

Consultation response form

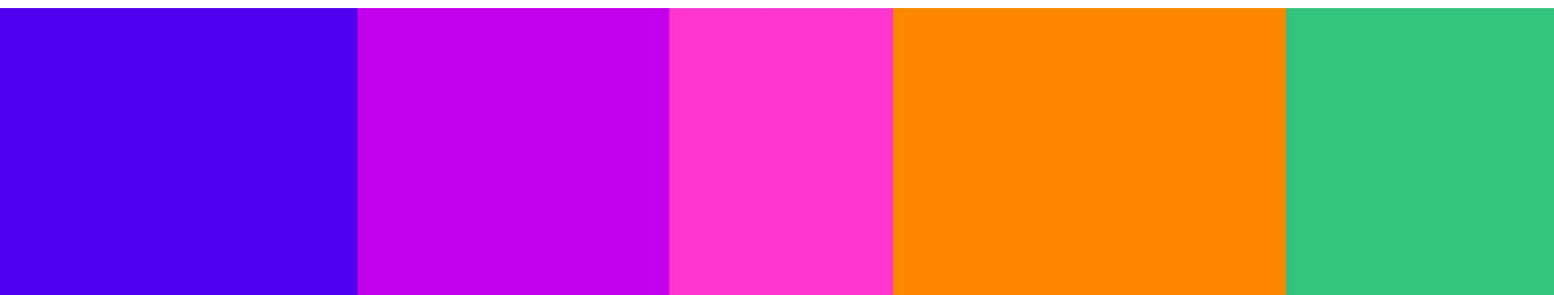
Please complete this form in full and return to cat1additionalduties@ofcom.org.uk.

Consultation title	Consultation: Giving users more choice, control and trust in their online experience
Full name	Matthew Sinclair
Contact phone number	07771990174
Representing (delete as appropriate)	Self / Organisation
Organisation name	Computer and Communications Industry Association (CCIA)
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Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Nothing
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None
For confidential responses, can Ofcom publish a reference to the contents of your response?	N/A



Your response

Please tell us how you came across about this consultation.

- ☐ Email from Ofcom
- ☐ Saw it on social media
- ☐ Found it on Ofcom's website
- ☐ Found it on another website
- ☐ Heard about it on TV or radio
- ☐ Read about it in a newspaper or magazine
- ☐ Heard about it at an event

☒ Y Somebody told me or shared it with me

- ☐ Other (please specify)

Question	Your response
Question 1: Do you have any comments on our Equality Impact Assessment and Welsh Language Assessment at Annex 1?	No response.
Question 2: Do you have any comments on our overarching approach to implementing Category 1 services' additional duties, including the guiding principles for our approach, and framework for the Additional Duties Code?	CCIA broadly agrees with the proposed approach and concerns in the rest of this consultation response relate to ensuring that it is delivered in the detailed proposals. Ofcom notes that it will assess the impacts of its proposals against the right to privacy, it should expand that to generally ensure that these measures are not conflicting with other regulatory regimes to which some or all of the companies regulated under the Online Safety Act are, or could plausibly be in the future, subject. The Digital Markets, Competition and Consumers (DMCC) Act for example subjects regulated services (those designated as having "Strategic Market Status") to ex ante competition oversight and Ofcom should ensure that it does not require behaviours that will conflict with requirements imposed by the CMA under that act, or require further action.
Question 3: Do you have any comments on our combined impact assessment for the Additional Duties Code of Practice at Annex 6?	In several areas Ofcom has made decisions that raise costs relative to alternative approaches that would deliver the same impact at lower cost.

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	Ofcom has also introduced requirements that would be costly and go beyond what the Act has legislated for. Examples of both will be provided in the rest of this consultation response. Ofcom can therefore realise improvements for consumers faster and moderate the burden on service providers if it mitigates those issues, which would bring the proposed measures within proportionate range. In turn this is likely to improve the overall delivery of online safety improvements across the board.
Question 4: Do you agree with our proposed approach to explain the content categories the same way as the categories in the Guidance for Content Harmful to Children? Please provide supporting reasoning and evidence for your views.	No response.
Question 5: Do you have any further comments on the draft Guidance on Relevant Content, published as part of this consultation (including on our assessment on the causes and impacts of relevant content, specificity of examples, and inclusion of contextual information)?	No response.
Question 6: Do you have any evidence to support our draft Guidance on Relevant Content?	No response.
Question 7: Do you agree with our proposed approach for the draft User Empowerment Assessment Guidance? In particular, do you agree with our proposal to align our guidance with the Illegal Content and Children's Risk Assessment Guidance? Please provide any supporting reasoning and evidence for your comments.	Ofcom should explicitly acknowledge a provider's discretion to utilize their own risk assessment methodology. Specifically, providers should be permitted to align this process with the methodologies already adopted for their illegal content and children's risk assessments, ensuring a cohesive and efficient compliance framework.

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Question 8: Do you have any further comments on the draft User Empowerment Assessment Guidance, published as part of this consultation?	The proposed ongoing monitoring obligations for the user empowerment risk assessment impose disproportionate burdens beyond statutory requirements and should be streamlined. Providers should be permitted to maintain consolidated records across all required risk assessments.
Question 9: Do you agree with the proposed easy to access and defaults measure? Please provide supporting reasoning and evidence for your views.	No response.
Question 10: Do you agree with the inclusion of these four proposed content-specific measures: (1) content determination, (2) not encountering, (3) alerting, and (4) reporting? Please provide supporting reasoning and evidence for your views.	No response.
Question 11: Do you agree that, for the purposes of these content-specific measures, providers should apply the measures to the following three categories of relevant content: (i) suicide and self-harm content (ii) eating disorder content, and (iii) hate and abuse content? Please provide supporting reasoning and evidence for your views.	No response.
Question 12: Do you agree with the flexibility we are offering providers over the technical actions in how they meet the not encountering and alerting measures? Please provide supporting reasoning and evidence for your views.	Ofcom proposes that in-scope providers should offer adult users a tool to “effectively prevent” them from encountering relevant content (ADU A3.3). This measure goes beyond the requirements of the Act, which requires only features that “reduce the likelihood” of users encountering relevant content. At paragraph 8.61 of Volume 2, Ofcom states that it considered adopting the language of the Act and that while “this option may have given more flexibility to providers, the outcome may have been that users could still see identified relevant content if, for

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	example, a provider decided to just downrank the content”. Ofcom cannot augment the requirements of the Act through the Codes of Practice. The recommended measures must be connected to the duties set out in the Act (see s.41 OSA). If Parliament had wanted categorised services to offer tools which prevented users from accessing relevant content, it would have adopted that language (as it did elsewhere). Ofcom’s Codes should reflect the text of the Act. The distinction also matters in practice. No classification system can identify relevant content with 100% accuracy. Because providers that follow the Codes are treated as compliant, the recommended measures will in practice set the standard. An effective prevention standard could push providers to over-filter, so that users who switch on the tool lose access to legitimate content they may value, such as support communities, news reporting and public health discussion.
Question 13: Do you agree with the inclusion of these two proposed measures: (1) blocking/muting, and (2) disabling comments? Please provide supporting reasoning and evidence for your views.	Blocking, muting and comment controls are standard features on major services, and many responsible digital services already offer them. Applying the two measures ADU A6 (blocking or muting other users’ accounts) and A7 (disabling comments) to platforms where the risk of encountering relevant content is minimal exceeds what the Act requires. These measures should be removed or restricted strictly to services with high/medium likelihood of encounter or where such content is permitted under platform Terms of Service.
Question 14: Do you agree with our approach to the proposed filter tool	ADU A3.4 and ADU A4.4 state that the tools to be offered to adult users to control access to

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measure? Please provide supporting reasoning and evidence for your views.	relevant content must “enable adult users to choose what specific kind(s) of relevant content” to control. In effect, Ofcom is recommending that users are presented with individual choices for each type of relevant content. We do not consider that this is proportionate or consistent with the Act (which refers to “relevant content” collectively). This could also create significant operational friction, fragment product codebases and overwhelm users with choices to which they are unlikely to respond. It is also not clear that there is material user interest in granular distinctions between these kinds of content.
Question 15: Do you agree with the proposed objectives that providers should meet in determining which functionalities to apply the filter tool to? Please provide supporting reasoning and evidence for your views.	Ofcom is right to not prescribe its specific functional applications regarding the proposed filter tool, since providers are best positioned to determine the specific functionalities. Asking providers to balance user-safety benefits against the risk of materially interfering with core services represents a proportionate approach.
Question 16: Do you agree with our proposed approach to the draft User Identity Verification Guidance? Please provide supporting reasoning and evidence for your views. In particular: a) Do you agree with our definitions relating to identity verification? Please provide supporting reasoning and evidence for your views. b) Do you agree that the identity verification offered by providers should be consistent with the proposed four principles? Please provide supporting reasoning and evidence for your views.	Ofcom’s flexibility regarding non-s.64 verification schemes and platform-specific filtering deployment is welcome. However, Ofcom must expressly clarify that identity verification does not require compromising user pseudonymity or anonymity with respect to other platform users.

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Question 17: Do you have any further comments on the draft User Identity Verification Guidance?	
Question 18: Do you agree with our proposed approach to the draft News Publisher Guidance? Please provide your reasoning and any supporting evidence. In particular: a) Do you agree with the proposed technical approaches for identifying recognised news publishers and news publisher content? Are you aware of alternative methods that have not been explored in the draft guidance? b) Are you aware of any technical means of identifying news publisher content when it is uploaded to or shared on a service by users who are not themselves recognised news publishers? c) Are there any additional factors you consider providers should take into account when setting or applying relevant timeframes?	Given the broad statutory definition of Recognised News Publishers (RNPs), Ofcom should publish a definitive list of qualifying entities, standards codes meeting s.56(6) criteria, and relevant s.56(1)(c) licence holders. Proportionate publisher self-identification mechanisms should also be formally recognised. There is currently no technically reliable mechanism to systematically identify news publisher content shared by users who are not themselves RNPs at scale. Providers should only be held to technically feasible and proportionate measures without an expectation of intrusive proactive monitoring. For publisher representations, a rigid threshold that "a period of less than 24 hours is unlikely to be reasonable" fails to account for fast-moving, high-harm scenarios. The reasonableness of the representation window must depend on the specific context and urgency.
Question 19: Do you have any further comments on the draft News Publisher Content Guidance, published as part of this consultation?	Classifying warning interstitials and safety-related downranking as "taking action" against news publisher content creates severe friction with core content moderation duties and should be revised. Content may remain visible or be downranked following its evaluation by the platform's recommendation systems after new content is uploaded.
Question 20: Do you agree the inclusion of these seven proposed measures: (1) internal content policies (2) user sanctions policies (3) training for individuals working in content	No response.

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moderation (4) materials for volunteers in content moderation (5) compliance training for operational staff (6) dedicated and expedited complaints for journalistic content (7) review of upheld complaints for content of democratic importance? Please provide supporting reasoning and evidence for your views.	
Question 21: Do you agree with our approach to the draft Indicative Factors Guidance? Please provide supporting reasoning and evidence for your views.	The relevant duties are determined on the basis of the intent of the user, their intended purpose: whether a content is generated for the purposes of journalism; or whether it is or appears to be intended to contribute to a democratic political debate. Automated systems cannot reliably discern nuanced political context or subjective material. Ofcom should allow sufficient latitude in the Codes for services to apply their established community standards and moderation workflows to balance safety duties with public interest speech.
Question 22: Do you agree with our approach to the draft Freedom of Expression and Privacy Impact Assessment Guidance? Do you have any suggestions as to what further information might usefully be included in the guidance? Please provide supporting reasoning and evidence for your views.	No response.
Question 23: Do you agree with the inclusion of these two proposed measures on: (1) substance and (2) clear and accessible terms of service. Please provide supporting reasoning and evidence for your views.	No response.
Question 24: Do you agree with the inclusion of these three proposed measures on: (1) enabling complaints (2) easy to find, access and use complaints procedures (3) appropriate action for complaints. Please	No response.

Question	Your response
provide supporting reasoning and evidence for your views.	
Question 25: Do you agree with our approach to the draft Terms of Service Guidance? Please provide supporting reasoning and evidence for your views.	No response.
Question 26: Do you have any further comments on the draft Terms of Service Guidance, published as part of this consultation?	No response.

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