[DRAFT] Illegal content Codes of Practice for search services

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1. Introduction

The Illegal content Codes of Practice for search services

1.1 Under the Online Safety Act 2023 (the 'Act'), Ofcom is required to prepare and issue Codes of Practice ('Codes') for providers of Part 3 services, describing measures recommended for the purpose of compliance with specified duties imposed on those providers by the Act.

1.2 This document contains Codes applying to providers of regulated search services (and to providers of combined services, so far as the duties applicable to search services apply in relation to those services) for the purpose of compliance with the following duties:

a) the illegal content safety duties set out in section 27(2) to (9) of the Act;
b) the duty about content reporting set out in section 31 of the Act, so far as it relates to illegal content; and
c) the duties about complaints procedures set out in section 32 of the Act, so far as relating to the complaints set out in section 32(4).

1.3 Recommended measures for user-to-user services are set out separately in the Illegal content Codes of Practice for user-to-user services.

1.4 The Act requires Ofcom to prepare and issue separate Codes for terrorism (arising from the offences set out in Schedule 5 to the Act) and child sexual exploitation and abuse ('CSEA') (arising from the offences set out in Schedule 6 to the Act) and one or more Codes for the purpose of compliance with the relevant duties relating to illegal content and harms (except to the extent measures are included within the Codes for terrorism and CSEA). Many of our recommended measures apply to more than one kind of illegal harm. To minimise duplication and simplify the regime for service providers, we have produced one document containing the main Codes for terrorism, CSEA and other duties. We identify the relevant Code(s) for each measure in the index of recommended measures which can be found at Section 3 of this document. 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).[1] Providers should ensure they check this site.

1.5 Over time Ofcom will update the Codes to take account of technological developments, new evidence, and any other relevant matters.

The recommended measures

1.6 Section 4 of this document sets out the recommended measures and is divided into subsections by thematic area. The meaning of terms in **bold**, terms in ***bold and italics*** and terms which are underlined is explained in Section 5.

1.7 The Act provides that service providers which implement measures recommended to them in these Codes will be treated as complying with the relevant duty or duties to which those measures relate.

[1] https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/online-safety-regulatory-documents

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1.8 Where a service provider implements measures recommended to it in these Codes which include safeguards for the protection of freedom of expression and/or for the protection of the privacy of United Kingdom users, the Act provides that they will also be treated as complying with the duties set out in section 33(2) (in respect of freedom of expression) and section 33(3) (in respect of privacy).

1.9 Service providers may seek to comply with a relevant duty in another way by adopting what the Act refers to as alternative measures. In doing so, service providers would also need to comply with the duty to have particular regard to the importance of protecting United Kingdom users' right to freedom of expression and the privacy of United Kingdom users.

1.10 Where they take alternative measures, service providers must also maintain a record of what they have done and how they consider that it meets the relevant duties, including how they have complied with the duty to have particular regard to the importance of protecting freedom of expression and privacy.

Data protection

1.11 Implementing the recommended measures set out in these Codes will inevitably involve the processing of personal data. The Information Commission ('the ICO') is the statutory regulator for data protection law and has made clear that it expects service providers to comply fully with data protection law when taking measures for the purpose of complying with their online safety duties under the Act.

1.12 The ICO has set out that it expects service providers to take a 'data protection by design and by default' approach when implementing online safety systems and processes. It advises service providers to familiarise themselves with the data protection legislation, the ICO's Children's code and relevant ICO guidance, including the updated opinion published by the ICO in January 2024 setting out the Commission's expectations for age assurance under the Children's code, to understand how to comply with the data protection regime.

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).

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2. Application and scope

2.1 These Codes apply to a ***provider*** in respect of:

a) the **regulated search service** that it provides; or

b) the ***combined service*** that it provides, to the extent that the duties in section 27, section 31 (so far as it relates to **illegal content**) and section 32 (so far as relating to the complaints set out in section 32(4)) of the **Act**) apply in relation to the service by virtue of section 7(6) of the **Act**.

2.2 If a person is the ***provider*** of more than one **regulated search service** (or ***combined service***) these Codes have effect in relation to each such service (so far as applicable).

2.3 These Codes apply regardless of whether or not the ***provider*** of the service is inside the United Kingdom.

2.4 The services in respect of which each recommended measure in these Codes applies are specified in the "application" section of each measure. An overview can be found in the index of recommended measures at Section 3 of this document.

2.5 Section 5 of this document includes provision about a service's risk and size. The subsection headed 'Risks of illegal harm' (which begins at paragraph 5.4) sets out when a service is at medium or high risk of a kind of illegal harm, and includes a definition of a '**multi-risk service'**.

2.6 The subsection headed 'User numbers' (which begins at paragraph 5.7) explains when a service is to be treated as having more than a particular number of monthly **active United Kingdom users** for those measures which apply in relation to **services** of a certain size, and how to calculate the number of monthly **active United Kingdom users**. Definitions of '**large service'** and '**large general search service**' are included in the definitions section in Section 5 of this document.

2.7 The measures in these Codes are recommended for the purpose of compliance with the **illegal content safety duties** and the **reporting and complaints duties** and their scope and application should be construed accordingly. In particular, the recommended measures should be construed in light of section 25(1) of the **Act** which provides that the duties set out in Chapter 3 of Part 3 of the **Act** extend only to:

a) the ***search content*** of the service,

b) the design, operation and use of the ***search engine*** in the United Kingdom, and

c) in the case of a duty that is expressed to apply in relation to users of a service, the design, operation and use of the ***search engine*** as it affects ***United Kingdom users*** of the service.

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3. Index of recommended measures

Recommended measure		Application	Code(s)	Relevant duties
Governance and accountability				
ICS A1	Annual review of risk management activities	**Large general search services**.	CSEA Terrorism Other duties	Section 27(2), (3), and (5) to (9) Section 31(2)* Section 32(2)† and (3)†
ICS A2	Individual accountable for illegal content safety duties and reporting and complaints duties	All **services**.		Section 27(2), (3), and (5) to (9) Section 31(2)* Section 32(2)† and (3)†
ICS A3	Written statements of responsibilities	**Large general search services** or **multi-risk services**.		Section 27(2), (3), and (5) to (9) Section 31(2)* Section 32(2)† and (3)†
ICS A4	Internal monitoring and assurance	**Large services** that are **multi-risk services**.		Section 27(2), (3), and (5) to (9) Section 31(2)* Section 32(2)† and (3)†
ICS A5	Tracking evidence of new and increasing illegal harm	**Large general search services** or **multi-risk services**.		Section 27(2) and (3)
ICS A6	Code of conduct regarding protection of users from illegal harm			Section 27(2), (3), and (5) to (9) Section 31(2)* Section 32(2)† and (3)†
ICS A7	Compliance training			Section 27(2), (3), and (5) to (9) Section 31(2)* Section 32(2)† and (3)†

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Recommended measure		Application	Code(s)	Relevant duties
Search moderation				
ICS C1	Having a search moderation function designed to action illegal content	All **services**.	CSEA Terrorism Other duties	Section 27(2) and (3) Section 32(2)(b)†
ICS C1A	Having a search moderation function designed to ensure that individuals are no longer able to encounter intimate image abuse content within 48 hours	All **services**.	Other duties	Section 27(3A) and (3B)
ICS C2	Setting internal content policies	**Large general search services** or **multi-risk services**.	CSEA Terrorism Other duties	Section 27(2) and (3)
ICS C3	Performance targets	**Large general search services** or **multi-risk services**.	CSEA Terrorism Other duties	Section 27(2) and (3)
ICS C3A	Steps to take on reversal of content decisions	All **services**.	CSEA Terrorism Other duties	Section 27(12) Section 33(2) and 33(3)
ICS C4	Prioritisation	**Large general search services** or **multi-risk services**.	CSEA Terrorism Other duties	Section 27(2) and (3)
ICS C5	Resourcing	**Large general search services** or **multi-risk services**.	CSEA Terrorism Other duties	Section 27(2) and (3)
ICS C6	Provision of training and materials to individuals working in search moderation (non-volunteers)	**Large general search services** or **multi-risk services**.	CSEA Terrorism Other duties	Section 27(2) and (3)
ICS C7	Removing listed CSAM URLs from search results	All **general search services**.	CSEA	Section 27(2) and (3)
ICS C8	Using hash matching to detect intimate image abuse content	**Large general search services.**	Other duties	Section 27(2) and (3)
Reporting and complaints				

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Recommended measure		Application	Code(s)	Relevant duties
ICS D1	Enabling complaints, including intimate image content reports	All **services**.	CSEA Terrorism Other duties	Section 31(2)* Section 31A Section 32(2)(a)†
ICS D2	Having easy to find, easy to access and easy to use complaints systems and processes	All **services**.		Section 31(2)* Section 32(2)(c)†
ICS D3	Appropriate action - sending indicative timeframes	**Large general search services** or services at medium or high **risk** of any **kind of illegal harm**.		Section 32(2)(c)†
ICS D3A	Provision of information prior to the submission of an intimate image content report	All **services**.	Other duties	Section 31A
ICS D4	Appropriate action – sending further information about how the complaint will be handled	**Large general search services** or services at medium or high **risk** of any **kind of illegal harm**, each that are ***likely to be accessed by children***.	CSEA Terrorism Other duties	Section 32(2)(b)† and (c)†
ICS D5	Opt-out from communications following a complaint	**Large general search services** or services at medium or high **risk** of any **kind of illegal harm**.		Section 32(2)(b)†
ICS D6	Appropriate action for relevant complaints about suspected illegal content	All **services**.		Section 27(3) Section 32(2)(b)†
ICS D7	Appropriate action for relevant complaints which are appeals – determination (large general or multi-risk services)	**Large general search services** or **multi-risk services**.		Section 32(2)(b)†

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Recommended measure		Application	Code(s)	Relevant duties
ICS D8	Appropriate action for relevant complaints which are appeals – determination (services that are neither large general nor multi-risk)	**Services** that are neither **large general search services** nor **multi-risk services**.	CSEA Terrorism Other duties	Section 32(2)(b)†
ICS D9	Appropriate action for relevant complaints which are appeals – action following determination	All **services**.		Section 32(2)(b)†
ICS D10	Appropriate action for relevant complaints about proactive technology, which are not appeals	All **services**.		Section 32(2)(b)†
ICS D11	Appropriate action for all other relevant complaints	All **services**.		Section 32(2)(b)†
ICS D11A	Expedited complaints procedure in relation to intimate image abuse content	All **services**.	Other duties	Section 32(2A)
ICS D12	Exception: manifestly unfounded complaints	All **services**.	CSEA Terrorism Other duties	Section 32(2)(b)†
ICS D13	Dedicated reporting channel for trusted flaggers to report fraud	**Large general search services** that are at medium or high **risk** of fraud.	Other duties	Section 27(3)
Settings, functionalities and user support				
ICS F1	Reporting and removal of predictive search suggestions	**Large general search services** that use a **predictive search functionality**.	CSEA Terrorism Other duties	Section 27(2) and (3)
ICS F2	Provision of CSAM content warnings	**Large general search services**.	CSEA	Section 27(2) and (3)

Recommended measure		Application	Code(s)	Relevant duties
ICS F3	Provision of suicide and serious self-harm crisis prevention information		Other duties	Section 27(2) and (3)
Publicly available statements				
ICS G1	Publicly available statements: substance (all services)	All **services**.	CSEA Terrorism Other duties	Section 27(5) and (7) Section 32(3)†
ICS G2	Publicly available statements: substance (Category 2A services)	***Category 2A services***.		Section 27(9)
ICS G3	Publicly available statements: clarity and accessibility	All **services.**		Section 27(8) Section 32(3)†

* So far as it relates to illegal content.

† So far as relating to the complaints set out in section 32(4).

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4. Recommended measures

A. Governance and accountability

ICS A1 Annual review of risk management activities

Application

ICS A1.1 This measure applies to a ***provider*** in respect of each **large general search service** it provides.

Recommendation

ICS A1.2 The provider's most senior **governance body** in relation to the service should carry out and record an annual review of risk management activities having to do with **illegal harm** as it relates to individuals in the UK, including in relation to risk that is remaining after the implementation of appropriate Codes of Practice measures. The review should include how developing risks are being monitored and managed.

ICS A2 Individual accountable for illegal content safety duties and reporting and complaints duties

Application

ICS A2.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS A2.2 The provider should name an individual accountable to the most senior **governance body** for compliance with the **illegal content safety duties** and the **reporting and complaints duties**.

ICS A2.3 Being accountable means being required to explain and justify actions or decisions regarding:

a) **illegal harm** risk management and mitigation (including as to risks remaining after the implementation of appropriate Codes of Practice measures); and

b) compliance with the relevant duties,

to the most senior **governance body**.

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ICS A3 Written statements of responsibilities

Application

ICS A3.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS A3.2 The provider should have written statements of responsibilities for senior managers who make decisions about the management of risks having to do with **illegal harm** in relation to individuals in the UK.

ICS A3.3 A statement of responsibilities is a document which clearly shows the responsibilities that the senior manager performs in relation to the management of risks having to do with **illegal harm** in relation to individuals in the UK and how they fit in with the provider's overall governance and management arrangements in relation to the service.

ICS A4 Internal monitoring and assurance

Application

ICS A4.1 This measure applies to a ***provider*** in respect of each **service** it provides that is both a **large service** and a **multi-risk service**.

Recommendation

ICS A4.2 The provider should have an internal monitoring and assurance function to provide independent assurance that measures taken to mitigate and manage the risks of harm to individuals identified in the **risk assessment** are effective on an ongoing basis. This function should report to, and its findings should be considered by, either:

a) the body that is responsible for overall governance and strategic direction of a service; or
b) an audit committee.

ICS A4.3 This independent assurance may be provided by an existing internal audit function.

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ICS A5 Tracking evidence of new and increasing illegal harm

Application

ICS A5.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS A5.2 The provider should track evidence of new kinds of ***search content*** that is illegal content that may be **encountered** in or ***via*** its ***search results***, and unusual increases in particular kinds of illegal content or illegal content proxy. Relevant evidence may include, but is not limited to, that derived from:

a) complaints processes;
b) search moderation processes;
c) referrals from law enforcement; and
d) information from **trusted flaggers** and any other expert group or body the provider considers appropriate.

ICS A5.3 The provider should ensure that any new kinds of illegal content or unusual increases in particular kinds of illegal content or illegal content proxy are regularly reported through relevant governance channels to the most senior **governance body**.

ICS A5.4 To understand this, the provider should establish a baseline understanding of how frequently particular kinds of illegal content or illegal content proxy occur to the extent possible based on its internal data and evidence. The provider should use this baseline to identify unusual increases in the relevant data.

ICS A5.5 References in this Recommendation ICS A5 to "illegal content" or "illegal content proxy" are to be read as references to ***illegal content*** or **illegal content proxy** that may be ***encountered*** by ***United Kingdom users*** in the ***search content*** of the service.

ICS A6 Code of conduct regarding protection of users from illegal harm

Application

ICS A6.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

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Recommendation

ICS A6.2 The provider should have a code of conduct that sets standards and expectations for individuals working for the provider around protecting ***United Kingdom users*** from risks of **illegal harm**.

ICS A7 Compliance training

Application

ICS A7.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS A7.2 The provider should secure that individuals working for the provider who are involved in the design and operational management of the service are trained in the service's approach to compliance with the **illegal content safety duties** and the **reporting and complaints duties**, sufficiently to give effect to them. This measure does not apply in relation to **volunteers**.

ICS A7.3 This does not affect Recommendation ICS C6 (provision of training and materials to individuals working in search moderation (non-volunteers)).

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B. [Not used]

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C. Search moderation

ICS C1 Having a search moderation function designed to action illegal content

Application

ICS C1.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS C1.2 The provider should, as part of its **search moderation function**, have ***systems and processes*** designed to review, assess and where relevant take **appropriate moderation action** in relation to ***search content*** the provider has reason to suspect may be ***illegal content***.

ICS C1.3 For this purpose, when the provider has reason to suspect that ***search content*** may be ***illegal content***, the provider should either:

a) make an **illegal content judgement** in relation to the ***search content*** and, if it determines that the ***search content*** is ***illegal content***, take **appropriate moderation action** in relation to the ***search content***; or

b) where the provider has identified kinds of ***content*** as being subject to **appropriate moderation action** in its **publicly available statement**, and the provider is satisfied that the type of ***illegal content*** which it has reason to suspect exists is included within those kinds of ***content***, take **appropriate moderation action** in relation to the ***search content***.

ICS C1.4 For the purpose of ICS C1.2 and ICS C1.3, "**appropriate moderation action**" includes any action applied to the ***search content*** concerned that results in it:

a) no longer appearing in ***search results*** presented to ***United Kingdom users***; or

b) being given a lower priority in the overall ranking of ***search results*** presented to ***United Kingdom users***.

ICS C1.5 For the avoidance of doubt, the action specified in ICS C1.4(b) does not require ***illegal content*** to appear lower than other ***search content*** in ***search results*** where this is not possible in response to a given ***search request*** because:

a) only ***search content*** that is ***illegal content*** is relevant to a ***search request*;** or

b) given the specificity of the ***search request***, ***search content*** that is ***illegal content*** is reasonably considered to be most relevant.

ICS C1.6 In designing the ***systems and processes*** referred to in ICS C1.2, and in particular the aspects of those ***systems and processes*** relating to what **appropriate moderation action** to take (including the extent to which ***search content*** is given a lower priority in the overall ranking of ***search results***

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presented to ***United Kingdom users***) the provider should have regard to the following:

a) the prevalence of ***illegal content*** hosted at the URL or in the database at which the ***search content*** concerned is present;
b) the interests of ***users*** in receiving any lawful material that would be affected; and
c) the severity of potential harm to ***United Kingdom users*** that may arise if they ***encounter*** the content, including whether the ***content*** is ***priority illegal content*** and the potential harm to **children**.

ICS C1.7 This does not affect Recommendation ICS C7 (removing listed CSAM URLs from search results).

Safeguards for freedom of expression and privacy

ICS C1.8 The following measures are safeguards to protect ***United Kingdom users***' and ***interested persons'*** rights to freedom of expression and the privacy of ***United Kingdom users***:

za) Recommendation ICS C3A;
a) where they are applicable, Recommendations ICS C2, ICS C3, ICS C5 and ICS C6 (in relation to search moderation);
b) Recommendations ICS D1 and ICS D2, so far as they relate to **appeals** or complaints by ***United Kingdom users*** and ***interested persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy; and
c) Recommendations ICS D7 or ICS D8 (whichever is applicable) and ICS D9 (in relation to **appeals**).

ICS C1A Having a search moderation function designed to ensure that individuals are no longer able to encounter intimate image abuse content within 48 hours

Application

ICS C1A.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS C1A.2 The provider should, as part of its **search moderation function**, have ***systems and processes*** designed to ensure that ***United Kingdom users*** are no longer able to ***encounter***:

a) search content in relation to which an ***intimate image content report*** is made to the provider, and

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b) any other search content identified by the provider as the same or substantially the same as the content referred to in sub-paragraph ICS (a)

as soon as reasonably practicable and no later than 48 hours after the provider receives the ***intimate image content report***.

ICS C1A.3 ICS C1A.2 does not apply if the provider considers:

a) the search content is not **intimate image abuse content**, or
b) the person making the ***intimate image content report*** is not:
   (i) the subject of the content, or
   (ii) a person acting on that person's behalf.

Safeguards for freedom of expression and privacy

ICS C1A.4 The following measures are safeguards to protect ***United Kingdom users***' right to freedom of expression and the privacy of ***United Kingdom users***:

a) Recommendation ICS C3A;
b) where they are applicable, Recommendations ICS C2, ICS C3, ICS C5 and ICS C6 (in relation to search moderation);
c) Recommendations ICS D1 and ICS D2, so far as they relate to **appeals** or complaints by ***United Kingdom users*** and ***interested persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy; and
d) Recommendations ICS D7 or ICS D8 (whichever is applicable) and ICS D9 (in relation to **appeals**).

ICS C2 Setting internal content policies

Application

ICS C2.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS C2.2 The provider should set and record (but need not publish) internal content policies setting out rules, standards and guidelines around:

a) what ***search content*** should be actioned in accordance with Recommendation ICS C1 (having a search moderation function designed to action illegal content); and
b) how policies should be operationalised and enforced.

ICS C2.3 The policies should be drafted in such a way that **appropriate moderation action** is taken in accordance with Recommendation ICS C1 (having a search moderation function designed to action illegal content).

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ICS C2.4 The provider should:

a) have regard to the **risk assessment** of the service in setting these policies; and
b) have processes in place for updating these policies in response to evidence of new and increasing **illegal harm** on the service (as tracked in accordance with ICS A5.2).

Safeguard for freedom of expression and privacy

ICS C2.5 Recommendation ICS C3A is a safeguard to protect ***United Kingdom users'*** right to freedom of expression and the privacy of ***United Kingdom users***.

ICS C3 Performance targets

Application

ICS C3.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS C3.2 The provider should set and record performance targets for its **search moderation function**, covering at least:

a) the time between the provider first having reason to suspect that ***search content*** may be ***illegal content*** and **appropriate moderation action** being taken in accordance with Recommendation ICS C1; and
b) the accuracy of decision making.

ICS C3.3 In setting its targets, the provider should balance the need to take **appropriate moderation action** swiftly against the importance of making accurate moderation decisions.

ICS C3.4 The provider should effectively measure and monitor its performance against its performance targets.

ICS C3A Steps to take on reversal of content decisions

Application

ICS C3A.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS C3A.2 If a ***provider*** reverses a previous decision that ***search content*** is ***illegal content*** or **illegal content proxy**, and this reversal is not in relation to a **relevant**

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complaint that is a **content appeal** (for which, see ICS D9), it should take the steps listed in ICS D9.2(a), (b) and (c).

ICS C4 Prioritisation

Application

ICS C4.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS C4.2 The provider should prepare and apply a policy in respect of the prioritisation of ***search content*** for review. In setting the policy, the provider should have regard to at least the following:

a) how frequently the ***search content*** is returned in response to ***search requests***;
b) the severity of potential harm to ***United Kingdom users*** if they ***encounter search content*** that is ***illegal content*** on the service, including whether the ***content*** is suspected to be ***priority illegal content,*** the **risk assessment** of the service, and the potential harm to **children**; and
c) the likelihood that ***search content*** is ***illegal content***, including whether it has been reported by a **trusted flagger**.

ICS C5 Resourcing

Application

ICS C5.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS C5.2 The provider should resource its **search moderation function** so as to give effect to its internal content policies and performance targets, having regard to at least:

a) the propensity for external events to lead to a significant increase in demand for search moderation on the service; and
b) the particular needs of its ***United Kingdom user*** base as identified in its **risk assessment**, in relation to languages.

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ICS C6 Provision of training and materials to individuals working in search moderation (non-volunteers)

Application

ICS C6.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS C6.2 The provider should ensure individuals working in search moderation receive training and materials that enable them to fulfil their role in moderating ***search content*** including in relation to Recommendation ICS C1 and the internal content policies set in accordance with Recommendation ICS C2. This measure does not apply in relation to **volunteers**.

ICS C6.3 The provider should ensure that in doing so:

a) it has regard to at least the **risk assessment** of the service and evidence of new and increasing **illegal harm** on the service (as tracked in accordance with ICS A5.2); and
b) where the provider identifies a gap in the understanding of individuals working in search moderation in relation to a specific kind of **illegal harm**, it gives training and materials to remedy this.

ICS C7 Removing listed CSAM URLs from search results

Application

ICS C7.1 This measure applies to a ***provider*** in respect of each **general search service** it provides.

Key definition

ICS C7.2 In this Recommendation ICS C7, "CSAM URL" means a **URL** at which **CSAM** is present, or a domain which is entirely or predominantly dedicated to **CSAM**.

ICS C7.3 For the purpose of ICS C7.2, a domain is "entirely or predominantly dedicated" to **CSAM** if the ***content*** present at the domain, taken overall, entirely or predominantly comprises **CSAM** (such as indecent images of children) or ***content*** related to ***CSEA content***).

Recommendation

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ICS C7.4 The provider should source one or more lists of CSAM URLs from a person (or persons) with expertise in the identification of **CSAM** and who meets (in relation to the list) the requirements set out in ICS C7.5.

ICS C7.5 The requirements are that the person has arrangements in place:

a) to identify **URLs** or domains suspected to be CSAM URLs;
b) to secure (so far as possible) that suspected CSAM URLs are correctly identified before they are added to the list;
c) which, in relation to identifying or assessing suspected CSAM URLs, do not plainly discriminate on the basis of protected characteristics (within the meaning of Part 2 of the Equality Act 2010[2]);
d) to regularly update the list with identified CSAM URLs;
e) to regularly review listed CSAM URLs, and remove from the list any which are no longer CSAM URLs; and
f) to secure the list from unauthorised access, interference or exploitation (whether by persons who work for that person, or by any other persons).

ICS C7.6 The provider should take action to ensure that ***United Kingdom users*** of the service do not encounter, in or ***via search results***, ***search content*** present at or sourced from listed **URLs** or **URLs** that contain a listed domain.

ICS C7.7 The provider should ensure that action taken in relation to a listed **URL** or listed domain for the purpose of ICS C7.6 is swiftly reversed when the **URL** or domain is removed from the list, unless the provider considers that it would be inappropriate to do so.

ICS C7.8 The provider should ensure that the list or lists are regularly monitored for the purposes of ICS C7.6 and ICS C7.7.

ICS C7.9 The provider should ensure that an appropriate policy is put in place, and that measures are taken in accordance with that policy, to secure any copy of a list held for the purposes of this Recommendation ICS C7 from unauthorised access, interference or exploitation (whether by persons who work for the provider or are providing a service to the provider, or any other person).

Safeguards for freedom of expression

ICS C7.10 The following elements of this Recommendation ICS C7 are safeguards to protect ***United Kingdom users***' and ***interested persons***' rights to freedom of expression:

a) the arrangements referred to in sub-paragraphs (b), (e) and (f) of ICS C7.5;
b) ICS C7.7 to ICS C7.9.

ICS C7.11 The following measures are also safeguards to protect ***United Kingdom users'*** and ***interested persons'*** rights to freedom of expression:

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za) Recommendation ICS C3A;
a) Recommendations ICS D1 and ICS D2, so far as they relate to **appeals** or complaints by ***United Kingdom users*** and ***interested persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression;
b) Recommendations ICS D7 or ICS D8 (whichever is applicable) and ICS D9 (in relation to **appeals**); and
c) Recommendation ICS G1 (publicly available statements: substance (all services)).

ICS C8 Using hash matching to detect intimate image abuse content

Application

ICS C8.1 This measure applies to a ***provider*** in respect of each **large general search service** it provides.

Key definitions

ICS C8.2 In this Recommendation ICS C8:

"relevant content" means any ***search content*** in the form of photographs, videos or visual images (whether or not combined with written material) that ***United Kingdom users*** can ***encounter*** in or ***via search results***;

"unverified hash" means a hash which is not a verified hash;

"verified hash" means a hash which was determined to be of **intimate image abuse content** at the time the hash was uploaded to a database.

Recommendation

ICS C8.3 The provider should ensure that **hash matching technology** is used effectively (see ICS C8.8) to analyse relevant content to assess whether it is **intimate image abuse content**. For this purpose, the provider should use:

a) **perceptual hash matching technology**; or
b) where the provider's appropriate set of hashes (as defined in ICS C8.9) does not enable perceptual hash matching for video ***content***, **cryptographic hash matching.**

ICS C8.4 In circumstances where:

a) relevant content matches with an unverified hash; and
b) either of the following apply:

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i) if **perceptual hash matching technology** is used, it is the first time there has been a positive match with that hash at that configuration of the technology (see ICS C8.8(b)); or

ii) if **cryptographic hash matching** is used, it is the first time there has been a positive match with that hash;

the provider should treat this as reason to suspect that the relevant content may be ***illegal content*** and review the relevant content in accordance with Recommendation ICS C1.

ICS C8.5 Where relevant content matches with a hash in circumstances other than those set out in ICS C8.4, 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 take **appropriate moderation action** in relation to the relevant content in accordance with Recommendation ICS C1; 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 ICS C1.

ICS C8.6 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 ICS C1:

iii) the potential severity of the harm to those depicted in or ***encountering*** **intimate image abuse content**; and

iv) the overall impact of an incorrect decision that the relevant content is ***illegal content*** on an ***interested person*** to whom the content relates.

ICS C8.7 For the purposes of ICS C8.3, the provider should ensure that:

a) all relevant content present on the service at the time the **hash matching technology** is implemented is analysed within a reasonable time; and

b) relevant content that may be ***encountered*** in or ***via search results*** by ***United Kingdom users*** after the **hash matching technology** is implemented is analysed before or as soon as practicable after it can be so ***encountered***.

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ICS C8.8 For the use of **hash matching technology** to be effective, it should:

a) use a suitable hash function to compare relevant content to an appropriate set of hashes (see ICS C8.9 to ICS C8.12); and

b) where **perceptual hash matching technology** is used, be configured so that its performance strikes an appropriate balance between **precision** and **recall** (see ICS C8.13 to ICS C8.15).

The set of hashes

ICS C8.9 For the set of hashes to be appropriate, it should:

a) contain hashes of a significant number of original items of ***content***;

b) be proactively updated with reasonable regularity; and

c) be secured from unauthorised access, interference and (to the extent the database is comprised of verified hashes) exploitation (whether by persons who work for that person or are providing a service to that person, or any other person).

ICS C8.10 Where the provider becomes aware of **intimate image abuse content** a hash of which is not included on any database used by the provider, the provider should take reasonable steps to secure that a hash of that ***content*** is added to each such database.

ICS C8.11 The provider should take reasonable steps to secure the removal of a hash from any hash database used by the provider where it has determined that the hash is not of **intimate image abuse content** (see ICS C8.12).

ICS C8.12 For the purposes of ICS C8.11, the provider determines that the hash is not of **intimate image abuse content** in any of the following circumstances:

a) the provider views the ***content*** used to generate the hash and determines it is not **intimate image abuse content**;

b) the provider otherwise reasonably believes that the hash is of ***content*** that is not **intimate image abuse content**;

c) the provider views **detected content** matched with the hash using **cryptographic hash matching technology** and determines that that ***content*** is not **intimate image abuse content**; or

d) the provider views **detected content** matched with the hash using **perceptual hash matching technology** and determines that that ***content*** is not **intimate image abuse content**, provided that the provider reasonably believes that there is an exact match between the hash of the **detected content** and the hash included on the database.

Technical configuration

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ICS C8.13 In configuring the **hash matching 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 intimate image abuse, reflecting the **risk assessment** of the service and any information reasonably available to the provider about the prevalence of relevant content that is **intimate image abuse content** on the service;

b) the proportion of **detected content** that is a **false positive**; and

c) the effectiveness of the ***systems and/or processes*** used to identify **false positives**.

ICS C8.14 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.

ICS C8.15 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

ICS C8.16 Paragraphs ICS C8.4 to ICS C8.6 and ICS C8.8 to ICS C8.15 of this Recommendation ICS C8 are safeguards to protect ***United Kingdom users'*** and ***interested persons'*** right to freedom of expression and the privacy of ***United Kingdom users*** and ***interested persons***.

ICS C8.17 The following measures are also safeguards to protect ***United Kingdom users'*** and ***interested persons'*** right to freedom of expression and the privacy of ***United Kingdom users*** and ***interested persons***:

a) Recommendations ICS C1 and ICS C3A, and where they are applicable, Recommendations ICS C2, ICS C3, ICS C5 and ICS C6 (in relation to search moderation);

b) Recommendations ICS D1 and ICS D2, so far as they relate to **appeals** or complaints by ***United Kingdom users*** and ***interested persons*** if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy;

c) Recommendations ICS D7 or ICS D8 (whichever is applicable), ICS D9 (in relation to **appeals**) and ICS D11; and

d) Recommendation ICS G1 (publicly available statements: substance (all services)).

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D. Reporting and complaints

ICS D1 Enabling complaints, including intimate image content reports

Application

ICS D1.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS D1.2 The provider should have ***systems and processes*** which enable **prospective complainants** to make:

a) each type of **relevant complaint**; and
b) ***intimate image content reports***

in a way which will secure that the provider will take appropriate action in relation to them.

ICS D1.3 Appropriate action in relation to ***intimate image content reports*** is taking action in accordance with ICS C1A.

ICS D2 Having easy to find, easy to access and easy to use complaints systems and processes

Application

ICS D2.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS D2.2 The ***systems and processes*** referred to in ICS D1.2 in relation to **relevant complaints** should be operated to ensure that:

a) for **relevant complaints** regarding a specific piece of ***search content***, a reporting function or tool is clearly accessible in relation to that ***search content***;
b) processes for making other kinds of **relevant complaints** are easy to find and easily accessible;
c) they are designed so that they only include reasonably necessary steps;
d) it is possible when making **relevant complaints** to give the provider supporting information.

ICS D2.3 In designing the ***systems and processes*** referred to in ICS D1.2, including its reporting tool or function, the provider should consider the accessibility needs of its ***United Kingdom user*** base having regard to:

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a) the groups of people its **risk assessment** has identified as using the service;
b) in the case of a service that is ***likely to be accessed by children***, the service's **children's risk assessment**;
c) other relevant information the provider holds on its ***United Kingdom user*** base;
d) industry standards and good practice as to the design of the service, to ensure the reporting and complaints process is accessible to disabled people; and
e) comprehensibility, based on the likely reading age of the youngest individual permitted to use the service without the consent of a parent or guardian.

ICS D2.4 For the purposes of ICS D2.3(d), the ***systems and processes*** referred to in ICS D1.2 should be designed for the purposes of ensuring usability for those dependent on assistive technologies including:

a) keyboard navigation; and
b) screen reading technology.

ICS D2.5 The ***systems and processes*** referred to in ICS D1.2 in relation to ***intimate image content reports*** should be operated to ensure that:

a) **prospective complainants** are clearly signposted to the appropriate channel for making an ***intimate image content report***;
b) processes for making an ***intimate image content report*** regarding a specific piece of ***content*** are clearly accessible in relation to that content;
c) they are designed so that they only include reasonably necessary steps; and
d) it is possible when making ***intimate image content reports*** to give the provider:
    i) all information necessary for the **report** to be considered an ***intimate image content report***; and
    ii) supporting information.

ICS D3 Appropriate action – sending indicative timeframes

Application

ICS D3.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) at medium or high **risk** of any **kind of illegal harm**.

Recommendation

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ICS D3.2 The provider should acknowledge receipt of each **relevant complaint** and provide the **complainant** with an indicative timeframe for deciding the complaint.

ICS D3.3 ICS D3.2 does not apply if:

a) the provider's acknowledgement is non-ephemeral; and
b) the **complainant** has opted out from receiving non-ephemeral communications in relation to their **relevant complaint**.

ICS D3A Provision of information prior to the submission of an intimate image content report

Application

ICS D3A.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS D3A.2 The provider should ensure that the ***systems and processes*** referred to in ICS D1.2 in relation to ***intimate image content reports*** enable **prospective complainants** to easily access information on the following matters prior to the submission of an ***intimate image content report***:

a) the information a **prospective complainant** must give the provider in order for the report to be considered an ***intimate image content report***, in particular:
   i) a declaration that the content present on the service is **intimate image abuse content**;
   ii) a declaration that the **report** is made by the subject of the content or a person acting on that person's behalf;
   iii) a declaration that the **report** is made in good faith and is, to the best of the knowledge and belief of the person making the **report**, true;
   iv) sufficient information about the content for the provider to identify it; and
   v) contact details for the **prospective complainant** making the ***intimate image content report***; and
b) that this is the channel for making ***intimate image content reports***, and the provider's commitment to take action in accordance with ICS C1A.

ICS D4 Appropriate action – sending further information about how the complaint will be handled

Application

ICS D4.1 This measure applies to a ***provider*** in respect of each **service** that is ***likely to be accessed by children*** it provides that is either (or both) of the following:

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a) a **large general search service**; or
b) at medium or high **risk** of any **kind of illegal harm**.

Recommendation

ICS D4.2 In the acknowledgment of receipt of each **relevant complaint**, referred to in Recommendation ICS D3, the provider should set out:

a) the possible outcomes; and
b) confirmation of whether the provider will inform the **complainant** of its decision whether to uphold the complaint and details of any action taken as a result.

ICS D5 Opt-out from communications following a complaint

Application

ICS D5.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) at medium or high **risk** of any **kind of illegal harm**.

Recommendation

ICS D5.2 The provider should enable the **complainant** to opt out of receiving any non-ephemeral communications in relation to a **relevant complaint**.

ICS D6 Appropriate action for relevant complaints about suspected illegal content

Application

ICS D6.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS D6.2 When the provider receives a **relevant complaint** about ***search content*** which may be ***illegal content***:

a) it should treat the complaint as reason to suspect that the ***search content*** may be ***illegal content***, and review the ***search content*** in accordance with ICS C1.3; and
b) if Recommendations ICS C3 and ICS C4 are not applicable to the provider, it should consider the complaint promptly.

ICS D6.3 ICS C6.2 does not apply to a complaint identified as manifestly unfounded in accordance with ICS D12.2.

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ICS D7 Appropriate action for relevant complaints which are appeals – determination (large general or multi-risk services)

Application

ICS D7.1 This measure applies to a ***provider*** in respect of each **service** it provides that is either (or both) of the following:

a) a **large general search service**; or
b) a **multi-risk service**.

Recommendation

ICS D7.2 The provider should determine **relevant complaints** which are **appeals**.

ICS D7.3 The provider should, as a minimum, monitor its performance against performance targets relating to the following:

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

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

ICS D7.4 The provider should have regard to the following matters in determining what priority to give to review of a **relevant complaint** which is an **appeal**:

c) the seriousness of the action taken against the ***search content*** as a result of the decision that the ***search content*** was ***illegal content***;
d) whether the decision that the ***search content*** was ***illegal content*** 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****;* and
e) the past error rate on the service in relation to **illegal content judgements** of the type concerned.

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ICS D8 Appropriate action for relevant complaints which are appeals – determination (services that are neither large general nor multi-risk)

Application

ICS D8.1 This measure applies to a ***provider*** in respect of each **service** it provides that is neither a **large general search service** nor a **multi-risk service**.

Recommendation

ICS D8.2 The provider should determine **relevant complaints** which are **appeals** promptly.

ICS D9 Appropriate action for relevant complaints which are appeals – action following determination

Application

ICS D9.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS D9.2 If, in relation to a **relevant complaint** that is an **appeal**, the provider reverses a decision that ***search content*** was ***illegal content***, the provider should:

a) so far as appropriate and possible for the purpose of restoring the position of the ***search content*** to what it would have been had the decision not been made, reverse the action taken in relation to the ***search content*** as a result of that decision;
b) where there is a pattern or significant evidence of ***search content*** not appearing in ***search results*** or being given a lower priority in the overall ranking of ***search results*** in error, adjust any relevant search moderation guidance if appropriate to ensure it is accurate; and
c) where possible and appropriate, take steps to secure that the use of automated moderation technology does not cause the same ***search content*** to no longer appear in ***search results*** or be given a lower priority in the overall ranking of ***search results*** again.

ICS D10 Appropriate action for relevant complaints about proactive technology, which are not appeals

Application

ICS D10.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

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ICS D10.2 This Recommendation ICS D10 applies to **relevant complaints**, which are not **appeals**, about the use of ***proactive technology*** on the service when:

a) the use of ***proactive technology*** on the service results in ***search content*** no longer appearing in ***search results*** or being given a lower priority in the overall ranking of ***search results***; and

b) the **complainant** considers that the ***proactive technology*** has been used in a way not contemplated by, or in breach of, the **publicly available statement** (for example, by ***search content***, which is not of a kind specified in the **publicly available statement** as a kind of ***search content*** in relation to which the technology would operate, no longer appearing in ***search results*** or being given a lower priority in the overall ranking of ***search results***).

ICS D10.3 The provider should inform the **complainant** of the action the provider may take in response to the complaint.

ICS D10.4 ICS D10.3 does not apply to a complaint identified as manifestly unfounded in accordance with ICS D12.2.

ICS D11 Appropriate action for all other relevant complaints

Application

ICS D11.1 This measure applies to a ***provider*** in respect of each **service** that it provides.

Recommendation

ICS D11.2 This Recommendation ICS D11 applies to **relevant complaints** that the provider is not complying with:

a) the **illegal content safety duties**;

b) the duty about content reporting set out in section 31 of the ***Act***, so far as it relates to ***illegal content***;

c) the provider's duty in relation to freedom of expression in section 33(2) of the **Act**; or

d) the provider's duty in relation to privacy in section 33(3) of the **Act**.

ICS D11.3 The provider should nominate a responsible individual or a team to ensure that such complaints are directed to an appropriate individual or team to be processed.

ICS D11.4 **Relevant complaints** should be handled:

a) in a way that protects ***United Kingdom users***; and

b) within timeframes the provider has determined are appropriate.

ICS D11.5 ICS D11.3 and ICS D11.4 do not apply in relation to a complaint identified as manifestly unfounded in accordance with ICS D12.2.

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ICS D11A Expedited complaints procedure in relation to intimate image abuse content

Application

ICS D11A.1 This measure applies to a ***provider*** in respect of each **service** that it provides.

Recommendation

ICS D11A.2 In the case of complaints that are made by ***users*** or ***affected persons*** who have made an ***intimate image content report*** and are about the content to which the report relates, the provider should have an expedited complaints procedure in relation to:

a) complaints about content present on a service which **prospective complainants** consider to be ***illegal content***,
b) complaints that the provider is not complying with the **illegal content safety duties**, and
c) complaints that the provider is not complying with the duty about content reporting set out in section 31 of the **Act**.

ICS D11A.3 The provider should set and record performance targets in their ***terms of service*** for resolving the complaints relating to **intimate image abuse content** referred to in ICS D11A.2 that are faster than the performance targets for resolving **relevant complaints** referred to in ICS D11.2.

ICS D11A.4 The expedited complaints procedure referred to in ICS D11A.2 should be easy to access, easy to use and transparent.

ICS D11A.5 When a provider receives a complaint referred to in ICS D11A.2(a) which relates to the continued presence of content on the service which the provider has determined to be **intimate image abuse content**, it should ensure, as soon as reasonably practicable, that ***United Kingdom users*** are no longer able to ***encounter*** that content on the service.

ICS D12A.6 The provider should nominate a responsible individual or a team to ensure that complaints referred to in sub-paragraphs (b) or (c) of ICS D12A.2 are directed to an appropriate individual or team to be processed.

ICS D12 Exception: manifestly unfounded complaints

Application

ICS D12.1 This measure applies to a ***provider*** in respect of each **service** that it provides.

Recommendation

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ICS D12.2 When the provider receives a **relevant complaint** that is not an **appeal**, it may disregard the complaint only if:

a) the provider has prepared and implemented a policy in accordance with ICS D12.3 to ICS D12.6, setting out the information and attributes that indicate a **relevant complaint** is manifestly unfounded;

b) the provider identifies the complaint as manifestly unfounded in accordance with that policy; and

c) the provider has in place a process to monitor the degree to which the application of the policy incorrectly identifies complaints which are not manifestly unfounded, and to review the policy in accordance with ICS D12.4 to ICS D12.6.

ICS D12.3 In designing a policy for the purposes of ICS D12.2(a), the provider should have regard to:

a) the need to identify manifestly unfounded complaints accurately; and

b) the risks posed to particular groups of vulnerable users if **relevant complaints** are incorrectly identified as manifestly unfounded.

ICS D12.4 The provider should, at minimum, carry out an annual review of the policy to ensure it is not incorrectly identifying **relevant complaints** as manifestly unfounded.

ICS D12.5 If the policy is incorrectly identifying **relevant complaints** as manifestly unfounded, the provider should make changes to it with a view to ensuring its accuracy.

ICS D12.6 The provider should keep a record of its review process and any changes it has made.

ICS D13 Dedicated reporting channel for trusted flaggers to report fraud

Application

ICS D13.1 This measure applies to a ***provider*** in respect of each **service** it provides that is a **large general search service** and is at medium or high **risk** of fraud.

Recommendation

ICS D13.2 In this Recommendation ICS D13, a '**recommended trusted flagger**' is each of the following:

a) the City of London police force;

b) the Dedicated Card and Payment Crime Unit (a joint team of the City of London and Metropolitan Police forces);

c) the Department for Work and Pensions;

d) the Financial Conduct Authority;

e) HM Revenue and Customs;

f) the National Crime Agency;

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g) the National Cyber Security Centre (a part of the Government Communications Headquarters);
h) the Police Service of Northern Ireland;
i) the Police Service of Scotland (Seirbheis Phoilis na h-Alba).

ICS D13.3 The provider should establish and maintain a dedicated reporting channel for, at minimum, the **recommended trusted flaggers**, and relating to, at minimum, fraud, in the circumstances set out in this Recommendation ICS D13.

ICS D13.4 The provider should publish a clear and accessible policy on its processes relating to the establishment of a dedicated reporting channel for, at minimum, the **recommended trusted flaggers**, covering any relevant procedural matters.

ICS D13.5 If a request is made in accordance with the policy by a **recommended trusted flagger**, the provider should ensure a dedicated reporting channel, run in accordance with ICS D13.3 to ICS D13.8, is made available and maintained for, at minimum, **recommended trusted flaggers**. The provider may make an existing dedicated reporting channel available to the **recommended trusted flagger**, if that dedicated reporting channel is run in accordance with ICS D13.3 to ICS D13.8.

ICS D13.6 The provider should engage with the **recommended trusted flagger** at the start of the relationship to understand the **recommended trusted flagger**'s needs with respect to the dedicated reporting channel.

ICS D13.7 At least every two years, the provider should seek feedback from, at minimum, the **recommended trusted flaggers** with which it has made such arrangements, on whether any reasonable adjustments or improvements might be made to the operation of the dedicated reporting channel.

ICS D13.8 ICS D13.9 applies where the provider receives a complaint from a **trusted flagger** through a dedicated reporting channel established for that **trusted flagger** if the complaint:

a) is about specific ***search content*** which may be encountered by ***United Kingdom users***; and
b) relates to a matter within the area of expertise of the **trusted flagger**.

ICS D13.9 The provider should treat the complaint as reason to suspect that the ***search content*** may be ***illegal content*** and review the ***search content*** in accordance with Recommendation ICS C1.

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F. Settings, functionalities and user support

ICS F1 Reporting and removal of predictive search suggestions

Application

ICU F1.1 This measure applies to a ***provider*** in respect of each **large general search service** it provides that uses a **predictive search functionality**.

Recommendation

ICU F1.2 The provider should offer ***United Kingdom users*** a means to easily report **predictive search suggestions** which they consider direct ***users*** towards ***priority illegal content***.

ICU F1.3 Where a report is received, the provider should:

a) consider whether the wording of a reported **predictive search suggestion** presents a clear and material risk of ***United Kingdom users*** encountering ***illegal content***; and
b) if a risk is identified, take appropriate steps to ensure that the reported **predictive search suggestion** is not recommended to any ***United Kingdom user***.

ICS F2 Provision of CSAM content warnings

Application

ICS F2.1 This measure applies to a ***provider*** in respect of each **large general search service** it provides.

Recommendation

ICS F2.2 The provider should use ***systems and processes*** to detect and provide warnings in response to ***search requests*** made by ***United Kingdom users*** where:

a) the wording of the ***search request*** clearly suggests that a ***United Kingdom user*** may be seeking to encounter **CSAM;** or
b) terms or combinations of letters and symbols that explicitly relate to **CSAM** are used in the ***search request***.

Warnings should not be provided in response to ***search requests*** using terms which, on their face, do not relate to **CSAM**.

ICS F2.3 A warning should:

a) be prominently displayed to ***United Kingdom users*** in the ***search results***;
b) be in writing or such other format as considered appropriate;
c) provide the following:

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i) information regarding the illegality of **CSAM;** and
ii) link(s) to resources designed to help ***users*** refrain from committing **CSEA offences** that are freely available through a reputable organisation dedicated to tackling child sexual abuse; and

d) be developed with input from a person (who may or may not work for the provider) with expertise in in deterring **CSEA offences**.

The information referred to in paragraph (c)(i) should be comprehensible and suitable in tone and content for as many ***United Kingdom users*** as possible, including **children**.

ICS F2.4 An appropriate list of search terms that meet the description in ICS F2.2 should be developed and maintained by, or sourced from, a person with expertise in the terms commonly used to search for **CSAM**.

ICS F2.5 The provider should ensure that there are arrangements in place to ensure (so far as possible) that:

a) search terms are correctly added to the list and, where a list is sourced from a third party, that only search terms that meet the description in ICS F2.2 are used for the purposes of this measure;
b) the list is regularly updated to add and remove relevant search terms as necessary; and
c) the list is secured from unauthorised access, interference or exploitation (whether by persons who work for the relevant service or for the person from which the list is sourced, or otherwise).

ICS F3 Provision of suicide and serious self-harm crisis prevention information

Application

ICS F3.1 This measure applies to a ***provider*** in respect of each **large general search service** it provides.

Recommendation

ICS F3.2 The provider should use ***systems and processes*** to detect, and provide crisis prevention information in response to, ***search requests*** made by ***United Kingdom users*** that contain:

a) general queries regarding suicide or serious self-harm (or both); and
b) queries seeking specific, practical or instructive information regarding suicide or serious self-harm (or both) methods.

ICS F3.3 The crisis prevention information should:

a) be prominently displayed to ***United Kingdom users*** in the ***search results***;

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b) be comprehensible and suitable in tone and content for as many ***United Kingdom users*** as possible, including **children;** and

c) provide the following:

   i) a helpline that is both associated with a reputable mental health or suicide or serious self-harm (or both) prevention organisation and is available to all ***United Kingdom users*****,** irrespective of age or geographical location within the United Kingdom, for 24 hours per day for each day of the year; and

   ii) link(s) to information and support that is freely available through a reputable mental health or suicide or serious self-harm (or both) prevention organisation.

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G. Publicly available statements

ICS G1 Publicly available statements: substance (all services)

Application

ICS G1.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS G1.2 The provider should include the following in the **publicly available statement**:

a) provisions specifying how individuals are to be protected from ***illegal content***;

b) provisions giving information about any ***proactive technology*** used for the purposes of compliance with any of the **illegal content safety duties** (including the kind of technology, when it is used, and how it works);

c) provisions specifying the policies and processes that govern the handling and resolution of **relevant complaints**.

ICS G2 Publicly available statements: substance (Category 2A services)

Application

ICS G2.1 This measure applies to a ***provider*** in respect of each ***Category 2A service*** it provides.

Recommendation

ICS G2.2 The provider should summarise the findings of its **risk assessment** (including as to levels of risk and as to the nature, and severity, of potential harm) in the **publicly available statement**.

ICS G3 Publicly available statements: clarity and accessibility

Application

ICS G3.1 This measure applies to a ***provider*** in respect of each **service** it provides.

Recommendation

ICS G3.2 The provider should ensure that the provisions included in the **publicly available statement** in accordance with Recommendation ICS G1 are:

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a) easy to find, such that they are:
    i) clearly signposted for the general public, regardless of whether they have registered with or are using the service; and
    ii) locatable within the **publicly available statement**;
b) laid out and formatted in a way that helps ***United Kingdom users*** read and understand them;
c) written to a reading age comprehensible for the youngest individual permitted to use the service without the consent of a parent or guardian; and
d) designed for the purposes of ensuring usability for those dependent on assistive technologies, including:
    i) keyboard navigation; and
    ii) screen reading technology.

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5. Definitions and interpretation

5.1 Terms in **bold** used in these Codes have the meanings set out in table A. The meaning given applies even if the term is also used in the **Act**.

5.2 Terms in ***bold and italics*** used in these Codes have the same meaning as in the **Act**. Table B provides a reference to the provision(s) in the **Act** containing the definition of the relevant term as well as additional notes and references which are intended to assist the reader. In the event of any inconsistency between the **Act** and the information in table B, the **Act** should be regarded as authoritative.

5.3 Terms which are underlined are references to kinds of illegal harms set out in table C.

Table A - Definitions of terms in bold used in these Codes

Term	Meaning
Act	The Online Safety Act 2023 (c.50).
Active United Kingdom users	As defined in paragraph 5.10.
Appeal	A complaint by an ***interested person*** if the ***provider*** takes or uses measures in order to comply with the **illegal content safety duties** that result in content relating to that interested person no longer appearing in ***search results*** or being given a lower priority in ***search results***.
Appropriate moderation action	As defined in ICS C1.4 and ICS C1.5.
Children	People under the age of 18 in the United Kingdom.
Children's risk assessment	The most recent risk assessment carried out by the ***provider*** of a service pursuant to section 28 of the **Act**.
Complainant	The ***United Kingdom user***, ***affected person*** or ***interested person*** who made the complaint.
Cryptographic hash matching technology	Technology that detects exact matches to digital ***content*** by comparing cryptographic hash values of the ***content*** against a reference database of cryptographic hash values. A match is identified only where the hash values are identical.

Term	Meaning
CSAM (child sexual abuse material)	***Content*** that amounts to an offence specified in any of the following paragraphs of Schedule 6 to the **Act**— a) paragraph 1 to 4, 7 or 8; b) paragraph 9 so far as any of the offences it contains are committed in relation to an offence specified in paragraphs 1 to 4, 7 or 8; c) paragraph 10; or d) paragraph 13 so far as any of the offences it contains are committed in relation to an offence specified in paragraph 10.
CSEA offence(s)	An offence specified in Schedule 6 to the **Act**.
Detected content	***Search content*** detected by the use of a **relevant technology** as being (or as likely to be) **target content** (and related expressions are to be read accordingly).
False positive	**Detected content** that is not **target content.**
General search service	A ***service*** that enables ***users*** to search for information across the internet, whether from (in principle) all websites or databases or only some websites or databases. It derives ***search results*** from an underlying **search index** and presents ***search results*** using algorithms that rank based on relevance to a **search request**. (For the avoidance of doubt, this term includes ***combined services***, the public ***search engine*** part of which enables ***users*** to search the internet in the manner described above.)
Governance body	A body which makes decisions within an organisation, for example a board of directors.
Hash matching technology	Either **perceptual hash matching technology** or **cryptographic hash matching technology**.
Illegal content judgement	A judgement about whether ***content*** is ***illegal content*** or ***illegal content*** of a particular kind, made in accordance with section 192(2) and section 192(5) to (7) of the **Act.**
Illegal content proxy	***Search content*** that is ***content*** of a kind that is identified in the ***provider's*** **publicly available statement** for the service as being subject to **appropriate moderation action**, where the ***provider*** is satisfied that ***illegal content*** is included within that kind of ***content*** (including but not limited to ***priority illegal content***).
Illegal content safety duties	The duties set out in section 27 of the **Act**.

Term	Meaning
Illegal harm	Harm arising from ***illegal content***.
Intimate image abuse content	***Search content*** which amounts to an offence: a) under section 66B of the Sexual Offences Act 2003 (sharing or threatening to share intimate image or film); or b) under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (disclosing, or threatening to disclose, an intimate photograph or film).
Kind of illegal harm	See the subsection headed 'Risks of illegal harm' below (which begins at paragraph 5.4).
Large general search service	A **general search service** which has more than 7 million monthly **active *United Kingdom users*** (see paragraphs 5.7 to 5.11).
Large service	A **service** which has more than 7 million monthly **active *United Kingdom users*** (see paragraphs 5.7 to 5.11).
Multi-risk service	See paragraph 5.6.
Perceptual hash matching technology	Image matching technology which compares the similarity between hashes created from images by means of an algorithm known as a perceptual hash function, to assess whether those images are perceptually similar to each other. This does not include technology which compares similarity through the use of machine learning.
Precision	A measure of statistical accuracy, calculated as the proportion of **detected content** that a **relevant technology** has correctly identified as **target content**.
Predictive search functionality	An algorithmic feature embedded in the search field through which a ***search service*** predicts a ***user's search request*** and provides a list of **predictive search suggestions**.
Predictive search suggestions	***Search request*** suggested to ***users*** by means of a **predictive search functionality**.
Prospective complainants	***United Kingdom users***, ***affected persons*** and ***interested persons.***
Publicly available statement	The statement that ***providers*** are required to make available to members of the public in the United Kingdom pursuant to section 27 of the **Act**. In relation to a ***combined service,*** references to a publicly available statement include the service's terms of service (consistent with section 25(2)(a) of the **Act**).

Term	Meaning
Recall	A measure of statistical accuracy, calculated as the proportion of **target content** analysed by a **relevant technology** that the technology has **detected**.
Recommended trusted flagger	As defined in ICS D13.2.
Regulated search service	An ***internet service*** that is, or includes, a ***search engine*** (subject to section 3(5) to (7) of the **Act**) that is a regulated search service under section 4 of the **Act** (subject to the disapplication in section 5 of the **Act**).

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Term	Meaning
Relevant complaints	The following kinds of complaint: a) complaints (including **reports**) by ***United Kingdom users*** and ***affected persons*** about ***search content*** which they consider to be ***illegal content***, excluding ***intimate image content reports***; b) complaints by ***United Kingdom users*** and ***affected persons*** if they consider that the ***provider*** is not complying with a duty set out in the following sections of the **Act**– i) section 27 (illegal content safety duties), ii) section 31 (content reporting) so far as it relates to illegal content, or iii) section 33 (freedom of expression or privacy); c) complaints by an ***interested person*** if the ***provider*** of a ***search service*** takes or uses measures in order to comply with a duty set out in section 27 of the **Act** that result in ***content*** relating to that ***interested person*** no longer appearing in ***search results*** or being given a lower priority **in *search results***; d) complaints by an ***interested person*** if— i) the use of ***proactive technology*** on a ***search service*** results in content relating to that ***interested person*** no longer appearing in ***search results*** or being given a lower priority in ***search results***, and ii) the ***interested person*** considers that the ***proactive technology*** has been used in a way not contemplated by, or in breach of, the ***provider's*** policies on its use (for example, by affecting ***content*** not of a kind specified in those policies as a kind of ***content*** in relation to which the technology would operate).
Relevant technology	The kind of technology specified in the measure in question.
Reporting and complaints duties	The duty set out in section 31 of the **Act**, so far as it relates to ***illegal content***, and the duties set out in section 32 of the **Act**, so far as relating to the complaints set out in section 32(4).

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Term	Meaning
Reports	Complaints by ***United Kingdom users*** and ***affected persons*** about ***search content*** which they consider to be ***illegal content***, made using a reporting function or tool provided by the service.
Risk	See the subsection headed 'Risks of illegal harm' below (which begins at paragraph 5.4).
Risk assessment	The most recent risk assessment carried out by the ***provider*** pursuant to section 26 of the **Act**.
Search index	A collection of **URLs** that are obtained by deploying crawlers to find content across the internet, which is subsequently stored and organised.
Search moderation function	The ***systems and processes*** designed to review, assess and take **appropriate moderation action** in relation to ***search content***, including ***search content*** a provider has reason to suspect may be ***illegal content***.
Service	A **regulated search service** or a ***combined service***, to the extent that the **illegal content safety duties** or the **reporting and complaints duties** apply in relation to such a service by virtue of section 7(6) of the **Act**. This includes (but is not limited to) **general search services** and **vertical search services**.
Target content	***Content*** of the kind the use of a **relevant technology** is designed to identify.
Trusted flagger	An entity which is a **recommended trusted flagger** and any other person: a) whom the ***provider*** has reasonably determined has expertise in a particular **illegal harm**; and b) for whom the ***provider*** has established a dedicated reporting channel.
URL	Uniform Resource Locator, meaning a reference that specifies the location of a resource accessible by means of the internet.

Term	Meaning
Vertical search service	A **service** that enables ***users*** to search for specific topics, or products or services offered by third parties with which the ***provider*** has a relevant arrangement (which may be contractual). Unlike **general search services**, they do not return ***search results*** based on an underlying **search index**. Rather, they use an API or equivalent technical means to directly query selected websites or databases, and to return ***search results*** to ***users***.
Volunteer	An individual who, in relation to the activity in question, is not: a) employed by the ***provider*** or anyone else, b) remunerated, c) acting by way of a business.

Table B - Terms used in these Codes that have the meaning given in the Act

Term	Meaning under the Act
Affected person	Section 31(5)
Category 2A service	Section 95(10)(b) Section 95(2)(b) requires Ofcom to establish a register, a part of which sets out the regulated search services and combined services which Ofcom considers meet the Category 2A threshold conditions (as specified in regulations made under paragraph 1(2) of Schedule 11). Services for the time being included in that part of the register are Category 2A services. 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). See the entry for "combined service" regarding the definition of that term.
Combined service	Section 4(7)

Term	Meaning under the Act
	Paragraph 7(2) of Schedule 1 sets out the conditions to be met for a search engine not to be considered a public search engine. See the entry for "search engine" regarding the definition of that term. A "regulated user-to-user service" is a "user-to-user service" (as defined in sections 3(1) and (2), and section 204(1)) which is a regulated user-to-user service under section 4 (subject to the disapplication in section 5). See the entries for "content", "encounter", "internet service" and "user" regarding the definitions of those terms.
Content	**Section 236(1)** See the entry for "internet service" regarding the definition of that term. See section 232 in relation to "content communicated "publicly" or "privately".
Content identification technology	**Section 231(2)** Under section 231(1), content identification technology is listed as a form of "proactive technology". Section 231(3) describes situations where content identification technology will not be proactive technology.
CSEA content	**Section 59(9)** Schedule 6 lists the relevant offences for determining when content is CSEA content. Sections 59(11) to (14) contain further interpretative provisions. Section 55(2) defines "regulated user-generated content". Sections 55(5) to (12) contain interpretative provisions. Sections 55(3) and (4) define "user-generated content". Section 55(4) provides interpretation of the scope of "content generated, uploaded or shared by a user" and explains when a bot or other automated tool may be regarded as a user of a service. A "regulated user-to-user service" is a "user-to-user service" (as defined in sections 3(1) and (2), and section 204(1)) which is a regulated user-to-

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Term	Meaning under the Act
	user service under section 4 (subject to the disapplication in section 5). See the entries for "combined service", "content", "encounter", "internet service", "search content" and "user" regarding the definitions of those terms.
Encounter (in relation to content)	**Section 236(1)**
Illegal content	**Section 59(2)** Section 59(3) sets out when content will amount to a relevant offence. Sections 59(4), (5) and (7) set out what is meant by a relevant offence. Section 59(6) describes offences which are not relevant offences. Sections 59(11) to (15) contain further interpretative provisions. A "regulated user-to-user service" is a "user-to-user service" (as defined in sections 3(1) and (2), and section 204(1)) which is a regulated user-to-user service under section 4 (subject to the disapplication in section 5). Section 55(2) defines "regulated user-generated content". Sections 55(5) to (12) contain interpretative provisions. Section 236(1) defines "identifying content". Section 56 defines "recognised news publisher". See the entries for "combined service", "content", "encounter", "internet service" "search content" and "user" regarding the definitions of those terms.
Interested person	**Section 227(7)** Sections 3(1) and (2) and section 204(1) define "user-to-user service". See the entries for "content", "combined service", "encounter", "internet service", "search engine", "search service" and "user" regarding the definitions of those terms.
Internet service	**Section 228(1)** and **section 204(1)** Sections 228(2) and (3) describe what is meant by a service that is made available by means of the internet.

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Term	Meaning under the Act
Intimate image content report	**Section 31A(2)**
Likely to be accessed by children	**Section 37** Section 35(1) sets out what is meant by a "children's access assessment". Section 35(3) sets out when the "child user condition" is met in relation to a service. Section 36 details the requirement to carry out a children's access assessment. Schedule 3 makes provision about the deadline by which a first "children's access assessment" must be carried out. Section 236 defines a "child" (see also section 35(5)). Section 4(3) defines "Part 3 service". Sections 230(2) and (4) define "age verification". Sections 230(3) and (4) define "age estimation". Sections 3(1) and (2) and section 204(1) define "user-to-user service". Section 236(1) defines "user-to-user part" in relation to a "user-to-user service". Sections 55(3) and (4) define "user-generated content". Section 55(4) provides interpretation of the scope of "content generated, uploaded or shared by a user" and explains when a bot or other automated tool may be regarded as a user of a service. See the entries for "content", "encounter", "internet service", "search engine", "United Kingdom user" and "user" regarding the definitions of those terms.
Priority illegal content	**Section 59(10)** Sections 59(8) and (9) define "terrorism content" and "CSEA content". Sections 59(11) to (14) contain further interpretative provisions. A "regulated user-to-user service" is a "user-to-user service" (as defined in sections 3(1) and (2), and section 204(1)) which is a regulated user-to-user service under section 4 (subject to the disapplication in section 5). Section 55(2) defines "regulated user-generated content". Sections 55(5) to (12) contain interpretative provisions. Section 236(1) defines "identifying content". Section 56 defines "recognised news publisher".

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Term	Meaning under the Act
	See the entries for “combined service”, “content”, “encounter”, “internet service” “search content” and “user” regarding the definitions of those terms.
Proactive technology	**Section 231(1)** Sections 231(4) and (6) define “user profiling technology” and “behaviour identification technology”. Sections 231(3), (5) and (7) explain when these technologies will not be proactive technology. Sections 231(8) to (13) contain further interpretative provisions. Section 79(2) defines “provider pornographic content”. Section 236(1) defines “pornographic content”. Section 236(1) defines “personal data”. Section 4(4) defines “regulated service”. Sections 125(12) and (13) define “accredited technology”. Section 59(8) defines “terrorism content”. Schedule 5 lists the relevant offences for determining when content is terrorism content. Sections 59(11) to (14) contain further interpretative provisions. Sections 55(3) and (4) define “user-generated content”. Section 55(4) provides interpretation of the scope of “content generated, uploaded or shared by a user” and explains when a bot or other automated tool may be regarded as a user of a service. A “regulated user-to-user service” is a “user-to-user service” (as defined in sections 3(1) and (2), and section 204(1)) 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 (subject to section 3(5) to (7)) (see the entry for “search engine” regarding the definition of that term) that is a regulated search service under section 4 (subject to the disapplication in section 5). See the entries for “combined service”, “content”, “content identification technology”, “CSEA content”, “encounter”, “illegal content”,

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Term	Meaning under the Act
	"internet service", "search engine", "search service", "United Kingdom user" and "user" regarding the definitions of those terms.
Provider	**Section 226** See the entries for "combined service", "internet service", "search engine", "search service" and "user" regarding the definitions of those terms.
Search content	**Section 57(2)** Section 57(4) sets out the meaning of "search". See section 57(6) regarding the reference to a "search service". Sections 3(1) and (2) and section 204(1) define "user-to-user service". See the entries for "content", "encounter" "internet service", "search engine", "search results", "search service", "user" and "via" (in relation to references to encountering content "via search results") regarding the definitions of those terms. Section 236(1) defines "paid-for-advertisements". Section 56(1) defines "recognised news publisher".
Search engine	**Section 229** Section 57(4) defines "search". Sections 3(1) and (2) and section 204(1) define "user-to-user service". See the entries for "content", "encounter", "internet service" and "user" regarding the definitions of those terms.
Search or search request	**Section 57(4)**
Search results	**Section 57(3)** See section 57(6) regarding the reference to a "search service". See the entries for "search engine", "search request", "search service" and "user" regarding the definitions of those terms.

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Term	Meaning under the Act
Search service	Section 3(4) and section 204(1) See the entries for "internet service" and "search engine" regarding the definitions of those terms.
Systems and/or processes	Section 236(1)
United Kingdom user	Section 227(1) See the entry for "user" regarding the definition of that term.
User	Section 227(2)-(3) Section 227(3) sets out individuals and entities that will not be users for the purposes of the Act. Sections 227(4) to (6) provide further interpretation of terminology used throughout section 227. Section 57(4) defines "search". Sections 3(1) and (2) and section 204(1) define "user-to-user service". See the entries for "content", "encounter", "internet service", "search engine" "search service" and "user" regarding the definitions of those terms.
Via (in relation to references to encountering content "via search results")	Section 57(5) See section 57(6) regarding the reference to a "search service". See the entries for "content", "encounter", "internet service", "search results" and "search service" regarding the definitions of those terms.

Risks of illegal harm

Risk of a kind of illegal harm

5.4 A service is at medium or high risk of a kind of illegal harm set out in table C if either:

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a) the **risk assessment** of the service identified a medium or high risk (as the case may be) in relation to the offences (taken together) specified in relation to that kind of harm in table C; or

b) by virtue of a confirmation decision given under section 134 of the Act in relation to a risk of serious harm, the duty set out in section 27(2) of the **Act** applies in relation to the service as if an illegal content risk assessment carried out by the provider pursuant to section 26 of the **Act** had identified a medium or high risk of serious harm (as the case may be) in relation to that kind of harm.

5.5 In relation to each offence specified in rows 3 to 18 of table C, the offence also, to the extent relevant, includes the offences of encouraging, assisting, conspiring to commit, aiding, abetting, counselling, procuring, attempting, or (in Scotland) inciting or being involved art and part in, the commission of that offence.

Multi-risk services

5.6 A service is a multi-risk service if it is at medium or high risk of two or more kinds of illegal harm set out in table C.

Table C – Kinds of illegal harm

	Kind of illegal harm	Offences
1.	Terrorism	An offence specified in Schedule 5 to the **Act**.
2.	CSEA	An offence specified Schedule 6 to the **Act**.
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).

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	Kind of illegal harm	Offences
4.	Hate	An offence under any of the following provisions of the Public Order Act 1986— (a) section 18 (use of words or behaviour or display of written material); (b) section 19 (publishing or distributing written material); (c) section 21 (distributing, showing or playing a recording); (d) section 29B (use of words or behaviour or display of written material); (e) section 29C (publishing or distributing written material); (f) section 29E (distributing, showing or playing a recording). An offence under any of the following provisions of the Crime and Disorder Act 1998— (a) section 31 (racially or religiously aggravated public order offences); (b) section 32 (racially or religiously aggravated harassment etc).

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	Kind of illegal harm	Offences
5.	Harassment, stalking, threats and abuse	An offence under section 16 of the Offences against the Person Act 1861 (threats to kill). An offence under any of the following provisions of the Public Order Act 1986— (a) section 4 (fear or provocation of violence); (b) section 4A (intentional harassment, alarm or distress); (c) section 5 (harassment, alarm or distress). An offence under any of the following provisions of the Protection from Harassment Act 1997— (a) section 2 (harassment); (b) section 2A (stalking); (c) section 4 (putting people in fear of violence); (d) section 4A (stalking involving fear of violence or serious alarm or distress). An offence under any of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9))— (a) Article 4 (harassment); (b) Article 6 (putting people in fear of violence) An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)— (a) section 38 (threatening or abusive behaviour); (b) section 39 (stalking).
6.	Controlling or coercive behaviour	An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).
7.	Drugs and psychoactive substances	An offence under any of the following provisions of the Misuse of Drugs Act 1971— (a) section 4(3) (unlawful supply, or offer to supply, of controlled drugs); (b) section 9A (prohibition of supply etc of articles for administering or preparing controlled drugs); (c) section 19 (inciting any other offence under that Act). An offence under section 5 of the Psychoactive Substances Act 2016 (supplying, or offering to supply, a psychoactive substance).

8.	Firearms and other weapons	An offence under section 1(1) or (2) of the Restriction of Offensive Weapons Act 1959 (sale etc of flick knife etc). An offence under any of the following provisions of the Firearms Act 1968— (a) section 1(1) (purchase etc of firearms or ammunition without certificate); (b) section 2(1) (purchase etc of shot gun without certificate); (c) section 3(1) (dealing etc in firearms or ammunition by way of trade or business without being registered); (d) section 3(2) (sale etc of firearms or ammunition to person other than registered dealer); (e) section 5(1), (1A) or (2A) (purchase, sale etc of prohibited weapons); (f) section 21(5) (sale etc of firearms or ammunition to persons previously convicted of crime); (g) section 22(1) (purchase etc of firearms or ammunition by person under 18); (h) section 24 (supplying firearms to minors); (i) section 24A (supplying imitation firearms to minors). An offence under any of the following provisions of the Crossbows Act 1987— (a) section 1 (sale and letting on hire of crossbow); (b) section 2 (purchase and hiring of crossbow). An offence under any of the following provisions of the Criminal Justice Act 1988— (a) section 141(1) or (4) (sale etc of offensive weapons); (b) section 141A (sale of knives etc to persons under 18). An offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))— (a) Article 53 (sale etc of knives); (b) Article 54 (sale of knives etc to minors). An offence under any of the following provisions of the Knives Act 1997— (a) section 1 (unlawful marketing of knives); (b) section 2 (publication of material in connection with marketing of knives).

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	Kind of illegal harm	Offences
		An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))— (a) Article 24 (sale etc of firearms or ammunition without certificate); (b) Article 37(1) (sale etc of firearms or ammunition to person without certificate etc); (c) Article 45(1) or (2) (purchase, sale etc of prohibited weapons); (d) Article 63(8) (sale etc of firearms or ammunition to people who have been in prison etc); (e) Article 66A (supplying imitation firearms to minors). An offence under section 36(1)(c) or (d) of the Violent Crime Reduction Act 2006 (sale etc of realistic imitation firearms). An offence under any of the following provisions of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10)— (a) section 2 (requirement for air weapon certificate); (b) section 24 (restrictions on sale etc of air weapons).
9.	Unlawful immigration	An offence under any of the following provisions of the Immigration Act 1971— (a) section 24(A1), (B1), (C1) or (D1) (illegal entry and similar offences); (b) section 25 (assisting unlawful immigration).
10.	Human trafficking	An offence under section 2 of the Modern Slavery Act 2015 (human trafficking). An offence under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (human trafficking). An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.)) (human trafficking).

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	Kind of illegal harm	Offences
11.	Sexual exploitation of adults	An offence under any of the following provisions of the Sexual Offences Act 2003— (a) section 52 (causing or inciting prostitution for gain); (b) section 53 (controlling prostitution for gain). An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))— (a) Article 62 (causing or inciting prostitution for gain); (b) Article 63 (controlling prostitution for gain).
12.	Extreme pornography	An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).
13.	Intimate image abuse	An offence under section 66B of the Sexual Offences Act 2003 (sharing or threatening to share intimate photograph or film). An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (disclosing, or threatening to disclose, an intimate photograph or film).
14.	Proceeds of crime	An offence under any of the following provisions of the Proceeds of Crime Act 2002— (a) section 327 (concealing etc criminal property); (b) section 328 (arrangements facilitating acquisition etc of criminal property); (c) section 329 (acquisition, use and possession of criminal property).

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	Kind of illegal harm	Offences
15.	Fraud (and financial services)	An offence under any of the following provisions of the Fraud Act 2006— (a) section 2 (fraud by false representation); (b) section 4 (fraud by abuse of position); (c) section 7 (making or supplying articles for use in frauds); (d) section 9 (participating in fraudulent business carried on by sole trader etc). An offence under section 49(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (articles for use in fraud). An offence under any of the following provisions of the Financial Services and Markets Act 2000— (a) section 23 (contravention of prohibition on carrying on regulated activity unless authorised or exempt); (b) section 24 (false claims to be authorised or exempt); (c) section 25 (contravention of restrictions on financial promotion). An offence under any of the following provisions of the Financial Services Act 2012— (a) section 89 (misleading statements); (b) section 90 (misleading impressions).
16.	Foreign interference offence	An offence under section 13 of the National Security Act 2023 (foreign interference).
17.	Animal cruelty	An offence under section 4(1) of the Animal Welfare Act 2006 (unnecessary suffering of an animal).
18.	Cyberflashing	An offence under section 66A of the Sexual Offences Act 2003 (sending etc photograph or film of genitals).

User numbers

5.7 This subsection applies for the purpose of determining whether a **service** has more than a particular number of monthly **active United Kingdom users**.

5.8 A **service** has more than a particular number of monthly **active United Kingdom users**:

a) from such time as the average number of monthly **active United Kingdom users** is more than that number; and

b) until such time as the average number of monthly **active United Kingdom users** has been at or below that number for a continuous period of six months.

5.9 A **service's** average number of monthly **active United Kingdom users** is the mean number of **active United Kingdom users** per month for:

a) the six-month period ending with the month preceding the time in question; or

b) where the **service** has been in operation for less than six months, the period for which the service has been in operation.

5.10 In this subsection, an **active United Kingdom user** means any ***United Kingdom user*** who has ***encountered search content*** in or ***via search results*** of the **service**.

5.11 For the avoidance of doubt, in relation to a ***combined service***, only ***United Kingdom users*** who have ***encountered search content*** in or ***via search results*** of the service's public ***search engine*** (within the meaning given by section 4(7) of the Act) are **active United Kingdom users** of that service for the purposes of this subsection.

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