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Dear [name],

## Video-sharing platforms: Ofcom's plan and approach

As you know, regulation of video-sharing platforms (VSP) is Ofcom's, and the UK's, first step in formal regulation of online safety. We published a plan for our first full year of regulating VSPs in October 2021 and I am writing now to provide more detail on our expectations and implications for your platform.<sup>1</sup>

We know the great value that UK users get from using video sharing platforms, especially younger users, with 97% of 5–15-year-olds using VSPs.<sup>2</sup> But we also know the risks that can arise, as 35% of 13–17-year-olds have had negative experiences while using them.<sup>3</sup>

Our research tells us that users support regulation, to provide rigorous independent oversight of the systems and processes that service providers use to keep them safe, and thereby drive significant improvements in online user safety.<sup>4</sup> Our aims for the VSP regime are to raise standards in user protections, rapidly identify and address areas of non-compliance, increase transparency across the industry and prepare industry for the future, more comprehensive online safety regime.

Our expectations will be proportionate: it is for you to assess, in the first instance, the measures that are appropriate, practicable and proportionate, to protect users from material likely to incite violence or hatred against particular groups and content which would be considered a criminal offence under laws relating to terrorism; child sexual abuse material; and racism and xenophobia. Your measures must protect under-18 users from material which might impair their physical, mental or moral development and standards around advertising must also be upheld.

This letter signals the beginning of this new phase of our supervision work in this important area of regulation. We have provided guidance<sup>5</sup> to help you take appropriate measures.<sup>5</sup> It's our job to

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<sup>1</sup> See Ofcom, October 2021, [Video Sharing Platforms: Ofcom's Plan and Approach](#).

<sup>2</sup> Ofcom, April 2021, [Children and Parents Media Literacy Tracker \(2020\)](#).

<sup>3</sup> As defined by having come across violent, abusive or inappropriate videos. Indicated by early results from Ofcom's Appropriate Measures Survey (2021); full results are due to be published in Autumn 2022.

<sup>4</sup> Our [joint research with the ICO \(2020\)](#) shows 57% of adult internet users supported more VSP regulation.

<sup>5</sup> Ofcom, October 2021, [Guidance for video-sharing platform providers on measures to protect users from harmful material](#).

understand and test whether companies' safety measures are appropriate to the risks they face, and we understand that this will have practical implications for the platforms in scope.

We look forward to continuing to work closely with you in the coming months. We expect to have further discussions with you and your teams; request and assess information about your platform; and, where appropriate, engage further with you on any improvements that might be needed. We will be reporting on the measures that platforms have implemented and their progress in user safety in our first Annual VSP report in Autumn 2022.

## What this means for your platform

We will be asking all platforms about the measures that they have in place to protect users from harm and how they have decided which measures to take. This information will be used to improve our understanding of the current standard of safety measures on platforms and will aid our production of the Annual VSP report.

In addition, we have identified five priority areas of focus for the first year of VSP regulation:

- **Reducing the risk of child sexual abuse material (CSAM)**
- **Tackling hate and terror**
- **Protections for under-18s**
- **Age verification on adult VSPs**
- **Reporting and flagging**

Of these, we have identified the following as being most relevant to your service: <sup>6</sup>

- **Reducing the risk of CSAM** – This is because, as a platform which allows pornographic content and as a service which allows users to post user-generated content of their own, there is a potentially heightened risk of CSAM appearing on your platform.
- **Tackling hate and terror** – These harms can manifest across all different types of service and your platform will be part of our initial phase of research into how the harms are captured in your terms and conditions. After this, we will consider whether more information is required from your platform about how these are communicated and enforced.
- **Protection of under-18s** – This is because your platform has been identified as either being popular with under-18 users or hosting content or having features which are likely to appeal to under-18 users.
- **Age verification** – Our Harms and Measures Guidance sets out that implementing robust age verification is a priority for VSP providers specialising in pornographic material, VSP providers with services on which there is a significant risk of under-18s encountering pornographic material, and/or VSP providers that allow pornographic material in their terms of service. We believe that your platform meets at least one of these descriptions.

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<sup>6</sup> NOTE: These priority areas do not apply to all services. We identified which areas are most relevant to each provider and have specified this in each respective letter.

- **Reporting and flagging** – We consider these tools as central to compliance and we think the way in which your platform implements this measure is important for us to understand. We hope that discussions with your platform will help Ofcom promote good practice across the industry.

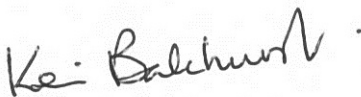
It's important to note that, by identifying your platform as relevant to these areas of work, we are not suggesting we have identified compliance concerns in those areas. We discuss the work planned under these areas of focus in more detail in Annex 2.

We are open to meeting with you to talk through our upcoming plans and approach to engagement. Where we can, we will draw from existing information sources and our previous engagement. There will also be areas where we want to collect further information. As a first step, we will be issuing formal information requests early in the new year, which we will discuss with you in advance, and have set out our plans for these in more detail in Annex 1. We are open to engaging with you as we assess that information and discuss any plans you may have, or that appear to us appropriate, to make further improvements in user protections.

In the annual report we intend to report on the progress of our work, including an assessment of all VSPs' measures and the improvements they have made. This will be one of the first cross cutting reports of its kind and will provide transparency for users and the public on the steps platforms are taking towards user safety. We may also consider it appropriate to publish updates before this time via our website. We will share these plans with you in advance and accommodate any feedback given where possible.

We look forward to continuing our open and constructive engagement with you. Please let my colleagues know if you have any questions about this letter.

Yours sincerely,

A handwritten signature in black ink that reads "Ke. Bakhurst". The signature is written in a cursive style and is positioned above a faint, light-colored circular watermark or seal.

**Kevin Bakhurst**

## Annex 1: Ofcom's plan of engagement

### Introductory meetings

We are open to setting up an introductory meeting with your platform to provide more detail on our upcoming plans and approach for the year. This meeting will provide you with an opportunity to discuss the relevant priority areas and flag any initial questions you may have about what we have outlined in this letter.

### Information requests: January – April 2021

Ofcom has formal information gathering powers under the VSP regime to help us to understand how platforms are ensuring compliance, including which measures a platform has in place and how those measures are implemented.

When issuing information requests, we will be clear about the purpose for the request and the reasons we consider we need the information. We want to ensure any request for information is justifiable, proportionate and fair and will provide you with the opportunity to provide representations on our draft request and proposed timelines. We are keen to engage with you during this process and will provide informal opportunities for discussion during our engagement meetings.

Once finalised, we will send the final request for information under our formal powers and provide you with a deadline for submission. Our Information Registry will coordinate the sending of draft and final information requests and will be responsible for logging your responses. It's important to note that these are statutory requests for information and must be treated seriously and answered as accurately as possible. You should therefore ensure that you have the appropriate systems and controls in place to respond fully and accurately within the given timeframes. These upcoming formal information requests are not themselves part of a compliance investigation and do not mean that we have identified compliance concerns on your platform.

Given the importance of information requests to Ofcom's ability to carry out its duties any non-compliance, including the submission of inaccurate or incomplete information or failure to provide the information required within the deadline set, could result in Ofcom taking enforcement action, including fines.<sup>7</sup>

### Annual VSP report: Autumn 2022

Along with gathering information specific to our priority areas of focus, we will also be asking for other information to support the publication of our report, which will provide users with information on the protection measures available on platforms. We will use our information gathering powers to collect qualitative and quantitative data across the suite of measures in the legislation.

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<sup>7</sup> Examples of cases where Ofcom has issued penalties for a failure to comply with an information request include against: [Colt \(£15,000\)](#); [BT \(£42,500\)](#) and [O2 \(£75,000\)](#).

One of the aims of the annual VSP report is to bring transparency to users of VSPs and the wider public (including parents and carers), about the steps that platforms are taking to protect their users. The report will be the first of its kind to provide a cross-sectoral look at the safety measures employed by UK VSPs and how those measures are implemented.

While the information gathered through these requests will be used to inform the report, we will not publish all material received. Any references to confidential information will be anonymised or redacted in the report. However, our focus will be on providing transparency for users and the public on the steps platforms are taking towards user safety and all information received during this process will be carefully considered against these aims.

### **Additional voluntary engagement**

Occasionally, areas of Ofcom that support our supervision work will also be keen to speak to platforms about research or technology projects. There is no obligation to engage in these projects, but they are an important part of Ofcom continuing to be an effective regulator and your participation will help to ensure our interactions with notified VSPs are underpinned by the best possible understanding of the platforms.

We will ensure that these requests are channelled through your stakeholder manager so that you have a single point of contact across the organisation.

## Annex 2: Our priority areas

### Child sexual abuse material (CSAM)

Our aim in this first year is to understand the protection measures platforms have in place to reduce the risk of CSAM – and to work with VSP providers where improvement may be needed. To do this we need to understand the protection measures platforms currently have in place. We will want to see that terms and conditions not only prohibit CSAM but also prohibit under-18s from opening accounts, and we will want to see how these prohibitions are implemented effectively. In particular, we want to understand registration and onboarding processes and how providers prevent those who are underage from creating accounts and posting content.

We also want to understand how this type of material can be reported on the platform and the response to such reports. We'll want providers to tell us about any steps taken to assess the effectiveness of these processes.

### Tackling hate and terror

We want to improve Ofcom's understanding of the terms and conditions platforms have in place to protect users from terrorist content, racist and xenophobic material, and material likely to incite violence or hatred. With this improved understanding, we will seek to work with VSP providers where appropriate to improve those terms and conditions and processes. Our focus will be on:

- the content of the terms and conditions (i.e. what approach the platform takes to such content or material and what enforcement processes and sanctions apply);
- how the terms and conditions are communicated to users (including when and where); and
- how the terms and conditions are enforced, including which sanctions are used and in what circumstances they are applied.

We will begin our work by gathering and examining publicly available information on these three areas. Our assessment of this information, combined with our understanding of risk on the platforms, will determine whether we use our formal information gathering powers to understand more about a platform's terms and conditions. We will then engage with those platforms on any areas where we consider improvements can be made.

### Protections for under-18s

We want to improve Ofcom's understanding of the current protection measures that platforms have in place to protect under-18s from restricted material.<sup>8</sup> In doing so, we want to learn more about how an age-appropriate experience for children is provided, including how VSP providers manage the risk of children encountering harmful content on the platform, as well as whether and how the effectiveness of measures is assessed.

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<sup>8</sup> Restricted Material refers to: videos which have, or would be likely to be given, an R18 certificate by the British Board of Film Classification (BBFC); videos containing material not suitable for BBFC classification; and other material that might impair the physical, mental or moral development of under 18s.

As part of this, we will want to know more about how providers establish which users are under 18 and the steps taken to protect those users from restricted material. We are keen to understand what type of content under-18s are protected from on the platform. We also invite providers to share innovative and emerging approaches to protecting children from this kind of material.

Taking a proportionate and pragmatic approach, we will want to understand the barriers or challenges to implementing protection measures for children. Alongside our engagement with video-sharing platforms popular with children, we will also be engaging with the children's sector to understand children's experiences and facilitate knowledge sharing with relevant stakeholders to engage with novel and complex issues such as developing age ratings for user-generated content.

### Age verification

We want to improve Ofcom's understanding of the age-verification systems platforms currently have in place. We aim to ensure that adult services have implemented robust age verification that prevents under-18s from accessing pornographic material. We will want to understand any potential barriers to adopting robust age verification.

We are planning to take a proportionate and pragmatic approach to achieving this aim, reflecting the challenges providers may be facing, whilst still ensuring that the expectations of the regime are being met. We will also encourage VSP providers to be transparent with users regarding age-verification systems and the privacy implications of the tools used. In order to achieve these aims, we will formally request information regarding the systems platforms currently have in place or, where age verification is not currently employed, the reason providers have chosen not to do so.

We will assess the information provided, identifying examples of good practice and any areas we consider are in need of improvement. We will then engage with providers to address areas of concern, if required, and discuss how any potential barriers to implementation may be resolved. Alongside our work with VSP providers, we will also be engaging with other regulators internationally to develop best practices and coordinate efforts in this area towards a level playing field.

### Reporting and flagging

We want to improve Ofcom's understanding of the mechanisms used to report and flag content on video-sharing platforms. We will be asking questions to understand the policies and process around reported content and how these interact with any other measures employed by platforms to protect users from harm. We will ask for information about how reported content is categorised, as well as metrics related to these processes.

Our published Harms and Measures Guidance sets out that, where providers are employing user reporting, these mechanisms should be transparent and user-friendly. We will engage with providers and discuss ways that engagement with these tools could be improved. Ultimately, we want to be able to provide information on good practice in relation to these measures, using our own research and our engagement with platforms.