

Supplementary written evidence submitted by Ofcom (PVW0002)

Thank you again for inviting Ofcom to provide evidence to the Women and Equalities Committees' inquiry.

This note provides some further detail on the **issues raised in our oral evidence session** with the Committee on 22 June 2022 including answering **the follow-up questions** we received from the Committee. This note covers:

- Engaging with stakeholders
- Our approach to transparency
- How the regime will be funded
- Ofcom's preparations for implementation

Engaging with stakeholders

Consulting with stakeholders is a fundamental part of Ofcom's regulatory approach, across all parts of our remit. We are an evidence-based regulator, and our approach is to a great extent informed by wide engagement with interested stakeholders and relevant experts. This will also apply to the online safety regime - we will want to hear views from all angles so that we know the approach we are taking is the right one and improves online user safety for all groups.

As we develop our expertise in preparation for regulation, we are seeking information from groups representing the interests of disabled people and those with learning difficulties and affected individuals experiencing these harms so that we are confident that the approach we are taking is the right one. All our consultations are and will be open to the public and we welcome contributions from any organisation representing potentially vulnerable groups.

This commitment to consult with a wide variety of stakeholders is also underpinned by our statutory duties. We have statutory duties under the Communications Act 2003 to consult on our impact assessments relating to important proposals – for example, where they're likely to have a significant impact on the general public. We will also be subject to specific statutory duties to consult on our codes of practice and various guidance under the Online Safety Bill.

We have also already built strong relationships with stakeholders including groups representing disabled people or people with learning difficulties and charities supporting victims of abuse, as well as universities, research bodies and other regulators. For example, our teams have been engaging with organisations such as the Epilepsy Foundation, Revenge Porn Helpline, Demos and Carnegie UK and will continue to do so.

These engagements have taken a variety of forms including bilaterals (both virtual and in-person), workshops and roundtables. This includes, among many others, monthly catch-ups with children's rights groups, attending teach-ins with civil society groups on their latest research and regularly attending roundtables led by civil society (for example in May 2022 Ofcom attended a roundtable hosted by several stakeholders on the VAWG code of practice).

We are always looking at how we can do more to engage stakeholders in our consultations, recognising that the same approach will not work for each everyone. For example, we are planning to run multi-stakeholder workshops as part of our development of our codes of practice, to supplement the formal response to our consultation document that we will publish online. We will

be looking to ensure that we can engage with those who represent the interests of potentially vulnerable groups as part of these plans.

Alongside our [Roadmap](#), today we have published a call for evidence to gather evidence to inform our consultations. We are particularly interested in hearing from stakeholders from industry, civil society, public bodies and other regulators – this includes groups representing the interests of disabled people and individuals with learning difficulties.

Our approach to transparency

During Ofcom’s session, a question was raised about whether Ofcom would “name and shame” providers that do not comply with their duties.

Where we identify that a platform may not be complying with its duties, Ofcom will have a range of investigatory and enforcement tools at its disposal. We will publish details of any breach decisions we issue or penalties we impose, and we generally expect to be as transparent as we can about our formal enforcement activity. In line with our current enforcement practices, we expect to publish a summary of our investigation at the outset (including the parties involved), regular updates throughout, and then publish a non-confidential version of our decisions – if we find a breach.

Our enforcement powers are not the only tools we can draw on to bring transparency about how platforms are complying with their duties. Under the Bill, Category 1, 2A and 2B platforms (estimated to be around 30 to 40 services) will be required to publish an annual transparency report. The findings from the reports will provide us with further evidence to refine our regulatory approach over time and will feed into Ofcom’s annual transparency report which will also be publicly available.

We believe these transparency reports will help to empower users to make educated decisions over which platforms to use, and hold platforms to account. In addition, by shining a light on what services are doing to combat harm to users they will help hold services to account and generate reputational incentives for them to strengthen their systems and processes. This information will also be beneficial for civil society groups, researchers, advertisers, and investors who will all benefit from increased access to meaningful information.

The Committee may be aware that Ofcom is already overseeing a regulatory regime for UK-established VSPs. We are using our information gathering powers to seek information from in-scope VSPs on their measures, including terms and conditions, flagging and reporting mechanisms and complaint systems. We are intending to publish our first VSP annual report this coming autumn.

How the regime will be funded

We’d like to clarify that the operational costs of the online safety regime will be entirely industry-funded. We’ve received set-up funding from Government ahead of our fee regime being established, which will be recouped over time. We will issue guidance on which companies must pay fees – and how the fee regime will operate.

Ofcom’s preparations for implementation

Finally, we thought it might be helpful to summarise Ofcom’s preparations to date.

We have strengthened our capabilities to prepare for this role, including creating an Online Safety Policy team and a Trust & Safety Technology function and growing our Enforcement, Legal, Research & Insight and Data teams. To fill these roles we have already successfully recruited a diverse

portfolio of experts from leading organisations including Google, the NSPCC, Twitter, Amazon, and Meta. To ensure our experts have the right tools at their disposal, we have started to build out a tech and cyber security hub in Manchester, where we aim to create 150 new jobs out of an estimated 300-350 roles required to deliver the regulations by the end of 2024.

Our approach to regulation has always been evidence-led and underpinned by robust research – this will be no different with online safety. We have already developed a strong evidence base on, among other areas, the main drivers of online harm, technical options for mitigating harm and best practice for risk management. These innovative research projects complement Ofcom’s longstanding and extensive research programme – for example, our most recent annual Online Nation report focused on the negative experiences that women and girls have online.

Ofcom is not starting from scratch. We are already gaining expertise about regulating services of this kind from the VSP regime. This regime covers platforms that will also fall in scope of the online safety regime – including Tik Tok, Twitch, Snap, Bitchute and OnlyFans - as well as commercial porn providers such as xexpanded.com, AdmireMe and Fanzworld. While the VSP regime will eventually be superseded by the online safety regime, it has provided a solid foundation to inform and develop our future online safety regulatory framework.

For further information, please see Ofcom’s recently published [Roadmap](#).

We hope this clarifies the issues and questions raised. Please do not hesitate to get in touch with Chloe Grant or Sheryl Willson if you have further questions.

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