taken down. It is also likely to undermine progress on other online safety priorities besides knives due to the uncertainty it would create around the wider online safety regime.

Confidentiality

Information provided in response to this consultation may be published or disclosed in accordance with the access to information requests, such as the Freedom of Information Act 2000, and UK data protection legislation. You should note that this may include personal data, where required by law.

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities, such as the Home Office, must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the Data Protection Act and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

13. Would you like us to treat the information you have provided as confidential?

Delete as appropriate.

No

Please explain why:

Please type your response below.

Thank you for completing this survey.