

Digital, Culture, Media and Sport Sub-committee on Online Harms and Disinformation

Oral evidence: Online safety and online harms, HC
620

Tuesday 9 November 2021

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Members present: Julian Knight (Chair); Kevin Brennan; Alex Davies-Jones; Clive Efford; Julie Elliott; Simon Jupp; John Nicolson; Giles Watling.

Questions 149 - 226

Witnesses

I: Lexie Kirkconnell-Kawana, Head of Regulation, IMPRESS; Michelle Stanistreet, General Secretary, National Union of Journalists.

II: Iain Corby, Executive Director, Age Verification Providers Association; Julie Dawson, Director of Regulation and Policy, Yoti; Till Sommer, Head of Policy, Internet Service Providers Association.



Examination of Witnesses

Witnesses: Lexie Kirkconnell-Kawana and Michelle Stanistreet.

Chair: This is the Digital, Culture, Media and Sport Select Committee and this is a meeting of our sub-Committee on online harms. We are looking at the online safety and online harms legislation that will soon be before Parliament. We are joined in our first panel today by Lexie Kirkconnell-Kawana, Head of Regulation at IMPRESS, and virtually by Michelle Stanistreet, General Secretary of the National Union of Journalists. Michelle and Lexie, good morning and thank you for joining us.

I wish to declare at this point that I was formerly a father of chapel for the National Union of Journalists at the *Independent* newspaper back in the day. Does anyone else wish to make any declarations about journalism?

John Nicolson: I worked for most of my professional life as a journalist for the BBC, ITV and others, and was formerly a member of the NUJ.

Simon Jupp: I also want to put on record that I am a former BBC and ITV journalist.

Chair: We are down in our numbers, because we normally have about four or five ex-BBC on the panel. It is very nice to see you today, Lexie and Michelle. Our first question today is from John Nicolson.

Q149 **John Nicolson:** Thank you for joining us today. A lot of people are a bit concerned that, if this Bill goes ahead exactly as planned, it could lead to an overzealous takedown of content. Is that a worry for you?

Lexie Kirkconnell-Kawana: The issue of overzealous or overcautious censorship of news content rests on the fact that this Bill delegates a lot of power to platforms to define what journalism is. The Bill sets out that recognised news publishers and their news content should be protected under this Bill based on negative duties with respect to how the platforms should treat it. In terms of defining what that journalism is, the Bill sets out that the platforms are to define what the purposes of journalism are. That places a lot of power in these platforms to define, potentially in their own interests and potentially in narrow and skewed ways, what journalism will be protected on their platforms.

This Bill is intended to wrest power away from platforms and delegate it to the appropriate authority, which would be a statutory regulator, so the fact that on the one hand you are trying to regulate this body but you are giving it large latitude to define what journalism is and how it will be treated is, I think, going to be negative for the sector overall.

Q150 **John Nicolson:** We will return in a second to what journalism is and who journalists are. Perhaps I could ask the General Secretary of the NUJ about powers of appeal. Are there strong enough powers of appeal for content that is taken down in this Bill?



Michelle Stanistreet: I would agree with a lot of the points that Lexie has just made in terms of giving those broader sweeping powers to private tech companies to make these decisions and to weigh up these very important issues.

The powers of appeal do need further tightening and further checks and balances. It is going to be quite a challenge for many journalists to properly avail of this in a timely manner that acknowledges the fast-moving cycle of news, the situation that they will be in and the fact that many of them are working in a freelance capacity and this will be an added chore and hurdle to surmount in the course of their work. We have some concerns about that process as it stands and the need to make that more robust and swift.

Q151 **John Nicolson:** What is a journalist? How would you define a journalist?

Michelle Stanistreet: This is something that could keep people in essay-writing for a long time.

John Nicolson: Which is good, if they are paid by the word, of course.

Michelle Stanistreet: The NUJ absolutely does not believe in any strict definition in that sense. We have always been proud of the fact that journalism is a trade, not a profession. There are no barriers in terms of qualifications of entry.

Q152 **John Nicolson:** Really? So can Tommy Robinson be defined as a journalist then?

Michelle Stanistreet: No, because he is not creating content that adheres to established codes of practice. The NUJ has one of the longest-standing codes of conduct in the world for journalists' unions and associations. At its heart is that ethical approach about the principles that underpin the journalist's role in creating material and content that is there to inform the public and to do that job well, professionally and to a high standard.

Q153 **John Nicolson:** Who defines "ethical"?

Michelle Stanistreet: That is why we, as a union, have tried to embody that through our code of conduct. Individuals and media outlets make decisions on a daily, hourly or by-the-minute basis about the nature of the content that they publish, but journalists do not operate in a vacuum. They also adhere to the laws of the land when it comes to content that they produce and publish.

Lexie Kirkconnell-Kawana: Michelle makes a really good point here about codes of conduct. If we are seeking to protect the purposes of journalism—the ability for working journalists to inform and educate, to act in the public interest and to speak truth to power—what you are protecting is not the journalist but the journalism that they are producing.



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In its current construction, this Bill protects a very specific and narrow band of the sector based on business profile, so those that are operating in the UK according to a registered business address. It does not prescribe the codes of conduct or the standards of journalism that it seeks to protect. A really quick win that the Committee could recommend to include in this Bill are better terms of reference for the types of journalism that it would seek to protect, based on established codes of conduct.

Q154 **John Nicolson:** Give us an example.

Lexie Kirkconnell-Kawana: IMPRESS's provenance was in the fact that the press had famously not been able to successfully self-regulate, because there were no homogenous and professional standards that were adopted by the whole sector. IMPRESS grew out of the public need and various public inquiries demanding a set of codes of conduct and practices that would be acceptable and then approved in law under the approved charter system of regulation. We have developed a code of conduct in concert with the public and industry that reflects the needs of the public and that respects freedom of expression and the rights of individuals.

Because systems of press regulation in this country are voluntary, you do not have professional standards across the sector, but that does not mean that codes of conduct do not exist that are affirmed in the public interest and approved in law. This Bill could adopt those codes of conduct and say that the journalism that complies with these codes of conduct is the type of journalism that it is going to protect. As Michelle has said, anyone who adheres to those codes of conduct should have their content protected under this Bill.

Q155 **John Nicolson:** If I could go back to you, Michelle, this Bill gives the Secretary of State enormous powers. This particular Secretary of State has a history of tweeting about journalists. Do you feel comfortable with the level of power that she has, given some of her past comments? For example, she has argued that one particular journalist should have his testicles nailed to the pavement using his own teeth. This does not seem supportive to the world of journalism and freedom of speech.

Michelle Stanistreet: I completely agree that anyone in a position of power—any politician, any Minister or anyone in public life—should have better regard to the way they conduct and express themselves when it comes to important issues like this. It has been really disturbing to see, particularly over the last 18 months or more, the level of inappropriate rhetoric dished out to journalists by people who, frankly, should know better. The fact is that those words have an impact. It is not just some disposable tweet that nobody ever thinks about again. It pollutes the public discourse, which concerns me and the NUJ. In a survey that we did of our members, 94% of those who responded said that the polarisation of debate and public discourse in the UK puts journalists at risk and that



politicians absolutely had a role, which they should exert, in defending press freedom. Those kinds of comments do not tick that box.

Q156 **John Nicolson:** I challenged the Secretary of State about this in another Committee recently. I also challenged her about calling James O'Brien, who is the LBC correspondent she seems to have a particular gripe with, a "public school posh boy f*ck wit". She was not prepared to apologise for saying that. In fact, her answer was that she called him that because he had been critical of her in some tweets, although I struggle to find anything that he has said about her that would remotely justify that. Are there any justifications for trying to get journalists the sack, as Nadine Dorries, the Secretary of State, has repeatedly tried to do with more than one journalist?

Michelle Stanistreet: I can think of other Ministers who have also done the same. No, of course it is not justifiable; no, we should expect better. We should be served up a better role model and sense of leadership from people who are in positions of power this in regard. It is an incredibly bad look.

Q157 **John Nicolson:** It is possible that somebody even less benign than Ms Dorries might one day hold this job as Secretary of State, so are you concerned about the levels of power that the Secretary of State has in this Bill?

Michelle Stanistreet: The track record of any individual Minister or, in this case, Secretary of State for the sector in which our members work is a concern. I would hope that we do not see repeats of that kind of behaviour, language or approach to journalists, who do an incredibly important job and play an important function within our democracy. It is not about the Secretary of State at any moment in time but the role and the function that they perform. The NUJ absolutely believes that that role within the Bill as it stands gives too much power to whoever is going to be in that position, now or in the future. That is absolutely something that we wish to see addressed. It is not appropriate or healthy.

Q158 **John Nicolson:** Lexie, on the question of disinformation, tackling disinformation is not in the scope of the Bill. I think I speak for other Committee members in saying that when we speak to constituents, they hope it will be. That is something we hear a lot: people say, "We want to protect children and to tackle disinformation in this Bill." How much of a concern for you is it that there is no attempt to tackle disinformation in the scope of the Bill?

Lexie Kirkconnell-Kawana: Certainly, when we see all of the public surveying, we know that misinformation is cited as the most prevalent harm that they encounter online and is one that they want dealt with. The problem with it, though, is that misinformation and disinformation, at its presumption, is about inaccuracy.

Q159 **John Nicolson:** For people who do not understand the distinction, disinformation is deliberately spreading things that you know to be false,



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whereas misinformation might be somebody down at the pub saying, “I have heard this” but they are not deliberately trying to mislead anybody.

Lexie Kirkconnell-Kawana: That is not illegal in the UK. There is nothing about spreading inaccuracy that is against the law. I would not like to see this Bill try to, in some way, illegalise the spreading of false information, because there are so many other free expression implications that flow from that. Rather than trying to suppress or take down misinformation and disinformation, this Bill could utilise other levers to encourage and signpost accurate and reliable information.

We know that one of the best tools in our toolkit for combating misinformation and disinformation is better-quality information, and being able to signal and signpost it. Again, there are ways that this Bill could do this. First of all, if you are going to exempt news providers, why not do so on the basis of them having a standard of accuracy? Again, this is about building incentives into the Bill, rather than creating negative duties or obligations.

Q160 **John Nicolson:** Give me an example of how that would work.

Lexie Kirkconnell-Kawana: If a news publisher wanted to be exempt, it would have to have a standard of accuracy that it complies with and that is enforceable, so that, if the platform is going to treat its content in a preferable way, or at least not demote or suppress it, it can signpost its users on its platform to say that this is a reliable and trusted source of news, which adheres to standards of accuracy.

John Nicolson: It is a sort of blue tick for news, effectively.

Lexie Kirkconnell-Kawana: Exactly.

Q161 **John Nicolson:** I hope I am not putting words in the mouth of Channel 4 News, but until recently, at least, I know that that was something that it was very keen on having, so that, if you saw a blue tick, you knew that this was a reasonable source, as opposed to just somebody ranting about Covid disinformation and how you are injecting babies into your arm. It would make a distinction between the two because, at the moment, that distinction is not made.

Lexie Kirkconnell-Kawana: Certainly from the perspective of platforms, they would find this really helpful. Platforms are not experts in disinformation and misinformation. They have not demonstrated competence in that space. Take one example: in the last couple of weeks, one of our publishers, Novara Media, which was well-regulated, is in the public interest and adheres to standards of accuracy, had its channel shut down by YouTube. All of a sudden, 1.8 million subscribers found that they could not get access to a reliable, well-regulated source of news, because the platform had arbitrarily removed its channel. Why did they do that? They gave very opaque reasons, like not complying with terms of services, but it was incredibly difficult for that platform to reinstate the



channel, because there are no well-functioning redress systems for those platforms.

Again, my supposition, although YouTube has not confirmed in a statement why the channel was removed, is that it is because YouTube is really concerned about this issue of misinformation and disinformation. It is trying to comply, but as I have said, it is not well placed to do it. Rather, it should rest with the content regulators, which are independent and have competency in these areas, to assess what are accurate and reliable sources of information, so Ofcom in the instance of broadcast regulation and IMPRESS with respect to its well-regulated members.

If platforms could signal to their users, "These are reliable sources of news and, if you have a problem with their content, go to the regulator," that would make their day. They would sleep well at night knowing that they were not having to make these arbitrary decisions on misinformation and disinformation.

Q162 Kevin Brennan: Thanks to both our witnesses for coming along this morning. Lexie, do you think the Online Safety Bill will change how media organisations or journalists use social media?

Lexie Kirkconnell-Kawana: I do not think it will change how they use it currently. The reality is that social media is the primary way most people access news now. There is a trend in that trajectory that that will become the primary distribution mechanism for news. The fact is that many news publishers are required to be agile to the systems of distribution on social, so any negative or positive duties that are incentivised in law through this regulation will, inevitably, impact. Without knowing more about what platforms' intentions are with respect to news of the future, it is very difficult to predict what that relationship will be, but that dependence is very real, which is why how platforms treat news content is so important.

Q163 Kevin Brennan: You mentioned this positive and negative duty. Can you explain to the Committee what the debate is around that?

Lexie Kirkconnell-Kawana: A negative duty is a duty not to act in that respect. The current provision—clause 14, for example, of this Bill—requires that they do not take down content that is journalistic or is provided by a recognised news publisher, whereas a positive duty would be that they have to give preferential treatment on their system, so they have to surface more news content, for example.

The problem with how these duties are currently constructed is that they are not based in the principles of journalism. For example, they are not required to surface particular news organisations that comply with codes of conduct or are well regulated, or members of self-regulatory bodies or unions. Rather, they surface content based on brand reputation and engagement. If any positive duty was construed, I would like to see it



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tied to ethical standards of practice and that there be some quality indicator attached to that as well.

Q164 **Kevin Brennan:** The Bill currently implies a negative rather than a positive duty. Am I right in saying that?

Lexie Kirkconnell-Kawana: It does, correct.

Q165 **Kevin Brennan:** You would like to see a positive duty as part of the Bill. Would that solve the issue that you were talking about earlier with Novara Media having all its content suddenly disappear?

Lexie Kirkconnell-Kawana: If a positive duty were to be designed, there would need to be checks and balances in place. It cannot be the case that a positive duty is designed that serves as, essentially, a handout to a narrow and established group of news publishers. It needs to be flexible to the realities of journalism and to be based on codes of conduct and well-regulated practices. Otherwise, as I said, it could serve as, essentially, a handout. If you are going to privilege certain content, that content needs to be responsible, accurate and reliable.

Q166 **Kevin Brennan:** Some people have said that they are concerned about this idea of a specific carveout for journalistic content. Could the Bill be drafted differently to better balance freedom of expression rather than having a specific carveout?

Lexie Kirkconnell-Kawana: Absolutely, the trouble is that dissenters do not want to see journalism receiving privileges or exemptions beyond other forms of speech. The way that you could best do that, rather than abandoning the journalism carveout, is to strengthen the freedom-of-expression protections in the Bill. Currently, they are very weak. The due consideration and due regard statements of intent in this Bill are very ineffectual. I think you will see very low compliance with that requirement.

If you were to strengthen freedom of expression, a quick win would be to change the language so that it is not a due consideration or a due regard, but a “must balance” test. That way, Ofcom could interrogate and assess whether the platforms had duly balanced their freedom of expression obligations with their decision making. With that strengthened and more robust freedom of expression protection requirement, that would act as an umbrella wraparound protection, which journalism would sit within.

Q167 **Kevin Brennan:** Is a journalist’s freedom of expression any more important than mine, yours or my mother’s?

Lexie Kirkconnell-Kawana: No. Again, the locus should not be on the journalist but on the speech—the journalism that is protected therein—so that your mother’s or your speech, where its intents are for the purposes of journalism, are better protected. It is not to say that journalism is inherently better speech, but it does have a very unique value in the information ecosystem. Where it accords with codes of conduct and is



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accurate and reliable, it serves a certain civic and democratic function that any other user's free expression may not. That does not mean that those users' expression is less meaningful or less valuable, but it does mean that the specific function of journalism should be preserved in this Bill, and it currently is not, based on its construction here.

Kevin Brennan: I think we have re-established contact with Michelle. Can you hear us, Michelle?

Michelle Stanistreet: Apologies for that.

Q168 **Kevin Brennan:** Welcome back from the twilight zone. It is nice to see you back with us. I will not go through all the questions I was just asking, but I was going to ask you whether the Online Safety Bill will change how media organisations or journalists use social media.

Michelle Stanistreet: It is a good question. Inevitably, social media is part of any journalist's role and function now that they have to have a presence on it. The requirement to engage with readers, viewers and listeners is absolutely part of their day-to-day job. Fundamentally, journalists will get on and carry on doing their job, but it does add extra hurdles in different ways to what is a challenging role. We mentioned earlier the notion of how, if their content is going to be taken down, they will go about challenging that in an effective way.

As things stand, a journalist's experience of dealing with tech companies, particularly the tech platforms, is that they are incredibly and frustratingly slow, intransigent and not responsive when journalists raise issues about managing content or abuse of content that they are trying to have remedied. There will be a degree of extra hassle and stress for journalists in the course of doing their job, but, fundamentally, the social media engagement is part and parcel of what they do, so they will have to navigate it.

Q169 **Kevin Brennan:** Do you think that the definitions in the draft Bill of "journalistic content", "news publisher content" or "recognised news publisher" will give enough clarity for journalists, publishers and tech companies when navigating around this?

Michelle Stanistreet: No, we do not think so. The NUJ thinks there is still work to be done to tighten up some of those definitions, as well as the remit or scope. We believe that there should be further safeguards for journalists and journalism. At the moment, some of the aspects of the definitions and the journalistic exemptions are unclear. They do not go far enough and do not capture the wider community of journalists. It is quite narrowly focused.

Q170 **Kevin Brennan:** Does the NUJ have a preferred wording that you might like to supply the Committee with, either now or later?



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Michelle Stanistreet: It would be helpful if we could come back in writing. We have counsel looking at this and we would very much like to contribute some additional thoughts in writing.

Lexie Kirkconnell-Kawana: Similarly, we would be happy to submit to the Committee further evidence on what we consider a better construction of these terms would be. I would counter slightly that I do not think the issue is that the definitions are not clear, but they privilege a certain type of news organisation, rather than journalism as a whole.

For example, the “recognised news publisher” definition, which requires a registered business address, does not reflect the reality of how a lot of journalism is done. The NMA’s research on this, when it surveyed its members and grossed up to scale across the industry, showed that there are only 11,000 full-time journalists associated with news brands. When you look at the labour-force statistics on working journalists in the UK, there are 100,000, so this definition of “news publisher” would apply to only 10% of the sector.

Having a registered business office does not reflect the really agile ways in which journalists are operating now. We represent a really incredible cross-section of the sector, where our membership ranges from established news organisations with back-end services that reach international audiences, all the way down to hyperlocal journalists who are operating in their community in a participatory way. They may be training volunteer journalists within their community as well. As I said, it is not the lack of clarity but how narrow it is and who it privileges over the wider sector.

Q171 **Chair:** Lexie, you mentioned ensuring that platforms bring in balance. How would that be achieved?

Lexie Kirkconnell-Kawana: I do not think that the power should rest with the platform to be making these kinds of decisions. The Bill could provide much clearer terms of reference for them. You could wrest that power away, place it within the regulator and let them defer to the wider sector stakeholders, such as the regulators or the unions, to determine how to deal with aspects of this content. The balancing issue is one about why we would delegate to platforms, which have been able to regulate only in their own interests, the power to determine what journalism is, how it will be treated and, in effect, the future of the industry.

Q172 **Chair:** There could be some way in which that would be enacted. Would that be through algorithms, which could perhaps be checked with the regulator? What is your thinking on that?

Lexie Kirkconnell-Kawana: The Bill could set out some terms of reference that could neatly align with the system design. Platforms would support that. Platforms are looking for scalable solutions. If there was a way that this Bill could set out the basic indicators for content to be treated under either the negative or the positive duty, which could align



with their system design neatly, that would be beneficial. This comes down to the fact that, as the majority of the market does not adopt universal standards, the way that platforms credit news providers currently is based on very basic and simple terms that do not reflect the purposes of journalism.

Q173 **Chair:** Globally, this is a much more difficult question—it is difficult enough here—given the presence of citizen journalists. For example, I recently saw a fantastic display with the Rory Peck Trust about a citizen journalist in Myanmar. We are currently in touch with them a lot about Afghanistan and the incredible work that they do there. They describe themselves as journalists but they are not attached to a brand, yet they are often risking their lives in order to tell the truth. How do we enable our legislation to ensure that they are able to have free expression and that, at the same time, platforms respect that, so that they do not end up a victim of the algorithm?

Lexie Kirkconnell-Kawana: That is the problem with how this Bill currently defines what content should be privileged in terms of journalism. If I was a journalist, the quickest route to having my content treated fairly and not taken down would be through the “news publisher” definition in 14(8)(a)(i), but most of those journalists will not sit under that definition, so they will have to go through what is set out in 14(8)(b), which is user content “for the purposes of journalism”. It will be incredibly onerous for a journalist to have to demonstrate to a platform that their content is for the purposes of journalism, so this Bill could potentially suppress further content. I know that is not the intended design.

However, if it was to strengthen and build out terms of reference for what that purpose of journalism meant, provide guidance to platforms that said, “This is the type of content that we intend to be supportive of,” and then lower those barriers to access in order for them to have fair advantage in the market, that would be beneficial.

Q174 **Chair:** Michelle, does it frustrate you sometimes—I am not referring to the particular journalists I have just spoken to Lexie about; I am talking more domestically now—that there is a growing phenomenon of people who say that they are journalists, as such, but are, strictly, political activists, on any side of the political spectrum, and are trying to piggyback off other brands by having a close association with them?

I am talking about things like the fake newspapers that come out at election time and that sort of thing, which we see on occasions. More generally, it is about the growing phenomenon of websites or Facebook pages that say they are journalism but are made by activists. That is not particularly helpful to the trade of journalism.

Michelle Stanistreet: It is concerning where that content is being created in a way that clearly runs counter to established codes of



practices and ethics. That is where our code of conduct and other codes out there are so important. The role that they play is so significant.

Q175 **Chair:** With respect, Michelle, if they are not members of the NUJ, what does it matter about the code of conduct in relation to them? How do you ensure that the writ of your code of conduct runs more widely than it does at present?

Michelle Stanistreet: Outwith of the NUJ, do you mean?

Q176 **Chair:** Yes. I am not talking about NUJ members. These people would not dream of being members of the NUJ. I will give you an example of this. Within my constituency, I have a particular page that has a very close name relationship with Birmingham Live, which is part of Trinity Mirror, or Reach as it is now. Birmingham Live is a fantastic page, in many respects, and does a great deal of work. There is a version of it that is piggybacking off it, which is written by quite an extreme political activist who has stood for election for a particular party. They fold together community reporting with very specific and very biased political reporting. For me, it is a confidence trick. That is the sort of thing that Members come across all the time throughout the country. These people purport to be journalists, but they are not. Where does freedom of speech end and respect for our processes of democracy and how we interact with journalists begin?

Michelle Stanistreet: That is why it is going to be so challenging to make decisions and judgments about what is journalistic content. In a sense, the Bill is the standard and it is going to be incredibly difficult for it to be navigated in a way that is genuinely able to be scrutinised, is fair and is consistent, when it is going to be down to judgments that private companies are going to make. That is one of the big issues that we have.

I do not know the outlet that you are referring to, so I will not comment on that. We have certainly seen over the past 18 months, not least because of the nature of the definition of "news gatherers" and the ability for journalists to be out and about doing their job as a news gatherer through the lockdown, increased numbers of individuals and activists, particularly around the sphere of anti-vax and anti-lockdown protesters, who have sought to establish themselves. They purport to be working journalists and to have set up all these outlets to try to access press passes.

Q177 **Chair:** It is not just anti-vax though, I have to say. It is also quite extreme in terms of the environment, et cetera.

Michelle Stanistreet: It is a particular niche of people. Some of the activists who have been particularly audacious in that are people who have a history in the far right. We have seen a proliferation of that kind of activity over the past 18 months, and finding ways to circumvent that is important. Raising awareness about content, what is journalism and what is ethically produced is an important part of the media literacy work that the Bill points to as well.



Q178 **Chair:** With respect, it is not just a far-right issue; it is a far-left issue as well, in my experience. If you want to have a very sad evening, put your own name into Google and see what happens. You will find institutions that have names that sound very reasonable, but they are not news publishers. They are activists who are gaming the system in that respect. They are gaming journalism in order to get traction. Lexie, do you have any thoughts on that?

Lexie Kirkconnell-Kawana: Your example is incredibly poignant. Under this Bill, all that the Facebook group that you are referring to would have to do is set up a registered business address, and say that it has a code of conduct that it applies and a complaints policy. All of a sudden, it would be exempted under this Bill. That is why the Bill, which will create a new definition in law about what a recognised news publisher is, is so significant. Why not bake into that higher standards and accountability?

IMPRESS regulates an incredibly wide range of actors, but anyone who goes on to an IMPRESS-regulated website knows that they apply the same standards across the board and that, if they get it wrong, there is an oversight body that will independently investigate it and has powers to instruct remedies.

Under this Bill, this creates a new, lower threshold that might, in fact, drive publishers further away from established systems of self-regulation and towards this de minimis requirement, where all you have to do is publish this code of conduct or this complaints policy, which does not require any enforcement. I have no redress, if I am a member of the public and I see this Facebook group that is purporting to be a news publisher, if it is exempted under this Bill and meets this definition.

Again, a quick win for this Committee would be to ensure that, in order to meet this threshold for exemption and the definition of “news publisher”, you need to meet certain standards, and there needs to be oversight and enforcement of those standards. The examples are incredibly important because that is the status quo. There is a large number of unregulated news websites purporting to be journalists operating in the market.

If you are going to create a new definition for what news publishers are in the UK, why not bake standards and accountability into it, in order to ensure that people can distinguish between news publishers that are operating in the public interest and are accountable, and those that are purporting to be? This current definition would exacerbate the problem that you have set out.

Q179 **Simon Jupp:** Lexie, earlier on and just now, you were talking about, for example, registered addresses and other mechanisms that mean that a business can seem to be or be legitimate, and some of the complaints and concerns about this particular Bill; I want to focus on local news. We have seen an erosion of local news in the last couple of years, with the exception of the Local Democracy Reporting Service, which has done a great job of making sure that local democracy is sufficiently covered in



local newspapers, where they still exist.

Do you think that this Bill could provide better protection for local news? There are some sites, as the Chair has talked about, that are not local news but local activism, but there are others that are run by one person who is literally dedicated to providing local news for a community. They should be applauded for what they do. What can this Bill do to protect those people who want to uphold the highest standards of journalism and still provide the local news that our communities want, deserve and should read?

Lexie Kirkconnell-Kawana: Again, it comes back to the definition. It comes back to the fact that the “recognised news publisher” definition does not imagine those local journalists you have in mind as being those who should be protected under this Bill. I do not think that the exemption should be abandoned. It needs reimagining. Having a registered business address or not does not impact on whether the journalism you are doing for your local community is of quality and of value, and is meaningful to that community. Rather, because many in the independent sector will not meet this exemption, they are likely to be subject to the over-regulation and the over-cautious censorship that we are concerned platforms will start doing to those who do not meet these definitions.

In terms of the broader impact on the industry, it is correct that these definitions, if they were to take effect and work through themselves in the market, could drive down standards, because a lot of those users would be competing with other content users instead of with their fellow journalism sector. The fact is that social is the principal means of distribution of all sorts of content—infotainment, entertainment, et cetera. If journalists are having to do these onerous tests to say that they meet these “purpose of journalism” requirements to platforms, they are taking resource away from what they are doing and, instead, trying to work through a system and compete with the engaging, sensationalist sorts of content that we see on platforms. It is going to be really difficult for them to distinguish themselves in this content-saturated market.

In order for them to compete fairly with those established brands that have market dominance, this Bill should bear their constitution in mind and the work that they are doing, and elevate it in its definitional capacity.

Q180 **Simon Jupp:** Michelle, do you have anything to add to that? My concern is that local news could be impacted, although not necessarily deliberately, by this Bill. We do want to protect that content that is on your street, so to speak.

Michelle Stanistreet: Absolutely, those journalists who are manning those hyperlocal outlets and community newspapers and news sites are the very ones we should be supporting. We should be finding ways to allow the work to sustain itself. Ironically, they are often journalists who have lost their job at a local media group or a local or regional



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newspaper, and they set their own business up to try to bridge that gap and make sure that we do not have increasing numbers of news deserts where nobody is operating as a local reporter, reflecting what is going on in those communities. It is a missed opportunity.

I agree with what Lexie was saying in that this is a chance now to re-imagine that exemption to make sure that they do not miss out. They are a critical part of the journalistic landscape. It would be important for this Bill to acknowledge that and to find a way of sustaining the important work that they do.

Q181 Simon Jupp: Is there a risk that, as a result of what we are discussing now, more local journalism could turn into clickbait local journalism? There is only a limited amount of clickbait you can do on pothole repairs, but it could still be a legitimate concern. To try to keep up with the market, you sensationalise in order to create clicks on your website. Could this be one of those unforeseen circumstances as a result of what we are talking about?

Michelle Stanistreet: Even as things stand, it concerns a lot of our members who work in the local and regional press. They feel that a disproportionate amount of their effort and work is focused on the clickbait kind of approach rather than on quality news and what they would see as the more core journalistic issues in their patches. Anything that would serve to further increase that threat would be concerning.

Our members who work in local communities do so because they are really passionate about reflecting what is going on in those communities and serving those communities. We want to see an increase in the number of local news outlets, because they have been decimated in recent years. We want to find ways of improving the penetration of those outlets and not to see more fall foul to the same practices that have undermined that sector.

Q182 Simon Jupp: Lexie, is local clickbait more of a concern for you as well?

Lexie Kirkconnell-Kawana: Yes, certainly. What is at stake here is the fact that it is really difficult to reconcile high-quality journalism with the business of social. This Committee has heard a lot about the business of social, which is that it prioritises evocative, sensationalist, emotionally driven and highly personalised content. In order to be accurate and reliable, journalism sometimes needs to be slow. Sometimes, it requires resources and investment. It cannot be sensationalist. It has to be either objective or fair. Sometimes, it has to challenge our worldviews. Sometimes, journalism makes us uncomfortable because it threatens the belief systems that we hold by presenting factual information.

There is this tension between the business of social and the business of news. If you require journalists to demonstrate to platforms the value of their journalism and why their journalism is journalism, and if you are putting that onus on them, it is really difficult, because you are putting



platforms in a position where they have to align their duties to journalism with their commercial interests, which they would struggle to do.

Why would we create a piece of regulation that not only disincentivises quality but requires locals to compete in this very unfair space for attention, when we could design a Bill that is much more aspirational and that encourages higher-quality journalism, fair competition and media plurality? As Michelle says, this could be a missed opportunity, when this Bill could have a significant impact on the sustainability of the local market.

Q183 **Chair:** One thought that occurred to me, Lexie, when you were talking about codes of conduct, is whether the Bill could lead to licensing by the backdoor.

Lexie Kirkconnell-Kawana: To be honest, the Bill already does this. The fact is that, when a Government body is mandating what are less legitimate or respectable journalists, that is, effectively, licensing. Where we want to get the balance right is to avoid the lists or indexes of who are acceptable journalists and news organisations, and to put it back to the industry to reconcile: have you demonstrated that your content is journalism, that it meets certain standards and, thereby, that you can seek to benefit from this exemption?

Q184 **Chair:** So the idea is that those bogus pages that I was talking about earlier, which I imagine most Members around this table have seen some form of incarnation of, would then, instead of designing their own code of conduct—which, frankly, could be virtually non-existent—have to have one that would be recognised widely in the industry as bona fide.

Lexie Kirkconnell-Kawana: Yes, certainly. Even if they do not adopt a recognised one, there could be some terms of reference or parameters about what the codes of conduct need to include. They need to include being accurate and being transparent about their interests, their values and their mission statement. There are ways that you could design this to ensure that, even if they do not adopt a code of conduct, they at least adopt certain standards of journalism within the code of conduct.

Most importantly of all, it is not just having a code of conduct, but having one that is accountable, so that, if you breach those standards, there is some accountability mechanism in play. That is where our issue as a regulator comes into this: even if they design or adopt recognised codes of conduct, who is to enforce them? Who is to say that they are complying with them? I would like to see some mechanism, by either review or exemption, to ensure that they are being accountable to the codes of conduct that they are ascribing to themselves.

Q185 **Chair:** Respect around election time is also a very important point. There has been a lot of talk about misinformation and disinformation at election times. It might be on a large scale or a very small, local scale, where you have individuals who perhaps have a very particular outlook and, frankly,



may even be standing for election but do not declare that fact at election time. Our election laws are, frankly, not remotely up to speed in that respect. For something like that, is this the right framework to do that in, or should that not be specifically through election law?

Lexie Kirkconnell-Kawana: Specifically on the issue that you are describing, it is around how you get redress effectively and in time. While there may be inaccurate information around an election, if it is allowed to stay up on the platform and perpetuate during that cycle, the harm occurs by there not being adequate redress to get that corrected or taken down, or more reliable information posted in the interim. That is why, again, having a complaints policy alone is not efficient. It should be a quick and effective complaints policy, whereby you are able to get redress effectively.

I do not think that the issue is necessarily localised just to elections. It is a wider issue. In a pandemic, you need effective messaging about public health information. In an emergency or a crisis, you need to signpost, quickly and effectively, accurate and reliable information. The definition in the Bill does not require speed or effectiveness as part of a complaints policy. Again, I would like to see the terms of reference expanded so that, in order to qualify for and benefit from this exemption, you need to have speedy responses to complaints when they are brought to you, and quick and adequate redress available as well.

Q186 **Alex Davies-Jones:** Thank you, both witnesses, for joining us today. Michelle, you talked about how part of a journalist's role now is that they need to be online and on social media, engaging with the public and the platforms. Sadly, what is seen as part and parcel of that, as with anybody in public life, is also the abuse, violence and threats of violence that they get as a result of being on social media. We heard previously from female sports journalists in particular about the levels of abuse and threats of violence that they receive on social media. Is this an industry-wide trend or something confined just to specific forms of journalism such as sports journalism?

Michelle Stanistreet: The issue of the safety of journalists is hugely concerning to the NUJ at the moment. It is something that we have put a lot of work into campaigning around and raising awareness of, because the incidents and attacks are absolutely on the rise throughout the UK. We are also seeing similar patterns elsewhere around the world, with incidents of harassment and abuse against journalists.

You are right to point out the experiences of women. Certainly, one of the trends that we can clearly map is that they face disproportionate levels of abuse when compared to their male colleagues doing similar roles in the same patches. They absolutely face more abuse and harassment, as do black and minority ethnic journalists. It is not confined. There are pockets where we see higher levels compared to other parts of the wider industry. Sport is an example, as is politics. It is something that we are seeing happen in local news to local reporters.



We had a terrible case that you may be aware of. During the lockdown period, Amy Fenton was working for a local newspaper in Cumbria and had to flee her home. The police came and said that they had credible information of an attack against her. She had to leave her home with her child during the lockdown period and hole up in a hotel. She was harassed. She had more than 100 death threats and threats against her young daughter. There were threats to slit her throat and set her on fire. These are the most egregious forms of threats and abuse, which are clearly designed to intimidate journalists and put them off carrying on with their work.

Q187 **Alex Davies-Jones:** That is horrendous to hear and I am so sorry for the journalist involved. Do we know of instances where journalists are leaving the profession as a result of the violence and harassment that they are facing on a daily basis?

Michelle Stanistreet: In terms of the survey work that we have done, we had a major all-union survey about a year ago now and are about to embark on another one under the auspices of the Government's National Committee for the Safety of Journalists, so it will be interesting to track the trends.

From the journalists we speak to and anecdotally, it has made quite a lot of journalists leave, move to a different patch and stop covering the type of news that they had been covering previously, because of the levels of abuse. We have had journalists who have left the industry altogether, and many more who say that they are considering it, because of the anxiety and strain it is putting on them on a day-to-day basis, as well as the impact on their families, particularly when individuals are on the receiving end of particularly extreme threats and abuse.

It is not that it is more acceptable if it is confined simply to threats coming through your social media, to your email or on your computer screen, but we see cases where that migrates to in-person harassment, abuse and stalking. That impacts not just on them individually but affects their family and children as well.

Q188 **Alex Davies-Jones:** I have one more question for you, Michelle, which is on anonymity. We have heard a lot recently about anonymity and whether anonymous accounts should be banned from social media. We know that a number of journalists rely on anonymous accounts as part of their work and role. What is the view of the NUJ on whether we should have a blanket ban on anonymous accounts on social media?

Michelle Stanistreet: We would not support a blanket ban, for the reason that you just explained. There are issues where more needs to be done when anonymous accounts are used by people to carry out abuse and harassment, as we were just discussing. We would like speedier redress and for those accounts to be taken down when they are publishing threats and harassment, but we would not support a wider blanket ban.



Q189 **Giles Watling:** I want to follow up on Alex Davies-Jones' questioning to you, Michelle. You wrote a submission from the NUJ that said that only 34% of respondents reported abuse to social media platforms, while 80% said that reporting abuse made no difference whatsoever. Are your members engaging with social media platforms to flag up instances of harmful content?

Michelle Stanistreet: There certainly need to be more engagement. When we pull together small groups of people who have experienced abuse and harassment in this way, they will often say that, when this first started, they tried. They made efforts and endeavours to get the platforms to take this seriously and to deal with it. It was their expectation that that is what would happen. Their experiences of being given the run-around, of not having responses, of it not being dealt with properly and of there being no meaningful outcome that has dealt with it have led them to lose faith in the will or ability of the tech companies to do it. Journalists talk to each other, so that has a wider ripple effect around newsrooms in terms of what one should do when in that situation.

In recent months, we have tried to encourage journalists to report these instances of harassment to their employers and to the police. Again, past experiences have led many to believe that there is no point.

Q190 **Giles Watling:** It is this old thing: if you do not make a fuss, you are unlikely to get improvement. You say you are encouraging them; what exactly are you doing to encourage your members to get back to the social media platforms?

Michelle Stanistreet: We have been engaged in a campaign around the union over the past year, partly as a result of the work that we are doing on the national committee. First of all, we are getting information and evidence from individuals about incidents and asking them to share that with us and to formally raise that with their employers. We are asking them to start logging things with the police and, if they have an unacceptable response, to come back to us, so that we can log these cases and create more data.

We are also in the process of working on a safety toolkit, which we are hoping to launch at the end of this year or the beginning of next year, and which will pull together lots of different practical tips, advice and guidance that is out there, as well as some new information and guidance that we will disseminate across our membership. It is part of the national safety committee work, and the industry has also committed to playing its part in getting this higher up the agenda, taking a step back, stopping this normalisation of harassment and abuse, and making journalists think twice before just getting on with the job and putting up with it.

There is a combination of different things that we are doing, which we hope will start to disrupt the culture and lead to higher rates of challenging tech companies, reporting to police and making sure that employers are doing absolutely all they can to support any of the staff



and freelance correspondents when they find themselves in this really difficult and stressful situation.

Q191 **Giles Watling:** You sound slightly optimistic inasmuch as you feel that the industry is now beginning to respond. Is that right?

Michelle Stanistreet: There has certainly been some improvement and some engagement around this as an issue. Another missed opportunity and a weakness in this Bill is the exemption that covers below-the-line commentary on news publisher websites. They are areas where the abuse and harassment of journalists is allowed to proliferate completely unchecked, so it makes no sense to me for that content not to be brought into scope in this way.

Sadly, from time to time, some of these areas are a complete sewer. Our members report that it is a very challenging part of their job seeing some of the stuff that is written about them or the work that they do. It goes way beyond criticism of their writing or their perspective in any way. It is unbridled misogyny in many instances.

Q192 **Giles Watling:** I suppose that this could go one of two ways, really. It could either make people just walk away and not want to be involved, as Alex Davies-Jones spoke about earlier, or it might toughen them up and make them want to take on the fight. Would you agree with that?

Michelle Stanistreet: I do not think that journalists need to be toughened up. I do not think that anybody should be expected, as part of their job, to be subjected to abuse, harassment, vile threats or sexualised threats of violence. Nobody should have to do that, and nor should journalists. Some of the below-the-line comments are there as part of engagement with the audience. If somebody put pen to paper and wrote a letter to a newspaper espousing the same views or sentiments, that would never meet the threshold of publication. I do not see the rationale for that being allowed to sit there on the website of any news outlet in the UK for all to see. It is not acceptable in the round, but it is certainly not acceptable to put your employees and freelancers in that position.

Q193 **Giles Watling:** Absolutely. I would like to move on to a question for Lexie on a subject you were discussing earlier. We have been talking about journalism, but what about things that are or claim to be outside journalism? I want your opinion on what this Bill might do or might not do. For instance, I think it was 1986 when a chap called David Sullivan published a paper in this country called the *Sunday Sport*. It was famously fictional and featured topless women. It was a rag. It claimed in its statement that it did not publish journalism. However, back then, pre the internet, such publications still had an effect, and that publication is still around and is still online. Do you think the Bill is going to do anything to bring those sorts of publications into line?

Lexie Kirkconnell-Kawana: Absolutely not. I do not think that the locus of the Bill is on those platforms. In fact, it would not even be a question if news publishers did not host the below-the-line comment sections that



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Michelle is talking about. The focus of the Bill is user engagement, and platforms and category services that feature user engagement. The only reason we are sat here today talking about news publishers and journalism is that a lot of news websites host forums and comment sections that would amount to user engagement, which is in scope for this Bill. With the example you have offered, unless they had a function whereby below-the-line comments could be hosted on their online site, this Bill would not address it at all.

This is a broader issue. This Bill is supposed to be a watertight example of the UK being the safest place online, but it could, in effect, create gated communities, whereby, if you are on a social media platform, it is required to meet certain standards and to be subject to oversight; leave the platform and those protections fall away. It may mean that users feel safer on social platforms than on third-party news websites, which is a significant issue, existentially, for us to resolve here.

On the point that Michelle is making, we support all of the initiatives that the NUJ is leading on in this area, particularly with respect to harassment. She raises these below-the-line comment sections. That is the trigger and why news publishers may be in scope for this Bill.

There is no legal backstop. If you were to go on an unregulated news website before and after this Bill took effect, there would be no redress. There is no ready-made legal route for you to seek redress for the harmful content that perpetuates there. There is no UK case law and no newspaper has ever been found liable for the below-the-line comments on these sections. As Michelle says, there are plenty of examples out there of this type of rife abuse that we see.

Q194 Chair: To be fair to newspapers, they do, for example, disable a lot of content in comment sections. They are already very stretched financially, as we well know, probably thanks to our friends at Google, Facebook and YouTube taking huge shares of the online advertising market and, frankly, making our newspaper models unsustainable. How do they pay, realistically, for moderation when it comes to the comments sections?

Lexie Kirkconnell-Kawana: While there is some moderation on some news websites, there is no standardisation across the industry, so you cannot expect that, going from one website to another, they will have the same moderation practices in place and that there will be the same level of redress available.

The reason why a lot of news websites allow commenting on their sites is not just about user engagement, but that they are competing directly with the services that have been wrestled away from them by news platforms. A lot of people now will not go to their local newspaper for car sales or public notices; they will go to social media platforms and their local Facebook group to find out that information.



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The question of sustainability for the news sector is one that we are still trying to reconcile, given that its business model has been wrested away. The question that we direct to our publishers is why they need comment threads on certain particularly contentious or controversial articles. That is an issue for the sector to resolve itself.

Chair: I suppose the issue is that controversial and contentious articles are ones that people read and, therefore, the ones they want to comment on. You end up in a situation where it breeds interaction in that respect.

Q195 **Clive Efford:** You have set out quite clearly your views on the Bill and where it may result in a cautious approach from some media services. Guardian Media Group, for example, warns about over-blocking and censorship. Why do you think the industry has a contradictory perspective on the impacts of the Bill?

Lexie Kirkconnell-Kawana: I do not think we have a contradictory perspective. We see harms flowing in both directions. The Bill could be overcautious and over-censorious, because platforms are the ones that are having to make these censorious decisions. Despite the fact that we are designing statutory regulation to oversee them, we are still delegating a lot of power to platforms to make the decision for us, the public, in terms of the news that we see.

As I said, it can also flow in the other direction, in that you have these vast amounts of unregulated news space, where harm could perpetuate in that direction as well. They are not contrary. It is about the emphasis and weight that you give to both of those points. I would like to see the Bill designed in a way that is holistic and mitigates both of those harmful impacts.

Q196 **Clive Efford:** What are the key areas of disagreement within the industry in terms of how misinformation and disinformation is treated by the Bill? What are the key disagreements and agreements?

Lexie Kirkconnell-Kawana: There is probably a narrow represented interest, which is interested only in having its content served up as the reliable source of news online, whereas there is a wider sector conversation about people who do not affiliate with a particular news group also being able to contribute to journalism and to the sector. That is one point of contention.

The other point of contention is how those platforms then treat those news brands. If there was a level playing field, where all journalism was up for grabs to be served, subject to some positive duties under the platform, that would threaten the commercial interests of some particular news groups. That level playing field is an opportunity for us to reimagine the information ecosystem.

Q197 **Clive Efford:** How do you think the Government came to the view that they have on the Bill? Is there any way that the industry could, for instance, come to a consensus to assist the Government as to which



direction they should go with the Bill?

Lexie Kirkconnell-Kawana: We sat with DCMS back in April 2020 and I wrote to DCMS after that meeting. It felt like there was consensus at that point.

Q198 **Clive Efford:** Consensus between you and the Government or consensus across the industry?

Lexie Kirkconnell-Kawana: Consensus across that group. It has been a long tale and I feel like the engagement at this point has fallen away. We would like to see a further opportunity to engage, to workshop and to bottom out some of these issues, so that there can be wider consensus across the industry.

Q199 **Clive Efford:** Do you think that that is achievable?

Lexie Kirkconnell-Kawana: I think it is.

Q200 **Clive Efford:** Michelle, you may want to come in here as well. To what extent are online harms exacerbated by the economic impact of big tech on traditional media?

Michelle Stanistreet: There is a relationship there. Also, just to follow up on what the Chair was saying in relation to the economic strains that the industry finds itself in and how they could bear the cost of additional responsibilities with regard to moderation, that is looking at it the wrong way round. Just because there might be people out there who wish to engage with a news outlet in awful ways in below-the-line threads, it does not mean that they should be allowed to. There should be minimum standards about what should be expected and what can be published on any site like that.

In terms of the bigger picture challenge about the sustainability of the industry, that is also another missed opportunity. The real challenge here is about how we fund journalism and how the industry can sustain itself into the future in a more reinvigorated way, one that prizes the public interest in content and news that is created. The tech companies should be playing a part in that. They have had it on their own terms for far too long and have absolutely upended and appropriated the business model. It is high time that they paid their fair share.

The NUJ has a "News Recovery Plan" policy paper that sets out all of our suggestions in this regard. That is why we believe the tech companies should be levied. There should be an ongoing contribution from them, whether through the digital services tax or some other mechanism, to ensure sustainable funding for the future. You could set aside having to compromise on standards, how you allow your staff and freelancers to be treated and whether you allow abuse to go unchecked, and have positive standards and adequate resources in place to make sure that that does not happen, while trying to balance the needs of engagement with your audience.



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We need to be looking at how to make sure that journalism, and local and national news, can survive in a healthy and well-resourced way, because it is too important a sector to be left to the vagaries of the market. We have seen that very keenly through this period of the pandemic. In a public health crisis, we need to have news and information that can be trusted and that is impartial and diverse in its range. We need a plural media. We need greater plurality. We need outlets that can sustain themselves now and in 10 or 20 years' time. The industry is probably in its most fragile position, at a time of greatest need for us to have it.

Q201 Clive Efford: What is your view on whether this economic impact undermines the ability to deliver an online safety regime?

Michelle Stanistreet: There are people who can speak much more authoritatively about the way in which the tech companies operate. There is a lot of focus through this Bill on content and the powers to take content down, and how those decisions are going to be taken and can be scrutinised, whether that is through some sort of digital content locker that journalists can access to make sure that we are scrutinising that decision-making and it is moving to self-censorship, but it is also about—sorry, I have lost my thread. My signal keeps going down.

Q202 Clive Efford: Don't worry. You mentioned the impact of big tech on journalism. What could the Government do to secure the long-term future of journalism and respond to the challenges of the big tech companies? Specifically, what is the NUJ asking for?

Michelle Stanistreet: We would like to see a funding mechanism devised to fund, in a hands-off way, public-interest journalism going forward into the future.

Q203 Clive Efford: Is local journalism a special case?

Michelle Stanistreet: Local journalism is a special case, given the important role it plays in communities and that it is particularly imperilled. Out of the wider industry, it is probably most at risk. We have seen the number of journalists and resources within local newspapers and titles diminish to very alarming levels. Feasibly, without additional support, we could see many more newspapers shut up shop, which would have such a detrimental impact on our democracy that we should not allow it to happen.

We have looked at and proposed a package of tax credits in our news recovery plan, which would be particularly aimed at local and regional news, securing additional resources and tax perks for frontline journalistic jobs, as well as acting as a stimulus for local advertising and online subscriptions, whether to a print product or a digital title. We need to be looking at more inventive ways of sustaining and bettering the density of local news outlets that we currently have.

Chair: Lexie and Michelle, thank you very much. It was really interesting



evidence today. We are going to take a short break before we start our second panel.

Examination of Witnesses

Witnesses: Iain Corby, Julie Dawson and Till Sommer.

Chair: This is the Digital, Culture, Media and Sport Select Committee. This is our second panel of witnesses in our hearing on online harms and online safety. We are joined this morning by Iain Corby, Executive Director of the Age Verification Providers Association, Julie Dawson, Director of Regulation and Policy at Yoti, and Till Sommer, Head of Policy at the Internet Service Providers Association. Iain, Julie and Till, thank you very much for joining us this morning. Our first questions are going to come from Simon Jupp.

Q204 **Simon Jupp:** I want to start by asking you where your organisations fit within the digital economy and online safety regime.

Iain Corby: Thank you for having us here today. I represent about 22 age-verification providers, which includes age estimation—the two types of technology that, in combination, are now being termed as age assurance and provide, therefore, an ability to assess somebody’s age when they are online. There is a very famous cartoon of two dogs using the internet, and one says to the other, “It’s great. On the internet, nobody knows you are a dog”. The problem that we have is that, online, nobody knows if you are a child. I suspect that, in five years’ time, we will look back at the days when there was no universal age assurance online with the same sort of astonishment as if we let kids walk into casinos and strip clubs without challenge today.

Julie Dawson: Thank you, likewise, for the invitation. I am from Yoti, a digital-identity company. We were founded six years ago to look at how people can prove either their age or their identity, either face-to-face or online. We work across a wide number of sectors. We enabled over 550 million age checks to be undertaken in the last couple of years and have a whole range of ways for people to prove age, but always just proving the fact that they are a certain age or over a certain age. I am happy to go into more details on those. We span both identity verification and age verification, as well as just sharing a data-minimised age.

Till Sommer: Thanks for inviting us today. ISPA represents about 150 companies, many UK-based, which are generally involved in providing internet access or connectivity services to consumers or businesses across the UK. Some of our members are large household names that you might use in your household, and others are more specialised providers. We have a lot of start-ups in our association as well. It is worth saying that a lot of our members, both large and small, are involved in building gigabit fibre networks across the UK and so,



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hopefully, they are coming to your constituency quite soon or may even be there already.

That being said, in terms of online safety and the digital economy, given that our members are on the access side of the value chain—I can go into more of that later—they fit within the Bill that we are discussing today mainly in the enforcement regime rather than the content-regulation regime. There are important reasons for that.

In the UK, we are starting from a fairly high base in terms of where we are with online safety. That is largely due to action that has been taken by a large chunk of our members over the last 10 to 20 years around supporting the IWF, offering parental controls to parents in their households and supporting online safety regulation, so a lot has been done on the access side. The Bill expands responsibility and regulation into other parts of the online value chain and I am more than happy to talk more about that later.

Q205 Simon Jupp: I am sure we will explore that throughout this session. Going back to you, Till, what concerns, if any, do you have about this draft Bill and its impact?

Till Sommer: That is a very broad question. Broadly speaking, the idea of the Bill is probably the right one. I mentioned the value chain and it is worth going into that briefly. I will try to keep it super-simple—probably too simple. Essentially, in order to connect you to the internet, a website or a bit of content, there is a whole range of devices, services, companies and associations. Lots of stuff is involved in that, but you can simplify that by saying that there are companies and services that provide access to the internet and those that provide or host content on the internet. The Bill expands and extends regulation into that content side and makes it more responsible for the stuff happening online. That is a very good idea.

The other very good thing about this Bill is that it does not focus on regulating individual pieces of content, but rather looks at safety systems, procedural accountability and outcomes. All those things are really good.

You then need to look at the detail, and there are lots of problems in parts of the detail. First, we would like to see more clarity around the enforcement side of the Bill. As I already said, our members will be covered by the enforcement side. They are more than willing to engage in that and have done that in the past, but it is about providing more detail about how that might work.

There are also concerns around ways in which the internet architecture is being changed at the moment, which has a lot to do with encryption and changing how traffic travels through the internet. There is probably more to be done there to properly cover that, on both the content and the



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enforcement side. Ofcom will need to do a lot of work there to stay on top of really fast-moving developments.

Safety by design also comes into play there. You can do a lot online but the question is whether you do it with safety, security or privacy in mind—whether you prioritise one of those three or just say, “I am a responsible business, so I will combine all three and make them a priority for my business and for my business decisions.” Probably more could be done there around how the Bill might steer online companies into a more responsible way of structuring their services and business decisions.

Q206 Simon Jupp: Luckily, your neighbour Julie was nodding throughout most of what you just said. Is there anything you want to add in terms of any concerns you have about the Bill broadly at this point?

Julie Dawson: One point that is really clear is the element of standards. We would heartily endorse the Private Member’s Bill put forward by Baroness Kidron. A few years ago, we were part of the work of PAS 1296 that brought together an initial standard around age, and were also part of work developing a new ISO standard. That would be really good to refer to. At some stage further down the line, it might need to be brought up with the chosen regulator.

Another element that has concerned the industry is what is in scope. Quite a few organisations have mentioned the element with regard to adult content and whether it is in or out. Looking at the audit function of how organisations are viewed and independently audited, and the transparency around that, would assuage a lot of the concerns of privacy groups—if the standards are met, there is a registry of organisations that have been approved and there are clear routes for those bodies to be audited transparently.

Iain Corby: This was a very well-designed Bill when it was written, intended to tackle mainly social media sites. At that time, we were expecting the Digital Economy Act to come in and to regulate, under part 3, commercial pornographic sites, so there was no need to try to put it into scope. The Government now seem to be keen to allow Parliament to put pornography back into scope, rather than taking that decision for themselves, which is a good thing. We were pleased to see the current Secretary of State repeat what her predecessor had said to your Committee: that they did think that there was scope to add perhaps a third category of sites.

I would suggest that sites that carry a quantity of priority or primary priority content should also be in scope, regardless of whether they have user-to-user services. There was a massive loophole in the first draft, which would allow a pornographic site to simply drop its user-generated content and then be out of scope. When Mastercard withdrew payment services from the largest pornographic site in the world, that site dropped nearly two-thirds of its content within a week in order to try to get its payment services back. We are quite convinced that, given the choice



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between removing the ability for users to comment or upload their own content and having to implement age assurance, those large porn sites will simply drop the user-generated content and get out of scope.

I have two other quick points. One is on enforcement. Ofcom currently deals with a few telcos and a few broadcasters. We are dealing with millions of websites, so a process that requires you to go to court for each individual transgression and get a court order is not going to be fit for purpose. In fact, those in the adult industry will say that they are not opposed to age assurance itself, they just want it to be universally and simultaneously enforced across everybody. Otherwise they lose traffic to the non-compliant sites.

Finally, on the timetable, the audiovisual media services directive came into law this time last year, but Ofcom produced its final guidance only one month ago, and that regulates 18 video-sharing platforms. It is really important that the Bill includes a timetable and a deadline for Ofcom and the Secretary of State to present to Parliament the necessary documentation to move forward to real world impact.

Q207 Simon Jupp: Staying with you, Iain, you mentioned specifically age-assurance systems. Are they the only way to manage whether services can be accessed by children?

Iain Corby: It is the way I am familiar with in the sector that we work in. At the moment, you have a choice: either you make your website safe for everybody or, if it has any content that could be harmful for children, you need to apply age assurance. In a way, this Bill is a little bit behind the curve, because we already have, under the children's code—the age appropriate design code—in GDPR a very wide-ranging requirement for age assurance online. If you are processing personal data and there is anything that could potentially harm children on your site, you are required to put in place proportionate age assurance.

It is worth explaining that this is a very wide range of measures, from simple self-attestation—asking people to tick a box, which is what most people do at the moment and is not that great, because kids can tick boxes—right the way up to looking at the NFC chip within your passport and comparing that to a real-life picture of you that you take, to make sure that it is your passport and that you are the same person who conducted that age check.

This is where standards come in. We are moving from the BSI standard, which is already there today, to ISO and IEEE standards that will set, say, five standard levels of confidence, and we get regulators to then point to those, so that everybody knows, on an equal basis, the extent to which you need to check somebody's age, depending on that proportionate assessment of risk.

Q208 Simon Jupp: You are going through some of the ways that, for example, the current rules can be circumvented, but equally, any age certification



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or assurance system could be circumvented by someone if they wish to do so. Is there any way round that? Is there any way of stopping this, or not really?

Iain Corby: It is a trade-off between the interruption to the user experience and the rigour with which you do an age check. I could ask you, every time you log on to the parliamentary website, to take a selfie, which I would then compare to the passport picture that you had previously uploaded when you were first appointed to be a Member of Parliament, to make sure that you are the person sitting in front of the computer.

Simon Jupp: I have aged badly over the last two years, so you might not recognise me now.

Iain Corby: I will let Julie speak to the accuracy of these techniques, both for recognising you and for estimating your age, if that is what you want to do. Of course, estimation allows you to prove your age without even disclosing any part of your full identity—no name and no address. You are simply showing your face to the camera. That is possibly needed for buying an offensive weapon online, for example, whereas for accessing an adult website, if we have checked you once based on a selfie or on uploading your name and address details, and you are the same person on the same computer, with the same token on the computer, regulators might say that that is okay. We do not take a view on the level to which assurance needs to be conducted. What we say is that you can have your pick and take into account the regulatory burden of each of those options.

Q209 **Simon Jupp:** Julie, is there anything you want to add to that in terms of any concerns you might have about how these can be circumvented or what that Iain has just said about the ways in which this could be implemented?

Julie Dawson: It is worth looking at what today's world is. We know that, in every country around the world, there are identity documents, with higher and lower degrees of security. Looking at an average person recruiting someone and doing a face-to-face check, have they been trained to review identity documents from 190 countries around the world? Are they equipped with sophisticated technology?

We have developed over the last years a whole range of techniques. What sites can do is work out, "This is the risk profile; this is the service—what are the options that I should provide to consumers?" and work out what, for that geography and that use case, works best for them. That is a reasonable way forward. The consumer has choice, the sites have choices that, hopefully, have met approved standards on both the privacy and the security side, and that is a rational way forward.

Through the AVPA, there are now a range of market organisations that meet these levels, adhere to a code of conduct and meet the GDPR privacy requirements. It is worth regulators understanding what the



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issues are with each approach, and we are happy to engage in that transparency.

Q210 **Simon Jupp:** Could Ofcom be part of the process of, for example, judging whether a solution is effective and proportionate?

Julie Dawson: It is interesting to look at the precedents around the world. How Germany has approached this issue is very interesting: they have two bodies that look at age assurance and they appoint experts to review approaches. They have almost a trust registry. These are organisations that have undertaken a review and met a certain bar.

That type of approach is developing in the UK. We have a UKAS-accredited auditor, the Age Check Certification Scheme. Organisations can have their approaches reviewed, and companies and relying parties can look at what approved mechanisms there are. That is the approach going forward that can be open to inspection by civil society, regulators, Government, elected representatives and the public.

Iain Corby: We certainly favour what could be described as co-regulation. In the world of data protection, the ICO has the ability to approve certification schemes, which creates an army of auditors who go out and talk to companies about their compliance with data protection. Unusually for a sector, we are very keen on being regulated. We have a code of conduct of our own at the moment, which broadly reflects Baroness Kidron's Bill. We have endorsed that Bill and we would be in favour of raising standards.

The purpose of age verification is to be able to prove your age online without disclosing your full identity. We are in a trusted position with that data. Many of our members do not retain any personal data; once they have done the check, they just remember you as person 123 and the fact that you have a particular date of birth. But we do need to be carefully reviewed.

If there was any criticism of the Digital Economy Act, it was that under it the regulator had to create that certification scheme without a statutory basis. If there is one change we would implore you to make, it is to make sure that Ofcom has the ability to approve certification schemes for age verification.

Simon Jupp: Till, is there anything you want to add to the panellists' concerns?

Till Sommer: Around age verification, our members are ill-suited to do that, because they are at the very first bit. They connect you to the internet. They know that you might have taken out a contract but they do not know who is using your device in your household. It could be any member of the family or a friend. That is worth saying at the start.

The other bit around age verification that is potentially really interesting is that it speaks to another concept that we have always asked for in



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online safety regulation, which is to push regulation as close to the content that you want to regulate as possible. The closer you get to the content, the more control you have around what happens to it and the more granular you can be in making interventions. Age verification would be one way of ensuring that an age check takes place as close to the content as possible, and takes into account the person who is accessing that content at that point in time. For that reason, it is probably a useful tool as part of this overall framework.

Around the ability to circumvent this, that applies to almost any online safety measure that you can put in place. In the past, it was really difficult. Nowadays, it is a lot easier to circumvent online blocking and filtering, and the same will be true for age-verification measures. That should not stop us from trying to put these tools in place, because they will still catch the majority of users.

Simon Jupp: I know that the Committee will explore some of the things you have brought up further in this session.

Q211 **John Nicolson:** Thank you for joining us. I want to talk about Snapchat. Perhaps I could start off by asking you if you could explain what geolocation services are, Mr Corby.

Iain Corby: Geolocation is the ability to understand where a user is when they are online.

Q212 **John Nicolson:** What particular problems do you think that poses for parents concerned about their children using those services?

Iain Corby: We have worked in our days with children's charities that are concerned about a number of online risks. In particular, the ability to locate a child and know where they are at any point in time, perhaps with a view to meeting them, is a serious problem. One thing I always like to remind people with age verification or assurance is that it is not just about checking that somebody is an adult and keeping children out. Sometimes, we want to keep adults away from children. This is a point that Minister Damian Hinds made to the Joint Committee last week.

Q213 **John Nicolson:** Ms Dawson, what problems do you identify with the maps that are used by Snapchat?

Julie Dawson: Currently, we have not worked specifically with Snapchat. The angle that I am aware of is that those sites can, at the moment, require minors to disclose their geolocation. One of the key things with the age appropriate design code is that, once you know it is a child, you can then know to not enable geolocation. That is one of the reasons why we have extended our facial age estimation to the under-13 age group, working closely with the ICO. We have heard that organisations want to avoid that, in the same way that they do not want to have five-year-olds streaming to 50-year-olds. If they know the ages of their users, they can develop age-appropriate services. There has been a range of things highlighted in the age appropriate design code on that side.



John Nicolson: Any of us could understand the deep concerns that parents are going to have about how easy it is at the moment with this to identify where their young children are.

Julie Dawson: Absolutely. You want to ensure that, for all minors, geolocation is turned off, in the same way that nudge techniques, inappropriate advertising and inappropriate contact, conduct or content should be turned off. That is one of the key reasons why providers have been looking at what mechanisms can enable sites to meet those requirements.

Q214 **John Nicolson:** How do you stop a child simply turning it back on again?

Julie Dawson: As Iain mentioned previously, sites need to have look at what is proportionate and at a range of tools in their armoury. For instance, Yubo is one of the sites that have been precursors in saying, even before they were required by legislation, that they were going to adhere to their terms of service and triage: we have a 13-to-17 chatroom. We do not want a seven-year-old entering that chatroom.

They would initially apply a facial age estimation. They might also apply nudity detection or a range of algorithms. There might also be in-chat reporting, where someone could say, "I think there is somebody younger or older in this chat." It will not be just one silver bullet that platforms are looking at. They might look at textual analysis or at reporting. They might also look at periodic reviews of a facial age estimation if they think that someone may have infiltrated an area that is age-inappropriate. One of the things incumbent on sites is to look at the range of mechanisms but also at what is proportionate for the risks.

Q215 **John Nicolson:** I used to present youth programmes on the BBC and I used to do a discussion programme with young people. I remember how vastly different the faces of the kids were, even though they were exactly the same age. How does this age verification work? When I was a kid, I could never get half fares on the buses because I always looked so old. Fortunately, I have reversed that and look much younger than my age now, but in those days I always looked much older. How does this system work, effectively?

Julie Dawson: To build a facial age analysis system, you have just a face, with month and year of birth. The system learns through looking at pixels. Each different point on your face is like a mathematical pantone number. The system receives lots of faces with month and year. It does not have any names, so it cannot uniquely recognise anyone. It starts to learn, and then we test it with a new, unknown face that we do know the age of, to see if it gets it right.

What we have recently published is that, for six to 12-year-olds, that is now within 1.28 years. That is the machine. However, we know that humans can typically be between four and eight years of accuracy. I would probably be on that worse level, nearer the eight years of accuracy. My eyesight is not that great, but other people might be more



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accurate. In humans, there is a wide margin of error. There are also outliers. Just as in real life, there will always be outliers, and hence when the facial age estimation is applied, there is a buffer. The German regulator, which recently did its second-year review, has said it would apply a five-year buffer for areas such as saying that you are able to go into a 16-plus erotic site.

If you are looking at 13—and this is a terms of service rather than a regulatory barrier—the site might say that 1.28 years of accuracy for six to 12 and 1.5 for 13 to 24 is accurate enough. We provide the exact levels of accuracy across skin tone and gender for each year of age, so that a site, with its regulator in its country, can work out what is proportionate.

Q216 John Nicolson: Mr Sommer, what would you like to see included in this Bill that would address some of the concerns we have heard about geolocation services like Snapchat?

Till Sommer: I do not have much to offer around Snapchat or geolocation specifically. We have not engaged too much as an association with the specific content duties—they are a bit outside of our remit. What I would want to add to this is around geolocation in particular. It does not appear only in Snapchat; it can be attached to photos that you might post online, which, to me, then points to another important aspect of this Bill that is sometimes overlooked, which is media literacy.

It is a really important point for us to focus not just on all the systems and the fancy innovation that is taking place but also, within Ofcom and the wider implementation of online safety in the UK, on media literacy, so that parents know what is going on on Snapchat and can then take appropriate action. They might know that geolocation data is attached to photos that they upload, which might lead to the same information being shared.

Q217 John Nicolson: In your view, are parents unaware of some of these issues at the moment?

Till Sommer: They probably are. I am unaware of what is happening on Snapchat. I am not a parent but I have never used Snapchat, so I assume that, if there are parents who have not used Snapchat, they are probably unaware. They might inform themselves, but it is a hugely innovative space. That is why the internet is exciting. It means that, if you are a parent, you need to try to stay on top of these. There are lots of organisations that offer information to parents to help them get up to scratch with what is going on online. Internet Matters is one of them, for example. There are lots of others. Probably the short answer is yes: some parents will be unaware.

Q218 Clive Efford: Julie, could I just follow up on the answers that you have been giving? Are the Government demanding enough of mobile phone companies, app stores and ISP providers in terms of age verification?



Julie Dawson: Hopefully, that is what we will see come into force. As Iain pointed out, it is clear that unless the enforcement happens, we risk people looking for ways to circumvent. We have seen a huge difference in attitudes over the last year, as people have been seeing this swathe of several pieces of legislation come down the tracks: the children's code, the AVMSD, and now this area. I do not think there is any compliance officer or chief privacy officer who is unaware of this and not looking at ways that they should meet the bars. What remains to be seen, however, is what the enforcement action is.

Q219 **Clive Efford:** But we are seeing a bit of pushback from Till's members to suggest that it is impractical for them to provide age verification and impossible to know who is using an IP address or a mobile device in a certain house. Are their arguments reasonable in that regard?

Julie Dawson: I would say that the fact that a whole range of sites have worked with us to conduct 550 million age checks would indicate that there are approaches to this. There is an industry body with 12 or even more members now—

Iain Corby: 22.

Julie Dawson: I would say that the proof of the pudding is in the eating. You can look at sites that have been audited and reviewed by bodies such as FSM, KJM and the Age Check Certification Scheme. You can look at the volumes of checks undertaken from really small organisations to large global organisations. The integrations are rapid to undertake. In our instance, there is no upfront set-up fee, minimum volume or annual service fee. Organisations can be up and running with a choice of six methods in a few hours. I would say that you have to get in the water to learn to swim.

Iain Corby: I have a great deal of sympathy with the internet service providers on this front, because they are left holding the baby for the entire internet. It really needs the websites and the platforms to start to play their part in this. I was talking to the mother of an 11-year-old autistic girl this weekend, and she was telling me how she has everything switched on—Net Nanny and SafeSearch. She has switched on the things available from her ISP, but her daughter has discovered search. Even with SafeSearch, cartoons still get through. People who change words slightly still get through. She has a massive list of websites she has to go through and individually block to try to stop her daughter getting some really distorted views of the world.

These things work together in a complementary way, but the bit that is not doing its job at the moment is the platforms. That is what we hope this Bill will address, on top of, as we have already said, things like the children's code, which is quite a big piece of legislation that I do not think people have necessarily realised the impact of just yet.

Q220 **Clive Efford:** Till, why do you think it is important that age assurance



should be the responsibility of in-scope services?

Till Sommer: It is important because it is the best place to take the most granular action and where a platform can see who is accessing that content. This is not because our members are shirking responsibility, but because our members do not know who, in a household, uses a device. If they wanted to try to establish that, it would be highly privacy-intrusive. That is just not the relationship that our members have with their customers. If we need to start looking at every website and what you do online, that is just not what ISPs currently do.

Yes, the Bill could require them to do that, and we would need to put the systems in place, but a better way of dealing with this issue of age verification and assurance is to require the platforms to offer their content to age verify. To use a super-simplified offline example, we require nightclubs to age verify people who enter them. We do not put the age verification check at the entrance to Soho, not that there is one. Even offline, we are pushing age verification into the establishments where people need to be age-verified and not on the open road. That same system applies.

Consumer-facing ISPs offer parental controls and enable parents to determine what kind of content should be available in their household, which does, effectively, age gate a lot of websites, so that responsibility is, in a way, covered there, but that is less granular than what age verification can do. It is not that we are shirking responsibility; we are taking it in a different way.

Q221 **Clive Efford:** What about the scope for device manufacturers or mobile phone operators to have a role in age assurance? What do you think about that?

Till Sommer: You are touching on a broader question there. A lot of the way the internet works is changing at the moment. In the past, ISPs and access providers were really seen as the gatekeepers to the internet. When the UK Government came up with an online safety initiative and UK law enforcement wanted to do something online, they looked at a UK ISP to do something. It is a responsible company based in the UK, with headquarters quite often down the road here in the City. That is easy to get to.

Through things like DNS over HTTPS and a lot of other highly complex technical developments, you are getting a broader range of gatekeepers—companies, services and devices—that suddenly influence how you or I access the internet. It looks the same to you and me, you are still typing the same URL into your browser and it still goes via the router, but the traffic is being routed differently. It is partially being encrypted. That means we need to look at a wider range of companies when it comes to things like enforcing the Online Safety Bill. When it comes to access or service restriction orders, we cannot look just at access providers, like we did in the past. We really need to look at all



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these companies and services that can influence how traffic is routed online.

Just to give you an example of that, I have spoken already about parental controls that are being offered by our members. There are certain apps and certain plans by browsing companies to encrypt parts of internet traffic, which would have meant that, if you use browser A, your traffic goes via the ISP box and is parentally controlled, and if you use browser B, your traffic goes via another box. Parental controls are not on that and the ISP does not see that, so it goes completely around that. That is why we need to bring all these new types of services and providers into the Bill.

The Bill implicitly recognises that, and Government have sort of implicitly recognised it, but we really need more explicit engagement with this really complex value chain or gatekeeper problem, because a lot of these companies are not necessarily based in the UK. They do not necessarily have a UK safety mindset when it comes to online regulation. They have a very privacy-first mindset, which is absolutely okay, but what we have come to in the UK is an online safety environment where we prioritise safety as much as privacy. That is not necessarily the case for some of these companies. Explicitly bringing them into the enforcement framework and an explicit signal from Government that these companies have a responsibility would be useful and make it much easier to implement and enforce the Bill later on.

Q222 Clive Efford: Do you feel that the Bill does not do that sufficiently at the moment? Is that what I am picking up from what you are saying?

Till Sommer: It is doing it implicitly but not explicitly, which might lead to a problem where Ofcom might need to fight a court case against a company based overseas that says, "We are not part of the Bill. Why should we comply with this? This is not our responsibility." Essentially, you have an extrajudicial problem here, which will be easier to fix if you really recognise this as part of the Bill and if Government approach this problem proactively. It is really about saying that, in the UK, we have democratically established rules that cannot be trumped by privacy concerns.

Q223 Alex Davies-Jones: Thank you, witnesses. If I can bring you back to the line of questioning of my colleague Simon before he had to leave, the draft Bill currently replaces requirements under the Digital Economy Act 2017 for online pornography sites to have age-verification processes in place. Iain, do you think that it has been made sufficiently clear by the Government that their intention is for these sites to use these technologies under the online safety regime?

Iain Corby: No. As I said, the Bill was designed for social media, and so it is a bit of a square peg for a round hole. Frankly, if we could just cut and paste part 3 of the Digital Economy Act into the new Bill, that would be a big step forward. The previous Act demonstrated the expressed will



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of Parliament, and it was only because a Minister did not sign for it to go into law that is not already law today.

We are facing another generation of children who have open access to some of the most extreme and violent pornography that you can imagine. In fact, I hope you cannot imagine it. We are concerned that it is going to take a while to get this new regime in place while there is something already sitting on the statute books, which, at the flick of a Minister's pen, could be law within three months.

Q224 Alex Davies-Jones: I sit on the APPG on sexual exploitation and we are doing an inquiry at the moment into pornography.

Iain Corby: I saw, yes.

Alex Davies-Jones: In the evidence that we heard, what we would consider extreme and violent is the norm, and it is extremely worrying. Do you think that these pornographic websites should be under the remit of Ofcom? What impact would that have?

Iain Corby: Provided the Bill is amended as the Government seem to be willing to allow it to be, they will fall under the regime of Ofcom. Ofcom will need the same opportunities for enforcement that were provided under the previous Bill. It is important to think more broadly about how you intercept services to those sites when they are non-compliant, because we are trying to enforce around the world, not just UK sites.

For example, the ISPs carried most of the water previously with blocking access, but you also need to block access through search engines and payment services. In fact, Visa and Mastercard voluntarily offered to the previous regulator that they would take payment services away from non-compliant sites. There are multiple little parts of the internet chain that can help to penalise sites that do not implement age assurance.

We are not really asking much. We are just saying: let us take the norms of day-to-day, real life society and apply them to the virtual world, which is so much of our lives these days.

Q225 Alex Davies-Jones: I agree. Till, you mentioned this when you talked about an entrance to Soho and the nightclubs. Anyone is allowed to go into a supermarket but, when you need to buy something that requires age verification, that is where it comes into force. Your members may be required by Ofcom to assist with their information gathering functions. Is there currently a precedent for this and do you foresee any issues with your members being able to comply with the new regulations?

Till Sommer: Information-gathering powers are a standard tool that Ofcom uses in other areas. Our members are well used to being subject to information requests from Ofcom. They can be extensive and highly complicated to deal with. At the moment, we question the degree to which our members should be subject to information gathering powers under the Online Safety Bill.



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There is a bit of a question around why they are included alongside properly regulated services under the Bill, so we would like to see a bit more of a proportionality aspect to information-gathering powers, mainly because our members are subject to a tonne of these from Ofcom already. That needs to be taken in the round: if online safety information gathering powers come on top of that, it cannot overburden our members. That does not mean that they will not comply. It is just about making those information requests proportionate.

Q226 **Alex Davies-Jones:** Julie, I do not know if you had anything you wanted to add to the questioning around the role of Ofcom and the impact that that could have.

Julie Dawson: There is maybe some interesting precedent if we look at what is happening currently in Australia and New Zealand, where, effectively, there is an e-safety commissioner-type role. I do not know if that has been investigated. One thing that we have seen very proactively from Ofcom has been regular industry engagement. I would hope that that would continue with both trade bodies and companies at requisite junctures, so that there is up-to-date knowledge of the risks, the art of the possible and the circumnavigation. If that is built in, we will stand a much better chance of this working effectively.

Last time round, I remember the BBFC saying it would get things moving and not let perfect get in the way of good, but after a period look again at, for instance, the buffers required for a technology and at the loopholes that are coming through. We have to ensure that this keeps up with the times going forward.

Alex Davies-Jones: Yes, it has to, because it is constantly evolving.

Chair: Thank you. That concludes our session for today. Iain, Julie and Till, thank you very much for your evidence.