Paper to lie before both Houses of Parliament for a period of 40 days, during which time either House may resolve that the draft amendments to the codes of practice be not approved.

Ofcom

Draft amendments (No. 3) to the Illegal content Codes of Practice for user-to-user services

Draft of amendments prepared under section 41 of the Online Safety Act 2023 and submitted to the Secretary of State in accordance with section 43(1) on 16 November 2026.

Paper to lie before both Houses of Parliament for a period of 40 days, during which time either House may resolve that the draft amendments to the codes of practice be not approved.

Office of Communications

Draft amendments (No. 3) to the Illegal content Codes of Practice for user-to-user services

Presented to Parliament pursuant to section 43(2) of the Online Safety Act 2023

November 2026

© Ofcom copyright 2026

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents.

Any enquiries regarding this publication should be sent to asmconsultation@ofcom.org.uk

ISBN 978-1-5286-6896-5

E03719708 11/26

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

Contents

Section

1. Preamble 4

2. Amendments 5

1. Preamble

1.1 On 24 February 2025 Ofcom issued the Illegal content Codes of Practice for user-to-user services in accordance with section 41 of the Online Safety Act ('the Act'). [1]

1.2 Ofcom issues the amendments set out in section 2 of this notification in accordance with section 43(4) of the Act.

1.3 In the course of preparing the draft of amendments of those Codes, Ofcom consulted the persons mentioned in section 41(6) and (7) of that Act.

1.4 In accordance with section 43(2) and (3) of the Act, the draft has been laid before Parliament for the 40-day period, during which time neither House of Parliament resolved not to approve the draft.

1.5 The amendments come into force [*at the end of the period of 21 days beginning with the day on which they are issued*] in accordance with section 43(4) of the Act.

1.6 Ofcom will publish the amended codes of practice on its website in accordance with section 46 of the Act.

Signed by

[Name]

[Position]

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

[Date]

[1] Ofcom, Illegal content Codes of Practice for user-to-user services (24 February 2025), as amended by "Amendments to Illegal content Codes of Practice for user-to user services" on 9 September 2026 with effect from 30 September 2026 (the "Intimate image abuse amendments"), and by "Amendments (No. 2) to the Illegal content Codes of Practice for user-to-user services" on 12 October 2026 with effect from 2 November 2026 (the "Crisis response amendments"). A consolidated version of the Illegal content Codes of Practice for user-to-user services incorporating amendments is published on Ofcom's website (Online safety regulatory documents and guidance).

2. Amendments

2.1 The Illegal content Codes of Practice for user-to-user services are amended as follows.

Amendments to the introduction

2.2 In Section 1 (Introduction)–

a) in paragraph 1.4–
   i) after "containing the", insert "main";
   ii) at the end, insert "We may from time to time amend these Codes or produce other Codes on specialist topics, which will be published on Ofcom's website (at https://www.ofcom.org.uk). Providers should ensure they check this site.";
b) in paragraph 1.11, for "Commissioner's Office" substitute "Commission";
c) in paragraph 1.12, for "Commissioner's" substitute "Commission's";
d) after paragraph 1.12, insert–

"External documents

1.13 A hard copy of any external document referred to in the recommended measures can be obtained by writing to Ofcom at Riverside House, 2a Southwark Bridge Road, London, SE1 9HA (tel. 020 7981 3000).".

Amendments to index of recommended measures

New heading and entry relating to age assurance

2.3 In Section 3 (Index of recommended measures), after the entry for ICU A7, insert the following heading and entry–

Age assurance				
ICU B1	Age assurance process	**Services** that use an **age assurance process** to determine which ***United Kingdom users*** of the service are ***children***.	Other duties	Section 10(2) and (3)

Amendments relating to content moderation

2.4 In Section 3 (Index of recommended measures), in the entries after the heading "Content moderation"–

a) after the entry for ICU C4, insert the following entry–

ICU C4A	Steps to take on reversal of content decisions	All **services**.	CSEA Terrorism Other duties	Section 10(12) Section 22(2) and 22(3)

b) in the entry for ICU C9, in the third column, for the words from "**Services** that are at high **risk** of image-based CSAM" to the end, substitute–

"**Services** that are at high **risk** of image-based CSAM and: (a) have more than 700,000 monthly **active United Kingdom users**, (b) are **file-storage and file-sharing services**, or (c) whose principal purpose is the hosting or dissemination of **regulated pornographic content**.";

c) after the entry for ICU C10, insert the following entry–

ICU C13 [2]	Using hash matching to detect terrorism content	**Services** that enable ***regulated user-generated content*** in the form of photographs, videos or visual material to be generated, uploaded or shared, and are: a) **services** at high risk of ***terrorism content***, and (i) have more than 700,000 monthly **active United Kingdom users** or (ii) are **file-storage and file-sharing services**, or b) **large services** that are at medium or high **risk** of ***terrorism content***.	Terrorism	Section 10(2) and (3)

Amendments relating to reporting and complaints

2.5 In Section 3 (Index of recommended measures), in the entries after the heading "Reporting and complaints"–

a) in the entry for ICU D8, in the second column, before "appeals" insert "content";
b) in the entry for ICU D9, in the second column, before "appeals" insert "content";
c) in the entry for ICU D10, in the second column, before "appeals" insert "content";
d) after the entry for ICU D10, insert the following entry–

ICU D10A	Appropriate action for relevant complaints which are content appeals – action following determination upholding the appeal, except for CSEA content or CSEA content proxy (large or multi-risk services)	**Large** or **multi-risk services.**	Terrorism Other duties	Section 21(2)(b)†

e) in the entry for ICU D11, in the second column, before "appeals" insert "content";

[2] We have not used the numbering ICU C11 and ICU C12 in this draft of amendments because Ofcom proposed adding other Recommendations to the Code with this numbering. See Annex 7 ([DRAFT] Illegal content Codes of Practice for user-to-user services) to OFCOM's consultation titled 'Additional Safety Measures. Online Safety', published on 30 June 2025 (at: https://www.ofcom.org.uk/online-safety/illegal-and harmful-content/online-safety-additional-safety-measures).

f) after the entry for ICU D14, insert the following entries–

ICU D15	Appropriate action for age assessment appeals (services that are large or multi-risk)	**Services** that: a) use an **age assurance process** to determine which ***United Kingdom users*** of the service are ***children***; and b) are **large services** or **multi-risk services** (or both).	CSEA Other duties	Section 21(2)(b)†
ICU D16	Appropriate action for age assessment appeals (services that are neither large nor multi-risk)	**Services** that: a) use an **age assurance process** to determine which ***United Kingdom users*** of the service are ***children***; and b) are neither **large services** nor **multi-risk services**.	CSEA Other duties	Section 21(2)(b)†
ICU D17	Livestreaming reporting for imminent physical harm	**Services** that: a) have **one-to-many livestreaming**; and b) are at medium or high **risk** of one or more specified **kinds of illegal harm**.	CSEA Terrorism Other duties	Section 20(2)* Section 21(2)(a)†

Amendments relating to recommender systems

2.6 In Section 3 (Index of recommended measures), in the entries after the heading "Recommender systems"–

a) in the entry for ICU E1, in the third column, for "on-platform testing of recommender systems" substitute "**on-platform testing** of **content recommender systems**";
b) after the entry for ICU E1, insert the following entries–

ICU E2	Content recommender systems: excluding priority illegal content (terrorism and hate)	**Services likely to be accessed by children** that are (a) at medium or high risk of one or more specified **kinds of illegal harm**, and where (b) a **child-accessible part** of the service has a **content recommender system**.	Terrorism Other duties	Section 10(2)
ICU E3	Content recommender systems: excluding priority illegal content (encouraging or assisting suicide (or attempted suicide) and serious self-harm)	**Services likely to be accessed by children** that are (a) at medium or high **risk** of encouraging or assisting suicide (or attempted suicide) and serious self-harm, and where (b) a **child-accessible part** of the service has a **content recommender system.**	Other duties	Section 10(2)

Amendments relating to settings, functionalities and user support

2.7 In Section 3 (Index of recommended measures), in the entries after the heading "Settings, functionalities and user support", for the entries for ICU F1 and ICU F2, substitute–

ICU F1	Safety defaults for child users	**Services** that are at high **risk** of grooming. **Large services** that are at medium **risk** of grooming.	CSEA Other duties	Section 10(2)
ICU F2	Support for child users	**Services** that are at high **risk** of grooming. **Large services** that are at medium **risk** of grooming.	CSEA Other duties	Section 10(2)

Amendments relating to terms of service

2.8 In Section 3 (Index of recommended measures), in the entries after the heading "Terms of service"–

a) in the entry for ICU G1, in the fifth column, for "Section 10(5) and (7)" substitute "Section 10(2), (5) and (7)";

b) after the entry for ICU G1, insert the following entry–

ICU G1A	Terms of service: substance (large or multi-risk services)	**Large** or **multi-risk services**.	Terrorism Other duties	Section 10(2) and (5)

Amendments relating to user access

2.9 In Section 3 (Index of recommended measures), in the entries after the heading "User access", after the entry for ICU H1, insert the following entries–

ICU H2	User sanctions	**Large** or **multi-risk services**.	Terrorism Other duties	Section 10(2)
ICU H3	Banning users for CSEA	All **services**.	CSEA	Section 10(2)

Amendments relating to user controls

2.10 In Section 3 (Index of recommended measures), in the entries after the heading "User controls"–

a) in the entry for ICU J1, in the third column, for the words from "**Large services**" to the end, substitute–

"**Services** that have **user profiles**, at least one of the specified functionalities, and are any of the following: a) a **large service** which is at medium or high **risk** of one or more specified **kinds of illegal harm**; b) a service, other than a **large service**, that is ***likely to be accessed by children*** and is either (i) at high **risk** of one or more specified **kinds of illegal harm**, or (ii) at medium **risk** of one or more specified **kinds of illegal harm** and has more than 700,000 **active United Kingdom users**.";

b) in the entry for ICU J2, in the third column, for the words from "**Large services**" to the end, substitute–

"**Services** that have **commenting on content functionality** and are any of the following: a) a **large service** which is at medium or high **risk** of one or more specified **kinds of illegal harm**; b) a service, other than a **large service**, that is ***likely to be accessed by children*** and is either (i) at high **risk** of one or more specified **kinds of illegal harm**, or (ii) at medium **risk** of one or more specified **kinds of illegal harm** and has more than 700,000 **active United Kingdom users**.".

Amendments to recommended measures

Amendments relating to age assurance

2.11 In Section 4 (Recommended measures), after subsection A (Governance and accountability), insert the following subsection as subsection B–[3]

"B. Age assurance

ICU B1 Age assurance process

Application

ICU B1.1 This measure applies to a ***provider*** in respect of each **service** that uses an **age assurance process** to determine which ***United Kingdom users*** of the service are ***children***.

Recommendation

ICU B1.2 In order to ensure that its **age assurance process** is highly effective at correctly determining whether or not a ***user*** is a ***child***, the provider should ensure that it meets each of the criteria listed under:

a) ICU B1.3 (technical accuracy),
b) ICU B1.4 (robustness),
c) ICU B1.5 (reliability), and
d) ICU B1.6 (fairness).

ICU B1.3 The technical accuracy criterion is fulfilled if:

a) the provider has ensured that the measures forming part of the **age assurance process** for the service have been evaluated against appropriate metrics to assess the extent to which they can correctly determine the age or age range of a person under test lab conditions and the results indicate that the measures are able to correctly determine whether or not a particular ***user*** is a ***child***;
b) where the **age assurance process** used on the service involves the use of ***age estimation***, the provider uses a **challenge age approach**; and
c) the provider periodically reviews whether the technical accuracy of the **age assurance process** for the service could be improved by making use of new technology and, where appropriate, makes changes to the **age assurance process.**

ICU B1.4 The robustness criterion is fulfilled if:

a) the provider has:

[3] The inserted subsection replaces the placeholder text included in the Illegal content Codes of Practice for user-to-user services published on 24 February 2025.

i) taken steps to identify methods ***children*** use to circumvent the **age assurance process** used on the service to determine that the relevant individual is not a ***child*****;** and
ii) taken feasible and proportionate steps to prevent ***children*** using those methods;

b) the provider has ensured that the **age assurance** measures forming part of the **age assurance process** for the service have been tested in multiple different environments during the development of the **age assurance process**; and
c) the provider has identified, and taken appropriate steps to mitigate against, methods of circumvention that are easily accessible to **children in the United Kingdom** and where it is reasonable to assume that **children in the United Kingdom** may use them.

ICU B1.5 The reliability criterion is fulfilled if:

a) where **age assurance** measures forming part of the **age assurance process** rely on artificial intelligence or machine learning, the provider has taken steps to ensure that:
i) the artificial intelligence or machine learning has been suitably tested during the development of the **age assurance process** to ensure it **produces reproducible results**;
ii) the artificial intelligence or machine learning is regularly tested to ensure it **produces reproducible results**;
iii) the outputs of the artificial intelligence or machine learning used are monitored and assessed against key performance indicators designed to identify whether the artificial intelligence or machine learning **produces reproducible results**; and
iv) in circumstances where the artificial intelligence or machine learning used are observed to be producing unreliable or unexpected results, the root cause of the issue is identified and rectified; and

b) the provider has taken steps to ensure that any evidence relied upon as part of the **age assurance process** comes from a trustworthy source.

ICU B1.6 The fairness criterion is fulfilled if:

a) the provider has ensured that any elements of the **age assurance process** for the **service** which rely on artificial intelligence or machine learning have been tested and trained on data sets which reflect the diversity in the target population; and
b) the provider has ensured that any elements of the **age assurance process** which rely on artificial intelligence or machine learning have been evaluated against either the outcome or the error parity and the results indicate that the **age assurance process** does not produce significant bias or discriminatory outcomes.

ICU B1.7 The provider should have regard to the following when implementing **highly effective age assurance** on the service:

a) the principle that **age assurance** should be easy to use, including by **children in the United Kingdom** of different ages and with different needs;
b) the principle that **age assurance** should work effectively for all ***users*** regardless of their characteristics or whether they are members of a certain group;
c) the desirability of ensuring interoperability between different kinds of **age assurance**;
d) the **age appropriate design code** and the Information Commission's Opinion titled "Age Assurance for the Children's code" published on 18 January 2024.

ICU B1.8 The provider should ensure that ***users*** are able to easily access information about what a provider's **highly effective age assurance** is intended to do and how the provider's **highly effective age assurance** works prior to commencing the **highly effective age assurance** for the service.

ICU B1.9 The provider should not publish ***content*** that directs or encourages ***United Kingdom users*** to circumvent the **highly effective age assurance**.".

Amendments relating to content moderation

Amendments to ICU C1

2.12 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C1–

a) for ICU C1.4, substitute–

"ICU C1.4 This does not affect Recommendations ICU C9 (using hash matching to detect and remove CSAM), ICU C10 (detecting and removing content matching listed CSAM URLs), ICU C13 (using hash matching to detect terrorism content) and ICU C14 (using hash matching to detect intimate image abuse content) (see ICU C9.4, ICU C10.5, ICU C13.5(a) and ICU C14(5)(a), respectively).";

b) in ICU C1.5–

i) before sub-paragraph (a), insert–

"za) Recommendation ICU C4A;";

ii) in sub-paragraph (b), before "**appeals**" insert "**content**";
iii) omit the "and" after sub-paragraph (b);
iv) in sub-paragraph (c), before "**appeals**" insert "**content**";
v) after sub-paragraph (c), insert–

"; and

d) Recommendation ICU D10A (in relation to **content appeals**), where applicable.".

Amendments to ICU C2

2.13 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C2–

a) for ICU C2.4, substitute–

"ICU C2.4 This does not affect Recommendations ICU C9 (using hash matching to detect and remove CSAM), ICU C10 (detecting and removing content matching listed CSAM URLs), ICU C13 (using hash matching to detect terrorism content) and ICU C14 (using hash matching to detect intimate image abuse content) (see ICU C9.4, ICU C10.5, ICU C13.5(a) and ICU C14.5(a) respectively).";

b) in ICU C2.5–

i) before sub-paragraph (a), insert–

"za) Recommendation ICU C4A;";

ii) in sub-paragraph (b), before "**appeals**" insert "**content**";
iii) omit the "and" after sub-paragraph (b);
iv) in sub-paragraph (c), before "**appeals**" insert "**content**";
v) after sub-paragraph (c), insert–

"; and

d) Recommendation ICU D10A (in relation to **content appeals**), where applicable.".

Amendments to ICU C3

2.14 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C3, at the end, insert–

"Safeguard for freedom of expression and privacy

ICU C3.5 Recommendation ICU C4A is a safeguard to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***.".

Amendments to ICU C4

2.15 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C4.5(b), for the words from "it relates" to the end, substitute "the suspected ***illegal content*** is of a kind in respect of which the provider may impose a **sanction** under its policy on **sanctions** (see Recommendation ICU H2).".

Insertion of a new recommendation (ICU C4A)

2.16 In Section 4 (Recommended measures), in subsection C (Content moderation), after ICU C4, insert–

"ICU C4A Steps to take on reversal of content decisions

Application

ICU C4A.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICU C4A.2 If a ***provider*** reverses a previous decision that ***content*** is ***illegal content*** or **illegal content proxy**, and this reversal is not in relation to a **relevant complaint** that is a **content appeal** (for which, see ICU D10), it should take the steps listed in ICU D10.2(a), (b) and (c).".

Amendments to ICU C5

2.17 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C5.2(b), after "**children**", add "**in the United Kingdom**".

Amendments to ICU C9

2.18 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C9–

a) in ICU C9.1(a)–

i) omit the "or" at the end of paragraph (i);
ii) after paragraph (ii), insert–

"iii) the principal purpose of the **service** is the hosting or dissemination of **regulated pornographic content**; or";

b) in ICU C9.7(b), for "children" substitute "***children***";
c) for ICU C9.16, substitute–

"ICU C9.16 When deciding the policy for review of **detected content**, the provider should ensure that the following things are taken into account:

a) the level of assurance the provider has in the detection outcomes achieved by the **perceptual hash matching technology** in use and any associated ***systems and/or processes*** (as indicated by the ongoing monitoring, evaluation and quality assurance (including human quality assurance) of the performance of the technology); and
b) to the extent that **detected content** is subject to review for the purpose of Recommendation ICU C1:

i) the potential severity of the harm to those depicted in or ***encountering*** **CSAM**; and

ii) the overall impact of an incorrect decision that the relevant content is ***illegal content*** on a ***United Kingdom user*** who generated, uploaded or shared the content, including the importance of minimising the reporting of **false positives** to the National Crime Agency (NCA) or a foreign agency (within the meaning of Chapter 2 of Part 4 of the **Act**).";

d) in ICU C9.20–

i) before sub-paragraph (a), insert–

"za) Recommendation ICU C4A;";

ii) in sub-paragraphs (b) and (c), before "**appeals**" insert "**content**".

Amendments to ICU C10

2.19 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C10.12, in sub-paragraphs (a) and (b), before "**appeals**" insert "**content**".

Insertion of a new recommendation (ICU C13)

2.20 In Section 4 (Recommended measures), in subsection C (Content moderation), after ICU C10, insert–[4]

"ICU C13 Using hash matching to detect terrorism content

Application

ICU C13.1 This measure applies to a ***provider*** in respect of each **service** it provides that enables ***regulated user-generated content*** in the form of photographs, videos or visual material to be generated, uploaded or shared, and:

a) is at high **risk** of ***terrorism content***, and:
   i) has more than 700,000 monthly **active United Kingdom users** (see paragraphs 5.7 to 5.10), or
   ii) is a **file-storage and file-sharing service**, or

b) is a **large service** and is at medium or high **risk** of ***terrorism content***.

Key definition

ICU C13.2 In this Recommendation ICU C13:

"relevant content" means:

a) any ***regulated user-generated content*** in the form of photographs, videos or visual material that:

[4] The inserted recommendation replaces the placeholder text included in the amended Illegal content Codes of Practice for user-to-user services published on 12 October 2026.

i) may be ***encountered*** by ***United Kingdom users*** of the service by means of the service, and
ii) is communicated publicly[5] by means of the service, or

b) any material which, if it were present on the service, would be content within sub-paragraph (a).

Recommendation

ICU C13.3 The provider should ensure that, where technically feasible, **perceptual hash matching technology** is used effectively (see ICU 13.7) to analyse relevant content to assess whether it is ***terrorism content***.

ICU C13.4 In circumstances where relevant content matches with a hash, the provider:

a) may, depending on the level of assurance the provider has in the detection outcomes achieved by the **hash matching technology**, treat the relevant content as ***illegal content*** and swiftly take it down in accordance with ICU C2.3; or

b) should otherwise treat the match as reason to suspect that the relevant content may be ***illegal content*** and review the relevant content in accordance with Recommendation ICU C1.

ICU C13.5 The provider should ensure human moderators review and assess an appropriate proportion of **detected content**, having regard to:

a) the level of assurance the provider has in the detection outcomes achieved by the **hash matching technology** and any associated ***systems and processes*** (as indicated by the ongoing monitoring, evaluation and quality assurance (including human quality assurance) of the performance of the technology), and

b) to the extent that **detected content** is subject to review for the purpose of Recommendation ICU C1:

i) the potential severity of the harm to those depicted in or ***encountering terrorism content***, and

ii) the overall impact of an incorrect decision that the relevant content is ***illegal content*** on a ***United Kingdom user*** who generated, uploaded or shared the content.

ICU C13.6 For the purposes of ICU C13.3, the provider should ensure that:

a) all relevant content present on the service at the time the **perceptual hash matching technology** is implemented is analysed within a reasonable time, and
b) relevant content that is generated on, uploaded to or shared on the

[5] Ofcom has published **guidance on content communicated 'publicly' and 'privately' under the Online Safety Act** for this purpose.

service (or that a user seeks to so generate, upload or share) after the **perceptual hash matching technology** is implemented is analysed before or as soon as practicable after it can be ***encountered*** by ***United Kingdom users*** of the service.

ICU C13.7 For the use of **perceptual hash matching technology** to be effective, it should:

a) use a suitable perceptual hash function to compare relevant content to an appropriate set of hashes (see ICU C13.8 to ICU C13.11), and
b) be configured so that its performance strikes an appropriate balance between **precision** and **recall** (see ICU C13.12 to ICU C13.14).

The set of hashes

ICU C13.8 For the set of hashes to be appropriate, it should:

a) include hashes of ***terrorism content*** sourced by a person (a "hash database provider") with:
   i) expertise in identification of ***terrorism content***, and
   ii) arrangements in place to identify suspected ***terrorism content*** and to ensure that ***terrorism content*** is correctly identified before hashes of that material are added to the database,
b) include an appropriate range of ***terrorism content***,
c) contain hashes of a significant number of original items of ***terrorism content***,
d) not plainly discriminate, in relation to identifying ***terrorism content***, on the basis of protected characteristics (within the meaning of Part 2 of the Equality Act 2010),
e) be proactively updated with reasonable regularity,
f) be subject to arrangements for identifying and removing hashes that are not capable of amounting to ***terrorism content***, and
g) be secured from unauthorised access or interference (whether by persons who work for the provider or a third-party hash database provider, persons who are providing a service to the provider or third-party hash database provider, or any other person).

ICU C13.9 Where the provider becomes aware of ***terrorism content*** a hash of which is not included in its set of hashes, the provider should secure that a hash of that content is added to its database.

ICU C13.10 The provider should take reasonable steps to secure the removal of a hash from any hash database used by the provider, where the provider determines that the hash relates to ***content*** which is not capable of amounting to ***terrorism content***.

ICU C13.11 The provider should ensure an appropriate policy is put in place, and that measures are taken in accordance with that policy, to secure any hashes of

terrorism content held for the purposes of this Recommendation ICU C13 in accordance with ICU C13.8(g).

Technical configuration

ICU C13.12 In configuring the technology so that its performance strikes an appropriate balance between **precision** and **recall**, the provider should ensure that the following matters are taken into account:

a) the service's **risk** of harm relating to terrorism, reflecting the **risk assessment** of the service and any information reasonably available to the provider about the prevalence of relevant content that is ***terrorism content*** on the service;
b) the proportion of **detected content** that is a **false positive**;
c) the effectiveness of the ***systems and/or processes*** used to identify **false positives**.

ICU C13.13 The provider should ensure that the performance of the **hash matching technology**, and whether the balance between **precision** and **recall** continues to be appropriate, is reviewed at least every six months.

ICU C13.14 The provider should ensure that a written record is made of how this balance has been struck in configuring the **hash matching technology**, including what information has been considered, and information about reviews and steps taken in response.

Safeguards for freedom of expression and privacy

ICU C13.15 Paragraphs ICU C13.5 to ICU C13.14 of this Recommendation ICU C13 are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***.

ICU C13.16 The following measures are also safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendations ICU C1, ICU C2 and ICU C4A;
b) where they are applicable, Recommendations ICU C3, ICU C4, ICU C6, ICU C7 and ICU C8 (in relation to content moderation);
c) Recommendations ICU D1 and ICU D2, so far as they relate to ***content appeals*** or complaints by ***United Kingdom users*** and ***affected persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy;
d) Recommendations ICU D8 or ICU D9 (whichever is applicable), ICU D10 and, where they are applicable, ICU D10A (in relation to **content appeals**), and ICU D12; and
e) Recommendation ICU G1 (terms of service: substance (all services)).".

Amendments to ICU C14

2.21 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C14.17–

a) in sub-paragraph (a), for "ICU C1 and ICU C2" substitute "ICU C1, ICU C2 and ICU C4A";
b) in sub-paragraph (b), before "**appeals**" insert "**content**";
c) in sub-paragraph (c)–

i) after "D10", insert "and, where applicable, ICU D10A";
ii) before "**appeals**" insert "**content**".

Amendments to ICU C15

2.22 In Section 4 (Recommended measures), in subsection C (Content moderation), in ICU C15.8(c), for "(whichever is applicable) and ICU D10" substitute "(whichever is applicable), ICU D10, and ICU D10A (where applicable)".

Amendments relating to reporting and complaints

Amendments to ICU D3

2.23 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), in ICU D3.2(b), for "an **appeal**" substitute "a **content appeal**".

Amendments to ICU D8

2.24 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), in ICU D8–

a) in the heading of ICU D8, before "appeals" insert "content";
b) in ICU D8.2, before "**appeals**" insert "**content**";
c) in ICU D8.3(a), before "**appeal**" insert "**content**";
d) for ICU D8.4, substitute–

"ICU D8.4 The provider should have regard to the following matters in determining what priority to give to review of a **relevant complaint** which is a **content appeal**:

a) the seriousness of the action taken against the ***user*** or in relation to the ***content*** (or both) as a result of the decision that the ***content*** was ***illegal content*** or **illegal content proxy**;

b) whether the decision that the ***content*** was ***illegal content*** or **illegal content proxy** was made by ***content identification technology*** and, if so:

i) any information that Ofcom has recommended the provider collect about the likelihood of false positives generated by the specific ***content identification technology*** used; and
ii) any other information available about the accuracy of the ***content identification technology*** at identifying similar types of ***illegal content*** or **illegal content proxy**; and

c) the past error rate on the service in relation to **illegal content judgements** or judgements about whether ***content*** is an **illegal content proxy** of the type concerned.";

e) after ICU D8.4, insert–

"ICU D8.5 In determining **relevant complaints** which are **content appeals** relating to the ***United Kingdom user*** being **sanctioned**, the provider should consider whether, in the circumstances of the case, the **sanction** that has been imposed is appropriate, having regard to its policy on **sanctions**.".

Amendments to ICU D9

2.25 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), in ICU D9–

a) in the heading of ICU D9, before "appeals" insert "content";
b) in ICU D9.2, before "**appeals**" insert "**content**".

Amendments to ICU D10

2.26 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), in ICU D10–

a) in the heading of ICU D10, before "appeals" insert "content";
b) in ICU D10.2, in the words before sub-paragraph (a)–

i) for "an **appeal**" substitute "a **content appeal**";
ii) after "***illegal content***" insert "or **illegal content proxy**";

c) after ICU D10.2, insert–

"ICU D10.3 If, in relation to a **relevant complaint** that is a **content appeal** relating to a ban imposed on a ***user*** under Recommendation ICU H3, the provider does not reverse the determinations made under ICU H3.3(a) and (b), the provider may:

a) decide to reverse the ban against the ***user***, if it has reasonable grounds to believe that the user is a ***child*** and one of the extenuating circumstances referred to in ICU H3.6 applies;
b) decide to reverse the ban against the ***user***, if they were banned for receiving and viewing **CSAM** or **CSAM content proxy** and ICU H3.5 applies;
c) redetermine the duration of the ban in accordance with ICU H3.7 or H3.8 (as applicable), if it determines that the duration originally imposed under ICU H3.7 or H3.8 is not appropriate.".

Insertion of a new recommendation (ICU D10A)

2.27 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), after ICU D10, insert–

"ICU D10A Appropriate action for relevant complaints which are content appeals – action following determination upholding the appeal, except for CSEA content or CSEA content proxy (large or multi-risk services)

Application

ICU D10A.1 This measure applies to a ***provider*** in respect of each **service** it provides that meets either (or both) of the following:

a) a **large service**;
b) a **multi-risk service**.

Recommendation

ICU D10A.2 If the provider upholds, in whole or in part, a **relevant complaint** that is a **content appeal** relating to the ***user*** being **sanctioned** under the provider's policy on **sanctions** (see Recommendation ICU H2), but does not reverse its decision that ***content*** was ***illegal content*** or **illegal content proxy**, the provider should:

a) reverse the action taken against the ***user***, and

b) apply the appropriate **sanction** having regard to its policy on **sanctions** (see Recommendation ICU H2).

This measure does not apply to ***CSEA content*** or **CSEA content proxy** (see ICU D10.3).".

Amendments to ICU D11

2.28 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), in ICU D11–

a) in the heading of ICU D11, before "appeals" insert "content";
b) in ICU D11.2, in the words before sub-paragraph (a), before "**appeals**" insert "**content**".

Amendments to ICU D13

2.29 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), in ICU D13.2, in the words before sub-paragraph (a), for "an **appeal**" substitute "a **content appeal** or an **age assessment appeal**".

Insertion of new recommendations (ICU D15, ICU D16 and ICU D17)

2.30 In Section 4 (Recommended measures), in subsection D (Reporting and complaints), after ICU D14, insert–

"ICU D15 Appropriate action for age assessment appeals (services that are large or multi-risk)

Application

ICU D15.1 This measure applies to a ***provider*** in respect of each **service** that:

a) uses an **age assurance process** to determine which ***United Kingdom users*** of the service are ***children***; and

b) is either (or both) of the following:

i) a **large service**;

ii) a **multi-risk service**.

Recommendation

ICU D15.2 The provider should have regard to the following matters in determining what priority to give to consideration of an **age assessment appeal**:

a) the seriousness of the impact on the ***user*** of any decision made on the basis of the assessment of the ***user***'s age;
b) whether the decision made on the basis of the ***user's*** age was made without human oversight and, if so, information available about the accuracy of the specific technology used in making age assessments;
c) the past error rate on the service in relation to age assessments; and
d) any representations made by the ***user*** as part of the **age assessment appeal** as to the impact on the ***user***'s livelihood from any decision made on the basis of the assessment of the ***user***'s age.

ICU D15.3 The provider should, as a minimum, monitor its performance against performance targets relating to the following:

a) the time it takes to determine the **age assessment appeal**, and
b) the accuracy of decision making,

and should resource itself so as to give effect to those targets.

ICU D15.4 If the provider determines that the ***user***'s age was incorrectly assessed, it should take any necessary steps to reverse the action taken in relation to the ***user*** as a result of that incorrect assessment.

ICU D15.5 The provider should monitor trends in **age assessment appeals** to help improve any **age assurance process** used on the service.

ICU D16 Appropriate action for age assessment appeals (services that are neither large nor multi-risk)

Application

ICU D16.1 This measure applies to a ***provider*** in respect of each **service** that:

a) uses an **age assurance process** to determine which ***United Kingdom users*** of the service are ***children***; and

b) is neither a **large service** nor a **multi-risk service**.

Recommendation

ICU D16.2 The provider should determine **age assessment appeals** promptly.

ICU D16.3 If the provider determines that the ***user***'s age was incorrectly assessed, it should take any necessary steps to reverse the action taken in relation to the ***user*** as a result of that incorrect assessment.

ICU D16.4 The provider should monitor trends in **age assessment appeals** to help improve any **age assurance process** used on the service.

ICU D17 Livestreaming reporting for imminent physical harm

Application

ICU D17.1 This measure applies to a ***provider*** in respect of each **service** that it provides that meets both of the following conditions:

a) the service has **one-to-many livestreaming**; and

b) the service is at medium or high **risk** of one or more of the following **kinds of illegal harm**:

i) terrorism;

ii) grooming;

iii) image-based CSAM;

iv) encouraging or assisting suicide (or attempted suicide) and serious self-harm;

v) hate;

vi) harassment, stalking, threats and abuse;

vii) animal cruelty.

Recommendation

ICU D17.2 The provider should ensure that the reporting function or tool for **relevant complaints** regarding a specific piece of ***content*** in a **one-to-many livestream** enables ***United Kingdom users*** to indicate a risk of imminent physical harm to a person (or persons) or an animal (or animals).".

Amendments relating to recommender systems

Amendments to ICU E1

2.31 In Section 4 (Recommended measures), in subsection E (Recommender systems), in ICU E1–

a) in E1.1(b)(iii), at the end, insert "and serious self-harm;";
b) after E1.6, insert–

"Safeguard for freedom of expression and privacy

ICU E1.7 Recommendation ICU C4A is a safeguard to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***.".

Insertion of new recommendations (ICU E2 and ICU E3)

2.32 In Section 4 (Recommended measures), in subsection E (Recommender systems), after ICU E1, insert–

"ICU E2 Content recommender systems: excluding priority illegal content (terrorism and hate)

Application

ICU E2.1 This measure applies to a ***provider*** in respect of each **service likely to be accessed by children** it provides that meets both of the following conditions:

a) the service is at medium or high **risk** of one or more of the following **kinds of illegal harm**:

i) terrorism;
ii) hate;

b) a **child-accessible part** of the service has a **content recommender system**.

Key definitions

ICU E2.2 In this Recommendation ICU E2:

"relevant content" means ***regulated user-generated content*** which amounts to one of the **kinds of illegal harm** set out in ICU E2.1(a);

"relevant user" means any ***United Kingdom user*** of the service, other than a ***user*** determined to be an ***adult*** by the use of **highly effective age assurance**.

Recommendation

ICU E2.3 The provider should ensure that any **content recommender system** on a **child-accessible part** of the service is designed and operated so that content indicated potentially to be relevant content on the basis of **relevant available information** is excluded from relevant users' content feeds.

ICU E2.4 For the purposes of ICU E2.3, the provider should:

a) identify what **relevant available information** exists, and
b) ensure that the design of the **content recommender system** takes appropriate account of that **relevant available information**.

ICU E2.5 If the service's **content moderation function** reviews content indicated (for the purposes of this Recommendation) potentially to be relevant content and determines it not to be **illegal content** in accordance with ICU C1.3, this Recommendation no longer applies to that content.

ICU E2.6 This Recommendation does not recommend the use of any specific kind of ***proactive technology***, or the use of ***proactive technology*** to analyse ***user-generated content*** communicated privately or metadata relating to ***user-generated content*** communicated privately. [6]

Safeguards for freedom of expression and privacy

ICU E2.7 The following measures are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendations ICU B1, ICU C1, ICU C2 and ICU C4A;
b) where they are applicable, ICU C3, ICU C4, ICU C5, C6, ICU C7 and ICU C8;
c) Recommendations ICU D1 and ICU D2, so far as they relate to complaints by ***United Kingdom users*** and ***affected persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy, ICU D10A, and ICU D12.

[6] Ofcom has published **guidance on content communicated 'publicly' and 'privately' under the Online Safety Act**.

ICU E3 Content recommender systems: excluding priority illegal content (encouraging or assisting suicide (or attempted suicide) and serious self-harm)

Application

ICU E3.1 This measure applies to a ***provider*** in respect of each **service likely to be accessed by children** it provides that meets both of the following conditions:

a) the service is at medium or high **risk** of encouraging or assisting suicide (or attempted suicide) and serious self-harm;

b) a **child-accessible part** of the service has a **content recommender system**.

Key definitions

ICU E3.2 In this Recommendation ICU E3:

"relevant content" means ***regulated user-generated content*** which amounts to encouraging or assisting suicide (or attempted suicide) and serious self-harm;

"relevant user" means any ***United Kingdom user*** of the service, other than a ***user*** determined to be an ***adult*** by the use of **highly effective age assurance**.

Recommendation

ICU E3.3 The provider should ensure that any **content recommender system** on a **child-accessible part** of the service is designed and operated so that content indicated potentially to be relevant content on the basis of **relevant available information** is excluded from relevant users' content feeds.

ICU E3.4 For the purposes of ICU E3.3, the provider should:

a) identify what **relevant available information** exists, and
b) ensure that the design of the **content recommender system** takes appropriate account of that **relevant available information**.

ICU E3.5 If the service's **content moderation function** reviews content indicated (for the purposes of this Recommendation) potentially to be relevant content and determines it not to be **illegal content** in accordance with ICU C1.3, this Recommendation no longer applies to that content.

ICU E3.6 This Recommendation does not recommend the use of any specific kind of ***proactive technology,*** or the use of ***proactive technology*** to analyse ***user-generated content*** communicated privately or metadata relating to ***user-generated content*** communicated privately.

Safeguards for freedom of expression and privacy

ICU E3.7 The following measures are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendations ICU B1, ICU C1, ICU C2 and ICU C4A;
b) where they are applicable, ICU C3, ICU C4, ICU C5, C6, ICU C7 and ICU C8;
b) Recommendations ICU D1 and ICU D2, so far as they relate to complaints by ***United Kingdom users*** and ***affected persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy, ICU D10A, and ICU D12.".

Amendments relating to settings, functionalities and user support

Amendments to ICU F1

2.33 In Section 4 (Recommended measures), in subsection F (Settings, functionalities and user support), in ICU F1–

a) in ICU F1.1, in the words before sub-paragraph (a), for the words from "following," to "service" substitute "following";
b) after ICU F1.1, insert–

"Key definitions

ICU F1.1A In this Recommendation ICU F1:

"relevant user" means any ***United Kingdom user*** of the service, other than a ***user*** determined to be an ***adult*** by the use of **highly effective age assurance**;

"relevant user account" means a user account registered to a relevant user.";

c) in ICU F1.2–
   i) in sub-paragraph (a), for "**child user accounts**" substitute "relevant user accounts";
   ii) in sub-paragraph (b)–
      (a) for "***users***" substitute "relevant users";
      (b) omit "when operating a **child user account**".
d) in ICU F1.3, in sub-paragraphs (a) and (b), for "**child user accounts**" substitute "relevant user accounts";
e) in ICU F1.4–
   i) in sub-paragraph (a), for "**child user accounts**" substitute "relevant user accounts";
   ii) in sub-paragraph (b), for "***users*** operating a **child user account**" substitute "relevant users";

iii) in the words before sub-paragraph (i), for "***users*** operating a **child user account**" substitute "relevant users";

iv) in sub-paragraph (i), for "child user account" substitute "relevant user account";

f) for ICU F1.5, substitute–

"ICU F1.5 For the purposes of ICU F1.4, a relevant user account has a **specified connection** with another user account if either:

a) the relevant user operating that relevant user account has taken action to initiate the establishment of a **connection** with the other user account (for example through 'friending', 'following', or 'subscribing'); or

b) the relevant user operating that relevant user account has taken action to confirm the establishment of a **connection** with the other user account (for example by accepting a 'friend request' or a request to 'follow' or 'subscribe' to the other user account).";

g) in ICU F1.6, for "**child user account**" substitute "relevant user account";

h) at the end of ICU F1, insert–

"Safeguards for freedom of expression and privacy

ICU F1.7 The following measures are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendation ICU B1;

b) Recommendations ICU D15 and D16.".

Amendments to ICU F2

2.34 In Section 4 (Recommended measures), in subsection F (Settings, functionalities and user support), in ICU F2–

a) in ICU F2.1, in the words before sub-paragraph (a), for the words "following," to "service" substitute "following";

b) after ICU F2.1, insert–

"Key definitions

ICU F2.1A In this Recommendation ICU F2:

"relevant user" means any ***United Kingdom user*** of the service, other than a ***user*** determined to be an ***adult*** by the use of **highly effective age assurance**;

"relevant user account" means a user account registered to a relevant user.";

c) in ICU F2.2:

i) for "**child user account**" substitute "relevant user account";
ii) for "**child users**" substitute "the ***user***";

d) in ICU F2.3, in the words before sub-paragraph (a), for "**child user account**" substitute "relevant user account";

e) in ICU F2.4–

i) in the words before sub-paragraph (a), for "***user*** operating a **child user account**" substitute "relevant user";
ii) in the words after sub-paragraph (b), for "***user*** operating a **child user account**" substitute "the relevant user";

f) in ICU F2.5–

i) in the words before sub-paragraph (a), for "***user*** operating a **child user account**" substitute "relevant user";
ii) in sub-paragraph (a), for "relevant" substitute "other";
iii) in sub-paragraph (b), for "their" substitute "the relevant user's";

g) at the end of ICU F2, insert–

"Safeguards for freedom of expression and privacy

ICU F2.7 The following measures are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendation ICU B1;
b) Recommendations ICU D15 and D16.".

Amendments relating to terms of service

Amendments to ICU G1

2.35 In Section 4 (Recommended measures), in subsection G (Terms of service), in ICU G1.2, after sub-paragraph (c), insert–

"; and

d) provisions giving information about its policy on banning ***users*** in relation to ***CSEA content*** or **CSEA content proxy**, or both (see Recommendation ICU H3).".

Insertion of a new recommendation (ICU G1A)

2.36 In Section 4 (Recommended measures), in subsection G (Terms of service), after ICU G1, insert–

"ICU G1A Terms of service: substance (large or multi-risk services)

Application

ICU G1A.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large service**;

b) a **multi-risk service**.

Recommendation

ICU G1A.2 The provider should include in the ***terms of service*** provisions giving information about its policy on **sanctions** (see Recommendation ICU H2), addressing, at least, the **sanctions** which the provider may impose on ***users*** who generate, upload or share ***content*** that it determines to be ***illegal content*** or **illegal content proxy**, other than ***CSEA content*** or **CSEA content proxy** (see ICU G1.2 for ***terms of service*** relating to ***CSEA content*** or **CSEA content proxy**).".

Amendments relating to user access

Amendments to ICU H1

2.37 In Section 4 (Recommended measures), in subsection H (User access), in ICU H1.9–

a) before sub-paragraph (a), insert–

"za) Recommendation ICU C4A;";

b) in sub-paragraphs (a) and (b), before "**appeals**" insert "**content**".

Insertion of new recommendations (ICU H2 and ICU H3)

2.38 In Section 4 (Recommended measures), in subsection H (User access), after ICU H1, insert–

"ICU H2 User sanctions

Application

ICU H2.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large service**;
b) a **multi-risk service**.

Recommendation

ICU H2.2 The provider should prepare and apply a policy in respect of **sanctions** to be imposed on ***United Kingdom users*** who generate, upload or share ***illegal content*** or **illegal content proxy** other than ***CSEA content*** or **CSEA content proxy**, for preventing the future dissemination of ***illegal content*** (for measures in respect of ***CSEA content*** and **CSEA content proxy**, see Recommendation ICU H3).

ICU H2.3 The policy should set out the **sanctions** that the provider may impose on a ***United Kingdom user*** who generates, uploads or shares ***illegal content*** or **illegal content proxy** other than ***CSEA content*** or **CSEA content proxy**.

ICU H2.4 In setting its policy on the circumstances in which it will impose a **sanction** on such a ***user***, and the seriousness of the appropriate **sanction** in those circumstances, the provider should have regard to at least the following factors:

a) the severity of potential harm to ***United Kingdom users*** if they encounter the ***illegal content*** or **illegal content proxy** on the service;
b) whether the ***user*** has previously generated, uploaded or shared ***illegal content*** or **illegal content proxy**, including whether the ***user*** was **sanctioned** for doing so; and
c) the potential impact of the type and duration of the **sanction** on the ***user*** being **sanctioned**.

ICU H2.5 The provider should regularly review and update the policy on **sanctions** to ensure it remains fit for purpose, taking into account at least:

a) the service's **risk assessment**; and

b) any matters arising from **relevant complaints** which have been determined since the policy was last reviewed, which were **content appeals** relating to ***users*** who had been **sanctioned** under the provider's policy on **sanctions**.

Safeguards for freedom of expression and privacy

ICU H2.6 The following measures are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendation ICU C4A;
b) Recommendations ICU D1 and D2, so far as they relate to **content appeals** or complaints by ***United Kingdom users*** and ***affected persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy; and
c) Recommendations ICU D8 and D9 (whichever is applicable), ICU D10 and ICU D10A (in relation to **content appeals**), and ICU D12.

ICU H3 Banning users for CSEA

Application

ICU H3.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Key definitions

ICU H3.2 In this Recommendation ICU H3:

a) "age-appropriate relationship" means a relationship between two ***users*** of the same or similar age;

b) "ban" means to prevent a relevant user from accessing:

i) the **service** on which the relevant user generated, uploaded or shared ***CSEA content*** or **CSEA content proxy**; or on which the relevant user received **CSAM** or **CSAM content proxy**; and

ii) where applicable, other **services** provided by the provider, where the provider has reasonable grounds to believe that the relevant user has access to those services.

Where applicable, to "ban" includes removing the relevant user's user account. Where the provider has reasonable grounds to believe that the relevant user has more than one user account on the service in question, a "ban" also means preventing the relevant user from being able to access the service through any of those user accounts. A "ban" should be understood accordingly;

c) "relevant user" means a ***user*** to which ICU H3.3(b) or ICU H3.4(b) applies.

Recommendation

ICU H3.3 A provider should ban a ***user***, unless ICU H3.6(a) applies, where the provider determines that:

a) ***content*** on the service is ***CSEA*** (following an **illegal content judgement**) or **CSEA content proxy**, and

b) that ***user*** generated, uploaded or shared that content on the service.

ICU H3.4 A provider should also ban a ***user***, unless ICU H3.5 or H3.6(b) applies, where the provider determines that:

a) ***content*** on the service is **CSAM** (following an **illegal content judgement**) or **CSAM content proxy**, and

b) that user received and viewed that content.

ICU H3.5 A provider may decide not to ban a ***user*** it has determined has received and viewed **CSAM** or **CSAM content proxy** where it is satisfied that the ***user*** promptly reported that content to the provider, an appropriate law enforcement agency, or any other dedicated **CSAM** reporting agency [7] and promptly deleted it (if deleting the content is possible).

ICU H3.6 A provider may decide not to ban a relevant user where it has reasonable grounds to believe that such relevant user is a ***child*** and either of the following extenuating circumstances apply:

a) the relevant user generated, uploaded or shared **CSAM** or **CSAM content proxy** of themself:

i) as a result of having been groomed, or
ii) consensually as part of an age-appropriate relationship;

b) the relevant user received **CSAM** or **CSAM content proxy**, uploaded or shared by another ***child*** of themself, consensually as part of an age-appropriate relationship.

ICU H3.7 Where the provider has imposed a ban under ICU H3.3 or ICU H3.4, it should take reasonable steps to ensure that while such a ban is in force, that ***user*** is prevented from regaining access to the service, or **services**, on a continuous basis.

In determining reasonable steps for this purpose, the provider should have regard, in particular, to:

a) the nature of the service in question;
b) what is technically feasible;
c) the resources of the provider; and
d) the provider's risk profile (having regard to its **risk assessment**).

ICU H3.8 Where the provider does not have reasonable grounds to believe a relevant user is a ***child***, a ban imposed on such relevant user under ICU H3.3 or ICU H3.4 should be:

a) permanent, or
b) in exceptional circumstances, of such duration as the provider reasonably considers appropriate in accordance with ICU H3.10.

ICU H3.9 Where the provider has reasonable grounds to believe a relevant user is a ***child,*** a ban imposed on such relevant user under ICU H3.3 or ICU H3.4 should be of such duration as the provider reasonably considers appropriate in accordance with ICU H3.10 and ICU H3.11, which may include the ban being permanent.

ICU H3.10 For the purpose of determining the duration of a ban under ICU H3.8(b) or ICU H3.9, the provider should ensure that the duration of the ban:

a) reflects the nature and severity of harm to ***United Kingdom users*** associated with the sharing, generating or uploading of the ***CSEA content*** or **CSEA content proxy** in question; and

[7] For example, the Internet Watch Foundation (IWF).

b) protects ***United Kingdom users***, particularly **child users**, from harm by deterring the relevant user, and other ***users***, from sharing, generating or uploading ***CSEA content*** and **CSEA content proxy**.

ICU H3.11 For the purpose of determining the duration of a ban under ICU H3.9, the provider should also ensure that the duration of the ban takes into account:

a) whether the relevant user has previously:

i) generated, uploaded or shared ***CSEA content*** or **CSEA content proxy**, or

ii) received **CSAM** or **CSAM content proxy** without reporting that content promptly to the provider, an appropriate law enforcement agency, or any other dedicated **CSAM** reporting agency, and promptly deleting it (if deleting the content is possible),

b) whether the relevant user has previously been banned from the service for any of the actions referred to in sub-paragraph (a), and

c) the potential impact of the duration of the ban on the relevant user being banned.

Safeguards for freedom of expression and privacy

ICU H3.12 The following measures are safeguards to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendation ICU C4A;

b) where they are applicable, Recommendations ICU C3, ICU C4, ICU C6, ICU C7 and ICU C8;

c) ICU C9.6 to ICU C9.18;

d) Recommendations ICU D1 and D2, so far as they relate to **content appeals** by ***United Kingdom users*** against the decision by the provider to ban a relevant user under this Recommendation ICU H3;

e) Recommendations ICU D8 and D9 (whichever is applicable);

f) ICU D10.2 and D10.3, so far as they relate to **content appeals** by ***United Kingdom users*** against the decision by the provider to ban a relevant user under this Recommendation ICU H3; and

g) ICU H3.4, H3.6(b), H3.7 and H3.8.".

Amendments relating to user controls

Amendments to ICU J1

2.39 In Section 4 (Recommended measures), in subsection J (User controls), in ICU J1–

a) in ICU J1.1–

i) in the words before sub-paragraph (a), omit "**large**";

ii) for sub-paragraph (a), substitute–

"a) the service meets any of Descriptions A to C;"

b) after ICU J1.1, insert–

"ICU J1.1A Description A is that the service:

a) is a **large service**, and
b) is at medium or high **risk** of one or more of the **kinds of illegal harm** listed in ICU J1.1D.

ICU J1.1B Description B is that the service:

a) has no more than seven million monthly **active UK users**,
b) is ***likely to be accessed by children***, and
c) is at high **risk** of one or more of the **kinds of illegal harm** listed in ICU J1.1D.

ICU J1.1C Description C is that the service:

a) has between 700,000 and seven million monthly **active UK users**,
b) is ***likely to be accessed by children***, and
c) is at medium **risk** of one or more of the **kinds of illegal harm** listed in ICU J1.1D.

ICU J1.1D The **kinds of illegal harm** are:

a) grooming;
b) encouraging or assisting suicide (or attempted suicide) and serious self-harm;
c) hate;
d) harassment, stalking, threats and abuse;
e) controlling or coercive behaviour;
f) cyberflashing.

ICU J1.1E Where the service meets Descriptions B or C, ICU J1.2 and ICU J1.4 apply in relation to any **child-accessible part** of the service that has any of the functionalities listed in ICU J1.1(c).";

c) in ICU J1.2–

i) in the words before sub-paragraph (a), for "registered ***United Kingdom user***", substitute "applicable user";
ii) in sub-paragraphs (a) and (b), for "***United Kingdom user's***", substitute "applicable user's";

d) after ICU J1.2, insert–

"ICU J1.2A "Applicable user" means:

a) in relation to a service which meets Description A, a registered ***United Kingdom user***;
b) in relation to a service which meets Descriptions B or C, a registered ***United Kingdom user*** other than a ***user*** determined to be an ***adult*** by the use of **highly effective age assurance**.";

e) in ICU J1.4–

i) for "registered ***United Kingdom user***", substitute "applicable user";
ii) for "***United Kingdom user's***", substitute "applicable user's";

f) at the end of ICU J1, insert–

"Safeguard for privacy

ICU J1.8 Recommendation ICU B1 is a safeguard to protect the privacy of ***United Kingdom users***.".

Amendments to ICU J2

2.40 In Section 4 (Recommended measures), in subsection J (User controls), in ICU J2–

a) in ICU J2.1–

i) in the words before sub-paragraph (a), omit "**large**";
ii) for sub-paragraph (a), substitute–

"a) the service meets any of Descriptions A to C;"

b) after ICU J2.1, insert–

"ICU J2.1A Description A is that the service:

a) is a **large service**, and
b) is at medium or high **risk** of one or more of the **kinds of illegal harm** listed in ICU J2.1D.

ICU J2.1B Description B is that the service:

a) has no more than seven million monthly **active UK users**,
b) is ***likely to be accessed by children***, and
c) is at high **risk** of one or more of the **kinds of illegal harm** listed in ICU J2.1D.

ICU J2.1C Description C is that the service:

a) has between 700,000 and seven million monthly **active UK users**,
b) is ***likely to be accessed by children***, and
c) is at medium **risk** of one or more of the **kinds of illegal harm** listed in ICU J2.1D.

ICU J2.1D The **kinds of illegal harm** are:

a) grooming;
b) encouraging or assisting suicide (or attempted suicide) and serious self-harm;
c) hate;

d) harassment, stalking, threats and abuse.

ICU J2.1E Where the service meets Descriptions B or C, ICU J2.2 and ICU J2.3 apply in relation to any **child-accessible part** of the service that has **commenting on content functionality**.

Key definition

ICU J2.1F In this Recommendation ICU J2, "applicable user" means:

a) in relation to a service which meets Description A, a registered ***United Kingdom user***;
b) in relation to a service which meets Descriptions B or C, a registered ***United Kingdom user*** other than a ***user*** determined to be an ***adult*** by the use of **highly effective age assurance**.";

c) in ICU J2.2, for "registered ***United Kingdom user***", substitute "applicable user";
d) in ICU J2.3, for "Registered ***United Kingdom users***", substitute "Applicable users";
e) at the end of ICU J2, insert–

"Safeguard for privacy

ICU J2.5 Recommendation ICU B1 is a safeguard to protect the privacy of ***United Kingdom users***.".

Amendments to definitions and interpretation

Amendments to definitions in Table A

2.41 In Section 5 (Definitions and interpretation), in Table A–

a) omit the entry for "**Appeal**";[8]
b) after the entry for "**Active United Kingdom user**", insert the following entries–

Age appropriate design code	The code of practice issued under section 125 of the Data Protection Act 2018 (c. 12) on 12 August 2020.
Age assessment appeal	A complaint by a ***United Kingdom user*** claiming that their experience on the service is impacted because measures used to comply with a duty set out in section 10(2) or (3) of the **Act** have resulted in an incorrect assessment of the user's age.
Age assurance	***Age verification*** and ***age estimation***.
Age assurance process	A ***system or process*** designed to determine whether a particular ***user*** is, or is not, a ***child*** that is comprised of one or more **age assurance** measures.

c) after the entry for "**Blocking user**", insert the following entries–

Challenge age approach	An **age assurance process** comprised of two stages whereby if, at the end of the first stage of process, the estimated age of a ***user*** is found to be below a specified age, further steps are taken to estimate or verify the exact age of the ***user*** before determining whether the ***user*** is a ***child***.
Child-accessible part (of a service)	A ***user-to-user part*** of a **service** other than any part which **children in the United Kingdom** are not normally able to access as a result of the use on the service of ***age verification*** or ***age estimation***.

d) omit the entry for "**Child user account**";
e) in the entry for "**Children**", in the first column, after "**Children**" add "**in the United Kingdom**";
f) after the entry for "**Connection lists**", insert the following entry–

[8] See definition of "**Content appeal**" inserted under paragraph 2.41(f).

Content appeal	A complaint by a ***United Kingdom user*** about any of the following actions, if the action concerned has been taken by the ***provider*** on the basis that ***content*** generated, uploaded or shared by that user is ***illegal content*** or **illegal content proxy***:* a) the content being ***taken down***; b) the user being given a warning; c) the user being suspended, banned, or in any other way restricted from using the **service**.

g) after the entry for "**CSAM (child sexual abuse material)**", insert the following entries–

CSAM content proxy	***Content*** that a ***provider*** determines to be in breach of its ***terms of service***, where: a) the ***provider*** had reason to suspect that the content may be **CSAM**; and b) the ***provider*** is satisfied that its ***terms of service*** prohibit the type of **CSAM** which it had reason to suspect existed.
CSEA content proxy	***Content*** that a ***provider*** determines to be in breach of its ***terms of service***, where: a) the ***provider*** had reason to suspect that the content may be ***CSEA content***; and b) the ***provider*** is satisfied that its ***terms of service*** prohibit the type of ***CSEA content*** which it had reason to suspect existed. For the avoidance of doubt, **CSEA content proxy** includes **CSAM context proxy**.

h) after the entry for "**Hash matching technology**", insert the following entry–

Highly effective age assurance	An **age assurance process** that meets each of the criteria listed under: a) ICU B1.3 (technical accuracy), b) ICU B1.4 (robustness), c) ICU B1.5 (reliability), and d) ICU B1.6 (fairness).

i) after the entry for "**Notable user scheme**", insert the following entry–

One-to-many livestream/livestreaming	A ***user-to-user service*** functionality that allows a single ***user*** to simultaneously create and distribute live video depicting real-world events as they occur online, streaming ***content*** (such as live video ***content***) to multiple or potentially unlimited ***users*** in, or very close to, real time. This excludes ***content*** which is communicated privately.

j) after the entry for "**Precision**", insert the following entry–

Produce(s) reproducible results	Produce(s) the same or similar outputs when given the same or similar inputs.

k) after the entry for "**Regulated user-to-user service**", insert the following entry–

Relevant available information	Information that is reasonably available to the ***provider*** from the operation of the **service**, such as: a) metadata relating to ***content*** (including tags and labels); b) data relating to the **user** uploading, generating or sharing ***content*** (such as whether other ***content*** uploaded, generated or shared by that user has been assessed to be **illegal content**); c) reports about ***content*** which ***United Kingdom users*** or ***affected persons*** consider to be ***illegal content***; d) negative feedback given by ***users*** pursuant to Recommendation PCU E3, in the Protection of Children Code of Practice for user-to-user services (where applicable); e) other indicators generated by technology used on the service.

l) in the entry for "**Relevant complaints**", in paragraphs (c) and (d), after "***illegal content***", insert "or **illegal content proxy**";

m) after the entry for "**Risk assessment**", insert the following entry–

Sanction	An action taken against a ***user*.** This includes: a) giving a warning to the ***user***, b) suspending or banning the ***user*** from using the **service**, or c) in any other way restricting the ***user's*** ability to use the **service**. The term "sanctioned" is to be read accordingly.

Amendments to definitions in Table B

2.42 In Section 5 (Definitions and interpretation), in Table B–

a) at the beginning, insert the following entry–

Adult	Section 236(1)

b) after the entry for "***Affected person***", insert the following entries–

Age estimation	Section 230(3) and (4) Section 4(4) defines "regulated service". A "regulated user-to-user service" is a "user-to-user service" (see the entry for "user-to-user service" regarding the definition of that term) which is a regulated user-to-user service under section 4 (subject to the disapplication in section 5). A "regulated search service" is an "internet service" (see the entry for "internet service" regarding the definition of that term) that is, or includes, a "search engine" (see the entry for "search engine" regarding the definition of that term) (subject to section 3(5) to (7)) that is a regulated search service under section 4 (subject to the disapplication in section 5). Section 79(3) defines "Regulated provider pornographic content". Section 79(2) defines "provider pornographic content". See the entries for "content", "internet service", "pornographic content" and "user" regarding the definitions of those terms.

Age verification	**Section 230(2) and (4)** Section 4(4) defines "regulated service". A "regulated user-to-user service" is a "user-to-user service" (see the entry for "user-to-user service" regarding the definition of that term) which is a regulated user-to-user service under section 4 (subject to the disapplication in section 5). A "regulated search service" is an "internet service" (see the entry for "internet service" regarding the definition of that term) that is, or includes, a "search engine" (see the entry for "search engine" regarding the definition of that term) (subject to section 3(5) to (7)) that is a regulated search service under section 4 (subject to the disapplication in section 5). Section 79(3) defines "Regulated provider pornographic content". Section 79(2) defines "provider pornographic content". See the entries for "content", "internet service", "pornographic content" and "user" regarding the definitions of those terms.

c) after the entry for "***Category 1 service***", insert the following entry–

Child	**Section 236(1)**

Amendments to the 'Risk of illegal harm' subsection[9]

Amendment to paragraph 5.5

2.43 In Section 5 (Definitions and interpretation), in paragraph 5.5, for "17" substitute "18".

Amendments to kinds of illegal harm in Table C

2.44 In Section 5 (Definitions and interpretation), in Table C–

a) for the entry for "Encouraging or assisting suicide", substitute the following entry–

3.	Encouraging or assisting suicide (or attempted suicide) and serious self-harm	An offence under section 2 of the Suicide Act 1961 (assisting suicide etc). An offence under section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20 (N.I.)) (assisting suicide etc). An offence under section 184 of the Online Safety Act 2023 (encouraging or assisting serious self-harm).

b) at the end, insert the following entry–

18.	Cyberflashing	An offence under section 66A of the Sexual Offences Act 2003 (sending etc photograph or film of genitals).

[9] When publishing the next consolidated version of the Codes, Ofcom intends to also omit the footnote relating to paragraph 5.4.

E03719708

978-1-5286-6896-5