

SCHEDULES

SCHEDULE 8

Section 77

TRANSPARENCY REPORTS BY PROVIDERS OF CATEGORY 1 SERVICES, CATEGORY 2A SERVICES AND CATEGORY 2B SERVICES

PART 1

MATTERS ABOUT WHICH INFORMATION MAY BE REQUIRED: USER-TO-USER PART OF SERVICE

- 1 The incidence of illegal content, content that is harmful to children, relevant content and content to which section 15(2) applies on a service.
- 2 The dissemination of illegal content, content that is harmful to children, relevant content and content to which section 15(2) applies by means of a service.
- 3 The number of users who are assumed to have encountered illegal content, content that is harmful to children, relevant content or content to which section 15(2) applies by means of the service.
- 4 The formulation, development, scope and application of the terms of service.
- 5 The systems and processes for users to report content which they consider to be illegal content, content that is harmful to children or relevant content.
- 6 The systems and processes that a provider operates to deal with illegal content, content that is harmful to children and relevant content, including systems and processes for identifying such content and taking it down.
- 7 Functionalities designed to help users manage risks relating to content that is harmful to children and relevant content.
- 8 Features, including functionalities, that a provider considers may contribute to risks of harm to individuals using the service, and measures taken or in use by the provider to mitigate and manage those risks.
- 9 The design and operation of algorithms which affect the display, promotion, restriction or recommendation of illegal content, content that is harmful to children, relevant content or content to which section 15(2) applies.
- 10 Measures taken or in use by a provider to comply with any duty set out in Chapter 2 or 4 of Part 3 or section 38 (including in particular measures that are described in a code of practice under section 41).
- 11 Measures taken or in use by a provider to comply with the duty set out in section 64(1) (user identity verification).
- 12 Arrangements that a provider has in place for the reporting (in the United Kingdom or elsewhere) of content relating to child sexual exploitation and abuse, and measures taken or in use by a provider to comply with a requirement under section 66.

- 13 Measures taken or in use by a provider to comply with any duty set out in section 71 or 72 (terms of service).
- 14 Measures taken or in use by a provider to comply with any duty set out in section 75 (deceased child users).
- 15 The systems and processes by which a provider assesses the risk of harm to individuals from the presence of illegal content or content that is harmful to children—
- (a) when the service is initially being designed or developed,
 - (b) when any further development or update to the service is being considered, and
 - (c) while the service is in operation.
- 16 The systems and processes that a provider operates—
- (a) to direct users of the service to information about how they can protect themselves from harm in relation to illegal content and content that is harmful to children, and
 - (b) to counteract or provide support to users of the service in relation to illegal content and content that is harmful to children present on the service.
- 17 Co-operation by a provider with government, regulatory or other public sector bodies in the United Kingdom, in particular those involved in the enforcement of the criminal law.
- 18 Measures taken or in use by a provider to provide for a higher standard of protection for children than for adults.
- 19 Measures taken or in use by a provider to improve the media literacy of users, and an evaluation of the effectiveness of such measures.
- 20 Any other measures taken or in use by a provider which relate to online safety matters.

PART 2

MATTERS ABOUT WHICH INFORMATION MAY BE REQUIRED: SEARCH ENGINE

- 21 The incidence of illegal search content and search content that is harmful to children on a service.
- 22 The number of users who are assumed to have encountered illegal search content or search content that is harmful to children.
- 23 The formulation, development, scope and application of the statements of policies and procedures mentioned in sections 27(5) and 29(5).
- 24 The systems and processes for users to report search content which they consider to be illegal content or content that is harmful to children, or other content which they consider breaches any statements of policies and procedures which have been made publicly available by the provider of a service.
- 25 The systems and processes that a provider operates to deal with illegal search content and search content that is harmful to children, including systems and processes for identifying such content and minimising the risk of those kinds of content being encountered by means of the service.

- 26 Functionalities designed to help users manage risks relating to search content that is harmful to children.
- 27 The design and operation of algorithms which affect the display, promotion, restriction or recommendation of illegal search content or search content that is harmful to children.
- 28 Measures taken or in use by a provider to comply with any duty set out in Chapter 3 or 4 of Part 3 or section 39 (including in particular measures that are described in a code of practice under section 41).
- 29 Arrangements that a provider has in place for the reporting (in the United Kingdom or elsewhere) of content relating to child sexual exploitation and abuse, and measures taken or in use by a provider to comply with a requirement under section 66.
- 30 Measures taken or in use by a provider to comply with any duty set out in section 75 (deceased child users).
- 31 The systems and processes by which a provider assesses the risk of harm to individuals from illegal search content or search content that is harmful to children—
- (a) when the service is initially being designed or developed,
 - (b) when any further development or update to the service is being considered, and
 - (c) while the service is in operation.
- 32 The systems and processes that a provider operates—
- (a) to direct users of the service to information about how they can protect themselves from harm in relation to illegal content and content that is harmful to children, and
 - (b) to counteract or provide support to users of the service in relation to illegal search content and search content that is harmful to children.
- 33 Co-operation by a provider with government, regulatory or other public sector bodies in the United Kingdom, in particular those involved in the enforcement of the criminal law.
- 34 Measures taken or in use by a provider to provide a higher standard of protection for children than for adults.
- 35 Measures taken or in use by a provider to improve the media literacy of users, and an evaluation of the effectiveness of such measures.
- 36 Any other measures taken or in use by a provider which relate to online safety matters.

PART 3

FURTHER PROVISION AND INTERPRETATION

- 37 When determining which information to require in a notice under section 77(1) in relation to a particular service, OFCOM must take into account—
- (a) the kind of service it is;
 - (b) the functionalities of the service;
 - (c) the number of users of the service;

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- (d) the capacity of the provider;
 - (e) the duties set out in Chapter 2 or 3 of Part 3 or Chapters 1 to 4 of Part 4 that apply in relation to the service;
 - (f) the proportion of users of the service who are children.
- 38 The Secretary of State may by regulations—
- (a) amend Part 1 or Part 2 of this Schedule so as to add further matters about which information may be required, or to vary or omit matters about which information may be required, and
 - (b) amend paragraph 37 in connection with any such amendment.
- 39 The Secretary of State must consult OFCOM before making regulations under paragraph 38.
- 40 In the application of Part 2 of this Schedule to a combined service, references to statements of policies and procedures include references to provisions of the terms of service which relate to the search engine.
- 41 (1) For the purposes of this Schedule, content of a particular kind is “relevant content” if—
- (a) a term of service, other than a term of service within sub-paragraph (2), indicates (in whatever words) that the presence of content of that kind is prohibited on the service or that users’ access to content of that kind is restricted, and
 - (b) it is regulated user-generated content.
- (2) The terms of service within this sub-paragraph are as follows—
- (a) terms of service which make provision of the kind mentioned in section 10(5) (protecting individuals from illegal content) or 12(9) (protecting children from content that is harmful to children);
 - (b) terms of service which deal with the treatment of consumer content.
- (3) References in this Schedule to relevant content are to content that is relevant content in relation to the service in question.
- (4) The reference in sub-paragraph (1) to users’ access to content being restricted is to be construed in accordance with sections 58 and 236(6).
- 42 In this Schedule—
- “consumer content” has the same meaning as in Chapter 3 of Part 4 (see section 74(3));
 - “content that is harmful to children” has the same meaning as in Part 3 (see section 60);
 - “illegal content” has the same meaning as in Part 3 (see section 59);
 - “illegal search content” means search content that is illegal content;
 - “regulated user-generated content” has the same meaning as in Part 3 (see section 55), and references to such content are to content that is regulated user-generated content in relation to the service in question;
 - “search content” has the same meaning as in Part 3 (see section 57);
 - “users” means United Kingdom users (see section 227), except in paragraphs 16(a) and 32(a) where “users” means individuals in the United Kingdom who are users of a service.