

Baroness Stowell of Beeston
Chair, Communications and Digital Select
Committee

House of Lords London SW1A 0PW

Rt Hon Greg Clark MP

Chair, DSIT Select Committee

Rt Hon Sir Jeremy Wright

Chair, Digital Regulation and Responsibility
APPG

House of Commons London SW1A 0AA

By email

Dame Melanie Dawes

Chief Executive

Email: ChiefExecutive@ofcom.org.uk

26 March 2024

Online safety

Since the Online Safety Act (OSA) received Royal Assent last year, Ofcom has been working at pace to bring the provisions of the Act into force. Given the widespread interest in and support for the Act in Parliament, I thought it might be helpful to give you an update on our progress and actions in the first five months, and to highlight some of the key milestones for the remainder of this year.

Ofcom's roadmap for implementation

On 26 October, the day that the Act gained Royal Assent, we published a roadmap setting out the planned sequencing of our work to bring it into operation and enforcement. Ofcom is required to produce a significant number of codes, guidance notes and assessments over the next few years. This is a real delivery challenge and we will need the continuing support and input of many experts, interest groups and other stakeholders. Some elements of the regime need action from the Government, and most require us to consult on our proposals as a matter of law. We have always sought to be transparent about what we expect to happen when, so that all those we work with are able to plan their own inputs and engagement.

Parliament was very clear about what Ofcom should prioritise, setting a deadline of 18 months from Royal Assent – which means the end of April 2025 – for us to have completed all the codes and guidance to tackle illegal harms and to create a safer life online for children. This is a challenging timescale, but we remain on track. Within two weeks of the Act becoming law, we published our first major consultation with draft Codes of Practice and Guidance on Illegal Harms. In early December we launched draft guidance for online pornography providers on how to put in place highly effective age assurance so that children cannot access pornographic content on their services. We remain on track to deliver the roadmap we published in October, which is attached.

The rest of this letter summarises the overall framework established by the Act to create a safer life online; explains the steps we have already taken to implement it, including how we are supervising the biggest and riskiest services and using the powers we have had since 2020 under the video-sharing platform (VSP) laws; and looks ahead to the key milestones for the remainder of 2024.

How the Act will create a safer life online

At the heart of the OSA are new duties on regulated services – including social media, gaming, search and pornography – to keep their users safe from harms that are listed in legislation. These fall into two categories:

- illegal harms including child grooming, intimate image abuse and the sharing of illegal material such as terror, child sexual abuse images and fraudulent content;¹ and
- content and activity that is legal but harmful to children and from which they must be protected, including suicide and self-harm content, and pornography.

The Act requires that our Codes of Practice set out clear, detailed and proportionate measures that companies can take to comply with their new duties. Much of the debate so far has focussed on the specific measures we proposed in our draft Code of Practice for Illegal Harms and draft guidance for pornography providers. However, Ofcom’s strategic objectives in driving change are broader, and cover four complementary areas:

- **Governance and risk management:** companies must conduct meaningful risk assessments, and should have named accountable officers and appropriate internal systems to assure themselves that they are complying with the Act;
- **Safety by design:** services must be designed with safety in mind and with effective systems and processes to prevent harm, and to deal with it when it occurs;
- **User empowerment and choice:** services will need to provide users with simple, accessible ways to report harmful content, and will need to take appropriate action in response, and give users more control over their online experiences;
- **Transparency to drive trust:** ‘categorised’ services will need to publish annual transparency reports that shine greater light on the effectiveness of the tools and systems they use to keep users safe.² Ofcom has robust powers to gather data, publish our own transparency reports and shine a light on progress, or the lack of it.

All these areas will be central to achieving the widespread industry change that the Act requires.

Our aim – in line with Parliament’s deadline – is to have our first set of Codes and Guidance concluded, and for the first Codes to be in force, by early 2025. At this point services will have to comply with the new rules, and we will be able to take enforcement action if they don’t. Within three months of Ofcom having finalised our risk assessment guidance, regulated services will need to have concluded their first risk assessment for illegal harms and once the Codes have been approved by Parliament and come into force, they will need to be able to demonstrate that they are taking appropriate steps to address these risks. We will use our information gathering powers to scrutinise the largest and riskiest services risk assessments closely and will interrogate the effectiveness of the mitigations they are putting in place.

¹ There are more than 100 priority illegal harms listed in the Act; however, the total number of offences in scope is larger.

² On Monday 25 March we published our [advice to the Secretary of State and call for evidence on categorisation](#). ‘Category 1’ services must consistently apply their own terms of service, give adult users more choice over their online experience and the ability to verify their identity, and take steps to prevent fraudulent advertising, protect news publisher and journalistic content, protect content of democratic importance and meet enhanced requirements on risk assessment and record keeping. All categorised services may be required to disclose information about use by a deceased child user, following a coroner’s request.

Actions we have taken so far

Since October Ofcom has taken a number of steps to implement the OSA.

First, we have begun to **mobilise the statutory framework**:

- **Illegal harms:** On 9 November we published a major suite of consultations including our own industry-wide assessment of the causes and impacts of illegal harms; draft guidance for services on how to assess risk, maintain records, ensure appropriate governance, and assess illegal content; draft Codes of Practice on specific measures to address illegal harms; as well as draft guidance on how Ofcom will use its enforcement powers.
- **Pornographic content:** On 5 December we published our draft guidance for online porn services on their new duties to use age assurance to prevent children from accessing pornographic content. We explained that services should use highly effective age assurance that is technically accurate, robust, reliable and fair.
- **Categorisation advice:** on 25 March we published our advice to the Secretary of State about thresholds for categorisation, and a Call for Evidence about the specific duties that categorised services must meet. The process and criteria for categorisation are set out in the Act and we will produce a register of categorised services after the Secretary of State has defined relevant size and functionality thresholds in secondary legislation.
- We have sent formal **information requests** to a range of regulated services to inform our policy development on Child Sexual Exploitation and Abuse (CSEA) Notices, and the implementation of the online safety funding regime.

The proposals in this suite of publications will, if enacted, drive change in several important areas. In particular they would:

- Materially improve risk assessment and governance across the industry – our analysis suggests that not even the largest services uniformly apply the same rigour to assessment and oversight of online safety risks as they do to commercial risks.
- Require high risk services to set up dedicated reporting channels for fraud, and use hash matching technology to detect known CSAM for removal. While several of the largest services do this already, many high-risk services do not.
- Result in a step change in protections from grooming by making services switch off functionalities which place children at risk, so it is harder for perpetrators to find and abuse them.
- Require all services to improve the clarity and accessibility of their reporting and complaints procedures and ensure that the largest services are resourcing and training their content moderation teams adequately.

We are very grateful to the large number of stakeholders, including many Parliamentarians, who responded to our two consultations, which closed on 23 February and 5 March respectively. Given the novelty and complexity of the Act, it was important that we published comprehensive evidence and analysis to explain our recommendations, but we appreciate the challenges this posed for some, especially smaller organisations. We have sought to address this through short and clear executive summaries and by meeting hundreds of individuals, platforms and civil society bodies. But we will continue to do all we can to make our materials as accessible as possible.

Our aim is to make the first set of Codes under the Act as comprehensive and ambitious as we can, while meeting our rapid timetable. It is highly unusual for a regulator to consult at this level of detail so quickly after legislation has been passed, and it was only possible because the Government supported Ofcom's resourcing and recruitment several years in advance of the Act being passed. But it creates an inherent trade-off between pace of delivery and an ideal policy-making process. The Act requires that we must ensure that our proposals are proportionate to the risk of harm, as well as the

size and capacity of regulated services. But our preparatory work and evidence gathering was done without the benefit of statutory information powers, since these only commenced in January 2024. The extensive evidence that we have brought to our proposals is from published sources, our own research or material voluntarily shared with us by companies and other stakeholders.

We are clear that where we need to prioritise, we are focusing on completing the Code-making process as quickly as possible so that we can activate the first risk-assessment duties early next year and start to achieve tangible improvements for adults and children across the UK. As our evidence base grows and develops, we will be able to update and expand our Codes.

Second, we have carried out **significant engagement across the industry since November** to make sure that regulated companies understand what they need to do to comply. The sector is largely US-based and includes many diverse companies that are not familiar with regulation. We held a well-received webinar series to support the Illegal Harms consultation, which was attended by around 200 participants per session. We have also worked closely with relevant trade bodies and intermediaries to run explanatory Q&A sessions and have attended industry events to promote Ofcom's role and raise awareness of our consultations. We have provided summaries of our proposals and accessible materials to explain to services what they will need to do when the duties are in force, and what steps they can take ahead of this. We have also published a digital tool which helps companies to understand if the Online Safety Act applies to them.

Third, we have **set up teams to directly supervise around 30 key services** which we believe are the largest and/or most risky. These come from sectors including social media, search, pornography, messaging and file-sharing. Our task for 2024 is to ensure that these priority companies understand their duties in full, are ready to comply and have identified accountable senior staff. While we will always seek to engage constructively with the companies we regulate, we are clear that we expect change. We will use our early engagement to assess existing safety measures and identify priority areas where improvement is needed, though there is nothing to stop platforms putting in place measures now and we encourage them to do so. We can and will move quickly to mobilise our enforcement powers in 2025 where we judge that to be necessary.

Fourth, **we are already using our powers to regulate VSPs platforms to improve safety** and ensure services that host pornography have effective age assurance to prevent children accessing them. Since our guidance for UK-established VSPs was finalised in October 2021 we have worked closely with those that pose particular risks and have published four reports using our transparency powers, including an assessment of the safety measures used by Twitch, TikTok and Snap to protect children. Our early supervisory engagement and enforcement has already yielded some improvements in user safety, for example:

- OnlyFans has voluntarily improved its reporting processes and introduced new measures to verify the age of its UK subscribers;
- Following a year-long enforcement programme five further adult VSPs have now introduced tools to ensure their users are 18 or over;³
- BitChute has increased and improved its content moderation efforts;⁴
- Twitch has restricted access to certain types of potentially harmful content for under-18s and unregistered users.

³ Ofcom, [How video-sharing platforms \(VSPs\) protect children from encountering harmful videos](#), December 2023.

⁴ Ofcom, [Regulating video-sharing platforms: our updated plan and approach](#), January 2024.

This is only the start, and our powers under the VSP regime are narrower and weaker than under the OSA. But we will continue to drive improvements on platforms until the VSP regime is repealed. We set out our strategy and key priorities for the remainder of the regime in a [report](#) published in January 2024.

Finally, we continue to **commission and publish research that sheds light on online harms** and informs our agenda, in line with Ofcom's longstanding commitment to rigorous, evidence-based policy. Most recently, this includes a major suite of research into children's experiences of harm online, including authoritative studies into pathways to violent content; children's encounters with content promoting eating disorders, suicide and self-harm; and experiences of cyber-bullying. In the last 12 months, our research team has gathered quantitative and qualitative insight from more than 12,000 children and 7,000 parents about children's experiences online. Our next step is to build a large Children's Online Research Panel to facilitate ongoing engagement with children so we can gather views, test proposals and co-design policy in an appropriate, safe, agile and responsive way.

Next steps for 2024

Over the rest of 2024 we will continue to take forward the work we have already consulted on, namely our Codes and Guidance on Illegal Harms and our Guidance for commercial pornography providers.

Our next key milestones are:

- **Protection of children:** in early May we will publish our second major consultation, on protecting children from material that is legal but harmful to under-18s. This includes draft guidance for services on how to assess whether they are likely to be accessed by children and how to assess the risks faced when they do; and a draft Code of Practice setting out specific measures which we recommend services take to comply with the children's safety duties.
- **Media literacy:** as required by the Act, we will be publishing our draft strategy on media literacy in the next few weeks, and we will finalise this by the end of October. This will describe our objectives for our media literacy work for the next three years, and a plan for how we will achieve them. We will also shortly publish revised [Best Practice Principles for Media Literacy by Design](#).
- **Violence against women and girls:** The Act requires us to produce specific guidance in this area and we will start preparing this in the summer, in close consultation with experts and with victims. We will aim to publish this as soon as we can, and in early 2025 at the latest.
- **Fee regime, information powers and Ofcom's approach to transparency:** By the end of July, we will publish further consultations in each of these areas.
- **Disinformation committee:** We will establish our new advisory committee on misinformation and disinformation by the end of 2024, in advance of the first duties on Illegal Harms coming into effect and as we start consultation on the specific duties on categorised services. While misinformation and disinformation are not explicitly identified in the Act as harms which services are required to address, Ofcom will be able to hold category 1 services to account for any terms of services they may have in this area. The Committee will also be able to provide advice on Ofcom's other relevant duties including media literacy and foreign interference.

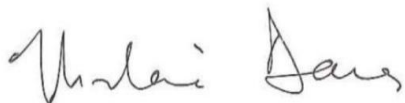
I am aware of your wider concerns about disinformation in the context of the upcoming UK General Election, especially in the context of new forms of AI and the risk of deepfakes. The Act gives us

limited powers on disinformation and those we have will not be in force until 2025 or later. However, we are clear that services do not need to wait to prepare for regulation. We have already set out proposals for tackling foreign interference in our Illegal Harms consultation. We are also undertaking significant work on deepfakes (covering those that demean, defraud and disinform), and are investigating techniques for addressing the risks they pose, including through the use of visible and invisible watermarks and synthetic content classifiers. We will be publishing the findings from this analysis in the next couple of months. We are also working with UK TV and radio broadcasters to ensure that risks of deepfakes are properly addressed in their coverage, and we continue to support media literacy work such as Shout Out UK's programme to help people identify mis/disinformation tactics and build their critical thinking skills.

I hope that this update – which we are publishing on our website – is helpful. As always, we are happy to provide any specific briefings as required. Specifically, I look forward to providing oral evidence on Ofcom's work to the House of Commons Science, Innovation and Technology Committee in June; and on the future of news, including the work we are doing with broadcasters in advance of the General Election, to the House of Lords Communications and Digital Committee in May.

I am copying this letter to the Secretary of State for Science, Innovation and Technology.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Dawes', written in a cursive style.

MELANIE DAWES