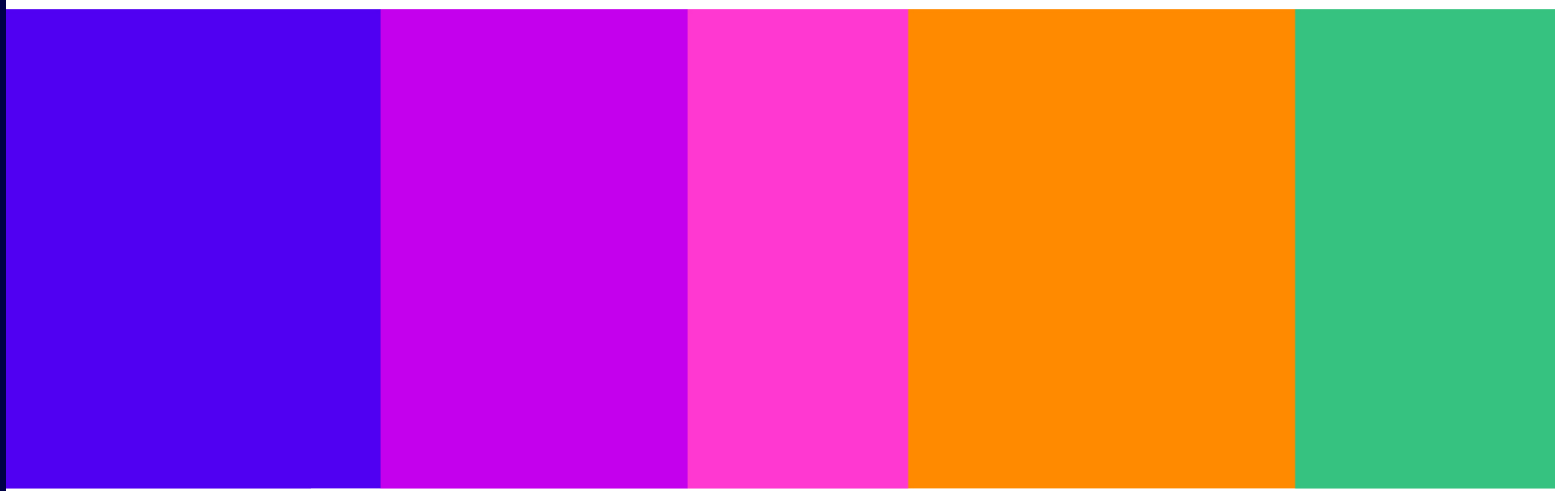


# Protecting children from harms online

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Volume 4: What should services do to  
mitigate the risks of online harms to  
children?



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## 9. Overview of Codes

Volume 4 sets out the steps that service providers should take to keep children safe online.

### **The first Protection of Children Codes (the Codes) will deliver a strong set of foundations to protect children online**

We know that service providers are not currently doing enough to keep children safe on their services and these measures will bring significant improvements to children's online safety. Building on the foundations established by the Illegal Content Codes of Practice (Illegal Content Codes), this package of measures is a big step forward in creating a safer life online for children in the UK.

### **Our approach to the first Codes reflects the principle in the Act that there should be a higher standard of protection for children than adults**

To achieve this, we have been guided by four core concepts:

- holding service providers responsible for protecting children online;
- embedding safety by design in providers' operations and processes;
- making highly effective age assurance the basis for children's online safety; and
- taking a risk-based approach.

In response to our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we received feedback from a wide variety of stakeholders. Through our deliberative engagement with children,<sup>1</sup> we also received feedback from children on our proposals. Having considered this feedback, we have decided to maintain many aspects of our overall approach to the Codes proposed in our May 2024 Consultation.

### **We have made some key decisions on our approach to the Codes and the measures**

These include:

- changing our Recommender Systems measures to provide stronger protections for children and more clarity for providers;
- establishing a strong baseline level of protection for children of all ages, while encouraging providers to consider appropriate action for children in different age groups;
- confirming our proposals that providers of user-to-user services that allow harmful content should use highly effective age assurance to determine which of their users are adults;<sup>2</sup>
- confirming our proposals that certain measures should apply to content categories beyond those specifically identified in the Act (i.e. to non-designated content or NDC);
- confirming our proposal that providers of large general search services should protect users determined to be children by applying a 'safe search' setting which filters primary priority content (PPC) out of their search results; and

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<sup>1</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>2</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

- confirming our overall approach to which services our measures should apply to (with some adjustments) so that in most cases, we recommend measures for all services with relevant risks and functionalities, regardless of size. Our approach focuses on services which pose the highest risks for children. This is in line with the requirement to take a proportionate approach.

### **Our first Codes package will significantly improve children’s online safety and is the first step towards safer online experiences**

We expect to update our regulation over time as new evidence arises on emerging risks to children and the measures that will best keep children safe online. We will scrutinise a number of service providers’ children’s risk assessments (including the largest social media services as well as smaller by risky services) and maintain close engagement with them to build our understanding of how they are meeting the children’s safety duties.

Over time, we expect to continue to add future measures to the Codes that will continue to build safer experiences online for children in the UK.

## **Introduction**

- 9.1 The Online Safety Act 2023 (the Act) requires us to produce Codes of Practice, containing measures providers of user-to-user and search services likely to be accessed by children should take to meet their children’s online safety duties and reporting and complaints duties.<sup>3</sup>
- 9.2 The Codes are strong foundations for protecting children online. We know providers are not currently doing enough to keep children safe on their services and these measures will bring significant improvements to children’s online safety. These measures build on the Illegal Content Codes which establish baseline protections for children from illegal contact and content, including through the safer default settings measure to restrict the visibility of children’s accounts<sup>4</sup> and the automated content moderation measures for the detection of child sexual abuse material (CSAM).<sup>5</sup> Together, this package of measures represents a big forward in creating a safer life online for children in the UK.
- 9.3 Crucially, the measures will mean that providers of user-to-user services that allow harmful content must establish which of their users are children to deliver a safer experience for children online. This represents a fundamental change to existing practice. Once providers know which of their users are children, they should put in place processes designed to

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<sup>3</sup> Providers of services that are likely to be accessed by children are required to: use proportionate measures to mitigate and manage risks from content that is harmful to children (sections 12 and 29 of the Act); operate a service using systems and processes that allow users and affected persons to easily report content which they consider to be harmful to children (sections 20 and 31 of the Act); and operate a transparent complaints procedure that is easy to access and use, and which allows for relevant complaints to be made and providers for appropriate action to be taken (sections 21 and 32 of the Act).

<sup>4</sup> Measure ICU F1 in the Illegal Content Codes of Practice for user-to-user services (Illegal Content Codes). See Chapter 8 of Volume 2 of the [Statement: Protecting people from illegal harms online](#) (December 2024 Statement).

<sup>5</sup> Measures ICU C9 and C10 and Measure ICS C7 in the Illegal Content Codes. See Chapters 4 and 5 of Volume 2 of the December 2024 Statement.

prevent their recommender algorithms recommending harmful content in children's feeds,<sup>6</sup> should take swift action when they become aware of harmful content present on their services and should embed children's safety at the heart of their services' design and decision-making processes.

- 9.4 The first Codes package will significantly improve children's online safety and is the first step towards safer online experiences. We expect to update our regulation over time as new evidence arises on emerging risks to children and the measures that will best keep children safe online. We will scrutinise a number of service providers' children's risk assessments (including the largest social media services as well as smaller by risky services) and maintain close engagement with them to build our understanding of how they are meeting the children's safety duties.
- 9.5 Over time, we expect to continue to add future measures to the Codes that will continue to build safer experiences online for children in the UK.

## Our approach

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- 9.6 Our approach to the first Codes reflects the principle in the Act that there should be a higher standard of protection for children than adults. To achieve this, we have been guided by four core concepts:
- The first is the principle that service providers are responsible for protecting children online. While some of our measures aim to provide children with more control over their online experiences, this is against the backdrop of providers introducing a safer experience for children as a default. Parents and carers may also play an important role in protecting children online, but this should complement – not substitute – protections offered by service providers. The Act is clear that providers must take responsibility for addressing the risks to children posed by their services. The Recommender Systems and Content and Search Moderation measures are key examples of this.
  - The second is safety by design, which underpins many of the measures and the wider package of protections. Providers cannot comply with their duties to protect children unless they prioritise children's safety in the design decisions they take, including those relating to the operation of particular features and functionalities known to amplify harmful content to children. The Governance and Accountability measures and Recommender Systems measures in particular aim to embed children's safety into services' design and decision-making processes.
  - The third is highly effective age assurance as the basis for children's online safety. To effectively protect children, providers of user-to-user services that allow harmful content must understand which of their users are children. This will allow them to ensure children are protected from harmful content and contact without unduly infringing the rights of adult users.
  - The fourth is a risk-based approach. This means we have focused the measures where the risks to children are greatest. This might be because of the design features or

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<sup>6</sup> As we explain in more detail in Section 17, providers that prohibit all types of content harmful to children for which their service is high or medium risk may choose whether to do this for all users or to use highly effective age assurance to target the measures to children.

functionalities of a service, or the types of content it allows users to share. In these first Codes, we have also considered the risks to children in different age groups. Building further on the concept of age-appropriate experiences will be a central to our approach for future iterations of the Codes.

## Our proposals and decisions

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- 9.7 We have largely maintained the approach proposed in our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), in which we proposed over 40 measures.<sup>7</sup> These included:
- **Robust age checks:** We proposed increased use of highly effective age assurance to ensure providers determine which of their users are adults, enabling them to protect children from harmful content and contact while preserving the rights of adults to access legal content. We proposed that providers of all user-to-user services with significant risks of children encountering harmful content should implement highly effective age assurance to prevent children from seeing it.
  - **Safer algorithms:** We proposed measures recommending providers ensure their algorithms are safe by design. Recommender systems – algorithms that provide personalised recommendations to users – are children’s main pathway to unintentionally encountering harmful content online. We proposed that any provider that operates a recommender system and poses a medium or high risk of harmful content should understand which of their users are children and configure their algorithms to filter out or reduce the prominence of harmful content in children’s feeds.
  - **Effective moderation:** We proposed that providers of all user-to-user services should have content moderation systems in place to take swift action against content harmful to children when they become aware of it. We proposed that providers of all search services should also have moderation systems that allow them to take appropriate moderation action. In addition, we proposed providers of large general search services should filter primary priority content (PPC) out of search results for users believed to be children and should ensure children cannot switch this setting off.
  - **Strong governance and accountability:** We proposed measures that included having a named person accountable for compliance with the children’s safety duties, holding an annual senior-body review of all risk management activities relating to children’s safety and creating an employee Code of Conduct that sets standards for employees relating to protection of children.
  - **More choice and support for children:** We proposed that providers should ensure they provide clear and easy-to-find information for children and the adults who care for them. This should include easy-to-use reporting and complaints processes, as well as tools and support for children to help them stay safe online.
- 9.8 In response to our May 2024 Consultation, we received feedback from a wide variety of stakeholders. In this section, we discuss stakeholder feedback on our overall approach to the Codes. The following section, Codes Framework, covers our approach to impact

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<sup>7</sup> Ofcom, 2024. [Consultation: Protecting children from harms online](#) (May 2024 Consultation)

assessments and stakeholder feedback relating to them. We discuss feedback on specific measures in the rest of the sections in this volume.

- 9.9 Many of the measures in the Protection of Children Codes and several aspects of our overall approach are similar to, and build on, the measures and approach in the Illegal Content Codes. In this section and the sections that follow, we have therefore considered relevant feedback received in response to our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation) in designing and deciding on the measures for this statement.<sup>8</sup>
- 9.10 Many stakeholders were broadly supportive of our proposed overall approach to the Codes, while others raised concerns about certain aspects. These included concerns that Codes are insufficiently focused on safety by design; do not include measures for different age groups of children or relating to minimum age requirements; and that adopting Codes measures would give providers a ‘safe harbour’, even if they have not addressed all the risks posed by their services.<sup>9</sup> Through our deliberative engagement with children, we also received feedback from children on our proposals.<sup>10</sup>
- 9.11 Having considered stakeholder feedback, including what children told us, we have decided to maintain many aspects of our overall approach to the Codes proposed in our May 2024 Consultation. We have made a number of key decisions on our approach to the Codes and measures. These include:
- Recommender systems: We have changed the Recommender Systems measure for priority content (PC) and NDC to allow providers the option to exclude PC and NDC from children’s recommender feeds, as an alternative action to lowering its degree of prominence (as the measure in our May 2024 Consultation proposed). In deciding what action to take, providers should consider the findings of their children’s risk assessments regarding the risk of harm to children in different age groups. We have also changed the Age Assurance measures related to the recommender systems measures so that providers who prohibit all kinds of PC and NDC that they are at risk for, have the option to apply the recommender systems measures to all users, or, alternatively, apply highly effective age assurance to target the measures to children.
  - Age groups: We have aimed to establish a baseline level of protection for children of all ages, while encouraging providers to consider children’s ages when deciding whether to take more protective actions for PC and NDC. We have made clarifications and changes to the Content Moderation, Search Moderation and Recommender Systems measures to reflect the principle that providers should put in place the strongest protections where the benefits to children are greatest and support children to have age-differentiated online experiences, in recognition of the rights and evolving capacities of children as they age. We are however clear that stronger protections for younger children should not leave older children unprotected.
  - Age assurance: We have confirmed our proposals that providers of user-to-user services that do not prohibit harmful content and therefore pose significant risks to children should use highly effective age assurance to determine which of their users are adults so they can take steps to protect children.

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<sup>8</sup> Ofcom, 2023. [Consultation: Protecting people from illegal harms online](#) (November 2023 Consultation).

<sup>9</sup> See the ‘Approach to safe harbour’ sub-section for an explanation of the ‘safe harbour’.

<sup>10</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

- Non designated content (NDC): We have confirmed our proposals that the Content and Search Moderation measures and Recommender Systems measures should apply to any kind of NDC which providers have identified as low, medium or high-risk in their most recent children’s risk assessments. As discussed in Section 4, we have updated the categories of NDC that we identify in the Children’s Register of Risks (Children’s Register).<sup>11</sup> We have also clarified the Children’s Risk Assessment Guidance for Service Providers (Children’s Risk Assessment Guidance) to provide additional guidance about how providers should identify and assess risks of NDC.<sup>12</sup>
- Search moderation: We have confirmed that providers of large general search services should protect users determined to be children by filtering PPC out of their search results (for example, using a ‘safe search’ setting). Providers should prevent users determined to be children from switching this setting off.
- Who the measures apply to: We have confirmed our overall approach to defining which services the measures should apply to and have made some adjustments to certain proposed measures in response to stakeholder feedback. This includes extending two User Support measures so that they apply to services with risk of suicide, self-harm and eating disorder content,<sup>13</sup> and another User Support measure to apply to services with risk of suicide or self-harm content.<sup>14</sup> Our approach focuses on services which pose the highest risks for children. This is in line with the requirement to take a proportionate approach. As we proposed in our May 2024 Consultation, measures required by the Act or fundamental for children’s online safety will apply to all services likely to be accessed by children, irrespective of the risk that the service poses, while more ambitious, more costly measures will apply to services where the benefits they bring are greatest. In most cases, we set out measures for all services with relevant risks and functionalities, regardless of size.

9.12 We summarise the measures in the first Codes in the sub-section ‘Overview of the first Protection of Children Codes’. Full details of our decisions on specific measures can be found in the relevant sections of this volume.

9.13 This first iteration of the Codes will achieve significant improvements for children’s online safety and is the first step in the journey to deliver more protections for children from harm online. We discuss future plans to reinforce protection of children online in the ‘Future Protection of Children Codes’ sub-section.

9.14 Alongside this statement, we are consulting on proposals that seek to expand the application of some of the User Support measures in the Illegal Content Codes to a wider range of services. This is because we now consider it would be proportionate for these measures to apply to smaller services likely to be accessed by children. We welcome stakeholder comments on these proposals, set out in Volume 6<sup>15</sup>, by 22 July 2025.

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<sup>11</sup> See Section 4 of Volume 2 and Sections 10-11 of the [Children’s Register](#).

<sup>12</sup> See the Children’s Risk Assessment Guidance for Service Providers ([Children’s Risk assessment Guidance](#)).

<sup>13</sup> In our May 2024 Consultation, we proposed Measures PCU J1 and J2 would apply only to services with the relevant functionalities which are medium or high risk for one or more of bullying content, abuse and hate content and violent content.

<sup>14</sup> In our May 2024 Consultation, we proposed Measure PCU J3 would apply only to services with the relevant functionality which are medium or high risk for one or more of pornographic content, eating disorder content, bullying content, abuse and hate content and violent content.

<sup>15</sup> [Volume 6](#)

## What children told us

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- 9.15 In addition to stakeholder feedback, the Codes have also been informed by the experiences of children online. In developing the Codes, we have drawn extensively on our own research and that of others. Our analysis is based on evidence we have gathered over the past four years and considers a variety of sources to ensure the Codes are informed by children's views and experiences, alongside those of parents, carers, practitioners, and other experts who work with or support children.
- 9.16 Ofcom's research programme (including our long-standing media literacy research) has explored children's online experiences in a variety of ways including surveys, in-depth interviews, online groups, and workshops in schools. Using reliable, safe, and ethical approaches we have heard from over 27,000 children and 13,000 parents. We have drawn on this research – as well as evidence provided by online service providers, academic literature, third-party research, and civil society organisations – to inform our analysis of risks to children online.
- 9.17 Given the focus of the Codes on protecting children, it is important to consult directly with children to understand their views on key aspects of our proposals. We commissioned a programme of deliberative engagement with children to gather their views on adapted versions of the Codes. There were 112 children across the UK aged 8-17 who took part, including children with specific characteristics of interest, such as lived experience of relevant harms. This research and engagement aimed to understand children's perspectives on the draft Codes and how our proposals might affect their online experiences.<sup>16</sup> We have published the full report, alongside this statement.<sup>17</sup>
- 9.18 Overall, we found that children broadly supported our proposed approach to the Codes. Most children were positive about Ofcom's role in online safety and expressed support for the proposed measures. They appreciated that legislation had been introduced to protect children from harmful content and were reassured that an organisation had been appointed to oversee this. Some children, including several who cited their own experiences of encountering harmful content, stated that the measures felt overdue. The children said that they wished the measures had been in place earlier but were glad that there would now be additional protections in place to prevent other children from experiencing harm.
- 9.19 We heard that children thought they were currently having to do too much on their own to stay safe online. They were therefore particularly positive about measures they saw as proactively trying to prevent encounters with harmful content, such as those involving age assurance.
- 9.20 While there was support for the proposals, many children were sceptical about how effective some were likely to be in practice. They felt there was a risk that interventions could be circumvented and were concerned about whether service providers could always identify harmful content and deal with it. There was a desire for the measures to be applied consistently, to ensure that children were not left out of social environments to which their peers had access. Some also raised concerns that the measures could potentially limit

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<sup>16</sup> Children were shown simplified versions of our proposals via a mix of workshops, one-to-one interviews, and activities completed at home. See the report for more details about the methodology used.

<sup>17</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

children's choices online and questioned whether all age groups should be treated in the same way.

- 9.21 Our decisions have been informed by this feedback, together with our ongoing programme of research with children. In some areas, we have made specific changes in response to children's feedback on our proposals (which we considered alongside other relevant information) including decisions on the Recommender Systems and User Support measures. We discuss children's feedback relating to specific measures in the relevant sections of this volume.

## Stakeholder feedback and our response

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- 9.22 In this section we summarise and discuss the feedback we received from stakeholders in response to our May 2024 Consultation on our overall approach to the draft Codes. This includes feedback on our approach to the 'safe harbour', safety by design, and measures for children in different age groups, as well as our approach to features and functionalities, specific types of harmful content and ensuring compliance.
- 9.23 Many stakeholders – including civil society groups, tech companies and public sector organisations – broadly supported our overall approach to the Codes or their intended aims.<sup>18</sup> The Family Online Safety Institute (FOSI) stated that the Codes have the potential to create a strong baseline safety standard that reaches across the entire world.<sup>19</sup> Many stakeholders supported our approach of aligning the proposed measures with the measures in the Illegal Content Codes where appropriate to do so.<sup>20</sup>

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<sup>18</sup> Advertising Association response to May 2024 Consultation, p.10; Association of Police and Crime Commissioners response to May 2024 Consultation, p.10; Bandio response to May 2024 Consultation, p.4; Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.15; Common Sense Media response to May 2024 Consultation, p.13; Dean, J response to May 2024 Consultation, p.11; Family Online Safety Institute (FOSI) response to May 2024 Consultation, p.18; Kidentify response to May 2024 Consultation, p.3; Kooth Digital Health response to May 2024 Consultation, p.7; Microsoft response to May 2024 Consultation, p.8; National Crime Agency (NCA) response to May 2024 Consultation, pp.6-7; OneID response to May 2024 Consultation, p.2; Pinterest response to May 2024 Consultation, p.8; Scottish Government response to May 2024 Consultation, p.12; Snap, Inc. response to May 2024 Consultation, p.11; The Center for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation, p.9; The LEGO Group response to May 2024 Consultation, p.2; UK Interactive Entertainment (Ukie) response to May 2024 Consultation, p.26; UK Safer Internet centre (UKSIC) response to May 2024 Consultation, p.3.

<sup>19</sup> FOSI response to May 2024 Consultation, p.18.

<sup>20</sup> Common Sense Media response to May 2024 Consultation, p.13; Commissioner Designate for Victims of Crime in Northern Ireland response to May 2024 Consultation, p.5; Dean, J response to May 2024 Consultation, p.12; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.5; Kooth Digital Health response to May 2024 Consultation, p.9; Meta Platforms Inc. response to May 2024 Consultation, p.2; Microsoft response to May 2024 Consultation, p.5; National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) response to May 2024 Consultation, p.13; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, p.42; [§<]; Skyscanner response to May 2024 Consultation, p.10; Snap Inc. response to May 2024 Consultation, p.13; Vodafone response to May 2024 Consultation, p.2; Welsh Government response to May 2024 Consultation, p.9.

## Approach to the ‘safe harbour’

### Our proposals

- 9.24 As we explain further in Section 10, the Act states that providers that take all the measures set out in the Codes will be treated as compliant with their children’s online safety duties and reporting and complaints duties (in the ‘safe harbour’).<sup>21</sup> Schedule 4 to the Act requires us to have regard to various principles in preparing or amending Codes of Practice, including the principles that the measures described in the Codes must be sufficiently clear, and at a sufficiently detailed level that providers understand what those measures entail in practice. The Codes must also be technically feasible and proportionate for each kind and size of service and proportionate to our assessment of the risk of harm they present, as well as compatible with pursuit of the online safety objectives.
- 9.25 In our May 2024 Consultation, the proposed measures aimed to strike a balance between giving providers sufficient clarity to understand what they should do to benefit from the ‘safe harbour’ and, where appropriate, allowing them flexibility to implement the measures in a way that is suitable for their own services and users.

### Summary of responses

- 9.26 Stakeholders raised various concerns about our approach to the ‘safe harbour’, with some suggesting the proposed measures were too prescriptive and others arguing that they were not prescriptive enough. Stakeholders also raised concerns that providers might be deemed compliant (in the ‘safe harbour’) even if risks to children remain unaddressed on their services.
- 9.27 A number of stakeholders called for us to allow providers greater flexibility to tailor measures to their own circumstances and services.<sup>22</sup> Others suggested that we should take a more outcomes or principles-based approach to avoid a “tick-box approach to compliance”.<sup>23</sup> Some stakeholders suggested that we should adopt a more nuanced approach to the Codes, to reflect the range of services that they will apply to.<sup>24</sup>
- 9.28 Several stakeholders called for us to set out more prescriptive or clearer Codes. The Canadian Centre for Child Protection (C3P) suggested that there were some areas where we could be more prescriptive about how service providers should implement measures.<sup>25</sup> The National Association of Headteachers suggested safety features should be standardised across services to make them easier for children to identify and use.<sup>26</sup> Some stakeholders

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<sup>21</sup> Section 49(1) of the Act.

<sup>22</sup> Apple response to May 2024 Consultation, p. 10; Digital Entertainment and Retail Association response to May 2024 Consultation, p.9; Google response to May 2024 Consultation, p.5; Meta Platforms Inc. response to May 2024 Consultation, pp.3, 16; Mid Size Platform Group response to May 2024 Consultation, p.7; Online Safety Act Network (OSA Network) response (1) to May 2024 Consultation, p.48; Pinterest response to May 2024 Consultation, p.4; Roblox response to May 2024 Consultation, p.14; TikTok response to May 2024 Consultation, pp.1, 5.

<sup>23</sup> Center for Countering Digital Hate (CCDH) response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.3; NSPCC response to May 2024 Consultation, pp. 39-41; OSA Network response (2) to May 2024 Consultation p.7; UKSIC response to May 2024 Consultation, p.7. generated

<sup>24</sup> ACT – The App Association response to May 2024 Consultation, pp.12-13; [X]; Meta Platforms Inc. response to May 2024 Consultation, p.9; Mid Size Platform Group response to May 2024 Consultation, p.10; REPHRAIN response to May 2024 Consultation p. 23; Ukie response to May 2024 Consultation p.32.

<sup>25</sup> C3P response to May 2024 Consultation, p.15.

<sup>26</sup> National Association of Headteachers (NAHT) response to May 2024 Consultation, p.16.

suggested we should define key terms or set specific timeframes for actioning content.<sup>27</sup> The Centre for Excellence for Children’s Care and Protection (CELCIS) suggested that providers should not be allowed to adopt alternative measures to meet their duties instead of following the Codes.<sup>28</sup>

- 9.29 Many stakeholders highlighted that some risks identified in the evidence base set out in the draft Children’s Register were not specifically addressed by the proposed measures. These included the risks posed by features and functionalities such as livestreaming, group messaging, location sharing, and functionalities that encourage overuse of services (such as infinite scrolling), as well as by specific technologies, such as virtual private networks (VPNs) or specific types of content (such as that posing a risk of harm to women and girls).<sup>29</sup> Several civil society stakeholders suggested that every risk to children identified in our evidence base should be addressed through changes to the draft Codes (such as by including a corresponding measure or required outcome), and/or that the Codes should include a requirement for providers of all services to address harms identified in their risk assessments that result from features and functionalities.<sup>30</sup>
- 9.30 Some stakeholders raised concerns that providers will be deemed to be compliant with their duties if they follow all the measures, even if risks to children remain on their services.<sup>31</sup> Barnardo’s, Internet Watch Foundation (IWF) and the Online Safety Act Network (OSA Network) argued that providers may lack incentives for addressing risks not covered by the measures and could remove existing mitigations that go further.<sup>32</sup> The 5Rights Foundation argued that to benefit from the ‘safe harbour’, providers should have to manage all risks identified in their risk assessments in good faith and using best practice.<sup>33</sup> The Office of the Children’s Commissioner for England suggested measures should be assessed and proven effective in order for providers to be deemed compliant.<sup>34</sup>
- 9.31 Stakeholders raised similar points in response to our November 2023 Consultation.<sup>35</sup>

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<sup>27</sup> techUK response to May 2024 Consultation, p.22; Yoti response to May 2024 Consultation, p.24.

<sup>28</sup> CELCIS response to May 2024 Consultation, p.9.

<sup>29</sup> 5Rights Foundation response to May 2024 Consultation, p.1; CCDH response to May 2024 Consultation, p.2; Children’s Coalition for Online Safety response to May 2024 Consultation, p.2; Global Action Plan response to May 2024 Consultation, p.1; Inkbunny response to May 2024 Consultation, p.3; Internet Matters response to May 2024 Consultation, p.2; Internet Watch Foundation (IWF) response to May 2024 Consultation, p.4; Marie Collins Foundation response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, pp.43-44; NSPCC response to May 2024 Consultation pp.17, 27-28; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.6, 38; OSA Network response (2) to May 2024 Consultation pp.9-10, 20-21; UKSIC response to May 2024 Consultation, p.22; Violence Against Women and Girls (VAWG) Sector Experts response to May 2024 Consultation, p.2; Vodafone response to May 2024 Consultation, p.2.

<sup>30</sup> Barnardo’s response to May 2024 Consultation, pp.6-7; CCDH response to May 2024 Consultation, p.2; Internet Watch Foundation (IWF) response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.5; OSA Network response (2) to May 2024 Consultation, p.5.

<sup>31</sup> Barnardo’s response to May 2024 Consultation, p.2; Children’s Coalition for Online Safety response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.11.

<sup>32</sup> Barnardo’s response to May 2024 Consultation, p.2; IWF response to May 2024 Consultation, p.4; OSA Network response (1) to May 2024 Consultation, pp.44-45.

<sup>33</sup> 5Rights Foundation response to May 2024 Consultation, p.2.

<sup>34</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.46.

<sup>35</sup> See ‘Our approach to develop Codes measures’ in the December 2024 Statement, pp.5-6, 8.

## Our decision

- 9.32 Having considered this stakeholder feedback about our proposed approach to the ‘safe harbour’, we have concluded that our approach to the Codes strikes the right balance between providing certainty about what providers need to do to benefit from the ‘safe harbour’ and allowing them flexibility to implement measures in a way that works in the context of their own services and is proportionate.
- 9.33 Regarding stakeholders’ concerns that providers may benefit from the safe harbour despite unaddressed risks, this stems directly from the Act. The Act states that providers will be deemed compliant with their children’s safety duties if they adopt measures described in the Codes for the purpose of complying with those duties.<sup>36</sup> We therefore have no discretion over the ‘safe harbour’ status of the Codes.
- 9.34 The fact that the Codes do not have corresponding measures for every risk discussed in the Children’s Register also results from the design of the Act. As discussed at paragraph 9.24, Schedule 4 to the Act requires measures to be sufficiently clear and detailed, proportionate, and technically feasible. In some cases, as stakeholders have noted, we have evidence for the risks posed to children by certain types of content, services and functionalities, before we have evidence to show how measures to mitigate those risks meet the statutory tests in the Act. This means that we may in some cases have evidence for certain risks to children but have not at this time set out specific measures in the Codes to mitigate them.
- 9.35 Regarding stakeholders’ suggestions that we should include higher-level measures in the Codes to address this (such as a measure setting out that providers should address all risks identified in their risk assessments), we do not consider that this would meet the statutory tests set out by the Act. This is because the Act requires us to assess the impacts and proportionality of every measure, which we cannot do if we do not know what the measure would entail. Therefore, we cannot stipulate a generic measure that service providers should mitigate all risks identified in their risk assessments or that they should remove all risks where proportionate for them to do so. Such a measure would not be consistent with the Act, workable for providers or be enforceable by Ofcom.
- 9.36 In response to this feedback from stakeholders, we have clarified the Governance and Accountability measures to reflect their role in the ongoing risk management process needed to keep children safe. Providers should have effective corporate governance in place to oversee the management of all risks identified in their children’s risk assessments, including those that are not addressed by measures in the Codes. Our measures aim to ensure that providers do not treat risk assessments as a one-time event and to foster a culture of timely, child-focused risk management which will drive important improvements for children’s online safety (see Section 11 for further details).
- 9.37 We have also considered stakeholders’ feedback about the flexibility of the measures. Similar to the point discussed at paragraph 9.35, we do not consider the Act enables the Codes to include measures that are significantly more flexible or more prescriptive. If the Codes were too ‘general’ or ‘high level’ (and thus did not make it clear to providers what they needed to do), this would be inconsistent with the intent of the Act. Equally, for the Codes to be technically feasible and proportionate for the wide range of services in scope of

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<sup>36</sup> Section 49(1) of the Act.

the Act, the measures must not be overly prescriptive or overly specific to certain service types.

- 9.38 We recognise that it is important to strike the right balance between clarity and flexibility for providers. Where appropriate, we have focused on the principles that should underpin relevant systems and processes, rather than on the specifics of how these processes should operate. In addition, where feasible, we have set out various routes to compliance within the Codes. In response to stakeholders' feedback, we have clarified the wording of some measures, which we discuss in detail in the relevant sections of this volume. However, given the wide range of services in scope, we do not consider the measures would be proportionate or effective if they were significantly more prescriptive.
- 9.39 Should providers consider their services require more flexibility than afforded by the Codes, the Act allows them to take alternative measures to comply with their duties. Those alternative measures, taken together, must meet the children's safety duties. This means that providers of user-to-user services must have systems and processes designed to prevent children from encountering PPC and protect children in age groups judged to be at risk of harm from encountering PC and NDC. Providers of search services must have systems and process designed to minimise the risk of children encountering PPC and minimise the risk of children in age groups judged to be at risk of harm encountering PC and NDC.
- 9.40 As explained in the Record-Keeping and Review Guidance, if service providers choose to take alternative measures, they must keep a record of what they have done, explaining how the relevant safety duties have been met. They must also consider the importance of protecting users' rights to freedom of expression and privacy in deciding on these measures. Since the option to take alternative measures is a feature of the Act, we do not have discretion to prevent providers doing so.<sup>37</sup>
- 9.41 Regarding stakeholders' concerns about providers removing existing protections or implementing measures in bad faith, we expect them to maintain and improve their existing protections, implement measures in good faith, and continue developing innovative solutions to the risks identified on their services, and we will monitor this through ongoing supervision and wider engagement with service providers. We will review a number of service providers' children's risk assessments (including the largest social media services as well as smaller by risky services) and evaluate the effectiveness of their implementation of measures to address the risk their services pose to children. We will not hesitate to take action where we become aware of serious failures.
- 9.42 The responsibility for protecting children online rests with service providers. Where appropriate, we will propose additional measures to ensure that those providers effectively mitigate the risks to children posed by their services.

## Safety by design

### Our proposals

- 9.43 In our May 2024 Consultation, we proposed a number of measures intended to embed children's safety online in service providers' decision-making processes and mitigate risks

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<sup>37</sup> Ofcom, 2024. [Record-Keeping and Review Guidance](#).

associated with specific features and functionalities that amplify children’s exposure to harmful content.

## Summary of responses

- 9.44 Many stakeholders suggested our approach was insufficiently focused on safety by design.<sup>38</sup> The OSA Network, for example, stated that “the choices that Ofcom have made in developing their proposals do not align with the overall objectives of the Act, especially the central element of safety by design”.<sup>39</sup>
- 9.45 Several stakeholders used the term ‘safety by design’ to mean introducing more proactive, ‘upstream’ measures, which set out that providers should design (or re-design) their services to prevent harm occurring.<sup>40</sup> Some called for greater focus on protecting children from risks posed by features and functionalities rather than content.<sup>41</sup> Others focused on embedding children’s safety in organisations’ culture and decision-making, as well as their product development, testing and risk assessment processes.<sup>42</sup>
- 9.46 Some respondents suggested that we should include a greater focus in the Codes on addressing the risks posed by harmful business models. They argued that we should focus on related commercial incentives, design features and data protection practices.<sup>43</sup>
- 9.47 Stakeholders also called for the Codes to provide a framework in which providers are encouraged to continue innovating to improve the safety of their services.<sup>44</sup> The Molly Rose Foundation and Mid Size Platform Group expressed concerns that our approach to Codes could disincentivise providers from doing this.<sup>45</sup>

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<sup>38</sup> 5Rights Foundation response to May 2024 Consultation, p.1; Barnardo’s response to May 2024 Consultation, p.2; Brave Movement response to May 2024 Consultation, p.2; Children’s Coalition for online safety response to May 2024 Consultation, p.2; Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation pp.2-3; IWF response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, p.1; Molly Rose Foundation response to May 2024 Consultation, pp.5-6; NSPCC response to May 2024 Consultation, pp.38-39; OSA Network response (2) to May 2024 Consultation, pp.13-14; Parenting Focus response to May 2024 Consultation, p.17; Samaritans response to May 2024 Consultation, p.4; Scottish Government response to May 2024 Consultation, pp.8-10; The Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.26; UKSIC response to May 2024 Consultation, p.41.

<sup>39</sup> OSA Network response (2) to May 2024 Consultation, pp.13-14.

<sup>40</sup> CCDH response to May 2024 Consultation, p.2; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; IWF response to May 2024 Consultation, p.3; Molly Rose Foundation response to May 2024 Consultation, pp.5, 35; NICCY response to May 2024 Consultation, p.26; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.39; OSA Network response (1) to May 2024 Consultation, p.41; UKSIC response to May 2024 Consultation, p.41.

<sup>41</sup> 5Rights Foundation response to May 2024 Consultation, p.6; Brave Movement response to May 2024 Consultation, p.2; FOSI response to May 2024 Consultation, p.8; Marie Collins Foundation response to May 2024 Consultation, p.1; OSA Network response (2) to May 2024 Consultation, pp.13-14, UKSIC response to May 2024 Consultation, p.13.

<sup>42</sup> Molly Rose Foundation response to May 2024 Consultation, p.3, p.5.

<sup>43</sup> Big Brother Watch response to May 2024 Consultation, p.19; Integrity Institute response to May 2024 Consultation, p.4; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.39; Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, pp.6-7; OSA Network (2) response to May 2024 Consultation, p.19; Samaritans response to May 2024 Consultation, p.9; UKSIC response to May 2024 Consultation, pp.41-45.

<sup>44</sup> Common Sense Media response to May 2024 Consultation, p.13; FOSI response to May 2024 Consultation, p.18; NSPCC response to May 2024 Consultation, p.24.

<sup>45</sup> Mid Size Platform Group response to May 2024 Consultation, p.7; Molly Rose Foundation response to May 2024 Consultation, p.6.

9.48 Stakeholders made similar comments in response to our November 2023 Consultation.<sup>46</sup>

## Our decision

9.49 We agree with stakeholder feedback that online services must be safer by design. The term ‘safety by design’ can be interpreted in various ways, but for the purpose of this statement we use it to mean a proactive approach to integrating safety considerations into the design cycle of products, systems or processes. This includes making iterative improvements to existing systems on longstanding services or features. It also can include retirement (replacing or removing a feature or functionality altogether), as well as ensuring new services or features are designed with safety in mind from the outset.

9.50 We consider that many features of our online safety regulations and our overall package of measures promote safety by design. As part of their children’s risk assessments, providers will need to undertake a ‘suitable and sufficient’ assessment of the risks of harm to children on their services from content harmful to children.<sup>47</sup> The four-step process we have set out in the Children’s Risk Assessment Guidance will help providers to understand harms, assess risks, implement safety measures, and monitor and review impacts on their services. We consider these actions closely align with many of the elements of safety by design discussed by stakeholders.

9.51 The Illegal Content Codes establish baseline protections for children from illegal contact and content, including through the safer default settings measure to restrict the visibility of children’s accounts and limit interactions with children<sup>48</sup> and the automated content moderation measures for the detection of CSAM.<sup>49</sup> The Protection of Children Codes build on this baseline to tackle the risks associated with the design and operation of existing features and functionalities that amplify exposure to harmful content. This includes our Recommender Systems measures to prevent children being fed harmful content. It also includes implementing the Governance and Accountability measures to embed children’s safety into providers’ decision-making processes. We consider these measures will also help to address stakeholders’ concerns about the risks associated with certain services’ business models.

9.52 We agree with stakeholders that it is important for providers to continue to innovate and to develop new safety technologies.<sup>50</sup> We expect to learn more about innovative practices adopted by service providers through the relationships our Supervision Team is developing with them. We challenge providers to continue to develop innovative solutions that address the risks to children posed by their services. Evidence suggests that children want safer online experiences.<sup>51</sup> This means that taking users’ safety seriously is not only beneficial for users, but also for service providers.

9.53 An essential element of safety by design is iterating to address and anticipate risks presented by different features and functionalities on online services. We will continue to

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<sup>46</sup> See ‘Our approach to developing Codes measures’ in the December 2024 Statement, p.9.

<sup>47</sup> See Section 8, Children’s Risk Assessment Guidance, for further discussion of ‘suitable and sufficient’ risk assessments.

<sup>48</sup> Measure ICU F1 in the Illegal Content Codes. See Chapter 8 of Volume 2 of the December 2024 Statement.

<sup>49</sup> Measures ICU C9 and C10 and Measure ICS C7 in the Illegal Content Codes. See Chapters 4 and 5 of Volume 2 of the December 2024 Statement.

<sup>50</sup> Common Sense Media response to May 2024 Consultation, p.13; FOSI response to May 2024 Consultation, p.18; NSPCC response to May 2024 Consultation, p.24.

<sup>51</sup> Ofcom, 2025. Consulting children on Protection of Children online safety proposals.

build our evidence base to develop additional measures to strengthen the Codes. We discuss our plans to explore further measures in future in the sub-section ‘Future Protection of Children Codes’.

## Approach to age groups

### Our proposals

- 9.54 The Act places a duty on providers of user-to-user services to operate systems and processes designed to protect children “in age groups judged to be at risk of harm” from encountering PC and NDC.<sup>52</sup> It also places a duty on providers of search services to operate systems and processes designed to minimise risks of children “in age groups judged to be at risk of harm” encountering PC and NDC.<sup>53</sup>
- 9.55 In our May 2024 Consultation, we focused on proposing measures that would result in safer online experiences for children in all age groups. As we explained, this was because evidence suggests that all forms of PPC and PC, and the kinds of NDC we discussed in our draft Register, are harmful to all children. We had limited evidence for different impacts of encountering harmful content on different age groups of children. We also had limited independent evidence that age assurance technology could distinguish between different age groups well enough to apply a tailored approach without risking exposing younger children to harm.

### Summary of responses

- 9.56 Multiple stakeholders argued that the Codes should set out different measures for different age groups of children and/or called for the Codes to focus on creating ‘age appropriate’ experiences for children in different age groups.<sup>54</sup> This was raised specifically in relation to the Age Assurance measures as well as across the Codes more broadly. The National Society for Prevention of Cruelty to Children (NSPCC) suggested that our decision not to distinguish between different children’s ages was not in line with the requirements of the Act.<sup>55</sup>
- 9.57 The children we spoke to as part of our deliberative engagement work also suggested protections could be different for children depending on their age or maturity. While the children valued how the measures provided equal protections for children of different ages, they also suggested that over 16s might feel restricted by the measures.<sup>56</sup>

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<sup>52</sup> Section 12(3)(b) of the Act.

<sup>53</sup> Section 29(3)(b) of the Act.

<sup>54</sup> 5Rights Foundation response to May 2024 Consultation, p.1; Barnardo’s response to May 2024 Consultation, pp.26-28; Big Brother Watch response to May 2024 Consultation, p.21; Christian Action Research and Education (CARE) response to May 2024 Consultation, p.7; Internet Matters response to May 2024 Consultation, p.2; IWF response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, p.1; Molly Rose Foundation response to May 2024 Consultation, p.36; Northeastern University London response to May 2024 Consultation, p.4; NSPCC response to May 2024 Consultation, p.28; Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.9; OSA Network response (2) to May 2024 Consultation, p.67; REPHRAIN response to May 2024 Consultation, p.12; Samaritans response to May 2024 Consultation, p.5; The Christian Institute response to May 2024 Consultation, pp.9-11; VAWG Sector Experts response to May 2024 Consultation, p.8; Yoti response to May 2024 Consultation, p.38.

<sup>55</sup> NSPCC response to May 2024 Consultation, p.28.

<sup>56</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

- 9.58 Snap Inc. and the Office of the Children’s Commissioner for England said they supported our approach and the focus on creating safer experiences for all children, regardless of age.<sup>57</sup>
- 9.59 The 5Rights Foundation, Violence Against Women and Girls (VAWG) Sector Experts and various industry stakeholders flagged that certain services currently offer different experiences for different ages of children.<sup>58</sup> For example, TikTok explained that it uses content levels to prevent content with mature themes from reaching younger users,<sup>59</sup> while Pinterest said that it has different privacy default settings for children aged under and over 16.<sup>60</sup>
- 9.60 We discuss feedback relating to age assurance methods for distinguishing between different age groups of children in Section 13.

## Our decision

- 9.61 We agree with stakeholders that in light of new evidence discussed in the Children’s Register,<sup>61</sup> the Codes should (where appropriate) reflect differences in children’s capacities at different ages while continuing to protect all children. We have therefore aimed to establish a robust level of protections for children of all ages while stipulating that providers consider age when deciding what action to take to protect children from PC and NDC. This approach reflects the principle that providers should put in place the strongest protections where the benefits to children are greatest and support children to have age-differentiated online experiences, in recognition of the rights and evolving capacities of children as they age.
- 9.62 We have changed the Content and Search Moderation measures, and the Recommender Systems measures to reflect that providers should consider children’s ages as a factor when deciding what action to take on PC and NDC. In the Content and Search Moderation measures, we have clarified that when developing their moderation policies providers should consider the findings of their children’s risk assessments regarding risks to children in different age groups. We encourage providers to consider taking a more protective approach to moderation for children under 16, while maintaining a robust level of protections for 16-17-year-olds. For providers of user-to-user services, this could involve preventing children under 16 from accessing content identified as PC or NDC anywhere on the service. For providers of search services, depending on their consideration of the recommended factors, this could involve blurring identified image-based PC and NDC and giving it lower priority in the overall ranking of search results for children under 16. We discuss these clarifications and changes in detail in Sections 14, 15 and 17.
- 9.63 Since our May 2024 Consultation, we have also received new independent evidence on the effectiveness of age assurance methods to distinguish between different age groups of children. Although we are not currently stipulating that providers should use any particular

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<sup>57</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.49; Snap, Inc. response to May 2024 Consultation, p.12.

<sup>58</sup> 5Rights Foundation response to May 2024 Consultation, p.12; Epic games response to May 2024 Consultation, p.13; Meta Platforms Inc. response to May 2024 Consultation, p.4; Pinterest response to May 2024 Consultation, pp.2-3; TikTok response to May 2024 Consultation, pp.3-4; VAWG Sector Experts response to May 2024 Consultation p.8.

<sup>59</sup> TikTok response to May 2024 Consultation, pp.3-4.

<sup>60</sup> Pinterest response to May 2024 Consultation, p.2.

<sup>61</sup> See Section 17 of the Children’s Register.

method(s) of age assurance to tailor measures to children of different ages, this new evidence suggests that there are increasingly effective means of using highly effective age assurance to distinguish between children in different age groups. We discuss this further in Section 13 in the sub-section ‘Capability of age assurance technologies’.

- 9.64 We expect to add to the Codes with future measures that will fundamentally change children’s online experiences for the better. This could include exploring additional measures to protect children from risky features, functionalities and service types, as well as additional measures to provide further protections for younger children.

## Approach to minimum age requirements

### Our proposals

- 9.65 In our May 2024 Consultation, we did not propose that service providers set or enforce any minimum age requirements in their terms of service. This was for two reasons.
- 9.66 First, the Act does not specifically require providers to do this. The Act requires providers of user-to-user services that operate measures designed to prevent access to the service by users under a certain age to explain those measures in their terms of service and apply them consistently.<sup>62</sup> We proposed a measure to reflect this duty for providers of user-to-user services.
- 9.67 Second, we had limited independent evidence that age assurance methods could reliably distinguish between children in different age groups. We were therefore concerned that if we were to propose that providers use specific measures to enforce their minimum age requirements, this could have a serious impact on children’s ability to access services.

### Summary of responses

- 9.68 The Office of the Children’s Commissioner for England supported our approach, suggesting that providers were not best placed to decide which ages of users their services are suitable for.<sup>63</sup> One individual respondent noted that the Act does not require services to enforce their minimum age requirements.<sup>64</sup>
- 9.69 However, many more stakeholders called for measures recommending providers set and/or enforce minimum age requirements.<sup>65</sup> Some stakeholders suggested that a provider’s inclusion of a minimum age requirement in their service’s terms of service indicates that children below that age are not old enough to use the service safely, or that the service is

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<sup>62</sup> See section 12(11) of the Act.

<sup>63</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.66-67.

<sup>64</sup> Elliott, R. response to May 2024 Consultation, pp.2-3.

<sup>65</sup> 5Rights Foundation response to May 2024 Consultation, pp.1, 3; Age Verification Providers Association (AVPA) response to May 2024 Consultation, pp.8-9; Barnardo’s response to May 2024 Consultation, pp.26-28; Brave Movement response to May 2024 Consultation, p.3; CARE response to May 2024 Consultation, p.2; Carr, J. response to May 2024 Consultation, p.2; CEASE response to May 2024 Consultation, pp.3-4; Children’s Coalition for Online Safety response to May 2024 Consultation, p.3; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.3; Internet Matters response to May 2024 Consultation, pp.11-12; Islington Headteacher Network response (2) to May 2024 Consultation, p2; IWF response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, pp.1-2; Molly Rose Foundation response to May 2024 Consultation, pp.2, 36-37; NSPCC response to May 2024 Consultation, pp.30-34; UKSIC response to May 2024 Consultation, p.32; Vodafone response to May 2024 Consultation, p.2; Yoti response to May 2024 Consultation, p.3.

not intended to be used by them.<sup>66</sup> The Information Commissioner’s Office (ICO) said we should provide “further clarification on the requirement for services to apply their terms of service consistently where they voluntarily set minimum age requirements”.<sup>67</sup>

## Our decision

- 9.70 The Act does not require providers to set a minimum age for users who can access their service or to use an effective means to enforce such a minimum age requirement where they choose to set one. However, it places duties on user-to-user service providers who have measures designed to prevent access to their service by children under a certain age (minimum age requirements) to explain those measures in their terms of service and apply them consistently (see Section 12 for further details).<sup>68</sup> Our analysis of providers’ terms of service and other publicly available documents suggests that where providers currently set minimum age requirements in their terms of service, they tend to view them as safety measures to protect children. We have therefore decided to explain how we expect providers who set a minimum age requirement to apply them to users and meet their duties under the Act.
- 9.71 We are aware that a limited number of providers currently rely on self-declaration of age to prevent underage users from accessing their services. We understand that a limited number of these providers use age inference technologies combined with user reporting to detect underage users who falsely declare themselves to be over the minimum age. Based on the available evidence we do not consider such an approach is an effective means of preventing younger children accessing a service, because a significant number of children under the minimum age continue to have accounts on these services without detection.<sup>69</sup>
- 9.72 We strongly encourage providers to go beyond their current approaches and use more effective measures to enforce a minimum age requirement; for example, by improving the effectiveness of the processes currently in place or exploring other means to correctly determine the age or age range of a particular user. In all instances, providers must ensure that they have regard to individuals’ rights to privacy and comply with data protection law.<sup>70</sup>
- 9.73 As we explain in the Children’s Risk Assessment Guidance (see paragraph 3.12), providers with a minimum age requirement that do not have in place highly effective age assurance to establish if a user is over the minimum age should not assume that underage users are

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<sup>66</sup> 5Rights Foundation response to May 2024 Consultation, p.2; CARE response to May 2024 Consultation, p.2; Carr, J, response to May 2024 Consultation, p.2; Marie Collins Foundation response to May 2024 Consultation, pp.1-2.

<sup>67</sup> ICO response to May 2024 Consultation, p.2.

<sup>68</sup> Section 12(11) of the Act states: “If a provider takes or uses a measure designed to prevent access to the whole of the service or a part of the service by children under a certain age, a duty to (a) include provisions in the terms of service specifying details about the operation of the measure, and (b) apply those provisions consistently.”

<sup>69</sup> Ofcom’s [Children and Parents Media Use and Attitudes report 2024](#) [accessed 8 April 2025] and [Children’s Online Behaviours and Attitudes Survey, 2024](#) [accessed 8 April 2025] has found that 40% of 3-12 year olds have an account with one of the 12 services asked about in our survey, despite these services having minimum age requirements of 13. Similarly, the eSafety Commissioner transparency report highlighted that 36% of 8-12 year olds who had used social media had their own account on at least one of the eight services included in the report, despite the services having minimum age requirements of 13 ([E-Safety Commissioner February 2025 transparency report](#), p.12).

<sup>70</sup> Online services likely to be accessed by children are expected to comply with data protection laws and conform to the standards outlined in the [ICO’s Children’s Code](#) when processing children’s personal data.

not present on their services. They should put in place mitigations to address the risks their services pose to children under that minimum age. Where providers have minimum age requirements in place, we will seek to understand how those requirements are applied and how providers satisfy themselves that they have effective safety measures to protect children in age groups who are likely to be able to access the service. We will seek to understand the methods chosen by providers to implement their minimum age requirements and how they mitigate risks to children under the minimum age who are likely to be on their services. See Section 12 for full details of this.

- 9.74 Since our May 2024 Consultation, we have also received new independent evidence on the effectiveness of age assurance methods to distinguish between different age groups of children. We discuss this evidence in Section 13.
- 9.75 We recognise the Office of the Children's Commissioner for England's concerns that providers are not best placed to decide which ages of users their services are suitable for. However, we consider Section 17 of the Children's Register and the guidance provided in the Children's Risk Assessment Guidance will enable providers to assess and understand the risks their service poses to different ages of users. Providers are also required to assess the risks their service poses to different age groups of children and take steps to mitigate those risks. We have powers to take enforcement action against providers who fail to comply with their duties to carry out a suitable and sufficient children's risk assessment. We consider this mitigates the Office of the Children's Commissioner for England's concern.
- 9.76 We will continue to work with the ICO to ensure providers understand how they can meet their obligations under online safety and data protection laws. We plan to publish a third joint statement with the ICO in Autumn 2025, which will provide clarity to services on compliance with both UK online safety and data protection legislation in managing risks to children.

## Cumulative harm and time spent online

### Our proposals

- 9.77 In our May 2024 Consultation, we explained that as part of our analysis in the draft Children's Register,<sup>71</sup> we considered the impact of service design and functionalities that affect the amount of time that children spend online. Evidence suggests that more time spent online increases the risk of children encountering harmful content.
- 9.78 When developing measures for our May 2024 Consultation, we considered whether we could link specific functionalities that cause children to spend longer periods online, such as autoplay or infinite scrolling, to children's exposure to high volumes of harmful content. We did not propose any specific measures relating to these types of functionalities because we had limited evidence linking them to increased exposure of children to harmful content. We chose to instead prioritise measures to reduce the likelihood of children encountering harmful content.
- 9.79 We had more evidence for the role particular features and functionalities play in causing cumulative harm to children by amplifying harmful content in other ways (i.e. other than by causing them to spend long periods of time online). We proposed various measures that aimed to tackle the risks associated with those features and functionalities. These included

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<sup>71</sup> See Section 7.13 of Volume 2 of our May 2024 Consultation.

the proposed Recommender Systems, User Support, and Search Features, Functionalities and User Support measures.

## Summary of responses

- 9.80 The Molly Rose Foundation supported our focus on the risks associated with cumulative harm, noting “there are substantial risks associated with how content can be presented in large volumes or in combination with other content categories”.<sup>72</sup> The 5Rights Foundation suggested that the Codes should specifically identify and address cumulative harm.<sup>73</sup>
- 9.81 Several stakeholders called for measures to address the harm caused to children by spending long periods of time online unconnected to harmful content, highlighting that certain functionalities and features are designed to be addictive and encourage overuse of services by children.<sup>74</sup> The OSA Network recommended that addictive design features be switched off for children by default.<sup>75</sup> Barnardo’s called for us to consider how certain functionalities may amplify the risks posed by others when used together, citing infinite scrolling and recommender systems as examples.<sup>76</sup>

## Our decision

- 9.82 In respect of stakeholders’ comments on cumulative harm, we consider our package of measures will reduce the volume of harmful content children are able to access online, making their overall online experiences safer and mitigating the risk they encounter harmful content in high volumes.
- 9.83 As we explained in our May 2024 Consultation, we set out various measures that specifically aim to mitigate the risk of cumulative harm associated with certain features and functionalities that can promote harmful content to children in large volumes, and/or amplify its impact:<sup>77</sup>
- The Recommender Systems measures are designed to mitigate the risk of recommender systems exposing children to high volumes of harmful content. They set out that user-to-user service providers should design their recommender algorithms to exclude content that may be PPC and exclude or give a low degree of prominence to content that may be PC or NDC in children’s recommender feeds, even if the content has not been through a moderation function. As a result, even when scrolling through their recommender feed, children should be less likely to encounter harmful content.
  - The User Support measures set out that providers of user-to-user services should offer children the option to decline an invitation to a group chat and to disable comments on their own posts. We know group chat and commenting functionalities play a role in amplifying children’s exposure to certain types of harmful content, including bullying, abuse and hate content.

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<sup>72</sup> Molly Rose Foundation response to May 2024 Consultation, p.38.

<sup>73</sup> 5Rights Foundation response to May 2024 Consultation, p.9.

<sup>74</sup> 5Rights Foundation response to May 2024 Consultation, p.9; Barnardo’s response to May 2024 Consultation, p.19; Common Sense Media response to May 2024 Consultation, p.2; Global Action Plan response to May 2024 Consultation, pp.1-2; Health Professionals for Safer Screens response to May 2024 Consultation, p.4; NSPCC response to May 2024 Consultation, pp.2-3, 18; OSA Network response (1) to May 2024 Consultation, pp.35-36.

<sup>75</sup> OSA Network response (1) to May 2024 Consultation, pp.35-37.

<sup>76</sup> Barnardo’s response to May 2024 Consultation, p.19.

<sup>77</sup> See Sections 2-11 of the Children’s Register for evidence of the risks associated with recommender systems.

- The Search Features, Functionalities and User Support measure for predictive search functionalities will address the risk that such functionalities may present search suggestions that lead children to encounter harmful content on search services. By enabling users to report potentially harmful predictive search suggestions and removing suggestions found to be harmful, this measure will make it less likely that children are prompted to click on suggestions that play an active role in directing them towards harmful content.
- 9.84 We have also considered stakeholders’ concerns about features and functionalities that may be addictive or encourage children to spend long periods of time on their services. These concerns attribute harm to the features and functionalities themselves, beyond the role they play in amplifying harmful content.
- 9.85 The Act is clear that children should be protected from harmful content and that functionalities and other service features can exacerbate the risk of harm to children, such by increasing the likelihood that children will be exposed to harmful content or by amplifying the impact of their exposure to harmful content (for example, by increasing the risk of cumulative harm).<sup>78</sup> We have therefore focused the Codes on how to mitigate the risk of children encountering harmful content, including the role that some features and functionalities play in amplifying that risk. However, we do not think the Act gives us the power to tackle features and functionalities as harms in their own right, including those leading to addictive behaviour, without reference to how they affect children’s exposure to harmful content.
- 9.86 We recognise that the time children spend online has attracted significant public scrutiny and academic and civil society research,<sup>79</sup> particularly as part of wider societal debates around how children should interact with technology and online services in their daily lives. We have a large programme of work underway to help build our understanding of the impact of features and functionalities on children and the potential risks associated with them. In particular, we are building our evidence base on functionalities that encourage repeated engagement with harmful content.

## Risky features and functionalities

### Our proposals

- 9.87 In our draft Children’s Risk Profiles, we identified a wide range of different service characteristics – including livestreaming, direct and group messaging, and features that increase engagement (such as alerts, notifications, infinite scrolling and auto-play features) – that providers should consider when completing their children’s risk assessments to ensure that they are suitable and sufficient.<sup>80</sup>
- 9.88 When developing the proposed Codes measures, we considered various features and functionalities that may pose risks of exposing children to harmful content or exacerbate the impact of harmful content should children encounter it, including the risk factors set out in the draft Children’s Risk Profiles. In our May 2024 Consultation, we proposed many measures that would protect children from harmful content regardless of the feature or functionality that might lead them to encounter it. We also proposed measures to address

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<sup>78</sup> As set out in the duties in section 11-12 and 28-29 of the Act.

<sup>79</sup> See Section 15 of the Children’s Register for discussion of this research.

<sup>80</sup> See Section 5 of Volume 2 of our May 2024 Consultation.

the risks posed by specific functionalities such as recommender systems, group chats, commenting features and predictive search suggestions.

## Summary of responses

- 9.89 Stakeholders commented on a number of specific features and functionalities. Several civil society stakeholders raised concerns about virtual reality, the Metaverse and livestreaming, with some calling for additional measures to mitigate the risks posed by these functionalities.<sup>81</sup>
- 9.90 Stakeholders also expressed specific concerns relating to private messaging. Several stakeholders noted risks associated with private messaging and called for more measures to apply to providers of private messaging services and functionalities in order to prevent content harmful to children migrating from public spaces to private ones.<sup>82</sup> Some industry stakeholders called for greater distinction between private and public communications, with different measures applied to each.<sup>83</sup>
- 9.91 Stakeholders raised concerns about the risks posed by generative artificial intelligence (GenAI) functionalities and/or called for new measures in the Codes for GenAI content.<sup>84</sup> For example, the Institution of Engineering and Technology called for watermarking of GenAI content,<sup>85</sup> while Common Sense Media called for media literacy solutions.<sup>86</sup>
- 9.92 Several stakeholders provided general feedback relating to end-to-end-encryption. Some stakeholders raised concerns that proposed measures would undermine the integrity of end-to-end-encryption if applied to private communications as well as public communications, while Meta Platforms Inc. (Meta) and WhatsApp LLC (WhatsApp) called for us to clarify that the Codes are not intended to undermine end-to-end-encryption.<sup>87</sup> Stakeholders highlighted the benefits of end-to-end-encryption, including for users' privacy

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<sup>81</sup> 5Rights Foundation response to May 2024 Consultation, p.2; CELCIS response to May 2024 Consultation, p.10; Molly Rose Foundation response to May 2024 Consultation, p.43; OSA Network response (2) to May 2024 Consultation, pp. 8, 50, 76-77; REPHRAIN response to May 2024 Consultation, p.9; The Institution of Engineering and Technology response to May 2024 Consultation, p.2. Stakeholders made similar points in response to our November 2023 Consultation – see 'Our approach to developing Codes measures' in the December 2024 Statement, p.30.

<sup>82</sup> 5Rights Foundation response to May 2024 Consultation p.8; Brave Movement response to May 2024 Consultation, p.3; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.6; IWF response to May 2024 Consultation p.4; NSPCC response to May 2024 Consultation, pp.35-37; UKSIC response to May 2024 Consultation, p.14; Vodafone response to May 2024 Consultation, p.2. Stakeholders made similar points in responses to our November 2023 Consultation – see 'Our approach to developing Codes measures' in the December 2024 Statement, p.30.

<sup>83</sup> Apple Distribution International Limited response to May 2024 Consultation, p.7; Google response to May 2024 Consultation, p.6; Microsoft response to May 2024 Consultation, p.9.

<sup>84</sup> Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; Common Sense Media response to May 2024 Consultation, pp.5-6; Institution of Engineering and Technology response to May 2024 Consultation, p.5; Lucy Faithfull Foundation response to May 2024 Consultation, p.3; Office of the Children's Commissioner for England response to May 2024 Consultation, p.15; Smartphone Free Childhood response to May 2024 Consultation, p.5.

<sup>85</sup> Institution of Engineering and Technology response to May 2024 Consultation, p.5.

<sup>86</sup> Common Sense Media response to May 2024 Consultation, p.6.

<sup>87</sup> Apple Distribution International Limited response to May 2024 Consultation, pp.2, 7-8; Fatsis, L. response to May 2024 Consultation, pp.1-2; Internet Society and Internet Society UK England Chapter (ISOC) response to May 2024 Consultation, p.8; Meta Platforms Inc. response to May 2024 Consultation, p.5.

and security.<sup>88</sup> Some called for us to reject client-side scanning as a means of moderating content in end-to-end-encryption environments.<sup>89</sup> Conversely, IWF and UK Safer Internet Centre (UKSIC) noted the risks associated with end-to-end-encryption and called for measures to address them.<sup>90</sup>

## Our decision

- 9.93 We consider that, taken as a package, our Protection of Children and Illegal Content Codes address the risks posed to children by particular features and functionalities. In particular, the safer default settings measure to restrict the visibility of children’s accounts is designed to tackle the risks to children posed by direct messaging, network expansion and location sharing functionalities.<sup>91</sup> This measure provides a more protective default environment for services in scope of this measure. The Protection of Children Codes builds on this. For example, the Age Assurance, Content Moderation and Reporting and Complaints measures are aimed at protecting children from encountering harmful content across all kinds of services, including via livestreaming, and in virtual reality environments, among others. As set out in the Children’s Register, we recognise the risks associated with private messaging services.<sup>92</sup> Many of the measures in the Codes already apply to private messaging services and functionalities and some, such as our User Support measures, are specifically targeted at addressing the risks they pose. We intend to monitor the implementation of the Codes to understand where further measures may be needed. However, we note that the Act prevents us from recommending the use of proactive technology to analyse user generated content communicated privately.<sup>93</sup>
- 9.94 The use of GenAI functionalities to augment the delivery of search results on search services and the use of standalone GenAI services (that meet the definition of a ‘search service’ under the Act) to perform search functions has continued to grow. Some providers of user-to-user services are also introducing GenAI functionalities. It is for the provider of any service using GenAI to determine whether their service is in scope of the Act as a regulated user-to-user or search service (or combined service) and where it is, to ensure compliance with the relevant safety duties.
- 9.95 The measures apply to any harmful content users share created by GenAI in the same way they would to human-generated harmful content. This means that when providers of user-to-user services become aware of content harmful to children generated by AI, they should take swift action to protect children and should have processes in place to ensure it is not fed to children in their recommender feeds. Providers of search services should take appropriate moderation action to minimise risks to children from harmful content, and providers of large general search services should filter PPC (including PPC generated by AI) out of search results for users determined to be children.
- 9.96 Regarding stakeholders’ concerns that measures might undermine end-to-end-encryption and their calls for different measures for private and public communications, we have

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<sup>88</sup> [X]; ISOC response to May 2024 Consultation, p.5; Meta Platforms Inc. response to May 2024 Consultation, p.4-5.

<sup>89</sup> Big Brother Watch response to May 2024 Consultation, p.36; ISOC response to May 2024 consultation, p.9; [X].

<sup>90</sup> IWF response to May 2024 Consultation, p.4; UKSIC response to May 2024 Consultation, pp.12-14.

<sup>91</sup> Measure ICU F1 in the Illegal Content Codes. See Chapter 8 of Volume 2 of the December 2024 Statement.

<sup>92</sup> See Sections 2-11 of the Children’s Register.

<sup>93</sup> See Section 13(4) in Schedule 4 to the Act.

considered this feedback and concluded that the measures are proportionate for the range of services to which they apply. See the relevant sections of this volume for discussion of how the measures apply to different types of service, including end-to-end-encryption services.

- 9.97 We will monitor how the Codes and guidance we are establishing now help address the risk of functionalities. We will consider developing new measures to mitigate the risks associated with specific features and functionalities that amplify children’s exposure to harmful content. See the ‘Future Protection of Children Codes’ sub-section for further discussion of this.

## Measures to tackle specific types of harmful content

### Summary of responses

- 9.98 Some stakeholders provided feedback on specific types of content harmful to children.
- 9.99 The NSPCC called for more measures to tackle bullying content, noting that a number of the proposed measures were not recommended where services have identified a risk of bullying.<sup>94</sup> Internet Matters suggested that we should take a different, targeted approach to measures to address child-on-child harms, such as bullying.<sup>95</sup>
- 9.100 Several stakeholders called for measures to improve the safety of women and girls online.<sup>96</sup> The VAWG Sector Experts said that we were not taking a strong enough approach under the existing regulatory framework to address online gender-based harms and called for a more specific focus on this content across the Codes.<sup>97</sup>
- 9.101 Polis Analysis said that we had failed to consider or tackle the impact of misinformation and disinformation and called for specific measures in the Codes addressing these types of content.<sup>98</sup>
- 9.102 Channel 4 called for us to clarify that news publisher content is not user-generated content, and that the measures therefore do not apply to it.<sup>99</sup>

### Our decision

- 9.103 Having considered this stakeholder feedback, we have decided not to change our proposed approach. Many of the measures are designed to tackle a broad range of types of content harmful to children. For example, the Governance and Accountability, Content and Search Moderation, Reporting and Complaints, and Age Assurance measures will help protect children from encountering all types of PPC, PC, and NDC, including those specifically mentioned by stakeholders.

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<sup>94</sup> NSPCC response to May 2024 Consultation, pp.33-35.

<sup>95</sup> Internet Matters response to May 2024 Consultation, pp.3, 16.

<sup>96</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, pp. 13-14] NICCY response to May 2024 Consultation, p.17; NSPCC response to May 2024 Consultation, pp.73; OSA Network response (1) to May 2024 Consultation, p. 73-74; VAWG Sector Experts response to May 2024 Consultation, p.2. Stakeholders made similar points in responses to our November 2023 Consultation – see ‘Our approach to developing Codes measures’ in the December 2024 Statement, p.7.

<sup>97</sup> VAWG Sector Experts response to May 2024 Consultation, p.4.

<sup>98</sup> Polis response to May 2024 Consultation, pp.2-3.

<sup>99</sup> Channel 4 response to May 2024 Consultation, p.1.

- 9.104 In order to future-proof the Codes, we intend to explore further measures designed to improve the safety of particular features and functionalities that amplify harmful content to children. While we agree that there may be a need for some additional harm-specific measures, we consider that tackling features and functionalities that amplify harmful content is likely to result in stronger, more resilient protections for children online.
- 9.105 Regarding Internet Matters’ suggestion that we should take a different approach to measures for child-on-child harms such as bullying, we did not have evidence to support a separate approach for this kind of harmful content when developing measures for our May 2024 Consultation. However, we recognise that there is more to do to protect children from this type of content, and plan to explore potential further measures to tackle bullying content in future.
- 9.106 We also recognise there is more to do to protect women and girls online. In February 2025, we published draft guidance for providers on ‘a safer life online for women and girls’.<sup>100</sup> The draft guidance identifies nine areas where providers should do more to improve the safety of women and girls online by taking responsibility for improving their online safety, designing their services to prevent harm and supporting their users. We expect to publish our final guidance by the end of 2025.
- 9.107 Regarding Polis Analysis’ feedback that the Codes do not include measures to tackle misinformation and disinformation, the Act does not identify misinformation or disinformation as a kind of PPC or PC. However, where misinformation and disinformation overlap with categories of content harmful to children defined in the Act (such as misinformation encouraging children to ingest harmful substances), many of the measures will apply.
- 9.108 Regarding Channel 4’s comment regarding the status of news publisher content, we confirm that news publisher content is not subject to regulation under the children’s safety duties. We will provide guidance on the duties on providers of Category 1 services about news publisher content as part of our third phase of implementing online safety regulation, which we plan to consult on in early 2026.

## Approach to non-designated content (NDC)

### Our proposals

- 9.109 In our May 2024 Consultation, we consulted on two categories of content that might amount to NDC, namely ‘body image content’ and ‘depressive content’. In the draft Codes, we proposed several measures should apply to NDC, including some of the user-to-user Content Moderation, Search Moderation, and Recommender Systems measures. The proposed Reporting and Complaints and Terms of Service and Publicly Available Statements measures also reflected duties in the Act that relate to NDC.

### Summary of responses

- 9.110 Some stakeholders were concerned about our approach to NDC. Microsoft suggested that the “less defined” nature of NDC would be challenging for services in their implementation

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<sup>100</sup> See section 54 of the Act and [Consultation: A safer life online for women and girls. Practical guidance for tech companies](#).

of the Codes and suggested we should provide further guidance in this area.<sup>101</sup> Snap Inc., The Lego Group and TikTok expressed similar concerns.<sup>102</sup>

- 9.111 We also received feedback on our proposed categories of NDC and our role in identifying NDC, which we discuss in Section 4.

## Our decision

- 9.112 As we explain in Section 4, we have updated the categories of NDC that we have identified to ‘content that promotes depression, hopelessness and despair’ and ‘content that shames or otherwise stigmatises body types or physical features’. We have reached this decision having considered stakeholders’ feedback and additional evidence provided by experts in children’s mental health. We consider that these updated categories meet the statutory definition for NDC. These categories are set out and assessed in detail in Section 4 and in the Children’s Register itself.<sup>103</sup> We have also clarified the Children’s Risk Assessment Guidance to provide additional guidance about how providers should identify and assess risks of NDC and remind them that they are required to notify Ofcom of the kinds of NDC that they identify as present on their service. See Section 8 for details.
- 9.113 Where measures apply to NDC, we have clarified that the children’s safety duties, and consequently the Codes measures, apply to any kind of NDC which providers have identified as low, medium or high-risk in their most recent children’s risk assessments. These could include the categories of NDC identified in the Children’s Register, and/or other types of NDC identified by providers. We consider these clarifications will help to address stakeholders’ concerns that it will be difficult to apply measures to NDC.

## Overview of the first Protection of Children Codes

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- 9.114 There is no single measure that providers can take to protect children online. Safety measures need to work together across services’ systems and processes to ensure that they are safe by design and that children are protected from harmful content. We are including a set of over 40 safety measures in the first iteration of the Codes that will work together to achieve safer experiences for children online. These measures build on the children’s risk assessment duties by explaining how providers should address the risks posed by their services.
- 9.115 Our impact assessments for each measure are set out in Sections 11-19. These include consideration of the risks of harm to children that the measures address, the effectiveness of the measures at mitigating those risks, the costs of implementing measures, and the possible impacts on the rights and experiences of children, adults, and providers (among others). We also set out which services we have decided the measures should apply to. In each section we summarise and discuss feedback from stakeholders and children relating to the proposed measures and explain the decisions we have taken in response.
- 9.116 In the first iteration of the Codes, we are including measures in the following areas:
- Age assurance: We set out seven Age Assurance measures for providers of the riskiest user-to-user services. These measures will enable providers to determine which of

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<sup>101</sup> Microsoft response to May 2024 Consultation, pp.8-9.

<sup>102</sup> Snap response to May 2024 Consultation, p.9; The Lego Group response to May 2024 Consultation, p.1; TikTok response to May 2024 Consultation, p.8.

<sup>103</sup> See Section 4 of Volume 2 and Sections 10 and 11 of the Children’s Register.

their users are adults so that they can take steps to protect children while respecting adults' rights to access legal content. These measures underpin our other recommendations and enable the targeting of our other safety measures to protect children by preventing them from being exposed to harmful content.

- Recommender systems on user-to-user services: We include three Recommender Systems measures for user-to-user services. These measures require services to design and operate their recommender systems using a precautionary approach. This means protecting children from content that is indicated potentially to be harmful, rather than waiting for content to be confirmed to be harmful through content moderation. One of these measures will also give children more control over the content that is recommended to them. These measures will work to reduce the likelihood of children encountering harmful content on their recommender feeds.
- Content moderation for user-to-user services: We set out eight Content Moderation measures for user-to-user services. These measures will ensure all providers have moderation processes in place to review, assess, and take swift action on harmful content. They will also ensure that providers of large or multi-risk services are equipped to moderate harmful content at scale.<sup>104</sup> These measures will reduce the likelihood that children encounter harmful content on such services, leading to an increase in safety for children online. We have made changes to the measures for providers of services that cannot take action on content identified as harmful.
- Search moderation: We include seven Search Moderation measures that aim to reduce the likelihood that children encounter harmful content on or via search services. These measures will ensure all search providers have processes in place to review, assess and take appropriate moderation action on harmful content. In addition, the 'safe search' measure for providers of large general search services aims to achieve higher protections for users determined to be children by recommending PPC is filtered out of their search results, and that children cannot switch this setting off. The measures will also ensure that providers of large general search services or multi-risk search services are equipped to moderate harmful content at scale.
- Reporting and complaints: We set out 14 Reporting and Complaints measures designed to make services' processes easier to access and use, increase transparency, and ensure providers take appropriate action in response to complaints and appeals. These measures will ensure services have effective complaints processes in place, which will help them take steps to protect children from encountering harmful content and improve any systems they use to detect harmful content. This will ensure providers can make their services safer for children and that they respect users' rights.
- Terms of service and publicly available statements: We include three Terms of Service and Publicly Available Statements measures. Two of these aim to ensure services' terms and statements are clear and accessible to children. These measures will help children and the adults who care for them to understand the provisions in place to protect them and enable them to make informed choices about the services they use. We are also recommending a further measure for Category 1 and Category 2A services.

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<sup>104</sup> A service is multi-risk if it is medium or high risk of two or more specific kinds of content that is harmful to children.

This will ensure they are transparent with children and their parents or carers about the risks their services pose to children.

- **Governance and accountability:** We set out seven Governance and Accountability measures for user-to-user and search services. These measures will embed accountability, oversight, independence, transparency, and clarity of purpose into providers' operations. We expect providers to have well-functioning governance and organisational design structures and processes. This should enable providers to better understand and anticipate risks, increasing the likelihood that risks of harm to children will be prioritised appropriately and factored into strategic decision-making. This will also assist service providers to mitigate risks appropriately.
- **User support:** We include six User Support measures for user-to-user services and one measure for search services. These measures will ensure children are provided with tools to enable them to have more control over their online experiences and have access to information to support them throughout their user journeys. These measures will give children more choice about their online interactions and provide added support to keep them safe online.
- **Search features, functionalities, and user support:** We set out two further measures for large general search services. The first of these aims to ensure providers embed safety into the design of predictive search functionalities by offering users a means to easily report potentially harmful search suggestions and taking action to ensure risky suggestions are no longer recommended. The second measure aims to reduce the risk of children encountering suicide, self-harm or eating disorder content in or via search results and to mitigate the risk of very serious harm to children in that context through the provision of relevant support resources.

9.117 This package of measures will bring significant improvements to children's online experiences by ensuring providers have robust processes in place to address the risks their services pose to children.

## Future Protection of Children Codes

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9.118 In this sub-section, we summarise and discuss the additional measures suggested by stakeholders in response to our May 2024 Consultation. We explain our reasons for not including additional measures in this statement and set out our plan for future versions of the Codes.<sup>105</sup>

### Additional measures suggested by stakeholders

9.119 Many stakeholders suggested new measures for inclusion in the Codes (see Annex 6 for full details). In particular, stakeholders expressed support for additional measures for private

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<sup>105</sup> See Annex 6 for more detail about the additional measures suggested by stakeholders.

messaging and group chats,<sup>106</sup> parental controls,<sup>107</sup> automated content moderation,<sup>108</sup> user reporting,<sup>109</sup> trusted flaggers,<sup>110</sup> and wider use of age assurance (see Section 13). As already discussed, stakeholders also called for additional measures tailored to different age groups of children,<sup>111</sup> relating to minimum age restrictions,<sup>112</sup> or addressing specific features and functionalities.<sup>113</sup>

- 9.120 Several stakeholders suggested measures relating to auditing algorithms or AI-driven functionalities,<sup>114</sup> or called for measures that would achieve greater transparency about

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<sup>106</sup> 5Rights Foundation response to May 2024 Consultation, p.8; Brave Movement response to May 2024 Consultation, p.3; Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.15; Molly Rose Foundation response to May 2024 Consultation, p.43; NSPCC response to May 2024 Consultation, pp.36-38; OSA Network response (1) to May 2024 Consultation, pp.53-54.

<sup>107</sup> Amaran, M. response to May 2024 Consultation, pp.2-7; Apple Distribution International Limited response to May 2024 Consultation, p.7; Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.3; Dean, J response to May 2024 Consultation, p.11; [X]; Internet Matters response to May 2024 Consultation, pp.3, 10; Kidentify response to May 2024 Consultation, p.8; Meta Platforms Inc. response to May 2024 Consultation, p.30; Parenting Focus response to May 2024 Consultation, p.6; Scottish Government response to May 2024 Consultation, p.12; Smartphone Free Childhood response to May 2024 Consultation, p.7; Snap Inc. response to May 2024 Consultation, p.12.

<sup>108</sup> Amaran, M. response to May 2024 Consultation, p.3; Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.8; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; NCA response to May 2024 Consultation, p.5; NSPCC response to May 2024 Consultation, pp.24-26; OSA Network response (1) to May 2024 Consultation, p.73-74; Parenting Focus response to May 2024 Consultation, p.12; UKSIC response to May 2024 Consultation, p.35; VAWG Sector Experts response to May 2024 Consultation, p.12; Vodafone response to May 2024 Consultation, p.2.

<sup>109</sup> Common Sense Media response to May 2024 Consultation, p.5; Dean, J. response to May 2024 Consultation, p.16; Internet Matters response to May 2024 Consultation, p.16; NCA response to May 2024 Consultation, p.12; NICCY response to May 2024 Consultation, p.33.

<sup>110</sup> NSPCC response to May 2024 Consultation, p.57; OSA Network response (1) to May 2024 Consultation, p.75; Scottish Government response to May 2024 Consultation, p.16; UKSIC response to May 2024 Consultation, p.8; VAWG Sector Experts response to May 2024 Consultation, p.13.

<sup>111</sup> 5Rights Foundation response to May 2024 Consultation, p.3; Barnardo's response to May 2024 Consultation, pp. 26-28; Internet Matters response to May 2024 Consultation, p. 11; IWF response to May 2024 Consultation, p. 4; Marie Collins Foundation response to May 2024 Consultation; Molly Rose Foundation response to May 2024 Consultation, p.36; Northeastern University London response to May 2024 Consultation, p.4; NSPCC response to May 2024 Consultation, p. 28; Office of the Victims' Commissioner for England and Wales response to May 2024 Consultation, p.9; Samaritans response to May 2024 Consultation, p.5; VAWG Sector Experts response to May 2024 Consultation, p.8; p.2.

<sup>112</sup> 5Rights Foundation response to May 2024 Consultation, p.2; Barnardo's response to May 2024 Consultation, pp.26-28; CARE response to May 2024 Consultation, p.2; Carr, J. response to May 2024 Consultation, p.2.; Centre to End All Sexual Exploitation (CEASE) response to May 2024 Consultation, pp.3-4; Children's Coalition for Online Safety response to May 2024 Consultation, p.3; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.3; Internet Matters response to May 2024 Consultation, p.12; Islington Headteacher Network's response to May 2024 Consultation, p.2; IWF response to May 2024 Consultation, p.5; Marie Collins Foundation response to May 2024 Consultation, pp.1-2; Molly Rose Foundation response to May 2024 Consultation, p.2; NSPCC response to May 2024 Consultation, pp.30-34; The Age Verification Providers Association (AVPA) response to May 2024 Consultation, pp. 8-9; UKSIC response to May 2024 Consultation, p.32; Vodafone response to May 2024 Consultation; Yoti response to May 2024 Consultation, p.3; p.21.

<sup>113</sup> 5Rights Foundation response to May 2024 Consultation, p.2; CELCIS response to May 2024 Consultation, p.10; OSA Network response (1) to May 2024 Consultation, p.52, p.8; REPHRAIN response to May 2024 Consultation, p.9; The Institution of Engineering and Technology response to May 2024 Consultation, p.2.

<sup>114</sup> 5Rights Foundation response to May 2024 Consultation, p.10; NCA response to May 2024 Consultation, p.6; Parenting Focus response to May 2024 Consultation, p.10; UKSIC response to May 2024 Consultation, p.7.

providers' safety practices.<sup>115</sup> Some stakeholders called for product-testing measures to be included in the Codes.<sup>116</sup>

- 9.121 The Conscious Advertising Network suggested that additional measures may be needed in the Codes to protect vulnerable children, especially those with special educational needs and disabilities (SEND). They said that services should develop tailored support mechanisms to empower vulnerable children and those with SEND.<sup>117</sup> Barnardo's suggested that providers should be required to address the "heightened vulnerabilities" of certain groups of children.<sup>118</sup>
- 9.122 Several stakeholders called for educational media literacy interventions for teachers, parents, and children to help keep children safe online.<sup>119</sup> They also suggested that we should do more to integrate our online safety and media literacy work.<sup>120</sup>

## Our decision

- 9.123 This is the first version of the guidance and Codes relating to protecting children. We consider that the measures that we have decided to include in this statement will ensure a significantly safer environment for children online. Our strategy is to move quickly with the publication of this first iteration of the Codes, to prevent a delay in protections for children online. We recognise that this is only the first step and we will be closely monitoring how service providers implement the measures in the Codes, as well as the wider package of protections for children. This will enable us to identify any gaps in protections for children, to inform our prioritisation of future work to strengthen this first set of measures.
- 9.124 Where stakeholders made suggestions that had implications for the proposed measures and analysis we set out in our May 2024 Consultation, we discuss those suggestions in the relevant sections of this volume. Where stakeholders made suggestions for new measures not directly connected to those we proposed in our May 2024 Consultation, we have not assessed them for inclusion in this version of the Codes. We may consider some of these for future iterations of the Codes. In order to do so, we would need evidence for the risk of harm that the measures aim to mitigate and that they will be effective at doing so. We would also need to consider, among other factors, whether the measures fall within scope of what we can recommend under the Act. We will need to carry out additional impact assessments and a further consultation akin to the process that has informed this statement.

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<sup>115</sup> Integrity Institute response to May 2024 Consultation, pp.8-9, 17; Parenting Focus response to May 2024 Consultation, pp.15, 25; Smartphone Free Children response to May 2024 Consultation, p.6.

<sup>116</sup> Molly Rose Foundation response to May 2024 Consultation, pp.5, 12; OSA Network response (1) to May 2024 Consultation, p.3; Samaritans response to May 2024 Consultation, p.4.

<sup>117</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, pp.12-13.

<sup>118</sup> Barnardo's response to May 2024 Consultation, p.30.

<sup>119</sup> Advertising Association response to May 2024 Consultation, p.9; Children and Young People's Commissioner Scotland response to May 2024 Consultation, p.9; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.2; Internet Matters response to May 2024 Consultation, p.3; NAHT response to May 2024 Consultation, p.15; NICCY response to May 2024 Consultation, p.27; Northeastern University London response to May 2024 Consultation, p.3; Parenting Focus response to May 2024 Consultation, p.16; UKSIC response to May 2024 Consultation, p.5; VAWG Sector Experts response to May 2024 Consultation, pp.7, 13.

<sup>120</sup> Common Sense Media response to May 2024 Consultation, p.6; Internet Matters response to May 2024 Consultation, p.3; Northeastern University London response to May 2024 Consultation, p.4.

- 9.125 We expect to consult on updating the Codes over time as we gather further information, including evidence on emerging risks to children, and explore potential new measures to keep them safe online. At paragraph 9.128, we discuss our next consultation that we will publish in the coming months. As part of any future work, we will consider additional measures suggested by stakeholders as relevant and appropriate and seek up-to-date views from stakeholders through future consultations.

## Areas of future work

- 9.126 In our May 2024 Consultation, we identified five areas we intended to prioritise for further consideration. These were:
- automated content moderation;
  - GenAI;
  - impact of choice architecture;
  - children in different age groups; and
  - parental controls.
- 9.127 Since publishing our May 2024 Consultation, we have continued to build our evidence base in these five areas, among others. This has already enabled us to make changes to our approach in this iteration of the Codes for children in different age groups, and publish two discussion papers on Red Teaming for GenAI Harms (July 2024) and Applications of GenAI (November 2024).<sup>121 122</sup>
- 9.128 As discussed in Section 3 of Volume 1, in the coming months, we will publish proposals for additional measures to protect users, including children, from illegal harms and from content harmful to children. This will include proposals for banning the accounts of people found to share CSAM, crisis response protocols for emergency events, use of hash matching to prevent the sharing of non-consensual intimate imagery and terrorist content and tackling illegal harms, including CSAM, through the use of AI. It will also include proposals for measures to protect children from grooming through the use of highly effective age assurance and measures to protect children from the risks posed by livestreaming.
- 9.129 This is only the first version of our framework to protect children, and we will continue to review and iterate our approach to drive safer age-appropriate experiences online. We expect to update our regulation over time as new evidence arises on emerging risks to children and the measures that will best keep children safe online. We will scrutinise a number of service providers' children's risk assessments (including the largest social media services as well as smaller by risky services) and maintain close engagement with services to build our understanding of how they are meeting the children's safety duties. We will continue to build our evidence base, drawing on sources including our continued research with children and our report on the use and effectiveness of age assurance, which we are required to publish next summer. As our framework for protecting children develops, we will continue to have regard to the Government's strategic priorities for the regime once they are finalised.

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<sup>121</sup> [Ofcom, 2024. Red Teaming for GenAI Harms](#)

<sup>122</sup> [Ofcom, 2024. Applications of GenAI](#)

- 9.130 Over time, we expect to continue to add future measures to the Codes that will continue to build safer experiences online for children in the UK.

# 10. Framework for Codes

This section explains the approach we have taken to develop the Protection of Children Codes. In this section we summarise and respond to stakeholder feedback to our May 2024 Consultation on Protection Children from Harms Online (May 2024 Consultation) on our approach to building our evidence base and on our impact assessment framework.

The Protection of Children Codes explain how providers of services likely to be accessed by children can comply with the children's safety duties and reporting and complaints duties as required by the Online Safety Act (the Act).

The measures we recommend must be technically feasible and proportionate. We consider the impact of each of our measures individually and in combination with other measures (including, where relevant, measures in the Illegal Content Codes). Our assessment of measures takes into account evidence and includes consideration of:

- the risk of harm to children that could be addressed by our measures, including scale and severity;
- the effectiveness of the measures in mitigating risks of harm;
- the costs of implementing measures, both direct and indirect; and
- the possible impacts on the rights and user experiences of children and adults.

At the heart of our assessment of impacts is the extent to which our package of measures can address the risks that children face when using regulated services. We consider whether potential adverse effects (e.g. cost to services and impact on user rights) are proportionate. This is to ensure that our recommended package of measures achieves its objective without undermining the important benefits that online services in scope of the Act deliver to UK citizens and without disproportionately inhibiting innovation and growth.

Overall, the applicable measures vary across services based on their risks, functionalities and size. Some of the measures included in the Codes apply to all services even if they are low-risk. Such measures reflect the steps that we expect all services to take to comply with the children's safety duties. Services that pose significant risks to children should take additional steps. The Codes also include a small set of measures for large services only, as there is significant scope to reduce the risk of harm for the many UK children that use them, and providers of large services have greater capacity to implement more costly measures.

## The role and purpose of Codes of Practice

- 10.1 One of the objectives of the Online Safety Act 2023 (the Act) is to secure a higher standard of protection online for children.<sup>123</sup> This objective runs through our policy proposals and our decisions to date, including our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), our January 2025 Age Assurance and Children's Access Statement (January 2025 Statement).<sup>124</sup>

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<sup>123</sup> Section 1(3)(b)(i) of the Act.

<sup>124</sup> Ofcom, 2025. [Statement: Age Assurance and Children's Access](#) (January 2025 Statement)

- 10.2 To support this objective, the Act imposes a number of safety duties, as well as duties relating to content reporting and complaints procedures on providers of services likely to be accessed by children.<sup>125</sup> These duties include:
- using proportionate measures to mitigate and manage risks from content that is harmful to children;<sup>126</sup>
  - operating a service using systems and processes that allow users<sup>127</sup> and affected persons to easily report content which they consider to be harmful to children;<sup>128</sup> and
  - operating a transparent complaints procedure that is easy to access and use, and which allows for relevant complaints to be made and providers for appropriate action to be taken.<sup>129</sup>
- 10.3 The Act also places a requirement on Ofcom to prepare and issue Codes of Practice – a package of measures for service providers to comply with the children’s safety and reporting and complaints duties.<sup>130</sup> In preparing Codes of Practice, Ofcom must have regard to the principles and objectives set out in Schedule 4 to the Act.
- 10.4 The Act stipulates that any measures described in Ofcom’s Codes of Practice should provide a sufficiently clear and detailed description of the actions that service providers should implement to comply with their legal duties.<sup>131</sup> The measures must also be proportionate and technically feasible<sup>132</sup> and compatible with pursuit of the online safety objectives.<sup>133</sup>
- 10.5 The Act establishes that service providers that implement the measures in the Codes of Practice will be treated as complying with the duties to which those measures relate.<sup>134</sup> This is what we refer to as the ‘safe harbour’ of the Codes of Practice. By complying with the safeguards provided for in the measures, service providers will also be taken as complying with their duties in relation to freedom of expression and privacy.<sup>135</sup>
- 10.6 Service providers may seek to comply with their safety duties by choosing to take what the Act calls ‘alternative measures’.<sup>136</sup> In doing so, service providers also need to comply with the duty to have particular regard to the importance of protecting users’ rights to freedom of expression within the law and of protecting the privacy of users.<sup>137</sup>

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<sup>125</sup> See Annex 4 of this statement, which sets this the safety, reporting and complaints duties in more detail.

<sup>126</sup> Sections 12 and 29 of the Act.

<sup>127</sup> For brevity, in this section we refer to ‘users’ rather than ‘United Kingdom users’. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>128</sup> Sections 20 and 31 of the Act.

<sup>129</sup> Sections 21 and 32 of the Act.

<sup>130</sup> Section 41 of the Act.

<sup>131</sup> Paragraph 2(b) of Schedule 4 to the Act.

<sup>132</sup> Paragraph 2(c) of Schedule 4 to the Act.

<sup>133</sup> Paragraph 3 of Schedule 4 of the Act. The online safety objectives for user-to-user and search services are set out in paragraphs 4 and 5 of Schedule 4, respectively. These include, but are not limited to, systems and processes being effective and proportionate to the kind and size of service and being appropriate to the number of users and user base of the service; providing a higher standard of protection for children than for adults; and taking into account the different needs of children at different ages.

<sup>134</sup> Section 49 of the Act.

<sup>135</sup> See section 49(2) and (3) and sections 22 and 33 (for user-to-user and search services respectively).

<sup>136</sup> Section 49(5) of the Act.

<sup>137</sup> Sections 22(2), 22(3) and 33(2), 33(3) of the Act.

- 10.7 Where providers take alternative measures, they must keep a record of what they have done and explain how the relevant duties have been met.<sup>138</sup> We set out what providers should record when taking alternative measures in the Record-Keeping and Review Guidance.<sup>139</sup>
- 10.8 As stated in our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we have produced two documents setting out the Protection of Children Codes (the Codes). One document contains measures applicable to user-to-user services and one document contains measures applicable to search services.

## Scope of the Protection of Children Codes

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- 10.9 We have organised and presented the Codes relating to children’s safety duties and the Codes relating to illegal content duties in two groups (each containing two documents – one for user-to-user services and another for search services) as follows:
- Protection of Children Codes of Practice – including the safety duties protecting children from legal content that is harmful, content reporting duties for content harmful to children, and complaints procedures (sections 12, 20, 21, 29, 31, and 32 in the Act).<sup>140</sup>
  - Illegal Content Codes of Practice – including child sexual exploitation and abuse content, terrorism content and other priority illegal content, content reporting duties for illegal content and complaints procedures (sections 10, 27, 20, 31, 21 and 32 in the Act).<sup>141</sup>
- 10.10 We consider that organising the Codes in this way will help provide clarity to service providers. The Illegal Content Codes apply to all services, whereas the Protection of Children Codes only apply to services likely to be accessed by children (although the application of a particular measure to a service provider in many cases depends on their service’s size and/or risk level). While the two sets of Codes are closely linked, they are set out in separate documents to address the different duties relating to different types of content – illegal content and content that is harmful to children.
- 10.11 We have developed the Illegal Harms Codes and the Protection of Children Codes on overlapping timelines. This means that we received stakeholder feedback and progressed our work on different Codes at the same time. Some of the responses to our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation) were also relevant for our proposals in relation to the Protection of Children Codes and vice versa.
- 10.12 Where appropriate, we have mirrored the measures in the Illegal Content Codes and tailored the content so that services can meet their children’s safety duties. Where we have adapted measures, it is to ensure the Protection of Children Codes are as comprehensive as they can be in addressing harms while coherent with the Illegal Content Codes. Where

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<sup>138</sup> Section 23(4) and (5) of the Act.

<sup>139</sup> Ofcom, 2024. [Record-Keeping and Review Guidance](#).

<sup>140</sup> Protection of Children Codes of Practice for [User-to-user services](#) and for [search services](#)

<sup>141</sup> See [Illegal content Codes of Practice for user-to-user services](#) and [Illegal content Codes of Practice for search services](#).

appropriate, we allow flexibility for providers to leverage common systems and processes to implement both sets of measures.

- 10.13 This Statement forms part of the first phase of regulatory guidance and Codes relating to illegal content duties and children’s safety duties, we expect to update these over time. We will be consulting on additional measures for illegal harms and the protection of children in the coming months, several of the proposals will readily contribute to providing children a safer online experience (see Section 9 for further detail).

## Our approach to developing the measures in the Protection of Children Codes

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- 10.14 All of the measures in the Protection of Children Codes have been developed in line with Ofcom’s duties set out in legislation, in particular, the Communications Act 2003 (the 2003 Act), the Act, the Equality Act 2010, and the Human Rights Act 1998. We discuss the duties in detail in Volume 1 Section 2, Volume 4 Section 21, Annex 4 and Annex 5 of this statement.
- 10.15 Section 41(6) to the Act sets out that, in preparing or amending a Code of Practice, Ofcom must consult with various stakeholders.<sup>142</sup> In addition to our May 2024 Consultation, we have conducted deliberative research and engagement with children, see Section 9 for more detail.
- 10.16 Schedule 4 to the Act sets out that, in preparing or amending a Code of Practice, Ofcom must consider the appropriateness of measures for different kinds and sizes of Part 3 services and providers of different sizes and capacities. Ofcom must also have regard to the Schedule 4 principles, including that providers of user-to-user and search services must be able to understand which provisions of the Codes of Practice apply in relation to a particular service they provide, and that the measures described in the Codes of Practice must be sufficiently clear and at a sufficiently detailed level to allow providers to understand what those measures entail in practice.<sup>143</sup>
- 10.17 Ofcom must also ensure that measures set out in the Codes are compatible with the pursuit of the online safety objectives. These objectives include services being designed and operated so as to protect UK users from harm, having a higher standard of protection for children than for adults, taking account of the different needs of children at different ages, and being designed and operated in such a way that the systems and processes are appropriate to deal with the number of users of the service and its user base.<sup>144</sup>

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<sup>142</sup> These include the Secretary of State; persons who appear to Ofcom to represent providers of Part 3 services; persons who appear to Ofcom to represent the interests of United Kingdom users of Part 3 services; persons who appear to Ofcom to represent the interests of children (generally or with particular reference to online safety matters); persons who appear to Ofcom to represent the interests of persons who have suffered harm as a result of matters to which the code of practice is relevant; persons whom Ofcom consider to have relevant expertise in equality issues and human rights; the Information Commissioner; the Children’s Commissioner; the Commissioner for Victims and Witnesses; the Domestic Abuse Commissioner; persons whom Ofcom consider to have expertise in public health, science or medicine that is relevant to online safety matters; persons whom Ofcom consider to have expertise in innovation, or emerging technology, that is relevant to online safety matters; and such other persons as Ofcom consider appropriate.

<sup>143</sup> See paragraphs 1 and 2 of Schedule 4 to the Act.

<sup>144</sup> Paragraphs 4 and 5 of Schedule 4 to the Act.

- 10.18 The Act also sets out that Codes of Practice for children’s online safety must include measures in the areas set out in those duties (in sections 12(8) and 29(4)) where this is proportionate to the type and size of the service provider and to its level of risk.<sup>145</sup> In addition, any measures described in a Code of Practice must be designed in light of the principles of the importance of protecting users’ rights to privacy and to freedom of expression within the law, and should incorporate safeguards for these rights where possible.<sup>146</sup>
- 10.19 Codes of Practice, like the children’s safety duties, may apply to service providers based outside of the UK who provide a Part 3 service.<sup>147</sup> However, the Act provides that such measures may only relate to the design or operation of the relevant service in the United Kingdom, or as it affects UK users of the service.<sup>148</sup> For the avoidance of doubt, references to the application of our measure to ‘users’ should be understood to mean ‘UK users’ unless otherwise specified.<sup>149</sup>
- 10.20 The further detail is set out in Section 21 and Annex 4 of this Statement.

## Our approach to assessing measures via the impact assessment framework

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- 10.21 Section 7 of the 2003 Act requires Ofcom to carry out an impact assessment when preparing a Code of Practice (or amendment to a Code of Practice).<sup>150</sup>
- 10.22 In our May 2024 Consultation, we explained our approach to assessing measures using our impact assessment framework,<sup>151</sup> this framework is integral to our approach to developing the measures and ensures our recommendations are well-informed, balanced, and effective. Our impact assessment guidance provides more information on how we approach impact assessments.<sup>152</sup>
- 10.23 We consider a range of impacts to assess which measures to recommend, how to design these measures, and the kinds of services in scope of each measure. Our main goal is to reduce risks of harm to children using regulated services. Our impact assessments help us identify and target the most effective measures to protect children. We assess the likely impacts of each measure in Sections 11-19 of this volume and discuss the combined impact of our package of measures in Section 20.

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<sup>145</sup> See paragraph 9 of Schedule 4 to the Act.

<sup>146</sup> This refers to protecting the privacy of users from a breach of any statutory provision or rule of law concerning privacy that is relevant to the use or operation of a U2U or search service (including any provisions concerning the processing of personal data), paragraph 10(4) of Schedule 4 to the Act.

<sup>147</sup> Paragraph 15 of Schedule 4 to the Act. See also section 4 of the Act which explains that services based outside of the UK fall in scope of regulation if they have links to the UK.

<sup>148</sup> See paragraph 11 of Schedule 4 to the Act. A UK user of the service is an individual in the UK or entity incorporated or formed under the law of any part of the UK – see section 227(1) of the Act.

<sup>149</sup> In practice this means that service providers would either need to find a way to identify UK users of the service so as to target a measure at them or would need to apply the measure to all users. The latter approach is not a requirement of the Codes or the duties in the Act, merely one choice available to them.

<sup>150</sup> Section 7(1) of the 2003 Act; Section 7(2A) of the 2003 Act (as amended by the Act); Section 7(3)(a) of the 2003 Act.

<sup>151</sup> [May 2024 Consultation, Volume 5](#), paragraphs 14.30 – 14.35.

<sup>152</sup> Ofcom, 2023. [Ofcom’s approach to impact assessment](#). [accessed 4 March 2025].

- 10.24 We are required by law to ensure that the measures are proportionate to our objective of improving children’s safety.<sup>153</sup> Our package of measures aims to achieve this without undermining the benefits delivered to UK children by online services in scope of the Act. The potential adverse effects from these measures will vary depending on the measure and may include:
- impacts on the rights (for example, rights to privacy and freedom of expression) of users, other interested persons – including, for example, persons who host websites, who may be featured in content on regulated services, or whose content might be on those services regardless of whether or not they are service users – and service providers,
  - costs for regulated services, including those which may indirectly affect users (both consumers and businesses) if, for example, service quality degrades due to higher costs, or competition, innovation and choice are reduced.
- 10.25 Although we have sought to quantify impacts where feasible, there are limits to the extent to which we have been able to do so.
- Some impacts are difficult to quantify due to a lack of robust evidence about service providers’ current systems, costs, and the effectiveness of existing measures.
  - Some impacts are of a less tangible nature and are more challenging to quantify fully in economic terms (such as non-economic impacts on children exposed to harmful content). While not necessarily quantified, such impacts can be very material and have had a strong influence on our decisions.
  - There is uncertainty around the number of services in scope of the Act, the prevalence of relevant characteristics across services, and the resources available to different kinds of service providers.
- 10.26 As a result of these factors, there may be uncertainty about the impact of any single measure and the package of recommended measures. However, a qualitative assessment of their effectiveness in reducing risks to children online is central to our recommendations due to the wide-ranging and potentially severe harms involved.
- 10.27 We have prioritised measures that we consider can significantly improve children’s safety online. This is only the first iteration of the Protection of Children Codes, and we intend to consult on further proposals to provide children with a safer experience online. See Section 9 for more information on the future Protection of Children Codes.
- 10.28 There are some measures that closely reflect specific requirements in the Act.<sup>154</sup> These measures (such as having a complaints process) mirror requirements in the Act over which we have no discretion. We did not carry out a detailed costs impact assessment of them because their impacts have been assessed as part of the legislative process for the Act.<sup>155</sup>
- 10.29 Having considered stakeholder feedback, we remain of the view that our approach is appropriate and have continued to use this approach in assessing the measures. In the

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<sup>153</sup> Section 3(1) of the 2003 Act, section 41 and schedule 4 of the Act, and section 6 of the Human Rights Act 1998.

<sup>154</sup> Examples of these include duties to have a complaints process, or to include certain information in terms of service and publicly available statements in a clear and accessible way. See sections 21, 32, 12(9) and 29(5) of the Act.

<sup>155</sup> Gov.UK, [Online Safety enactment impact assessment](#). [accessed 26 March 2025].

following sub-sections, we summarise stakeholder feedback on our approach and explain why we have maintained the position consulted upon. Detailed feedback relevant to each measure can be found in the Sections 11-19 in this Volume.

## **Risk of harm**

### **What we said at consultation**

- 10.30 In our May 2024 Consultation, we set out the risk of harm to children that we are seeking to address through the proposed measures in each section. We considered how the proposed measures would reduce the risks we identified, including any evidence of services currently implementing the measure (or a version of it). We also considered the technical feasibility of the proposals.
- 10.31 To inform this, we drew on our evidence of the risks of harm to children as set out in the draft Children's Register in Volume 3, our analysis of the causes and impacts of harm to children. We received stakeholder feedback on our draft Children's Register and have since integrated a broad range of new evidence sources. See the Children's Register in Volume 2 for further detail on our approach.
- 10.32 In paragraphs 10.125 – 10.131 we explain our approach to building our evidence base in detail and describe the large number of sources we have consulted when developing our understanding of harm, including deliberative research and engagement with children.

### **Societal costs**

#### **Summary of responses**

- 10.33 The Molly Rose Foundation and the Online Safety Act Network (OSA Network) suggested we should consider the societal costs and impacts of harmful online content as part of our assessments.<sup>156</sup> The Molly Rose Foundation argued that our analysis had inaccurately estimated the cost of human life. It requested that we set out in more detail the economic model we had used to inform our approach to assessing the costs associated with relevant harms, noting that this should include projections of the impact of the measures.<sup>157</sup>

#### **Our decision**

- 10.34 Having considered stakeholder feedback, we have decided to not extend our approach to include societal costs. We have not used quantified societal costs as part of our assessments due to the difficulties in precisely quantifying the potential impact. Instead, we have typically taken a qualitative approach to evaluate how each measure mitigates risk and its effectiveness which means we have been unable to quantify the potential impact. Additionally, some benefits are even harder to express in monetary terms. Our evaluation of each measure is set out in this statement; however, we do not provide an in-depth quantitative analysis of the associated costs or benefits.
- 10.35 Regarding the Molly Rose Foundation's argument that we have inaccurately estimated the cost of human life, we note that our assessment of measures has not used any quantified estimate of the cost of human life. At this stage, we do not consider that it is possible to robustly estimate the impact of any measure on preventing fatalities. If in the future we were able to do this, we would consult on the value we use for human life. Our starting

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<sup>156</sup> The OSA Network (2) response to May 2024 consultation p.37.

<sup>157</sup> Molly Rose Foundation response to May 2024 Consultation, pp.6-7. We note that the Molly Rose Foundation made the same point in response to our November 2023 Consultation, pp.8-9.

point would likely be the guidance produced by HM Treasury in the Green Book, which can include taking account of the age of people affected.<sup>158</sup>

## Severity of harm

### Summary of responses

- 10.36 The UK Safer Internet Centre (UKSIC) suggested that Ofcom’s approach should more explicitly consider the severity of the harm posed which “involves not only the number of affected individuals but also the intensity of the impact”. It suggested that the measures do not “explicitly consider these aspects” despite recognising harms in the Children’s Register.<sup>159</sup>

### Our decision

- 10.37 Having considered this stakeholder feedback, we have decided not to change our approach for two key reasons.
- 10.38 First, we consider that our approach, as proposed in our May 2024 Consultation, does take severity into account. For instance, when conducting their children’s risk assessment, service providers must evaluate both the likelihood and impact of harm which could arise from content harmful to children. This includes evaluating the nature and severity of content. In addition, a number of the Codes measures set out that services providers should take into account the severity of harm when implementing the measures. This includes, for example, Measure PCU C5 and Measure PCS C5 whereby providers should prepare and apply a policy for the prioritisation of content for review, having regard to the potential severity of content among other factors.
- 10.39 Second, our approach recognises that the experience of harm itself is highly dependent on the individual affected. As such, in the Children’s Register of Risks (Children’s Register) we set out that ‘harm’ should be taken to mean “physical or psychological harm”.<sup>160</sup> This definition is consistent with that set out in the Act. We also recognise that harm can occur from both isolated incidents of exposure and cumulative exposure, and we drew on this evidence when developing the measures.
- 10.40 We therefore consider that our approach, as proposed in our May 2024 Consultation, is sufficiently robust to ensure that providers manage the risk and severity of harm to children on their services effectively.

## Effectiveness

### What we said at consultation

- 10.41 In our May 2024 Consultation, we explained that we considered how effectively each proposed measure would reduce the risk of the harm identified.<sup>161</sup> We proposed measures where we concluded they would effectively contribute to safer experiences for children online, without disproportionate negative impacts on providers or users.

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<sup>158</sup> The Green Book is the HM Treasury’s manual for assessing the costs, benefits, and trade-offs for policy appraisal. [The Green Book: appraisal and evaluation in central government - GOV.UK](#). [accessed 20 March 2025].

<sup>159</sup> UKSIC response to May 2024 Consultation, p. 20.

<sup>160</sup> Section 234(2) of the Act.

<sup>161</sup> May 2024 Consultation, Volume 5, paragraphs 14.44 – 14.49.

- 10.42 We assessed the impact of each measure in reducing the risk of relevant harms. We found that some measures - such as the Governance and Accountability measures and Content Moderation measures – can reduce harm in relation to all kinds of content harmful to children, whereas other measures are effective at targeting specific harms or functionalities.
- 10.43 In some cases, we took into account current industry practice and evidence related to these. We explained that this does not represent an endorsement of any existing approach, nor does it mean that the relevant service provider is complying with its duties under the Act.
- 10.44 We did not receive stakeholder feedback on our overall approach to assessing how effective the measures are in reducing the risk of harm. Stakeholder feedback relevant to the effectiveness of individual measures is explored in Sections 11-19 of this Volume.

## Impacts on services

### What we said at consultation

- 10.45 In our May 2024 Consultation, we explained that impacts on services are an important consideration to ensure that more costly measures are justified. We explained that our assessment of costs considered direct costs and indirect costs to providers. The direct costs of a measure include both one-off costs and any ongoing costs of implementing it.<sup>162</sup> Indirect costs to providers may arise, for example, from reduced user engagement where a measure imposes additional frictions to the user journey and reduces revenue.
- 10.46 We considered costs on a ‘per-service’ basis. This allows us to assess implications of the measures for services of different sizes and capacities (including small and micro businesses). This is consistent with the 2003 Act requirements.<sup>163</sup>
- 10.47 We recognised that some services may already have the same or similar measures we are recommending in place, including where they are in scope of similar measures in our December 2024 Statement. In our analysis, we identified potential cost overlaps in such cases, which can reduce the incremental cost of implementing the recommended measures to protect children.
- 10.48 We set out that any estimations of costs should be interpreted as indicative. Given the uncertainties highlighted in paragraphs 10.25-10.26, we noted that the actual cost for a specific service provider may vary.

### Approach to costs

#### Summary of responses

- 10.49 Several stakeholders argued that we had placed too great an emphasis on costs and proportionality over risks to children when conducting impact assessments for the measures.<sup>164</sup> The Office of the Children’s Commissioner for England said that our approach

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<sup>162</sup> Where these direct costs are quantified, they rely on salary estimates and other assumptions as detailed in Annex 3 (where we respond to feedback on our approach to quantifying the direct costs to providers of implementing our measures). Where we have not quantified costs, we describe their nature.

<sup>163</sup> See section 7 the 2003 Act.

<sup>164</sup> Barnardo’s response to May 2024 Consultation, p.29; Centre to End All Sexual Exploitation (CEASE) response to May 2024 Consultation, pp.9-10; Christian Action Research and Education (CARE) response to May

had given disproportionate weight to the costs to services, arguing that this demonstrated that the measures had “not been designed with the pursuit of child safety as their sole objective”.<sup>165</sup>

- 10.50 Some stakeholders raised concerns that Ofcom’s approach to proportionality – especially applying cost as a rationale for limiting the scope of the measures – legitimised service providers to put profit and business interests over children’s online safety and undermine their responsibilities under the Act.<sup>166</sup>

#### **Our decision**

- 10.51 We have considered this stakeholder feedback and have concluded that our approach to assessing impacts on providers is necessary for us to ensure that measures are proportionate. Overall, we consider the nature and level of risk that a service poses to children to be the main driver for whether the measures apply to that service. We have considered the impact on providers to ensure that the likely costs associated with a measure are justified.
- 10.52 Imposing costs on providers can have negative impacts for children or users in general. For example, if an increased cost burden on providers reduces investment in areas other than user safety or results in some services stopping operating in the UK, this means that children or users in general can no longer benefit from such services or from new innovations.
- 10.53 We are also legally required to consider the proportionality of measures (having regard to the size and capacity of the provider) and to carry out an impact assessment.<sup>167</sup>
- 10.54 Our approach does not mean that a measure is necessarily disproportionate if it imposes significant costs on providers or if it creates risk of some services ceasing to operate in the UK. While there may be a loss to children or other users from some services ceasing to operate in the UK, this may be in children’s overall interest if such services are causing significant harm and if providers are not prepared (or cannot afford) to apply a measure to address that harm sufficiently. Our assessment is that our package of measures will entail substantial costs for some services, including small risky services that may have more limited resources with which to implement the measures. We have concluded that the measures are proportionate notwithstanding the substantial costs involved.
- 10.55 We are also required to have regard to service providers’ right to peaceful enjoyment of their possessions under Article 1 of the First Protocol to the European Convention on Human Rights (ECHR).<sup>168</sup> However, this in no way impairs the right of the UK to enforce

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2024 Consultation, p.7; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; Molly Rose Foundation response to May 2024 Consultation, pp.6-7. Molly Rose Foundation made a similar point in response to the November 2023 Consultation, p.31; NICCY response to May 2024 Consultation, p.28; NSPCC response to May 2024 Consultation, p.39; Samaritans response to May 2024 Consultation, p.3; OSA Network response (2) to May 2024 Consultation, p.37; UKSIC response to May 2024 Consultation, pp. 4,20. Stakeholders raised similar points in responses to the November 2023 Illegal Harms Consultation (November 2023 Consultation), see ‘Our approach to developing Codes measures’ in December 2024 Statement, p.14.

<sup>165</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.40.

<sup>166</sup> CARE response to May 2024 Consultation, p.7; NICCY response to May 2024 Consultation, p.28; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.20;.

<sup>167</sup> Paragraph 2(c) of Schedule 4 to the Act and section 7 of the 2003 Act.

<sup>168</sup> Section 6 of the Human Rights Act 1998.

such laws as it deems necessary to control the use of property in accordance with the general interest. We consider the Act to be such a law and we consider our impact assessments as a whole to demonstrate that the measures are proportionate.

## Cost estimates too broad

### Summary of responses

- 10.56 The Mid Size Platform Group argued that some of our cost estimates were too broad and that we “should take additional measures to truly understand the costs of compliance for businesses”.<sup>169</sup>

### Our decision

- 10.57 Having considered stakeholder feedback, we have decided to maintain our approach of keeping cost estimates sufficiently broad to capture our assessment of the likely range of costs. We expect a wide range of services to be in scope of the Act. Services will vary in terms of their characteristics, complexity and resources, all of which can affect how different providers will be impacted by the measures. Our cost estimates are intended to reflect this. Where feasible, we have explained the factors that may influence the costs of implementing a measure in the impacts on service providers section relating to specific measures in the relevant chapters.

## Rights

### What we said at consultation

- 10.58 We considered the human rights implications for each proposed measure, in particular the right to freedom of expression (Article 10 of the ECHR), the right to freedom of association (Article 11) and the right to privacy (Article 8 ECHR). We said we aimed to ensure that any impact on adults’ and children’s rights is proportionate to the legitimate objectives pursued (i.e., to secure that services regulated by the Act are designed and operated in such a way that a higher standard of protection is provided for children than for adults). We recognised that the proposed measures could help to protect individuals from harms of various kinds which reflect the decision of the UK Parliament that UK users, and UK children in particular, should be proportionately protected from all the harms concerned.
- 10.59 Where relevant, we also considered potential further impacts on children and adults (such as added frictions to user journeys and the access to services or content) as well as any other costs or possible unintended consequences.
- 10.60 We confirm our approach for how we do this in further detail in Volume 1, Section 2.

### Rights (freedom of expression, association, privacy and data protection)

#### Summary of responses

- 10.61 The Centre for Excellence for Children’s Care and Protection (CELCIS) and the Information Commissioner’s Office (ICO) supported our approach to rights.<sup>170</sup> The ICO stated that it was pleased Ofcom had referred to compliance with data protection law throughout the

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<sup>169</sup> Mid Size Platform Group response to May 2024 Consultation, p.13.

<sup>170</sup> The Centre for Excellence for Children’s Care and Protection (CELCIS) response to May 2024 consultation, pp.18-20.

documents and that it shared Ofcom’s commitment to promoting compliance across both regulatory products.<sup>171</sup>

- 10.62 Other stakeholders called for greater consideration of rights impacts.<sup>172</sup> The Internet Society & Internet Society UK England Chapter suggested that we should consider the “big picture” in relation to rights, rather than looking at individual measures.<sup>173</sup> techUK noted the risk that smaller services would likely err on the side of over-removal of content, therefore limiting legitimate and free expression.<sup>174</sup> The Mid Size Platform Group called for greater consideration of how measures will impact the experience of adults online, particularly the introduction of greater friction and their ability to access content.<sup>175</sup>
- 10.63 The ICO suggested that for some measures we had conflated “legitimate expectations of privacy considerations” with data protection rights. It suggested that the impact assessments for the individual measures could differentiate the privacy analysis from the analysis of data protection impacts.<sup>176</sup>
- 10.64 The Molly Rose Foundation said it had significant concerns about Ofcom’s interpretation of human rights as they relate to the proposed measures, arguing that Ofcom place greater emphasis on the fundamental rights of those posting content (for both adults and children) than on the impact of harmful speech on the rights to freedom and association of others, including children.<sup>177</sup>
- 10.65 Big Brother Watch and the Open Rights Group also suggested that some of the proposed measures in the draft Codes, such as certain measures relating to age assurance and search services, were disproportionate responses to the aim of protecting children online due to their impact on users’ rights.<sup>178</sup>

### Our decision

- 10.66 We have considered both the general feedback summarised above, and specific feedback in response to individual proposed measures and have decided to maintain our approach to assessing the impact on rights. We consider the potential impacts of the measures on the rights of adults, children, service providers, website or database operators<sup>179</sup> and other interested parties (as relevant) (including in relation to freedom of expression, freedom of association, and privacy) and whether any impact on those rights is justified and proportionate. We have considered this in detail in the relevant sections for each measure

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<sup>171</sup> Information Commissioner’s Office (ICO) response to May 2024 consultation, p.2.

<sup>172</sup> Meta Platform Inc (Meta) response to May 2024 consultation, p.17; TikTok response to May 2024 consultation, p.2. Stakeholders raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in December 2024 Statement, p.14.

<sup>173</sup> Internet Society & Internet Society UK England Chapter response to May 2024 consultation, p.18.

<sup>174</sup> techUK response to May 2024 consultation, p.17.

<sup>175</sup> Mid Size Platform Group response to May 2024 consultation, p.14.

<sup>176</sup> ICO response to May 2024 Consultation, p.16. This stakeholder raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in [December 2024 Statement](#), p.16.

<sup>177</sup> Molly Rose Foundation response to May 2024 Consultation, pp.9, 10, 44.

<sup>178</sup> Big Brother Watch response to May 2024 Consultation, pp.26, 45; Open Rights Group response to May 2024 Consultation, p.17.

<sup>179</sup> We have considered the rights of ‘website and database operators’ insofar as the measures apply to search services, in line with the duty in section 33(2). In section 227(7) of the Act, this group is referred to as ‘interested persons’ where they are based in the United Kingdom. However, our rights assessments consider the rights of website and database operators more broadly, irrespective of where they are based.

and provided clear justifications for any measures that have impacts on these rights. In this section we address more general stakeholder responses.

#### Rights (freedom of expression, association, privacy and data protection)

- 10.67 In response to techUK's feedback, we note that service providers have specific duties under the Act to have particular regard, when deciding on and implementing their safety measures and policies, to the importance of protecting users' right to freedom of expression within the law and from a breach of any statutory provision or rule of law concerning privacy.<sup>180</sup> Service providers will need to do this when deciding on whether to implement, and in implementing, any measures recommended in the Codes. In addition, in the Codes, we have clearly indicated where we consider measures act as safeguards for freedom of expression or privacy.
- 10.68 A service provider also has the right to decide the kinds of content it allows its users to upload, share, or generate on its service. A service provider may choose to prohibit kinds of content that are not harmful to children, or to prohibit all users from sharing legal content that may be harmful to children, even though this is not required under the duties in the Act to protect children. This is an exercise of its own right to freedom of expression. We cannot compel a provider to carry content that it does not wish to carry, nor can we prevent a provider from taking down content that is not harmful to children.
- 10.69 We acknowledge that a provider may choose to take action against content that is not harmful to children in order to ensure that is compliant with its duties relating to content that is harmful to children, and that there may be some risk of providers choosing to err on the side of caution, resulting in 'over-moderation' or action on content which would not fall in scope of the definition of content harmful to children under the Act. We are required by the Act to provide guidance on the types of content that we consider to be harmful to children, which is set out in the Guidance on Content Harmful to Children. We think this will help providers understand the kinds of content in relation to which they are required to act.
- 10.70 We have also considered in our rights impact assessments for measures (where relevant) that, as a form of compliance, some providers may also decide to extend the application of some measures to all users (including adults), or to restrict all children from accessing a service. This is a decision for these providers to take in line with their own rights to freedom of expression, in consideration of their duties under the Act in relation to having particular regard to users' rights to freedom of expression and privacy<sup>181</sup>, as well as how they want to run their businesses.<sup>182</sup>
- 10.71 Where we have concluded that certain Codes measures may result in adverse impacts on users' rights, we have carefully examined the likelihood and severity of these adverse rights impacts in our rights assessments and explain why we nevertheless consider the relevant measures are proportionate to the legitimate aim they are designed to secure: protecting children from harm.
- 10.72 We also acknowledge that service providers have the option to take alternative measures to comply with their duties and explain how they have done so; this is explicitly set out in the Act and we have no discretion to alter this.

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<sup>180</sup> Section 22 and 33 of the Act.

<sup>181</sup> Section 22(2) and (3) of the Act.

<sup>182</sup> See above where we discuss how we have taken account of service providers' rights under Article 1 Protocol 1 to the ECHR.

- 10.73 In response to the ICO’s feedback on Data Protection and Privacy, we have clarified the final rights assessments to distinguish more clearly between the two. We have designed the measures on the basis that data protection laws will apply.<sup>183</sup> We have drawn out more clearly in the Codes where we consider measures act as safeguards for privacy.
- 10.74 In response to the concerns raised by the Molly Rose Foundation, the Internet Society, Big Brother Watch and the Open Rights Group, we have taken as the guiding principle in the design of the measures the intent of the Act to ensure that children should be afforded a higher level of protection than adults and should be protected from content that is harmful to them.<sup>184</sup>
- 10.75 Our assessment of human rights, including the right to freedom of expression and privacy, has regard to the guiding principle in relation to offering a higher level of protection to children. As mentioned above, we have had to consider the impacts of each measure on the rights that are being interfered with, including the rights to freedom of expression and privacy, in order to understand whether a measure – which we think is effective in addressing risks of harm to children – would disproportionately interfere with these rights – in other words, whether the level of interference is no more than needed to secure the objective.<sup>185</sup> Where we have found a measure is likely to interfere with these rights, we have explained why we consider this is proportionate to the Act’s legitimate objective of protecting children from harmful content, in which there is a substantial public interest.

## Equality/Welsh Language impact assessments

### What we said at consultation

- 10.76 In our May 2024 Consultation, we considered the Codes, the draft Children’s Access Assessments Guidance and draft Children’s Risk Assessment Guidance for Service Providers (Children’s Risk Assessment Guidance) to comply with our duties under the Equality Act 2010, the Northern Ireland Act 1998 and section 3 of the 2003 Act.<sup>186</sup> We considered the impact of our proposals on opportunities to use the Welsh language, where relevant.
- 10.77 Our final equality impact assessment and Welsh language impact assessment are at Annex 5. In that Annex, we set out why we consider that while we have made some amendments in response to our Consultation process, these changes fulfil our legal obligations and affirm our commitment to enabling positive impacts for persons sharing protected characteristics and for use of the Welsh language. Please see Annex 5 for further detail on our equality and Welsh language impact assessments, a summary of stakeholder feedback and our response.

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<sup>183</sup> This includes the Data Protection Act 2018, the UK General Data Protection Regulation and, where relevant, the Privacy and Electronic Communications (EC Directive) Regulations 2003.

<sup>184</sup> Section 1 of the Act.

<sup>185</sup> We note that this is also a requirement under paragraph 10 of Schedule 4 to the Act which require measures to be designed in light of the principles of the importance of protecting the rights of users and interested persons to freedom of expression and privacy.

<sup>186</sup> We have given careful consideration as to whether the proposals will have a particular impact on persons sharing protected characteristics (including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents, and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.

## Who the measures apply to

### What we said at consultation

- 10.78 In our May 2024 Consultation, we proposed that some measures should apply to all services even if they are low-risk. These measures reflected the steps that all services should take to comply with the children’s safety duties, including with respect to their governance and accountability structures, terms of service, user reporting processes, and content moderation processes.
- 10.79 For other measures, we recognised that the size, capacity, functionalities, user base, and risks of online services in scope of the children’s safety duties differ widely. We noted that not all measures are effective and proportionate for every service. We recommended measures based on one or more of the following criteria:
- Whether the service is a user-to-user or search service, with further distinctions made between different kinds of search service (general search or vertical search).
  - The outcome of the service’s latest risk assessment, with respect to the level of risk for each kind of content harmful to children and the number of risks identified.
  - The size of the service in terms of its UK user base.
  - The functionalities or other relevant characteristics of a service (such as the use of recommender systems or community moderation).
- 10.80 Overall, we proposed that services that pose significant risks to children should take additional steps above those measures recommended for all services. We set that out that various measures would apply to services that had a medium or high risk for at least one specific kind of content harmful to children, such as bullying, abuse or hate content. We also included measures for services that are multi-risk for content harmful to children (i.e. services that assessed as medium or high risk for at least two kinds of content harmful to children). Examples of such measures were those on governance and content moderation.
- 10.81 Finally, we said that a small set of measures only applied to large services as there would be significant scope to reduce the risk of harm for the many UK children that use them and we recognised the providers would have greater capacity to implement more costly measures.

### Applying measures based on risk levels

#### Summary of responses

- 10.82 Several stakeholders broadly supported our proposal to vary whether measures apply to a service depending on the risks identified by that service.<sup>187</sup>
- 10.83 However, some stakeholders disagreed with our approach. The Office of the Children’s Commissioner for England disagreed with differentiating by risk or size, arguing “risk of harm is present on services of all sizes” and suggesting all measures should apply to all services equally.<sup>188</sup> Parenting Focus argued for more stringent and proactive measures that

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<sup>187</sup> DuckDuckGo response to May 2024 consultation, p.9; NSPCC response to May 2024 Consultation, pp.43-44; Skyscanner response to May 2024 consultation, p.12; The Association for UK Interaction Entertainment (Ukie) response to May 2024 consultation, p.33.

<sup>188</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.52. Stakeholders raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in December 2024 Statement, p.26.

“comprehensively address risks across all service types”<sup>189</sup> and advocated for a “universal application of measures across all services that have the potential to expose children to online harms”.<sup>190</sup>

- 10.84 On the other hand, there were also calls for more differentiation between different types of risks. For example, Skyscanner argued that we should “differentiate between services that pose medium and high risk and propose differing duties for each”.<sup>191</sup> [38].<sup>192</sup>

### Our decision

- 10.85 Overall, we continue to consider the nature and level of risk that a service poses to children to be the main driver for whether the measures should apply to that service. We disagree that all measures should apply to all services. This is because this would mean recommending measures that are ineffective and disproportionate for some services, which would be inconsistent with the Schedule 4 principles.
- 10.86 Where the measures are applied using risk criteria, in most cases we do not differentiate depending on whether the relevant risk level is high or medium.<sup>193</sup> As set out in the relevant chapters, the impact assessments of the measures recommended for risky services show that they are proportionate for services with high as well as medium risk, which reflects our assessment of the seriousness of harm to children that may occur on medium-risk services. In addition, some of the measures allow services flexibility to choose how to implement them, so that aspects of the application of the measure may vary depending on the level of risk on the service.

## Multi-risk services

### Summary of responses

- 10.87 Several stakeholders supported our definition of ‘multi-risk’ services and our proposed approach to recommending measures for such services.<sup>194</sup>
- 10.88 However, industry stakeholders raised concerns about the proportionality of the multi-risk threshold.<sup>195</sup> The Association for UK Interaction Entertainment (Ukie) said it was unclear why only two identified medium risks should result in a service being deemed multi-risk, as opposed to five identified medium risks or two identified high risks,<sup>196</sup> while Google suggested the term should apply only to services at a high risk of two or more harms, excluding those at a medium risk.<sup>197</sup> techUK said that Ofcom’s approach to multi-risk services was not proportionate and did not properly differentiate between services at risk

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<sup>189</sup> Parenting Focus response to May 2024 Consultation, p.36.

<sup>190</sup> Parenting Focus response to May 2024 Consultation p.24.

<sup>191</sup> Skyscanner response to May 2024 Consultation, p.12.

<sup>192</sup> [38]

<sup>193</sup> There are some exceptions, for example measures PCU J1 and PCU J2 which only apply to medium-risk services with more than 700,000 monthly users. See Section 18.

<sup>194</sup> CELCIS response to May 2024 Consultation, p.12; Dean, J. response to May 2024 Consultation, p.13; Kooth Digital Health response to May 2024 consultation, p.9; NSPCC response to May 2024 consultation, p.43; Scottish Government response to May 2024 Consultation, p.13.

<sup>195</sup> Meta response to May 2024 Consultation, p.18; Pinterest response to May 2024 Consultation, p.10; Roblox response to May 2024 Consultation, p.20; Twelve-app response to May 2024 Consultation, p.13. Stakeholders raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in December 2024 Statement, p.27.

<sup>196</sup> Ukie response to May 2024 Consultation, p.35.

<sup>197</sup> Google response to May 2024 Consultation, p.22.

of a large number of harms versus those at risk of only two or three.<sup>198</sup> Microsoft argued that “the definition of multi-risk currently draws no distinction between PPC, PC and NDC”.<sup>199</sup>

- 10.89 On the other hand, some stakeholders argued that we should extend the multi-risk measures to single-risk services.<sup>200</sup> The Canadian Centre for Children Protection (C3P) called for certain measures proposed for multi-risk services to also be applied for services at a medium or high risk of only one type of harmful content.<sup>201</sup> UKSIC suggested that recommending governance measures to mostly large and multi-risk services is misguided as any exposure to PPC and PC (even if single risk) is harmful to children and many smaller services can pose significant risks to children.<sup>202</sup>

#### **Our decision**

- 10.90 We do not agree with stakeholders who were of the view that the bar for multi-risk services should be raised to a higher number than two or more kinds of content harmful to children. We remain of the view set out at Consultation that the relevant measures offer material benefits when applied to providers of services with medium or high risks of two or more kinds of content harmful to children. Such services face significant risks and may have significant amounts of content harmful to children to consider on their services. A number of these measures also help providers to understand and manage risk across multiple kinds of content which is important to protect children from harm.
- 10.91 In principle, we do not consider that there is a proportionality concern if the same measures apply to service providers with two kinds of harm as those with many kinds of harm. In practice, we do not expect service providers with different numbers of harms to apply most of the measures in exactly the same way or incur exactly the same costs. This is because most of the multi-risk measures allow services a degree of flexibility and we expect some aspects of implementation to vary depending on the number of harms. For example, the staff compliance training provided by a service with ten kinds of harms is likely to be longer and more detailed compared to that of a service with two kinds of harms. This is because it will need to cover a larger number of risks and the processes involved in identifying and managing them. Overall, we expect services with a higher risk level or number of harms to incur higher costs to implement some measures. However, we also expect the benefits to be greater in these cases.
- 10.92 Multi-risk is deliberately defined based on risk of any kind of content harmful to children. This is to reflect that exposure to PPC, PC and NDC can all have significant and severe impacts on children. In addition, the concept is used to target measures assessed to be effective where services need to manage risk of multiple harms, whatever the specific harms may be.

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<sup>198</sup> techUK response to May 2024 Consultation, p.13.

<sup>199</sup> Microsoft response to May 2024 Consultation, p.7.

<sup>200</sup> There were arguments for extending some of the multi-risk measures to all services. For example, Canadian Centre for Children Protection (C3P) response to May 2024 Consultation, p.18. However, we do not agree for the same reasons set out in paragraph 10.107

<sup>201</sup> Canadian Centre for Children Protection (C3P) response to May 2024 Consultation, pp.18-19. Stakeholders raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in December 2024 Statement, p.26.

<sup>202</sup> UKSIC response to May 2024 Consultation, p.21.

- 10.93 We have decided not to extend any of the measures recommended for multi-risk services to single-risk services<sup>203</sup> at this stage. We acknowledge that some of these measures may potentially have benefits for some single-risk services. In the December 2024 Statement, we mentioned that we would consider this further in a forthcoming consultation in the coming months. However, there is currently limited evidence on services that may be single-risk of content harmful to children and the scale of benefits in practice. We have therefore decided to wait and collect further information and evidence on how services are assessing their risks for different harms and on the implementation of the measures by services that are multi-risk, before considering this further.
- 10.94 We will consider whether to extend the multi-risk measures to single-risk services as part of future work across the illegal harms and children’s safety duties. We will continue to focus future work on areas or changes which lead to the biggest reduction in harm.

## Applying measures based on service size

### Summary of responses

- 10.95 Many stakeholders supported our proposal to consider the size of a service in determining whether certain measures should apply.<sup>204</sup> <sup>205</sup> Others agreed with our approach to not differentiate by size in some circumstances.<sup>206</sup>
- 10.96 However, other stakeholders disagreed with our approach to apply more measures to large services compared to smaller services. Some argued that all measures should be applied to all services regardless of size,<sup>207</sup> Samaritans suggested that level of risk should be the primary consideration.<sup>208</sup> In summary, arguments made by some stakeholders to support this view include the following:
- size is an imperfect proxy for harm or resources;<sup>209</sup>

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<sup>203</sup> A service is ‘single-risk’ if it is medium or high risk of only one kinds of content that is harmful to children.

<sup>204</sup> Centre for Excellence for Children’s Care and Protection (CELCIS) response to May 2024 Consultation, p.11; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.6; Dean, J response to May 2024 Consultation, p.12; DuckDuckGo response to May 2024 Consultation, p.9; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.5; Global Network Initiative response to May 2024 Consultation, p.5; Nexus response to May 2024 Consultation, p.13; NSPCC response to May 2024 Consultation, pp.43-44; Parenting Focus response to May 2024 Consultation, p.24; Scottish Government response to May 2024 Consultation, p.12; Skyscanner response to May 2024 Consultation, p.12; Welsh Government response to May 2024 Consultation, p.9; Ukie response to May 2024 Consultation, p.33.

<sup>205</sup> In addition, Skyscanner said it supported the exemption for large vertical search services from many of the measures.

<sup>206</sup> CELCIS response to May 2024 Consultation, p.12; NSPCC response to May 2024 Consultation, p.43-44.

<sup>207</sup> Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; Countering Digital Hate (CCDH) response to May 2024 Consultation, p.9; [§<]; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.52. Stakeholders raised similar points in responses to the November 2023 Consultation, see ‘Our approach to developing Codes’ in December 2024 Statement, p.28. C3P response to May 2024 Consultation p.9.

<sup>208</sup> Samaritans response to May 2024 Consultation p.4.

<sup>209</sup> CCDH response to May 2024 Consultation, p.7; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; Meta response to May 2024 Consultation, p.19; NSPCC response to May 2024 Consultation, p.42; OSA Network (1) response to May 2024 Consultation, p.56; Pinterest response to May 2024 Consultation, p.10; Samaritans response to May 2024 Consultation, pp.3-4; Snap Inc. response to May 2024 Consultation, p.13; Ukie response to May 2024 Consultation, p.34; techUK response to May 2024 Consultation, p.18. Stakeholders raised similar points in responses to the November 2023 Consultation, see ‘Our approach to developing Codes’ in December 2024 Statement, p.28. [§<].

- the current approach could exclude services aimed at children which host some of the most harmful content if they are not classified as large.<sup>210</sup> Barnardo’s argued that if measures only apply to large services or multi-risk services, there is “the potential to let smaller services and services that are high risk off the hook”,<sup>211</sup> while the OSA Network and C3P expressed concern that small-but-risky services would not be required to address the children’s safety duties appropriately.<sup>212</sup>
- applying measures based on size could impact competition and give a competitive advantage to small services;<sup>213</sup>
- smaller services may grow in size and popularity very quickly without adequate child safety protections in place.<sup>214</sup>

10.97 In addition, Snap disagreed with our approach to apply certain measures to all large low-risk services, it suggested user-to-user services should apply measures depending on their risk profile.<sup>215</sup>

### Our decision

10.98 First, we remain of the view that it is appropriate, in certain cases, to apply different measures to different sizes of service. We continue to recommend a small set of measures for large services only. As set out in the relevant sections of this volume, this is partly because there are likely to be greater benefits from large services adopting certain measures and they are more likely to have the resources to be able to implement them effectively. In the case of two specific User Support measures, we have also made changes to add an additional size threshold (700,000 monthly UK users), intended to avoid applying disproportionate measures to certain small services below this threshold.<sup>216</sup>

10.99 Our approach recognises the importance of addressing risk of harm to children even on small services. Most of the measures in the codes apply to small services that are risky.<sup>217</sup> As we explain below in paragraph 10.108, this includes onerous measures on smaller

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<sup>210</sup> 9000 Lives response to May 2024 Consultation, p. 1; C3P response to May 2024 Consultation, p.17; CARE response to May 2024 Consultation, p.7; CCDH response to May 2024 Consultation, p.7; Dean, J. response to May 2024 Consultation, p.9; Derbyshire OPCC Police response to May 2024 Consultation, p.6; IWF response to May 2024 Consultation p.5; Marie Collins Foundation response to May 2024 Consultation, p.2; OSA Network response to May 2024 Consultation, pp.54-55. UKSIC response to May 2024 Consultation, p.3. Stakeholders raised similar points in responses to the November 2023 Consultation, see ‘Our approach to developing Codes’ in December 2024 Statement, p.28.

<sup>211</sup> Barnardo’s response to May 2024 Consultation, p.28.

<sup>212</sup> C3P response to May 2024 Consultation, pp.9-10; The OSA Network (1) response to May 2024 Consultation, p.59.

<sup>213</sup> Snap response to May 2024 Consultation, pp.13-14; XHamster response to May 2024 Consultation, pp. 8, 15.

<sup>214</sup> Conscious Advertising Network and Dr Karen Middleton response to May 2024 Consultation, p.30; NCA, response to May 2024 Consultation, P.7.

<sup>215</sup> Snap response to May 2024 Consultation p.13.

<sup>216</sup> PCU J1 and PCU J2. See section 18.

<sup>217</sup> Various measures are recommended for services that have medium or high risk for at least one kind of content harmful to children, from a defined subset of kinds of content relevant to each measure. These measures are intended to target specific risk factors, often linked to end-user functionalities (such as recommender systems or group chats), strengthening the protection of children from specific harms, on the services where such harms may arise. Further measures are recommended for smaller services that are multi-risk for content harmful to children.

services where they pose a significant risk, and we expect such measures to make a material difference in dealing with this risk.

- 10.100 We have considered the potential impact of the measures on competition between services when deciding on the proportionality of the measures. We recognise that providers of smaller services may potentially have an advantage if measures do not apply to them, which do apply to providers of large services. However, as mentioned above, most of the measures apply to smaller risky services and our assessment is that the measures are unlikely to materially distort competition by providing any unfair advantage to smaller services. We also note that if smaller services grow and become large services, they will also be subject to the same measures.
- 10.101 Second, we are also confirming our approach of applying some measures to all large services, regardless of their risks. This includes some Governance and Content Moderation measures. We consider the measures will have benefits for large services even if they assess themselves as low-risk. This is because they will help such services to identify and mitigate risks in a timely manner, which would otherwise affect a large number of child users. They are complementary to services' risk assessments, as they help services to correctly identify risks.<sup>218</sup> They help services to identify emerging risks and keep their risk level up to date, which is important because risk levels are dynamic and may change quickly. While we expect service providers to identify and mitigate new risks when they update their risk assessments, we do not consider that this addresses emerging risks that can harm many child users in a short space of time.
- 10.102 Applying some measures only to large services is one way in which we have considered the capacity of providers when considering the proportionality of measures.

## Measures for smaller services

### Summary of responses

- 10.103 Some stakeholders called for more measures to apply to smaller services. UKSIC and the OSA Network suggested that small platforms can pose a significant risk of harm and should therefore implement mitigating measures.<sup>219</sup> Kooth Digital Health argued that measures should apply to "all smaller services that are explicitly developed for and marketed towards children".<sup>220</sup>
- 10.104 On the other hand, several stakeholders expressed concerns about the impact of regulation on small services.<sup>221</sup> [3<].<sup>222</sup> The Digital Entertainment and Retail Association (ERA) urged Ofcom to be cautious about applying burdensome requirements to smaller services to avoid

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<sup>218</sup> If a service has weak online safety governance, this may affect its ability to properly identify risks because it will not have accurate evidence from across the organisation to feed into its risk assessment. As set out in Section 11 the measures can improve the ability of a large service to identify and mitigate risks. This may be particularly important for providers of large services as they may be more complex organisations. Content moderation (or search moderation) is an important source of information for a service provider in identifying risks and understanding if they are being effectively managed. The measures will promote consistency in approach to content or search moderation and reduce the risk of potentially content harmful to children being missed in the moderation system.

<sup>219</sup> OSA Network response to May 2024 Consultation p.44; UKSIC response to May 2024 Consultation p.21.

<sup>220</sup> Kooth Digital Health response to May 2024 Consultation, p.9

<sup>221</sup> Big Brother Watch response to May 2024 Consultation, pp.23, 49; Brydon, J., response to May 2024 Consultation, p.1. Stakeholders raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in December 2024 Statement, p.28.

<sup>222</sup> [3<].

“hampering innovation and niche, new and specialist services”.<sup>223</sup> Twelve-App recommended that we should keep documentation requirements to a minimum for small and medium services, focusing instead on practical and operational measures.<sup>224</sup>

- 10.105 The Federation of Small Businesses (FSB) highlighted that the costs of compliance will be highest for services which have no existing safety measures, and that “those are much more likely to be small and low risk than large and high-risk businesses”.<sup>225</sup> An individual respondent said that there is a risk that small services will cease operating rather than risk fines for non-compliance.<sup>226</sup>
- 10.106 Some stakeholders emphasised Ofcom’s role in offering support and resources to providers of small services to ensure they can implement the proposed measures effectively.<sup>227</sup> C3P suggested, in relation to a governance tracking measure,<sup>228</sup> that we could consider sourcing and possibly funding solutions for smaller services to use as part of compliance with that measure and that we should consider how investments made by larger services to improve tracking and monitoring activities could be leveraged to support smaller services.<sup>229</sup> Open Rights Group suggested that Ofcom should consider how to mitigate the burden specifically for small, non-commercial services.<sup>230</sup>

#### **Our decision**

- 10.107 As set out in Section 20, having considered stakeholder responses, we have further considered our assessment and decided to reduce the number of measures applying to small and low-risk services compared to our May 2024 Consultation proposals.<sup>231</sup> We have concluded that the safety benefits for some of the reporting and complaints measures would be small, if any, when applied to small, low-risk services. On the other hand, users - including children - would lose out if these services withdrew from the UK because of the regulatory burden.
- 10.108 Most of the remaining measures in the Codes for small and low-risk services are necessary to meet specific requirements in the Act, and thus we do not have discretion over imposing them. Where appropriate, we have given flexibility to providers on how to meet these measures, which will tend to mitigate the cost impact.
- 10.109 Some smaller services can present significant risks of harms to children and should take steps to address this, even if it involves significant costs. We recommend a range of measures for smaller risky services where there are good reasons for expecting such measures to make a material difference in addressing the risk of harm to children. As set out earlier, there are only a small set of measures which are not applied to smaller risky services, and we explain in the relevant chapters why we do not consider this would be

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<sup>223</sup> The Digital Entertainment and Retail Association (ERA) response to May 2024 Consultation, p.9.

<sup>224</sup> Twelve-App response to May 2024 Consultation, p.13.

<sup>225</sup> FSB response to May 2024 Consultation, p.7.

<sup>226</sup> Name Withheld 3 response to our May 2024 Consultation, p.5.

<sup>227</sup> FSB response to May 2024 Consultation, p.1; Parenting Focus response to May 2024 Consultation, p.24; Yoti response to May 2024 Consultation, p.8.

<sup>228</sup> See Section 11 for further detail on Measure PCU A5/PCS A5.

<sup>229</sup> C3P response to May 2024 Consultation p.12.

<sup>230</sup> Open Rights Group response to May 2024 Consultation, pp.2-3.

<sup>231</sup> At consultation PCU D3 and PCU D4-6/PCS D3-5 were proposed for all services. We have reduced the number of services these measures apply to; this is explained in more detail in Section 16.

proportionate. We will continue to review and iterate our approach; for further detail on future Protection of Children Codes see Section 9.

- 10.110 Providers of not-for-profit services tend to have fewer resources than commercial services. However, many of the measures are flexible so that providers can implement them in a cost-effective way. In addition, providers must comply with their duties to address risks even if there are costs of doing so; this is not a point for Ofcom's discretion. It is not our intent to penalise small, low risk services trying to comply in good faith and will only take action where it is proportionate and appropriate.
- 10.111 We have an extensive programme of work to make compliance with the Act more easily attainable for all online services which fall in scope of the Act, which include many small or medium-sized enterprises (SMEs). We have launched a new 'digital safety toolkit', which consists of interactive tools for regulated firms based on their perspectives and feedback. This is accessible on the Ofcom website.<sup>232</sup> Our first release provides a four-step process to complete an assessment for the risks of illegal content on their service, covering services' risk assessment duties, identify any relevant measures that can be implemented to address risk, and record-keeping obligations. We will be launching a new version of this to support compliance with the children's safety duties. This service builds on our online safety Regulation Checker<sup>233</sup> (which firms and individuals can use to check if the rules apply to their service), our 'quick guides' to the proposed regulations, and our business enquiries service.

## Definition of 'large' service and approach to counting user numbers

### Summary of responses

- 10.112 Several stakeholders broadly supported our definition of 'large services' as services with more than seven million monthly UK users.<sup>234</sup>
- 10.113 However, some stakeholders disagreed our definition. Google and Roblox argued that the threshold used for 'large services' is too low.<sup>235</sup> In contrast, some civil society stakeholders argued that the threshold is too high. The NSPCC suggested that the definition overlooks services with a smaller number of adult users but a high number of child users. It recommended "that Ofcom develops a new category of 'large services for children' which is applied to both the Illegal Harms and [Protection of Children] Codes in the future".<sup>236</sup>
- 10.114 In addition, some stakeholders commented on the definition and calculation of users. Several stakeholders called for greater clarity about how they should be calculating user numbers to assess whether they meet the 'large service' definition.<sup>237</sup> techUK, X, and Ukie asked for clarification on how the user base of a service should be counted (for example, active or registered users),<sup>238</sup> while UKSIC requested clarification about how frequently

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<sup>232</sup> Ofcom, 2025. [Ofcom launches digital safety toolkit for online services](#). [accessed 28 February 2025].

<sup>233</sup> Ofcom, 2024. [Check if the Online Safety Act applies to you - Ofcom](#). [accessed 11 March 2025]

<sup>234</sup> CELCIS response to May 2024 Consultation, p.11; Office of the Children's Commissioner for England response to May 2024 Consultation, p.53; Scottish Government response to May 2024 Consultation, p.12; Kooth Digital Health response to May 2024 Consultation, p.9.

<sup>235</sup> Google response to May 2024 Consultation, p.22; Roblox response to May 2024 Consultation p. 19.

<sup>236</sup> NSPCC response to May 2024 Consultation, p.43.

<sup>237</sup> Name Withheld 3 response to our May 2024 Consultation, p.8.

<sup>238</sup> techUK response to May 2024 Consultation, p.11; Ukie response to May 2024 Consultation p.33; X response to May 2024 Consultation, pp.1-2.

services should be counting users.<sup>239</sup> Google called for greater flexibility to determine who should be counted as a user and the option for services to confirm they meet the threshold without having to provide precise user numbers.<sup>240</sup>

#### Our decision

- 10.115 Having considered stakeholder responses, we have decided to retain our definition of a ‘large service’ as one with more than seven million monthly UK users.<sup>241</sup> We do not use a separate threshold for children in the definition of a ‘large service’ because this definition is partly intended as a proxy for the resources the service may have. The total number of users is likely to be a better proxy for resources than the number of children. The number of children on a service is captured in the Children’s Risk Assessment Guidance, as one of various relevant factors in the assessment of risk levels. Therefore, a service that has many child users is more likely to have a higher risk level, all else equal. As more reliable information becomes available about the age of the users of different services, we may consider further changes to our approach to ensure that providers of services with a large child user base appropriately address the risks on their services.
- 10.116 With respect to calculating user numbers, we have decided to align the Codes with that in the statutory instrument for categorisation.<sup>242</sup> This also aligns to the Illegal Content Codes. The main difference compared to our May 2024 Consultation is that the period over which the calculation is done is six months rather than 12 months. This remains consistent with the definition of ‘user’ in the Act<sup>243</sup>, and is not restricted to registered users.<sup>244</sup> The alignment avoids confusion and reduces complexity for providers, and we consider it to be reasonable. Therefore, user numbers should be calculated by considering monthly active UK users as set out in the ‘User numbers’ section of the Codes.
- 10.117 We do not agree with Google’s argument that service providers should have flexibility to define ‘users’ as registered users only (or some other, narrower, definition of ‘user’). All users can be affected by harmful content, even if they are not registered on a service. Therefore, we prefer a broad definition. Having a broad definition of ‘user’ also ensures consistency between services. If we were to allow providers flexibility to use their own definitions, it would be possible for them to design the definition to avoid applying measures where we would consider those measures appropriate. We also consider the definition in the statutory instrument to be sufficiently comprehensive.
- 10.118 Some providers may need to estimate user numbers rather than determining a figure that is completely accurate. This is because some will find it difficult or impossible to determine actual user numbers with our definition of ‘user’, as some responses said. For example, some providers will not be able to tell if the same person accesses a service from different devices, leading to this person potentially being counted multiple times when they should only be counted once. Such services may be able to make use of estimates from third parties (where these are expected to be sufficiently accurate). As Google suggests,

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<sup>239</sup> UKSIC response to May 2024 Consultation, p.31.

<sup>240</sup> Google response to May 2024 Consultation, p.22. Stakeholders raised similar points in responses to the November 2023 Consultation, see ‘Our approach to developing Codes’ in December 2024 Statement, p.29.

<sup>241</sup> [Large services guidance](#).

<sup>242</sup> See regulation 6 of The Online Safety Act 2023 (Category 1, Category 2A and Category 2B Threshold Conditions) Regulations 2025 (“the 2025 Regulations”).

<sup>243</sup> See regulation 2 of the 2025 Regulations and section 227 of the Act.

<sup>244</sup> See section 227(2) of the Act.

providers will also be able to confirm they meet user number thresholds without having to provide any user numbers.

## Applying measures to different service types

### Summary of responses

10.119 A number of stakeholders suggested that Ofcom should adopt a more nuanced approach to its Codes, to reflect the range of services they will apply to.<sup>245</sup> Mega said that our approach should be “more nuanced and balanced to take into account the different kinds of services that may be captured”.<sup>246</sup> National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) suggested that some measures are not applicable to certain platforms making it difficult for service providers to know which measures should be prioritised for adoption.<sup>247</sup>

### Our decision

10.120 As discussed earlier at paragraph 10.24, as part of our impact assessment process we have designed the codes to be proportionate across the range of services captured by the Act. For example, many of the measures are flexible and give service providers the ability to choose how to implement them in a cost-effective way that meets the aim of the measures. In addition, some measures are targeted at services with certain features or functionalities in recognition of the fact that services vary and not all measures are relevant, effective or proportionate for all services, see paragraph 10.79.

## Building our evidence base

- 10.121 In our May 2024 Consultation, we explained our approach to building our evidence base for the Codes.<sup>248</sup>
- 10.122 Alongside this statement we have also published the Children’s Register which is our sector-wide risk assessment of the causes and impacts of harms to children online. We have published this document in accordance with Ofcom’s duty under the Act to assess the factors that give rise to risks of harm to children presented by content harmful to children on different kinds of user-to-user and search services.<sup>249</sup>
- 10.123 The Children’s Register is intended to act as a central resource for providers of services likely to be accessed by children. Providers are encouraged to consult the Children’s Register to gain a clearer understanding of how content harmful to children arises and spreads on their services, and the risk factors associated with harm to children. The risk factors we identify in the Children’s Register also provide the basis for the Children’s Risk Profiles,<sup>250</sup> which services are required to take account of as part of their own children’s risk assessments. The Codes are designed to target some of these risk factors, setting out the

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<sup>245</sup> ACT - the App Association response to May 2024 Consultation, p.12; [§<]; Mega Limited response to May 2024 Consultation, pp.9, 25; Mid-Size Platform Group response to May 2024 Consultation p.7.

<sup>246</sup> Mega Limited response to May 2024 Consultation, pp.9.

<sup>247</sup> National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) response to May 2024 Consultation p.23.

<sup>248</sup> 2024 Consultation, Volume 5, paragraphs 14.24 – 14.29.

<sup>249</sup> Section 98(1)(c), (2) and (4) of the Act.

<sup>250</sup> Refer to the Children’s Risk Assessment Guidance for detail on the process for conducting children’s risk assessments, including recommended use of Children’s Risk Profiles.

steps that services could take to comply with their child safety duties and to mitigate risks to children.

- 10.124 We received feedback from several stakeholders on our proposed approach to evidence, including our evidential thresholds and our methods of evidence gathering. We have considered this feedback and set out our response in the following paragraphs.

## Explanation of our approach

- 10.125 Under the 2003 Act<sup>251</sup> we are required to carry out impact assessments when preparing a Code of Practice (or amendment to a Code of Practice). This must include an assessment of the likely impact on small and micro businesses.<sup>252</sup> To do this, and in line with requirements, principles and objectives, the measures must be evidence-based. However, we are developing measures for a sector without previous regulation. This means that the volume of evidence and the independent analysis on the impact of regulation is limited in some areas.
- 10.126 Over the past three years, we have sought to fill evidence gaps to help us understand what measures might be proportionate and effective at protecting children across the operation and design of services.
- 10.127 We conducted a large programme of research – including extensive analysis of third-party data and evidence as well as by commissioning independent primary research.<sup>253</sup> Much of what we learned about the risk of harm to children comes from the experiences of children themselves in this evidence base. See Section 9 for more details on our deliberative research and engagement with children, which was a source of evidence we used when making our final decisions on the codes.
- 10.128 We also conducted extensive stakeholder engagement and sought third-party input to build our evidence base. In 2023, we held a call for evidence on risks of harms to children online and how they can be mitigated (2023 Protection of Children Call for Evidence).<sup>254</sup> We received evidence from a wide range of stakeholders including civil society organisations and service providers in response. We followed this up with seven roundtable discussions hosted across the UK in cities including Belfast, Edinburgh, and London. These were attended by a range of stakeholders including organisations focused on specific harms to children. We also held one dedicated session with industry stakeholders.
- 10.129 This evidence has helped us build an understanding and identify areas of focus for the development of measures for the Codes. Here we consider evidence to understand the impact of harm on children in our proportionality assessment.

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<sup>251</sup> Section 7(1), (2A) and (3) the 2003 Act.

<sup>252</sup> Small businesses refer to a business that employs 10-49 full time employees and micro-businesses refer to businesses that employ 1-9 full time employees. We have used what we understand to be the definitions across many Government bodies for defining these businesses, based on numbers of fulltime employees. We appreciate that not all Government bodies use exactly the same definitions. For example, some also refer to revenue and assets. The definition we propose is consistent with that used by the Regulatory Policy Committee. It would not make a material difference to our impact assessment if another common definition of small and micro business (such as that consistent with the Companies Act 2006) were used instead. Source: [Regulatory Policy Committee, 2019. Small and Micro Business Assessments: guidance for departments, with case history examples, August 2019](#). [accessed 20 March 2025]

<sup>253</sup> Ofcom's online safety research is published here: [Research, statistics and data - Ofcom](#).

<sup>254</sup> Ofcom, 2023. [Protection of Children: Call for Evidence](#)

- 10.130 For our full analysis of the causes and impacts of harm to children, see the Children’s Register. As set out in paragraph 10.123 The Children’s Register is intended to act as a central resource that service providers should consult to gain a clearer understanding of how content harmful to children arises and spreads on their services and the risk factors associated with harm to children. We have taken an evidence-based approach to inform the Children’s Register, drawing from extensive Ofcom-commissioned research alongside around 550 quality-assured sources. Through our research we have heard from over 27,000 children and 13,000 parents and carers as well as practitioners and other experts.
- 10.131 This is the first iteration of the Protection of Children Codes. We intend to continue to develop our evidence base so we can iterate and add to the measures we are recommending in this first version of the Codes. In Section 9 we discuss areas we intend to prioritise for future action.

## Approach to evidence

### Summary of responses

- 10.132 Several stakeholders were critical of our approach to using evidence in designing our measures,<sup>255</sup> arguing that we have set a very high evidential threshold.<sup>256</sup> The Lucy Faithfull Foundation argued that such a high emphasis on evidence presented a struggle “for civil society organisations who often do not hold or control the evidence that could assist Ofcom”.<sup>257</sup> Some respondents argued that we should adopt a “precautionary” approach to regulation where there is evidence for risk of harm to children, even if evidence for effective mitigations is only partial.<sup>258</sup> Other stakeholders argued that we should have made use of our information gathering powers to obtain evidence from service providers about children’s safety to inform our Codes.<sup>259</sup>
- 10.133 The OSA Network, the Marie Collins Foundation and Samaritans said our proposals focused too much on what service providers are already doing.<sup>260</sup>

### Our decision

- 10.134 We have considered stakeholders’ responses regarding our use of evidence to assess the measures. We do not consider that we have set the evidential bar too high. As a responsible regulator, we take evidence-based decisions and have used information from a diverse set of sources. As required under the 2003 Act, we have conducted research to understand the experiences of UK users in relation to their use of regulated services.<sup>261</sup> We have sought

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<sup>255</sup> Molly Rose Foundation response to May 2024 Consultation, pp.4, 9; NSPCC response to May 2024 Consultation, p.23; OSA Network (OSA Network) (1) response to May 2024 Consultation p.8.

<sup>256</sup> Barnardo’s response to May 2024 Consultation, p.3; NSPCC response to May 2024 Consultation, p.38; OSA Network (2) response to May 2024 Consultation, p.31. Stakeholders raised similar points in responses to the November 2023 Consultation, see ‘Our approach to developing Codes’ in December 2024 Statement, p.16.

<sup>257</sup> Lucy Faithfull Foundation response to May 2024 Consultation, p.2.

<sup>258</sup> Molly Rose Foundation response to May 2024 Consultation, p.9; OSA Network (1) response to May 2024 consultation, p.5; The Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.37; UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, p.14.

<sup>259</sup> [3<]; NSPCC response to May 2024 Consultation, p.39; OSA Network (1) response to May 2024 Consultation, pp.8-9.

<sup>260</sup> Marie Collins response to May 2023 Consultation p.3; OSA Network (2) response to May 2024 Consultation pp.29, 31; Samaritans response to May 2024 Consultation, p.7. Stakeholders raised similar points in responses to the November 2023 Consultation, see ‘Our approach to developing Codes’ in December 2024 Statement, p.16.

<sup>261</sup> Section 14(6B) the 2003 Act.

available quantitative and qualitative information across our evidential sources, irrespective of whether that information has come from industry, civil society, research, or other sources. For full detail of the evidence sources we have relied on, see sub-section 'Our approach to evidence' in Volume 2, Section 4. See also the sub-section 'Evidence' in Section 1 of the Children's Register.

- 10.135 We understand where stakeholders have suggested we adopt a "precautionary" approach, they mean that we should recommend measures to address potential risks, even where evidence about those risks is uncertain or incomplete or evidence of their effectiveness is minimal. In response to stakeholder suggestions that we should adopt a precautionary approach wherever there is a risk of harm to children, we note that we have considered the risk of harm to children in detail throughout our regulatory publications. Our starting point is to recognise that in passing the Act, Parliament has determined that providers of regulated services must take proportionate measures to fulfil their duties to protect children from content that is harmful to them. It is crucial that our approach is based on appropriate evidence to enable us to have confidence that our recommendations will be an effective way to address the risk of harm to children, without unduly interfering with children's and adults' rights in connection with use of online services, or the rights of services. Overall, we have applied the threshold required by the Act, and the general principles of public law. Evidence is critical to inform our policies in addition to rational argument and logic. This ensures that our policies are robust, and that we make proportionate proposals and decisions to protect UK users online.
- 10.136 We are developing measures for a sector with limited previous regulation which means that the volume of evidence and the independent analysis on the impact of regulation in some areas is limited. Both the online services in scope of the Act and the technologies they use are rapidly evolving and new harms may emerge. We need to act quickly to protect children online, even if we have limited direct evidence of effectiveness. Therefore, our approach to some Codes measures is based on a combination of limited or indirect evidence of impact and logic-based reasoning. In some cases we have relied on more limited evidence and logic-based reasoning in support of measures which we have assessed are proportionate to address the identified risks of harm to children. We have consulted on all our proposed measures in the May 2024 Consultation and have taken into account additional evidence we have received in response before finalising the measures. See paragraphs 10.21 – 10.29 for more detail on our impact assessment framework.
- 10.137 We disagree with the Marie Collins Foundation's and the OSA Network's suggestions that we have only recommended measures currently used by industry. Building on our own technical analyses, we have carried out extensive research to support the development of the measures. While some measures are based on existing practice, others are not currently widely used by industry. We have made recommendations which go further than current industry practice where we consider it appropriate, justifiable, and proportionate to do so.
- 10.138 Regarding stakeholders' suggestions that we should use our formal information gathering powers to gather evidence to inform this iteration of the Codes, we note that wherever possible, we draw from existing internal and external information sources. In line with our published guidance, we will typically exercise the power that imposes the least burden on

stakeholders without compromising our ability to fulfil our objectives.<sup>262</sup> We chose not to use our formal information gathering powers for our May 2024 Consultation because we did not want to risk delaying publication and in turn potentially delaying the implementation of the Codes. Instead, we gathered information informally through methods such as research, roundtables and calls for evidence, where information volunteered to us by stakeholders informed our policy thinking. We will use our formal information gathering powers for future Codes iterations and have already issued the information requests to gather evidence for additional measures we will be consulting on in the coming months.

## Structure for the rest of this volume

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10.139 In this volume, we set out the measures we are proposing to include in the Protection of Children Codes. These are grouped and ordered into the following sections:

11. Governance and accountability
12. Terms of service and publicly available statements
13. Age assurance
14. Content moderation for user-to-user services
15. Search moderation
16. User reporting and complaints
17. Recommender systems on user-to-user services
18. User support
19. Search features, functionalities, and user support
20. Combined impact assessment
21. Statutory tests

## Codes numbering

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10.140 In Volume 5 of our May 2024 Consultation, we referred to the draft Codes by the corresponding measure number. In this statement we refer to measures by the Code number as per the statutory instrument, where the numbering has changed since the consultation, we have signposted this in the introduction of each measure. The text for the Codes can be found in our Protection of Children Codes. The table below sets out the conversion for how we referred to measures in our May 2024 Consultation and their corresponding Code number.

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<sup>262</sup> Ofcom, 2025. [Statement: Online Safety Information Guidance](#).

## User-to-user services

Measure number in Consultation	Code number in Consultation	Code number in Statement
<b>Governance and accountability</b>		
GA1	PCU A1	PCU A1
GA2	PCU A2	PCU A2
GA3	PCU A3	PCU A3
GA4	PCU A4	PCU A4
GA5	PCU A5	PCU A5
GA6	PCU A6	PCU A6
GA7	PCU A7	PCU A7
<b>Terms of service</b>		
TS1	PCU D1	PCU G1
TS3	PCU D2	PCU G2
TS2	PCU D3	PCU G3
<b>Age assurance</b>		
N/A	PCU H1	PCU B1
AA1	PCU H2	PCU B2
AA2	PCU H3	PCU B3
AA3	PCU H4	PCU B4
AA4	PCU H5	PCU B5
AA5	PCU H6	PCU B6
AA6	PCU H7	PCUB7
<b>Content moderation</b>		
CM1	PCU B1	PCU C1
CM1	PCU B1	PCU C2
CM2	PCU B2	PCU C3
CM 3	PCU B3	PCU C4
CM4	PCU B4	PCU C5
CM5	PCU B5	PCU C6

Measure number in Consultation	Code number in Consultation	Code number in Statement
CM6	PCU B6	PCU C7
CM7	PCU B7	PCU C8
<b>User reporting and complaints</b>		
UR1	PCU C1	PCU D1
UR2 (a) – (d)	PCU C2	PCU D2
UR2 (e)	PCU C3	PCU D3
UR3 (a) and (b)	PCU C4	PCU D4
UR4 (a)	PCU C5	PCU D7
UR4 (b)(i)	PCU C6	PCU D8
UR4 (b)(ii)	PCU C7	PCU D9
UR4 (b)	PCU C8	PCU D10
UR4 (c)(i)	PCU C9	PCU D11
UR4 (c)(ii)	PCU C10	PCU D12
UR4 (d)	PCU 11	PCU D13
N/A	N/A	PCU D14
<b>Recommender systems</b>		
RS1	PCU F1	PCU E1
RS2	PCU F2	PCU E2
RS3	PCU F3	PCU E3
<b>User Support</b>		
US2	PCU G1	PCU J1
US3	PCU G2	PCU J2
US1	PCU G4	PCU J3
US6	PCU E1	PCU F1
US4	PCU E2	PCU F2
US5	PCU E3	PCU F3
N/A	N/A	PCU F4
N/A	N/A	PCU F5

## Search services

Measure number in Consultation	Code number in Consultation	Code number in Statement
<b>Governance and accountability</b>		
GA1	PCS A1	PCS A1
GA2	PCS A2	PCS A2
GA3	PCU S3	PCS A3
GA4	PCS A4	PCS A4
GA5	PCS A5	PCS A5
GA6	PCS A6	PCS A6
GA7	PCS A7	PCS A7
<b>Publicly available statements</b>		
TS1	PCS D1	PCS G1
TS3	PCS D2	PCS G2
TS2	PCS D3	PCS G3
<b>Search moderation</b>		
SM1A and SM1B	PCS B1	PCS C1
SM2	PCS B2	PCS C2
SM3	PCS B3	PCS C3
SM4	PCS B4	PCS C4
SM5	PCS B5	PCS C5
SM6	PCS B6	PCS C6
SM7	PCS B7	PCS C7
<b>User reporting and complaints</b>		
UR1	PCS C1	PCS D1
UR2 (a) – (d)	PCS C2	PCS D2
N/A	N/A	PCS D3
UR3 (a) and (b)	PCS C4	PCS D4
N/A	N/A	PCS D5
UR5 (a)	PCS C5	PCS D6
UR5 (b)(i)	PCS C6	PCS D7

Measure number in Consultation	Code number in Consultation	Code number in Statement
UR5(b) (ii)	PCS C7	PCS D8
UR5 (b)	PCS C8	PCS D9
UR5 (c)	PCS C10	PCS D10
UR5 (d)	PCS C11	PCS D11
n/a	n/a	PCS D12
<b>User support</b>		
US6	PCS E1	PCS F4
<b>Search features, functionalities and user support</b>		
SD1	PCS E2	PCS F1
SD2	PCS E3	PCS F3

# 11. Governance and Accountability

## What is this section about?

In this section we set out the measures for governance and accountability under the Protection of Children Codes.

Effective governance and accountability structures provide the foundation for service providers to establish good risk management practices that help identify, manage and review risks of harm online to children.

Governance and organisational design are integral to ongoing risk management. They support a safety by design approach by embedding children's safety at the heart of decision-making processes and allowing providers to adapt to changes in the online landscape that pose risks of harm to children.

## What decisions have we made?

Number in the Codes	Recommended Measures	Who should implement this <sup>263</sup>
PCU A1 PCS A1	The most senior governance body in relation to the service should carry out and record an annual review of risk management activities	<ul style="list-style-type: none"> <li>Providers of large user-to-user services</li> <li>Providers of large general search services</li> </ul>
PCU A2 PCS A2	Name an individual accountable to the most senior governance body for compliance with the safety duties protecting children and the reporting and complaints duties	Providers of all user-to-user and all search services
PCU A3 PCS A3	Have written statements of responsibilities for senior managers who make decisions about the management of risks on the service having to do with content that is harmful to children in the UK	<ul style="list-style-type: none"> <li>Providers of large user-to-user services</li> <li>Providers of large general search services</li> <li>Providers of user-to-user or search services that are multi-risk for content harmful to children<sup>264</sup></li> </ul>

<sup>263</sup> These measures relate to providers of services likely to be accessed by children.

<sup>264</sup> A service is multi-risk if it is medium or high risk of two or more specific kinds of content that is harmful to children.

PCU A4 PCS A4	Have an internal monitoring and assurance function to provide independent assurance that measures are effective on an ongoing basis, and to report such findings for consideration by a relevant governance body or audit committee	<ul style="list-style-type: none"> <li>Providers of large user-to-user services that are multi-risk for content harmful to children</li> <li>Providers of large search services that are multi-risk for content harmful to children</li> </ul>
PCU A5 PCS A5	Track evidence of new kinds of primary priority content (PPC) and priority content (PC) on the service, and unusual increases in particular kinds of content that is harmful to children, or proxy for this	<ul style="list-style-type: none"> <li>Providers of large user-to-user services</li> <li>Providers of large general search services</li> </ul>
PCU A6 PCS A6	Have a code of conduct that sets standards and expectations for individuals working for the provider to protect children in the UK on the service	<ul style="list-style-type: none"> <li>Providers of user-to-user or search services that are multi-risk for content harmful to children</li> </ul>
PCU A7 PCS A7	Secure that certain individuals working for the provider are sufficiently trained in the safety duties to protect children and reporting and complaints duties	

### Why have we made these decisions?

These measures will significantly improve service providers' ability to identify and manage risks of harm to children. By incorporating principles such as accountability, oversight, independence, transparency, and clarity of purpose into their operations, service providers can establish strong governance and organisational structures. This will enable them to better understand and anticipate risks, and manage them as they occur, ensuring that risks of harm to children are appropriately prioritised and integrated into strategic decision-making processes.

## Introduction

- 11.1 Under the Online Safety Act 2023 (the Act), service providers have duties to protect children by carrying out risk assessments, keeping written records of how those risk assessments are carried out, and regularly reviewing compliance with their safety duties and reporting and complaints duties.<sup>265</sup>
- 11.2 To ensure service providers maintain high standards of safety, in our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we proposed seven measures for effective governance and accountability. These focused on

<sup>265</sup> Sections 11, 23(2), 23(6), 28, 34(2) and 34(6) of the Act.

the annual review of risk management activities, senior accountability and responsibility, internal assurance and compliance functions, and staff incentives, policies and processes.

- 11.3 The Governance and Accountability measures aim to support service providers to meet the risk assessment duties in the Act<sup>266</sup> and therefore complement the Children’s Risk Assessment Guidance.<sup>267</sup> They reflect principles like accountability, oversight, independence, transparency, and clarity of purpose. The measures will support service providers to establish well-functioning governance and organisational structures and processes tailored to their needs, enabling providers to better understand and anticipate risks, and increasing the likelihood that they will appropriately prioritise risks of harm to children posed by their services and factor them into their strategic decision-making. They will also assist service providers in implementing appropriate risk mitigations. In this way, the measures will help them to comply with their duty to take proportionate measures relating to the design or operation of the service to effectively mitigate and manage the risks of harm to children in different age groups, as identified in the most recent children’s risk assessment of the service.<sup>268</sup>
- 11.4 Strong governance and accountability are essential to establish appropriate risk management practices that enable providers to identify, manage, and review risks of harm to children online. This ensures that risk assessments are not one-time events, but that risk management is an on-going activity. This will help to embed a culture of timely and safety-focused risk management, which will drive important improvements to children’s online safety.
- 11.5 Governance and organisational design are a fundamental part of ongoing risk management. It supports a safety by design approach by embedding children’s safety into the heart of service providers’ decision-making processes, helping providers to deal with changes in the online landscape that lead to risks of harm to children and to monitor and review the effectiveness of measures designed to address such risks.
- 11.6 This section sets out our decisions on the Governance and Accountability measures to be included in the Protection of Children Codes (the Codes). It summarises the responses received to our May 2024 Consultation and outlines how we have reached our final decisions. We first summarise and consider the responses we received on our overall approach to governance and then the responses received on individual measures.<sup>269</sup>

## Interaction with Illegal Harms

- 11.7 The Governance and Accountability measures proposed in our May 2024 Consultation mirrored those proposed in our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation). In our May 2024 Consultation, we

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<sup>266</sup> Section 11 and 28 of the Act.

<sup>267</sup> Assessments should be specific to the service and reflect the risks accurately to ensure that they are “suitable and sufficient”. Service providers have a duty to keep a record of these assessments (see sections 23(2) and 34(2) of the Act). Implementing such measures will make providers better equipped to design and organise their services in a way that helps to effectively mitigate risks online to children. See Section 8 for the Children’s Risk Assessment Guidance and Record-Keeping and Review Guidance.

<sup>268</sup> Section 12(2) and 29(2) of the Act. Sections 12(8)(a) and 29(4)(a) also describe regulatory compliance and risk management arrangements as a kind of measure that services should take if it is proportionate to do so.

<sup>269</sup> Unless otherwise stated in this section, where we discuss measures for governance and accountability, this is referring to the measures for governance and accountability in both user-to-user and search services Codes of Practice (given that these measures are substantively the same across both Codes).

asked stakeholders if they agreed we should take a consistent approach to governance and accountability for service providers to meet their illegal harms and protection of children duties. Stakeholders expressed broad support for this approach.<sup>270</sup>

- 11.8 In practice, we anticipate providers of services likely to be accessed by children will have the option to have a single governance process to meet both their illegal content duties and child safety duties. However, service providers must ensure this process effectively addresses both risks of illegal harms and risks of harm to children.

## Summary of stakeholder feedback on our approach proposed at consultation

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- 11.9 A variety of stakeholders commented on our approach to governance proposed in our May 2024 Consultation. We have addressed this as follows:
- our approach to the management of risks (addressed later in this section);
  - our consideration of current corporate practices (addressed later in this section);
  - safety by design (addressed later in this section); and
  - approach to scope and proportionality (see Section 10).

## Oversight and management of risks identified

### Summary of responses

- 11.10 As set out in Section 9, some respondents to our November 2023 and May 2024 Consultations raised concerns that the Illegal Content Codes of Practice (Illegal Content Codes) and Protection of Children Codes would not address all the risks providers identify in their risk assessments or all those listed in Ofcom's Risk Register.<sup>271</sup> Some respondents

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<sup>270</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.13; Centre for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation, p.7; Dean, J. response to May 2024 Consultation p.9; Derbyshire OPCC response to May 2024 Consultation pp.6-7; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.4; Kooth Digital Health response to May 2024 Consultation, p.9; Meta Platforms Inc. (Meta) response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Illegal Harms Consultation (November 2023 Consultation), p.6; Microsoft response to May 2024 Consultation, p.5; Mid Size Platform Group response to May 2024 Consultation, p.5; Nexus response to May 2024 Consultation, p.9; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, p.19; OneID response to May 2024 Consultation 2024, p.2; Scottish Government response to May 2024 Consultation, p.9; Skyscanner response to May 2024 Consultation, p.8; Snap, Inc. response to May 2024 Consultation, p.14; xHamster response to May 2024 Consultation p.5. One stakeholder disagreed with a single consistent approach to Governance and Accountability but did not provide further details as to why: [3<].

<sup>271</sup> 5Rights Foundation response to May 2024 Consultation, p.2; Barnardo's response to May 2024 Consultation, pp.7, 30; Center for Countering Digital Hate (CCDH) response to May 2024 Consultation, p.2; Children's Coalition for Online Safety response to May 2024 Consultation, p.2; Office of the Children's Commissioner for England response to May 2024 Consultation, p.38; Global Action Plan response to May 2024 Consultation, p.1; Internet Matters response to May 2024 Consultation, p.2; Internet Watch Foundation (IWF) response to May 2024 Consultation, p.4; Marie Collins Foundation response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.43; NSPCC response to May 2024 Consultation, pp.21-22; OSA Network response (1) to May 2024 Consultation, p.44; UKSIC response to May 2024 Consultation, p.22; Violence Against Women and Girls (VAWG) Sector Experts response to May 2024 Consultation, p.2; Vodafone response to May 2024 Consultation, p.2.

raised concerns that this would allow service providers to take or use the Codes' measures and be treated as complying with a relevant duty (due to the Codes being a "safe harbour"), while leaving high levels of unmanaged risk. Examples provided ranged from risks from livestreaming and addictive design to those arising from certain business models.<sup>272</sup>

- 11.11 Some respondents said they would like to see the Codes reflecting that providers should mitigate all risks from their risk assessment, whilst others said that there should be corresponding measures and required outcomes for each of the risks in Ofcom's Risk Register.<sup>273</sup>

## Our decision

- 11.12 Having considered this feedback,<sup>274</sup> we have made clarificatory changes to two Governance and Accountability measures (PCU A1 and PCS A1, and PCU A2 and PCS A2), which are measures about conducting an annual review of risk management activities and having in place a person accountable to the most senior governance body for compliance with the children's safety duties and the reporting and complaints duties. These two measures are intended to ensure there are formalised accountability, reporting and audit processes in place for activities related to managing risks identified in a provider's risk assessment (including risks remaining after implementing the Codes). These changes reinforce the objective of establishing adequate oversight of risk management practices through effective governance. We provide an explanation in the sub-section 'How this measure works' for each measure.
- 11.13 The Governance and Accountability measures complement the risk assessment practice outlined in the Children's Risk Assessment Guidance for Service Providers (see Volume 3, Section 8). A provider's risk assessment should give the provider a robust understanding of the risks of harm to children posed by its service, as well as how the design of its service affects the level of risk. This should enable the provider to identify proportionate measures it can take to manage and mitigate risks through its governance processes and structures.
- 11.14 To reinforce this point – and having taken into account stakeholder feedback received on the Children's Risk Assessment Guidance – we have also revised Step 4 of the risk

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<sup>272</sup> 5Rights Foundation response to May 2024 Consultation, pp.2-3. We note that 5Rights Foundation made a similar point in response to November 2023 Consultation, pp.2, 19-20. Barnardo's response to May 2024 Consultation, p.2. We note that Barnardo's made a similar point in response to November 2023 Consultation, p.10. CCDH response to May 2024 Consultation, pp.2, 6, 7. We note that CCDH made a similar point in response to November 2023 Consultation, p.7. Children's Coalition for Online Safety response to May 2024 Consultation, p.2; Office of the Children's Commissioner for England response to May 2024 Consultation, p.29; Global Action Plan response to May 2024 Consultation, p.1; IWF response to May 2024 Consultation, p.4. We note that IWF made a similar point in response to November 2023 Consultation, pp.11-12. Marie Collins Foundation response May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.41; NSPCC response to May 2024 Consultation, pp.26-28; OSA Network response (1) to May 2024 Consultation, pp.44-51. We note that OSA Network made a similar point in response to November 2023 Consultation, pp.61-62. UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, p.22. We note that UKSIC made a similar point in response to November 2023 Consultation, p.33. VAWG sector experts response to May 2024 Consultation, pp.11, 15; Vodafone response to May 2024 Consultation, p.2.

<sup>273</sup> CCDH response to our May 2024 Consultation, p.2; Marie Collins Foundation response to May 2024 Consultation, p.2; Molly Rose Foundation response to May 2024 Consultation, p.5; OSA Network response (1) to May 2024 Consultation, p.5; IWF response to May 2024 Consultation, p.5.

<sup>274</sup> This stakeholder feedback was received in response to our overall approach to the Codes, not explicitly in response to our proposed Governance and Accountability measures. We discuss this feedback as it applies to our overall approach in Section 9. However, we also consider it relevant to respond in this section specifically.

assessment guidance to “report, review, and update the risk assessment”. As outlined in our guidance, we have clarified that providers should monitor the effectiveness of safety measures at reducing the risk of harm to children (including taking into account the role of any controls in place), as well as the level of risk exposure after appropriate measures are implemented.<sup>275</sup>

- 11.15 We note that some respondents suggested the Codes should include that providers mitigate all risks identified in their risk assessments, whilst others said that there should be corresponding measures and required outcomes for each of the risks in the Children’s Register of Risks (Children’s Register). See Section 9 for discussion of why we have not included such measures in the Codes.

## Suitability of corporate governance practices for driving children’s safety

### Our proposals

- 11.16 In our May 2024 Consultation, we included evidence of good practice standards and principles in risk management and corporate governance across a range of different industries to support the proposed measures.<sup>276</sup> We also suggested that some Governance and Accountability measures, such as PCU A1 and PCS A1, could be incorporated into existing corporate governance structures.

### Summary of responses

- 11.17 Some respondents raised concerns that the Governance and Accountability measures rely on there being sufficient corporate practices in place and challenged the effectiveness of such practices.<sup>277</sup>
- 11.18 We received a response commenting that corporate governance practices too often are designed to prioritise business growth and are therefore not suitable in driving children’s safety objectives.<sup>278</sup> The Office of the Children’s Commissioner for England shared concerns that we had “largely recommended existing industry models of governance” which prioritise company interests over children’s safety. It recommended that improving online safety might instead require a change to the overall structures and operations of services.<sup>279</sup>
- 11.19 The Online Safety Act Network (OSA Network) suggested that further evidence should be sought from sectors (particularly from those with experience of product safety testing) that

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<sup>275</sup> See sub-section ‘What to consider in the four steps’ in Section 8.

<sup>276</sup> Alongside work by Milliman commissioned by Ofcom (2023) this includes, for example, relevant ISO standards, UK Government Orange Book, guidance from the National Cyber Security Centre (NCSC), and case studies such as: OECD, 2012: [Corporate Governance for Process Safety OECD Guidance for Senior Leaders in High Hazard Industries and Consolidated complaint regarding Boeing accessed via the Washington Post, 2021](#) [accessed 14 March 2025].

<sup>277</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.21-22; OSA Network response (1) to May 2024 Consultation, p.19; Samaritans response to May 2024 Consultation, p.7.

<sup>278</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, pp.11-12.

<sup>279</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.21-22.

have a similar obligation regarding the safe design and operation of their products and services.<sup>280</sup>

## Our decision

- 11.20 Having considered this stakeholder feedback, we have decided to maintain the measures proposed in our May 2024 Consultation.
- 11.21 When developing the Governance and Accountability measures, we have drawn from good practice standards and principles in risk management and corporate governance to show how service providers can incorporate children’s safety into their existing practices or create new ones as necessary. Good governance is vital for translating company interests and priorities into operational practice through structures, processes, and accountability. We consider that the duties under the Act and the measures set out will make children’s online safety a company priority and will support a cultural shift within existing corporate practice.

## Safety by design

### Summary of responses

- 11.22 Some stakeholders emphasised the importance of safety by design in the Governance and Accountability measures, including cultivating a ‘safety-first’ culture over profit-driven motives.<sup>281</sup> Some stakeholders did not think the proposed measures went far enough to protect children and questioned our approach to safety by design.<sup>282</sup> Others argued that limiting some of the measures to providers of large and multi-risk services undermines safety by design.<sup>283</sup>
- 11.23 Given the influence of corporate governance and risk management literature, the OSA Network questioned whether the approach to governance and risk is orientated towards safety by design and noted the lack of learnings from product testing.<sup>284</sup>

## Our decision

- 11.24 We have considered this feedback and have decided not to change the Governance and Accountability measures. We consider that the measures complement the risk assessment duties and in doing so support a safety by design approach. They represent an ambitious step forward by embedding children’s safety at the heart of service providers’ decision-making processes.
- 11.25 The Governance and Accountability measures are one part of the package of measures to protect children from harms online. In particular, they are designed to support the children’s risk assessment duties (see Volume 3, Section 7)<sup>285</sup> The children’s risk assessment duties require service providers to keep their children’s risk assessments up to

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<sup>280</sup> OSA Network response (1) to May 2024 Consultation, p.24.

<sup>281</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, pp.11-12 to May 2024 Consultation, p.11; Scottish Government response to May 2024 Consultation, p.9.

<sup>282</sup> OSA Network response (1) to May 2024 Consultation, pp.18-19; Parenting Focus response to May 2024 Consultation, p.17; UKSIC response to May 2024 Consultation, p.6.

<sup>283</sup> C3P response to May 2024 Consultation, p.13; CCDH response to May 2024 Consultation, p.7; OSA Network response (1) to May 2024 Consultation, pp.37-38.

<sup>284</sup> OSA Network response (1) to May 2024 Consultation, pp.18-19.

<sup>285</sup> Section 11 of the Act.

date, including when we make a significant change to the Children's Risk Profiles that relates to their services. They also require service providers to carry out further risk assessments before making any significant change to any aspect of their services' design or operation relating to the impacts of the proposed change. Such changes could include:<sup>286</sup>

- significant updates to the design of user-facing algorithms, systems and processes;
- adding or removing functionalities;
- changes to platform content rules or content prioritisation;
- updates to the design of user facing functionalities and features;
- any acquisition that may change the core product; and
- changes in service's growth strategy.

11.26 In response to feedback about the lack of learnings from product testing, we note that the Children's Risk Assessment Guidance (see Section 8) recommends that service providers consider product testing insights as part of a range of evidence inputs. Where service providers already hold this kind of evidence, it should be considered as a core input for the purposes of their children's risk assessments. For providers of large services and those in complex risk environments, the guidance identifies product testing as an enhanced input that should be considered in order to understand the potential effect of the product on the likelihood and impact of children encountering content harmful to children (see Section 8).

11.27 The Governance and Accountability measures are part of our first iteration of the Codes, creating a strong foundation on which to build over time. We recognise the need to continue to develop new measures to support the safer design of services in future. We discuss our position on safety by design further in Section 9.

## What children told us

11.28 In our engagement with children, we consulted on a high-level summary of the Governance and Accountability measures. Most children thought that providers having teams in place to ensure children stay safe when using the service was a good idea. The children emphasised the importance of a collaborative effort between Ofcom and user-to-user service providers to improve online safety, but some children expressed doubts about how cooperative providers would be.<sup>287</sup>

## Measure PCU A1 and PCS A1: Annual review of risk management activities

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### Introduction

11.29 In our May 2024 Consultation, we proposed that providers of large user-to-user services and providers of large general search services likely to be accessed by children conduct an annual review of their risk management activities relating to the management of risks to children identified in their children's risk assessment and how risks to children are being

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<sup>286</sup> See 'Making a significant change to your service' in Volume 3, Section 8.

<sup>287</sup> Ofcom 2025, [Consulting children on Protection of Children Online Safety proposals](#).

monitored and managed within the service.<sup>288</sup> We set out that this review should be undertaken by a service provider's most senior governance body in relation to the service. This proposed measure aims to establish appropriate oversight of internal controls, which in turn will enhance providers' ability to identify and manage children's online safety risks in a timely and effective way.

- 11.30 We received feedback from a wide variety of stakeholders on our proposed approach. Some expressed support for the measure.<sup>289</sup> Others disagreed with aspects such as the frequency of reviews<sup>290</sup> and expressed concerns regarding its impact on service providers.<sup>291</sup>

## Our decision

- 11.31 We have considered stakeholder feedback on this measure, as well as feedback outlined in the earlier sub-section 'Oversight and management of risks identified'. As a result, we have made a clarificatory change to the drafting of this measure in the Codes.
- 11.32 Considering the significance of this measure in reviewing and assuring against the competence and effectiveness of internal controls in managing risk, we have decided to clarify that the scope of this review should extend to all risks identified in the most recent children's risk assessment. The amended Codes set out that the governance board should review risk management pertaining to harm to children, including in relation to risk that is remaining after the implementation of appropriate measures. The review should include how developing risks are being monitored and managed.
- 11.33 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services, and they are referred to as PCU A1 and PCS A1 respectively.

## How this measure works

- 11.34 Providers in scope of this measure should conduct an annual review of their risk management activities. This should capture how they are addressing risks of harm to children, as identified in their children's risk assessment, including any risks that remain after the implementation of appropriate measures. The review should include how emerging risks are being monitored and managed.
- 11.35 The review should be undertaken by the service provider's most senior governance body in relation to the service to ensure online safety risk management is embedded in decision-making and becomes part of an organisation-wide approach to risk management.
- 11.36 The description, size, complexity, or name given to a governance body in a service will vary. Service providers may decide what they consider to be their most senior governance body.

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<sup>288</sup> In our May 2024 Consultation, we referred to this measure as GA1 or PCU A1 and PCS A1. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A1 and PCS A1 throughout.

<sup>289</sup> Association of Police & Crime Commissioners (APCC) response to May 2024 Consultation, p.8; [X]. We received similar feedback in response to the equivalent measure in November 2023 Consultation: Meta response to November 2023, p.7.

<sup>290</sup> Match Group response to May 2024 Consultation, pp.5-6. We received similar feedback in response to the equivalent measure in November 2023 Consultation: [X].

<sup>291</sup> Meta response to November 2023 Consultation, p.7, as cited in Meta response to May 2024 Consultation, p.11. We received similar feedback in response to November 2023 Consultation: techUK response to November 2023 Consultation, p.3.

11.37 The review may form part of existing governance processes for annually reviewing strategic risks. We recognise the operational differences among service providers and have designed this measure with some flexibility to implement as appropriate. A good review might include:

- a) all risks presented by content harmful to children, including in relation to the design and use of the service, as identified in the children’s risk assessment; and
- b) risk management processes, policies and procedures, such as:
  - the effectiveness of mitigation measures in place;
  - the monitoring and management of risk trends;
  - the monitoring and management of residual risk levels; and
  - lessons learned from past mistakes.

## How this measure protects children

11.38 Regular review of risk management and regulatory compliance by a governance body is recognised as central to good governance principles.<sup>292</sup> It enables assessments of the competence and effectiveness of internal controls and provides a basis for decision-making if changes are required to improve risk management.

11.39 We consider that this measure will enhance in-scope service providers’ ability to identify and manage risks of harm to children effectively. This should help reduce risks on their services, providing significant benefits.

## Stakeholder feedback and our response

### Operation of measure

#### Our proposals

11.40 In our May 2024 Consultation, we recommended that a review of risk management activities be conducted annually.

#### Summary of responses

11.41 Two stakeholders challenged the proposed annual review of risk management activities. Match Group commented that its risk management activities are reviewed on a continuous basis in response to evolving risk, and that further in-depth reviews are conducted as needed. For comprehensive re-reviews, it suggested adopting an interval of two years or

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<sup>292</sup> UK Government Finance Function (GFF), 2021. [Good Practice Guide: Risk Reporting](#). [accessed 13 March 2025]. Under the UK Corporate Code, companies with a premium listing on the London Stock Exchange are already required to follow principles related to board oversight. This includes provision 29 which states that boards “should monitor the company’s risk management and internal control systems and, at least annually, carry out a review of their effectiveness and report on that review in the annual report”. Monitoring and review activities are intended to cover all material controls including financial, operational and compliance controls. Source: Financial Reporting Council, 2018. [The UK Corporate Governance Code](#), p.15. [accessed 13 March 2025]. The OECD’s Principles of Corporate Governance similarly suggests that a key function of the Boards should be “reviewing and guiding corporate strategy, major plans of action [and] risk management policies and procedures”. The Principles suggest that while committees or other sub-bodies may have specific responsibilities of different areas of risk, “the board should retain final responsibility for oversight of the company’s risk management system and for ensuring the integrity of the reporting systems. Source: OECD, 2015. [G20/OECD Principles of Corporate Governance](#). [accessed 13 March 2025].

longer and focusing these reviews on large-scale thematic analysis.<sup>293</sup> In response to our November 2023 Consultation, [X].<sup>294</sup>

#### **Our decision**

- 11.42 We have considered this feedback and maintain that an annual review cycle is proportionate.
- 11.43 Best practice guidance for governance bodies and boards shows the importance of setting a regular schedule for the review of risk management activities.<sup>295</sup> An annual review by the most senior body allows alignment with financial and company results reporting or public disclosure, reflecting our analysis of best practice. This frequency is consistent with the Children’s Access Assessment Guidance for Service Providers. The Children’s Risk Assessment Guidance recommends at least an annual review of the children’s risk assessment.<sup>296</sup> Ultimately, online safety risk management is an ongoing process, not a one-time event, and needs to be embedded in the day-to-day management of the service. Service providers are best placed to decide the frequency of formal reviews based on their business model, operational set-up, and user behaviour, among other things. This may result in a more frequent risk review. Service providers also need to be compliant with the specific requirements in the Act to keep their children’s risk assessments up to date, including where Ofcom makes any significant change to a risk profile that relates to their service, and assessing the impact of any planned significant change by the service provider to any aspect of the service’s design or operation.<sup>297</sup>

### **Flexibility**

#### **Summary of responses**

- 11.44 Meta Platforms Inc (Meta) advocated for a measure which is flexible and affords providers sufficient discretion as to the design and operation of such a review.<sup>298</sup>

#### **Our decision**

- 11.45 We have considered this feedback and have decided that no further amendments in relation to flexibility are required for this measure. We consider that the flexibility given to service providers regarding how they implement this measure will enable them to choose approaches with costs appropriate to their businesses.

### **Impacts on service providers**

- 11.46 We estimate the extra cost for the main board of a large organisation to review and scrutinise an annual risk management paper to be approximately £16,000 to £37,000 per

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<sup>293</sup> Match Group response to May 2024 Consultation, pp.5-6.

<sup>294</sup> [X].

<sup>295</sup> Best practice for overall governance bodies is to maintain an annual cycle of planned activity, to ensure that there is time for full consideration of specific exposures. Source: Milliman, 2023. Report on principles-based best practices for online safety Governance and Risk Management. The UK Corporate Code requires organisations’ board to use an annual report to confirm completion of an assessment of emerging and principal risks, procedures are in place to identify emerging risks and an explanation of how they are being managed or mitigated, FRC, 2015.

<sup>296</sup> Section 8 and the Children’s Risk Assessment Guidance.

<sup>297</sup> Section 11(2) and (3) of the Act. See Section 8 ‘Reviewing and updating a children’s risk assessment’.

<sup>298</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Illegal Harms Consultation, p.7.

year.<sup>299</sup> Costs will be higher than our estimates for service providers with larger and more highly paid boards, and lower for providers with smaller boards. We would expect most providers of large services to already have governance bodies in place for the overall management of the business. Therefore, our estimates are for the additional ongoing costs associated with conducting this review process.<sup>300</sup> Costs would likely be higher if providers choose to have reviews more frequently.

- 11.47 Providers of large low risk services will tend to have lower costs because reporting the annual review of risk management activities related to online safety to the governance body will be simpler.<sup>301</sup>
- 11.48 This measure may result in other costs – for example, if the service provider needs to make changes as a result of the annual review. There may also be indirect costs associated with evidence-gathering and analysis incurred in accordance with other Governance and Accountability measures. We are not counting these in our estimates for this measure. We assume that if an effective annual review results in the service provider taking action, then the costs of those actions will be reasonable in order for the provider to prevent harm.
- 11.49 For service providers who are also in scope of the related measure in the Illegal Content Codes, we consider that there will be some overlaps between the two measures. Board papers for illegal harms and risks to children can be prepared collectively so that the combined cost of the two measures is reduced.
- 11.50 We did not receive stakeholder feedback on the potential costs of this specific measure. Our assessment of the impacts on providers is therefore unchanged.

## Rights

### Freedom of expression and freedom of association

- 11.51 As explained in Volume 1, Section 2, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. As with Article 10, Article 11 of the ECHR sets out the right to associate with others. Both are

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<sup>299</sup> This is derived from the assumptions set out in Annex 3 which has been updated with the latest wage data released by the Office for National Statistics (ONS). We assume it takes 10 to 20 days for a professional occupation staff member to prepare the paper for the board and that on average each director on the board spends one to two hours in total to read, consider, and discuss the paper. We assume on average directors spend 250 hours a year on board related activities for each company they are a director for, based on [PwC's 2022 Annual Corporate Directors Survey](#). [accessed 13 March 2024]. For total remuneration per board member, we assume \$321,220 per year, based on the average for 2023 of S&P 500 independent board directors (from [2023 U.S. Spencer Stuart Board Index](#) – a report by Spencer Stuart, a leadership consultancy). Many of the largest services are owned by US companies. We assume all providers have existing boards and do not incur additional costs of establishing a board for this measure. For the number of board members, we assume boards have on average 11 members, based on the average S&P 500 board size, from [Diversity, Experience, and Effectiveness in Board Composition](#), Harvard Law School Forum on Corporate Governance, Merel Spierings, 14 June, 2022. [accessed 13 March 2024].

<sup>300</sup> Of the services we are aware of that are large, most are ultimately owned by listed companies. Companies listed on the New York Stock Exchange are required to have an audit committee which is required to discuss “policies with respect to risk assessment and risk management”. Source: NYSE 2009. [NYSE Audit Committee Responsibilities](#) [accessed 13 March 2025].

<sup>301</sup> For example, it may be more suitable for low-risk services to have a lower governance body or specialist committee scrutinising the online safety risk management and compliance activities. The costs will tend to be much lower than the costs of the main board considering doing this, not least as such bodies are likely to have fewer members.

qualified rights, and Ofcom must exercise its duties under the Act in a way that does not restrict these rights unless satisfied that it is necessary and proportionate to do so.<sup>302</sup>

#### Our final rights assessment

- 11.52 In our May 2024 Consultation, we considered that there would be no impact of this measure on rights to freedom of expression and association of users<sup>303</sup>, service providers, and website or database operators<sup>304</sup> (as relevant). We did not receive stakeholder feedback specifically on the impact of this measure on freedom of expression or association.
- 11.53 Having considered the clarificatory changes made to the measure, we are upholding our assessment that this measure would not constitute an interference with rights to freedom of expression or association of users, providers, or website and database operators. To the extent that it helps to reduce harm on the service, particularly harm to children, it could also positively impact on their human rights.

#### Privacy and Data protection

- 11.54 As explained in Section 2, Article 8 of the ECHR confers the right to respect for an individuals' private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply.

#### Our final rights assessment

- 11.55 In our May 2024 Consultation, we considered that this measure would not interfere with privacy rights. We did not receive stakeholder feedback regarding the privacy or data protection impacts of this measure.
- 11.56 Having considered the clarificatory changes made to the measure, we are upholding our assessment. We do not consider there to be any additional impacts on the right to privacy or data protection. Where a provider elects to collect any metrics or is already collecting metrics, it will need to ensure that any personal data is processed in accordance with the relevant data protection legislation. Providers should refer to relevant guidance from the Information Commissioner's Office (ICO).<sup>305</sup>
- 11.57 We also consider that a well-managed business is, in general, more likely to comply with its obligations under privacy and data protection laws (as well as, for that matter, other laws such as those relating to consumer protection and equality). As such, our recommended measure may help to safeguard these.

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<sup>302</sup> A qualified right is a right that can be restricted in certain circumstances to balance the rights of the individual with the needs of another, or of the wider community.

<sup>303</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>304</sup> We have considered the rights of 'website and database operators' insofar as the measures apply to search services, in line with the duty in section 33(2) of the Act. In section 227(7) of the Act, this group is referred to as 'interested persons' where they are based in the United Kingdom. However, our rights assessments consider the rights of website and database operators more broadly, irrespective of where they are based.

<sup>305</sup> ICO, [UK GDPR guidance and resources](#). [accessed 13 March 2024].

## Who this measure applies to

### Our position at consultation

- 11.58 In our May 2024 Consultation, we proposed applying this measure to providers of large user-to-user services and providers of large general search services likely to be accessed by children.

### Summary of responses

- 11.59 One stakeholder<sup>306</sup> expressed specific support for the scope of the measure, while two stakeholders argued that the measure should be extended to providers of small services.<sup>307</sup> The Canadian Centre for Child Protection (C3P) recommended a scaled review of risk management to be extended to providers of all services by, for example, requiring the most senior person rather than the governance body to carry out the review.<sup>308</sup>

### Our decision

- 11.60 We have considered this stakeholder feedback and have decided to maintain the position proposed in our May 2024 Consultation that this measure should apply to providers of all large user-to-user services and providers of all large general search services likely to be accessed by children. The governance bodies in large providers play a greater role in risk management because of the need for high-level oversight. We also expect the direct costs of the measure to be manageable for providers of large services as they are already likely to have a suitable established governance body.
- 11.61 While benefits may be lower for providers of large low risk services, there are still important benefits. As set out in Section 10, the Governance and Accountability measures help to ensure that risks are properly identified in a timely manner, which can impact a large number of children. Moreover, a provider of a large service with a low risk of harm is likely to incur lower costs when implementing this measure because reporting the annual review of risk management activities for online safety will be relatively simpler.
- 11.62 We do not consider it proportionate to recommend this measure for providers of large vertical search services as they typically present very limited risks, if any.<sup>309</sup>
- 11.63 We do not consider it proportionate to recommend annual reviews for providers of smaller services. Many providers of smaller services may not have a fully developed governance body, and to establish one would entail substantial costs relative to the size of the organisation. Furthermore, the benefits of this measure will likely be lower for providers of smaller services as less complex organisations are able to be more agile in their decision-making relating to risk management. Establishing a governance body is less beneficial when lines of accountability are already clear, and individuals understand their responsibilities for dealing with harms to children. However, providers of smaller services should ensure they

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<sup>306</sup> Microsoft response to May 2024 Consultation, p.5, which references the Microsoft response to November 2023 Consultation, p.2.

<sup>307</sup> C3P response to May 2024 Consultation, p.11; East Riding of Yorkshire council response to May 2024 Consultation, p.3. We also received calls to extend the measure to small and/or multi-risk services in response to our November 2023 Consultation: Airbnb response to November 2023 Consultation, p.3; [§<]; C3P response to November 2023 Consultation, pp.4-6; [§<]; NSPCC response to November 2023 Consultation, p.7.

<sup>308</sup> C3P response to May 2024 Consultation, p.11.

<sup>309</sup> Vertical search services typically focus on a specific segment of online content that is more controlled and less rapidly changing than in general search services. We are also not aware of evidence of such services showing content that is harmful to children. See Section 12 of the Children's Register of Risks (Children's Register) for more detailed information.

have an understanding of risks through their duty to carry out and keep risk assessments up to date at least once a year and take or use other relevant measures set out in this section.<sup>310</sup>

- 11.64 Measure PCU A2 and PCS A2: Individual accountable for the safety duties protecting children and reporting and complaints duties

## Introduction

- 11.65 In our May 2024 Consultation, we proposed that providers of all user-to-user and all search services likely to be accessed by children should name a person accountable to the most senior governance body for compliance with the children’s safety duties and the reporting and complaints duties.<sup>311</sup> The aim of this measure is to identify the main decision-makers and ensure that they are properly held to account, with decisions relating to children’s online safety scrutinised at the highest level.
- 11.66 We received feedback from a wide variety of stakeholders on our approach. Several broadly supported the measure.<sup>312</sup> Others expressed views related to the scope of the measure,<sup>313</sup> the meaning of accountability,<sup>314</sup> confidentiality,<sup>315</sup> naming more than one person accountable,<sup>316</sup> the liability of the accountable individual, and unintended outcomes.<sup>317</sup>

## Our decision

- 11.67 Having considered the stakeholder feedback in response to this measure, as well as that outlined in paragraphs 11.13-11.15, we have made the following clarificatory changes to the measure:
- First, we have amended this measure to clarify that it should be a named “individual”, not “person”, due to the legal interpretation of “person” including both a natural and a legal person (such as a company), which is not the intention of this measure.
  - Second, we have decided to amend the measure to clarify that the scope of the role extends to all risks identified in the most recent children’s risk assessment. This means

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<sup>310</sup> Section 11(3) and (4) and 28(3) and (4) of the Act. See Volume 3, Section 8.

<sup>311</sup> In our May 2024 Consultation, we referred to this measure as GA2 or PCU A2 and PCS A2. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A2 and PCS A2 throughout.

<sup>312</sup> APCC response to May 2024 Consultation, p.8; CELSIS response to May 2024 Consultation, pp.6-7; Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Illegal Harms Consultation, p.6; Scottish Government response to May 2024 Consultation, pp.8-9; [3]. We received similar feedback in response to the equivalent measure in November 2023 Consultation: Mencap response to November 2023 Consultation, p.3.

<sup>313</sup> Open Rights Group response to May 2024 Consultation, p.5. We received similar feedback in response to the equivalent measure in November 2023 Consultation: Safe Space One response to November 2023 Consultation, p.3, techUK response to November 2023 Consultation, p.3.

<sup>314</sup> Snap Inc. response to May 2024 Consultation, p.14; techUK response to May 2024 Consultation, p.10.

<sup>315</sup> Inkbunny response to May 2024 Consultation, p.6; The LEGO Group response to May 2024 Consultation, p.2; TikTok response to May 2024 Consultation, p.10.

<sup>316</sup> The LEGO Group response to May 2024 Consultation, p.2. We received similar feedback in response to the equivalent measure in November 2023 Consultation: Google response to November 2023 Consultation, p.10.

<sup>317</sup> Big Brother Watch response to May 2024 Consultation, p.16; Global Network Initiative (GNI) response to May 2024 Consultation, pp.7-8; Inkbunny response to May 2024 Consultation, p.6; Name Withheld 3 response to May 2024 Consultation, p.5; techUK response to May 2024 Consultation, p.10; TikTok response to May 2024 Consultation, p.10. We received similar feedback in response to the equivalent measure in November 2023 Consultation: Global Partners Digital response to November 2023 Consultation, p.9; NSPCC response to November 2023 Consultation, p.6.

the individual is accountable to the most senior governance body for being able to explain and justify actions or decisions regarding risk management and mitigation of harm to children (including risks remaining after implementing appropriate Codes of Practice measures) and compliance with the relevant duties.

- 11.68 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services and they are referred to as PCU A2 and PCS A2 respectively.

## How this measure works

- 11.69 Providers in scope of this measure should name an individual accountable to the most senior governance body for compliance with the children’s safety duties and the reporting and complaints duties for providers of services likely to be accessed by children. Being ‘accountable’ means explaining and justifying actions or decisions regarding risk management and mitigation of harm to children (and compliance with the relevant duties) to the provider’s most senior governance body. However, just as an individual can be both an employee and a director of a company, if a provider is run by a single individual, there is nothing in the measure which prevents that individual from being both the individual accountable and the only member of the senior governance body.
- 11.70 We do not expect service providers to publish the name of the accountable individual or require that service providers routinely notify Ofcom of this, although in some circumstances we may request they do so (such as through an information request as part of our supervisory engagement with service providers or in the context of enforcement action, for example, or in connection with transparency reporting).
- 11.71 For the avoidance of doubt, this measure is not associated with senior manager liability for compliance with information notices we issue under the Act<sup>318</sup> (unless the provider wishes to give these roles to the same individual), nor is it associated with the duty to comply with requirements imposed in confirmation decisions.<sup>319</sup>

## How this measure protects children

- 11.72 Senior accountability is a recognised cornerstone of effective risk management, both in literature and in the practical implementation of other regulatory regimes.<sup>320</sup> This has been

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<sup>318</sup> See section 103 of the Act. Ofcom has powers to issue information notices under sections 100-103 of the Act, with s.103 allowing Ofcom to require a named senior manager to be responsible for compliance with an information notice. Information notices are sent directly to service providers and will not be published by Ofcom. For further information on this, please see [Ofcom’s Online Safety Information Powers Guidance](#), in particular paragraphs 4.88 to 4.97.

<sup>319</sup> See section 139 of the Act. For further information on this, please see [Ofcom’s Online Safety Enforcement Guidance](#), in particular, paragraphs 6.54 to 6.56.

<sup>320</sup> The Senior Managers and Certification Regime (SM & CR) is directly underpinned by legislation and serves different outcomes related to compliance with financial regulation, we consider the broad lessons and findings from the FCA’s implementation of the regime as instructive for other areas of risk management and regulatory compliance. Source: FCA, 2023. [Senior Managers and Certification Regime](#). [accessed 13 March 2025]. FIRST REFERENCE Bank of England, Prudential Regulation Authority, December 2020. [Evaluation of the Senior Managers and Certification Regime](#). [accessed 13 March 2025]. These findings were corroborated by our commissioned research on best practice, including a report by Milliman which highlighted individual accountability as the first principle of good governance. Source: Milliman, 2023. Report on principles-based best practices for online safety Governance and Risk Management. [Working together to safeguard children](#)

supported through stakeholder feedback to our May 2024 Consultation, the 2022 Illegal Harms Call for Evidence (2022 Call for Evidence), and the 2023 Protection of Children Call for Evidence (2023 Call for Evidence), where it has been recognised as vital for building user trust in services<sup>321</sup> and creating a culture of compliance.<sup>322</sup>

- 11.73 Direct reporting lines into an overall governance body are crucial to effective risk management. It ensures the main decision-makers (and their decisions) are properly scrutinised at the highest level of an organisation.

## Stakeholder feedback and our response

### Requests for clarifications

#### Summary of responses

- 11.74 Two stakeholders requested clarifications about how this measure works, including what accountability entails,<sup>323</sup> and who the accountable individual should be.<sup>324</sup> In response to the equivalent measure in the November 2023 Consultation, one stakeholder asked how senior management could be held accountable if based outside the UK.<sup>325</sup> Some stakeholders asked for clarification on whether the accountable person must be named publicly, internally or to Ofcom only.<sup>326</sup>

#### Our decision

- 11.75 We have considered this stakeholder feedback and maintain that service providers should determine a relevant individual accountable. We would generally expect such an individual to be a senior manager or director with responsibility for overseeing online safety, and accountable to the most senior governance body for compliance with children's safety duties and reporting and complaints duties for providers of services likely to be accessed by children. We consider it essential that the measure is flexible enough to be implemented by a broad range of providers in scope of the Act.
- 11.76 Further, we do not propose any specific qualifications for the accountable individual, as we consider service providers best placed to determine this. There is no requirement for the individual to be UK-based, as we consider the location of the accountable individual to be the decision of the service provider.

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[2023: Statutory Guidance HM Government](#). [accessed 13 March 2025]. The ICO's guidance about AI risk management regarding data protection states that senior management are accountable for addressing the technical complexities of AI, and cannot delegate this responsibility to others. It states that senior management will need to align its internal structures, roles and responsibilities maps, training requirements, policies and incentives to its overall AI governance and risk management strategy. ICO, [What are the accountability and governance implications of AI?](#). [accessed 13 March 2025]

<sup>321</sup> Carnegie response to 2023 Ofcom Call for Evidence: Second phase of online safety regulation [accessed 20 January 2025]; Center for Countering Digital Hate response to 2023 Ofcom Call for Evidence [accessed 20 January 2025]; [§<]; [§<] [accessed 29 April 2024]; Samaritans response to 2022 Ofcom Call for Evidence.

<sup>322</sup> Carnegie response to 2023 Ofcom Call for Evidence: Second phase of online safety regulation [accessed 20 January 2025]; Center for Countering Digital Hate response to 2023 Ofcom Call for Evidence [accessed 20 January 2025]; [§<]; [§<] [accessed 29 April 2024]; Samaritans response to 2022 Ofcom Call for Evidence.

<sup>323</sup> techUK response to May 2024 Consultation, p.10.

<sup>324</sup> Snap Inc. response to May 2024 Consultation, p.14.

<sup>325</sup> Protection Group International response to November 2023 Consultation, p.1.

<sup>326</sup> Ink bunny response to May 2024 Consultation, p.6; The LEGO Group response to May 2024 Consultation, p.2; TikTok response to May 2024 Consultation, p.10.

11.77 As explained in paragraph 11.70, we do not expect providers to publish the name of the accountable individual.

## Naming more than one individual

### Our proposals

11.78 In our May 2024 Consultation, we specified that service providers should name a single accountable individual.

### Summary of responses

11.79 Some stakeholders suggested naming more than one accountable individual.<sup>327</sup>

11.80 techUK suggested that rather than naming a single accountable individual, providers should provide Ofcom with a primary point of contact.<sup>328</sup>

### Our decision

11.81 We have considered this stakeholder feedback and maintain that one individual should be named accountable under this measure. Based on the evidence, we consider individual accountability to be the first principle of good governance.<sup>329</sup> We consider that having more than one individual accountable would dilute the effectiveness of the role. However, we have intentionally designed this measure with some flexibility in recognition of the differences in how service providers operate, and we encourage service providers to decide how this role works most effectively within their structures. For example, larger service providers may decide to have multiple risk owners and subject matter experts responsible for risk management controls reporting into this individual.

## Liability of the accountable individual

### Summary of responses

11.82 Some stakeholders expressed concern about the liability of the accountable individual. The National Society for the Prevention of Cruelty to Children (NSPCC) referred to its response to the November 2023 Consultation, in which it said that this requirement must be distinct from the enforcement power which enables a senior manager to be held liable for compliance with a confirmation decision. We understand this to be referring to Ofcom's power in the Act<sup>330</sup> to require providers to name a senior manager who will be responsible for compliance with the information notice in their response to an Ofcom information notice.<sup>331</sup>

11.83 In response to our November 2023 Consultation, Global Partners Digital expressed concerns that the personal liability of the accountable person could lead providers to take an overly risk-averse approach to their responsibilities. It flagged that given the individuals could face administrative or criminal prosecution, and said that we should exercise this in a necessary

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<sup>327</sup> techUK response to May 2024 Consultation, p.10; The LEGO Group response to May 2024 Consultation, p.2; We received similar feedback in response to the equivalent measure in November 2023 Consultation: Google responses to November 2023 Consultation, p.10.

<sup>328</sup> techUK response to May 2024 Consultation, p.10.

<sup>329</sup> Milliman, 2023. Report on principles-based best practices for online safety Governance and Risk Management, drawing on the Institute of Internal Auditors (IIA) [Three Lines Model IIA](#), 2020. [accessed 13 March 2025].

<sup>330</sup> Section 103 of the Act.

<sup>331</sup> NSPCC response to November 2023 Consultation, p.6.

and proportionate manner.<sup>332</sup> Global Network Initiative (GNI) also expressed concerns about the introduction of direct and personal liability and suggested that without sufficient safeguards, such requirements “make it less likely that companies will push back on overbroad government demands or restrictions”.<sup>333</sup> Big Brother Watch said that the measure could “result in platforms unscrupulously removing lawful content on their sites”, and would guarantee “widespread censorship online”.<sup>334</sup>

## Our decision

- 11.84 We note the concerns raised by stakeholders about the liability of the accountable individual and whether they need to be named publicly. This measure relates to internal accountability for compliance with the Act to ensure effective corporate governance. As explained above, this measure is not associated with senior manager liability for compliance with information notices we issue under the Act<sup>335</sup> (unless the provider wishes to give these roles to the same individual), nor is it associated with the duty to comply with requirements imposed in confirmation decisions.<sup>336</sup> In relation to the comments by Global Partners Digital, GNI and Big Brother Watch, see paragraph 11.93 of the Rights sub-section.

## Impacts on service providers

### Our position at consultation

- 11.85 We considered that service providers would incur small one-off incremental costs to take or use this measure. Service providers should already have someone in a suitably senior role who understands the service provider’s legal duties. We anticipated that most providers would choose to add accountability for compliance to the current portfolio of a senior manager or director who already oversees an online safety, compliance, or risk function. The incremental costs of selecting and naming such an individual are likely to be negligible for such providers. We estimate a cost of identifying and training the accountable individual to be less than £2,000.<sup>337</sup> The actual cost will vary depending on the complexity of the organisation and the regulatory requirements for which the individual will be accountable.
- 11.86 The incremental ongoing costs are associated with the individual spending extra time overseeing online safety. This is likely to increase with the risk of harm to children using the service and the complexity of its organisational structure. For illustration, we estimated that if the named accountable individual spends ten additional days each year considering online safety than they otherwise do, this will result in costs in the region of £8,000 a

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<sup>332</sup> Global Partners Digital response to November 2023 Consultation, p.9.

<sup>333</sup> GNI response to May 2024 Consultation, pp.7-8.

<sup>334</sup> Big Brother Watch response to May 2024 Consultation, p.16.

<sup>335</sup> See section 103 of the Act. Ofcom has powers to issue Information notices under sections 100-103 of the Act, with s.103 allowing Ofcom to require a named senior manager to be responsible for compliance with an information notice. Information notices are sent directly to service providers and will not be published by Ofcom. For further information on this, please see [Ofcom’s Online Safety Information Powers Guidance](#), in particular paragraphs 4.88 to 4.97.

<sup>336</sup> Section 139 of the Act. For further information on this, please see [Ofcom’s Online Safety Enforcement Guidance](#), in particular, paragraphs 6.54 to 6.56.

<sup>337</sup> May 2024 Consultation paragraph 11.74. We assume training the accountable person takes two days’ time for two staff in professional occupations. Labour costs are estimated using the assumptions outlined in Annex 3 which contains the latest wage data released by the Office of National Statistics (ONS) and considers general feedback we have received on cost assumptions.

year.<sup>338</sup> For providers of low risk services, this measure may have little impact on what the named individual needs to do, so the ongoing costs may be negligible.

- 11.87 If providers opt to nominate the same person as accountable under both the illegal harms duties and children’s safety duties, we anticipate some cost savings. The overlaps in risk management and familiarity with general online safety responsibilities could mean that the costs of this measure are smaller and are incremental to those outlined in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).
- 11.88 In some cases, it is possible that the duty to explain and justify decisions may result in providers taking longer to make operational changes or introduce new products. This will be an indirect cost to providers, but we consider that it is proportionate to the obligations for providers to manage the risk to children.

### Summary of responses

- 11.89 In response to our November 2023 Consultation, Global Partners Digital highlighted the possible challenge for smaller companies to hire or designate somebody to this role willing to take on criminal liability due to less competitive salaries or the need for employees to take on a variety of roles.<sup>339</sup>

### Our decision

- 11.90 Having considered the response about the potential impact on companies struggling to recruit people for such a position, we note that this measure does not make any individual criminally liable. Therefore, salaries would not need to rise to account for this. The costs associated with the measure arise from the time spent by the named accountable individual considering online safety, rather than from additional risk to that individual.
- 11.91 We did not receive specific stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on providers is therefore unchanged.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 11.92 In our May 2024 Consultation, we did not consider that this measure would constitute an interference with freedom of expression or association rights of users, service providers, or website and database operators.
- 11.93 In relation to the concerns of Global Partners Digital, GNI and Big Brother Watch that the perceived personal liability element of this measure would effectively lead to censorship, we have stated in paragraph 11.84 that this measure is not associated with senior management liability for compliance with information notices. It also does not have any impact on the accountable individual’s roles in relation to the laws of other jurisdictions, nor does it require service providers to take steps regarding particular types of content. As such we do not consider that this measure constitutes an interference with the freedom of expression or association rights of users, service providers, or website and database operators.

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<sup>338</sup> We assume the “senior leader” has an annual salary of £150,000 and the total cost includes a further uplift as described in Annex 3.

<sup>339</sup> Global Partners Digital response to November 2023 Consultation, p.9.

- 11.94 Having considered this and the clarificatory changes made to the measure, our view of the impact on freedom of expression and association rights remains unchanged.
- 11.95 To the extent that it helps to reduce harm on the service and make children feel safer, this measure could also positively impact on their human rights.

## **Privacy and data protection**

### **Summary of responses**

- 11.96 An individual respondent stated that for providers running some services (such as political sites) anonymity is essential and requiring providers to name a person accountable could endanger that anonymity and result in “fatal consequences” for them.<sup>340</sup>
- 11.97 Other stakeholders raised concerns that naming a person publicly could expose them to risks of abuse and privacy violations.<sup>341</sup>

### **Our final rights assessment**

- 11.98 In our May 2024 Consultation, we considered that this measure did not constitute an interference with users’ privacy rights.
- 11.99 Having considered the clarificatory changes made to the measure, and the comments received in relation to the potential privacy impacts of this measure, we conclude that overall, and taking benefits to children into consideration, if there is any interference with privacy rights (including in respect of the accountable individual concerned), it is limited and proportionate.
- 11.100 The measure sets out that an individual be named in a way that means the service provider holds a record of the information. It can be assumed that a service provider would therefore have to process the personal data of the accountable individual (such as their name in connection with their role and responsibilities). However, we expect providers would have already collected and processed personal data about the accountable individual in some form (for example, through employment contracts, role descriptions and performance management). Moreover, this measure does not require the service provider to put the identity of the accountable individual into the public domain nor disclose it to any specific third parties, including Ofcom, as a matter of routine. In addition, any record relating to the identity of the accountable individual would relate to the individual’s professional role and responsibilities, rather than revealing anything particularly private or sensitive about that person. Therefore, while we recognise that, to the extent that this measure would mean that the service provider would be recording any additional information about, or relating to, the identity of the accountable individual they would not otherwise have been recording or processing, we consider that any impact on their privacy would be very limited. We therefore consider that the impact of this measure on accountable individuals is limited and proportionate to the benefits of mitigating and managing the risk of harm to children.
- 11.101 Where a provider processes the personal data of any individual, it should do so in accordance with applicable data protection legislation, which acts as a safeguard for the individual’s rights. We recognise that accountable individuals may be located in jurisdictions which do not have data protection laws, and to which UK data protection laws do not apply.

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<sup>340</sup> Name Withheld 3 response to May 2024 Consultation, p.5.

<sup>341</sup> Inkbunny response to May 2024 Consultation, p.6; techUK response to May 2024 Consultation, p.10; TikTok response to May 2024 Consultation, p.10.

However, this measure does not recommend that any particular records be held in those jurisdictions.

- 11.102 As with other recommended Governance and Accountability measures, we consider that a well-managed business is, in general, more likely to comply with its obligations under privacy and data protection laws (as well as, for that matter, other important laws such as those relating to consumer protection and equality). As such, the measure may help to safeguard these.

## Who this measure applies to

### Our position at consultation

- 11.103 In our May 2024 Consultation, we proposed applying this measure to providers of all user-to-user and all search services likely to be accessed by children.

### Summary of responses

- 11.104 Some stakeholders disagreed with applying this measure to providers of certain types of services<sup>342</sup>, specific disagreement was raised regarding small services, small overseas operators run by volunteers, and private non-commercial services. In response to the November 2023 Consultation, Safe Space One queried the feasibility of holding a specific person in a company accountable for “illegal content duties” by services using end-to-end encryption.<sup>343</sup>

### Our decision

- 11.105 We have considered stakeholder feedback and maintain that it is proportionate to apply this measure to providers of all user-to-user and all search services likely to be accessed by children.
- 11.106 As set out in paragraph 11.72-11.73, clearly defining senior accountability materially improves risk management and associated safety outcomes. We do not consider that providers can effectively meet their children’s safety duties without implementing this measure.
- 11.107 We consider that it is proportionate to recommend this measure for providers of all user-to-user and search services, given the significant benefits and relatively low cost of implementing this measure. As set out in paragraph 11.85-11.88, the measure imposes minimal costs on providers of small low-risk services, and costs for providers of riskier services may be higher. However, we expect the possible benefits for users of riskier services to be correspondingly greater.
- 11.108 We do not agree with stakeholders’ concerns around proportionality for providers of smaller and non-commercial services. The incremental costs of implementation could be negligible for providers of smaller low-risk services. The accountable individual will be the same for both the illegal harms duties and children’s safety duties, where small services are provided by a single individual (who would also constitute the most senior governance body of the provider). The costs incurred by the individual in familiarising themselves with the online safety duties are a result of the Act, and not a direct cost of this measure. While we recognise that incremental ongoing costs might be higher for providers of smaller services

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<sup>342</sup> Name withheld 2 response to November 2023 Consultation, p.3; Open Rights Group response to May 2024 Consultation, p.5. We received similar feedback in response to the equivalent measure in November 2023 Consultation: techUK response to November 2023 Consultation, p.3.

<sup>343</sup> Safe Space One response to November 2023 Consultation, p.3.

with substantial risks, we consider the likely benefits of this measure would also be higher in such cases. The same applies for non-commercial services.

- 11.109 In relation to the query from Safe Space One on how feasible this measure would be for providers operating services with end-to-end encryption, whilst this query is in relation to illegal content duties, our response is also relevant to the protection of children duties. We see no reason why the provider of an end-to-end encrypted service should not be able to identify an individual who is accountable for compliance. Providers of end-to-end encrypted services are subject to both the illegal harms and the children's safety duties and the reporting and complaints duties and should name an individual accountable to the most senior governance body for the protection of children, in line with this measure.

## Measure PCU A3 and PCS A3: Written statements of responsibilities

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### Introduction

- 11.110 In our May 2024 Consultation, we proposed that providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children should have written statements of responsibilities for senior members of staff (including, but not necessarily limited to, the accountable individual) who make decisions related to the management of online safety risks relating to children.<sup>344</sup> The aim of this proposed measure is to ensure that all the important responsibilities for decision-making relating to management of risks of harm to children are assigned to senior management and there is clarity on how these responsibilities are owned within a provider.
- 11.111 We received feedback from a wide range of stakeholders on our proposed approach. Some respondents expressed direct support for the measure,<sup>345</sup> while others disagreed with the scope<sup>346</sup> and impact on service providers.<sup>347</sup> Others requested clarification on how the measure works.<sup>348</sup> In response to the November 2023 Consultation, one stakeholder commented on the responsibility of senior management.<sup>349</sup>

### Our decision

- 11.112 Having reviewed this measure, we have decided to make two clarifications. We have:

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<sup>344</sup> In our May 2024 Consultation, we referred to this measure as GA3 or PCU A3 and PCS A3. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A3 and PCS A3 throughout.

<sup>345</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.6; [345].

<sup>346</sup> C3P response to May 2024 Consultation, p.12; CCDH response to May 2024 consultation, p.7; Office of the Children's Commissioner for England response to May 2024 Consultation, p.22; OSA Network response (1) to May 2024 Consultation, pp.37-40. Similar feedback was raised in response to November 2023 Consultation: BT Group response to November 2023 Consultation, pp.1-2.

<sup>347</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.6.

<sup>348</sup> Inkbunny response to May 2024 consultation, p.6; Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.6; Snap Inc. response to May 2024 Consultation, p.14.

<sup>349</sup> 5Rights Foundation response to November 2023 Illegal Harms Consultation, p.9.

- replaced reference to ‘staff’ with ‘managers’, in recognition that the individuals concerned may not be employees;<sup>350</sup> and
- clarified that the remit of the statement is to cover the responsibilities of senior managers in managing risk of harm to children. This is in order to align with the corresponding measure in the Illegal Content Codes considering our decision (discussed in paragraphs 11.8-11.9) to adopt a consistent approach to governance and accountability for service providers to meet their illegal harms and protection of children duties.

11.113 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services, and they are referred to as PCU A3 and PCS A3 respectively.

## How this measure works

11.114 Providers in scope of this measure should have written statements of responsibilities for senior managers who make decisions related to the management of risks of harm to children presented by content harmful to children.

11.115 A statement of responsibilities is a document which clearly shows the responsibilities of senior managers who make decisions about children’s online safety risk management and how those responsibilities fit in with the service provider’s overall governance and management arrangements in relation to the service. Those responsibilities include ownership of decision-making and business activities that are likely to have a material impact on children’s online safety outcomes, such as decisions related to the design of the parts of a product that children interact with.

11.116 We do not expect service providers to publish the written statement of responsibilities (unless they wish to do so), nor do we suggest that service providers should routinely notify us of their statement.

## How this measure protects children

11.117 Specifying responsibilities for senior decision-makers is recognised as an important governance principle for effective risk management,<sup>351</sup> and has been found to be effective in improving outcomes in other regulatory regimes.<sup>352</sup>

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<sup>350</sup> We recognise that management related responsibilities can be given to those working for the service in other capacities – for example, as volunteers or contractors.

<sup>351</sup> The OECD Principles of Corporate Governance suggest that the specification of accountabilities and responsibilities for managing risk is a “crucial guideline for management” within organisations. Source: OECD, 2015. G20/OECD Principles of Corporate Governance. [accessed 13 March 2025]. We found corroboration of this principle among several good practice models for governance and risk management, including the Committee of Sponsoring Organisations of the Treadway Commission (COSO) Enterprise Risk Management (ERM) framework and the Institute of Internal Auditors’ (IIA) Three Lines Model. Source: [Compliance Risk Management: Applying the COSO ERM Framework](#). Source: COSO, November 2020 [accessed 13 March 2025]; IIA, July 2020; Milliman, 2023.

<sup>352</sup> The SM&CR is directly underpinned by legislation and serves different outcomes related to compliance with financial regulation, we consider the broad lessons and findings from the FCA’s implementation of the regime as instructive for other areas of risk management and regulatory compliance. Source: FCA, 2023. Senior Managers and Certification Regime. [accessed 13 March 2025]. Findings from a 2020 review of the FCA’s SM&CR reported that many firms surveyed said the requirements of the regime had resulted in clearer

- 11.118 A number of responses to the 2023 Call for Evidence raised views and experience on the benefits and effectiveness of this principle. Samaritans commented on the importance of assigning clear roles and responsibilities to individuals or teams to ensure that policies are well-developed, implemented, and reviewed.<sup>353</sup> The Center for Countering Digital Hate (CCDH) highlighted the need for “responsibility for companies and their senior executives” as a “critical component of new decision-making structures in company governance”.<sup>354</sup>
- 11.119 We expect that senior managers with clearly defined responsibilities over daily operations will contribute to better quality risk assessments and risk management. This should lead to a safer design of services and more effective safety mitigations, resulting in material benefits. We would also expect this to help embed online safety across the organisation.

## Stakeholder feedback and our response

### Requests for clarification

#### Summary of responses

- 11.120 Some stakeholders requested clarifications about how this measure works.
- 11.121 Snap Inc. requested further clarification regarding who, in its organisation, would be considered as the “staff who make decisions” related to the management of online safety risks.<sup>355</sup>
- 11.122 Referring to its response to our November 2023 Consultation, Meta asked for clarification about expectations on retaining the confidentiality of statements and related names given the sensitive online nature of the risks they manage.<sup>356</sup>
- 11.123 Ink bunny stated that its administrators (who are also volunteers) must abide by a site ethos that specifies that any staff member can, and should, act on violations. It asked if this counted as a written statement of responsibilities.<sup>357</sup>

#### Our decision

- 11.124 We have considered this stakeholder feedback and have decided not to include further details in the measure about who we consider to be senior managers responsible for decision-making. We have intentionally designed this measure with some flexibility in recognition of the differences in how service providers operate. For example, we recognise that depending on a service’s structure, the most important responsibilities in children’s online safety may fall under content policy, content design and strategy, data science and analytics, engineering, legal, operations, law enforcement response and compliance, product policy, product management, or other functions.

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articulation of authority and had improved focus on accountability and responsibility. Source: Bank of England, Prudential Regulation Authority, December 2020. Evaluation of the Senior Managers and Certification Regime. [accessed 13 March 2025]. These findings mirrored a 2014 cost benefit analysis of the SM&CR, where large banks surveyed anticipated that statements of responsibility would positively impact behaviour around decision-making and risk. Source: Europe Economics, 2014. [Cost Benefit Analysis of the New Regime for Individual Accountability and Remuneration](#). [accessed 13 March 2025].

<sup>353</sup> Samaritans response to 2023 Ofcom Call for Evidence [accessed 20 January 2025].

<sup>354</sup> CCDH response to 2023 Ofcom Call for Evidence [accessed 20 January 2025].

<sup>355</sup> Snap Inc. response to May 2024 Consultation, p.14.

<sup>356</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.6.

<sup>357</sup> Ink bunny response to May 2024 Consultation, pp.6-7.

- 11.125 We acknowledge Meta’s confidentiality concerns. As explained in paragraph 11.116, we do not expect service providers to publish the written statement of responsibilities (unless they wish to do so), nor do we suggest that service providers should routinely notify us of their statement.
- 11.126 A statement of responsibilities should not be a generic document applicable to all staff, such as a company ethos. Instead, it should be a document specifically addressing senior managers.

## Responsibility of senior management

### Summary of responses

- 11.127 In response to our November 2023 Consultation, the 5Rights Foundation agreed that it is essential to place accountability on senior staff but highlighted the importance of implementing safety standards throughout all levels of an organisation. 5Rights Foundation stated that decisions affecting the safety of children should not be the sole responsibility of upper management.<sup>358</sup>

### Our decision

- 11.128 We have considered this stakeholder feedback and have decided no further changes are required to this measure in relation to providers’ wider organisation. We expect that, as a package, the measures included in the Codes (including those which relate to training, content moderation and search moderation) will contribute to a culture of compliance within organisations. This will help to ensure that better decisions are made about service design and operation in the context of risks of harm to children. Moreover, this measure does not place total responsibility for compliance with the senior managers who have a written statement of responsibilities.<sup>359</sup> Instead, it provides clarity regarding responsibility for the various decisions that affect the management of risks of harm to children and ensures safe outcomes for children.

## Flexibility

### Summary of responses

- 11.129 Meta also requested sufficient flexibility to adapt to a variety of organisational designs and structures that may change over time, advising against a prescriptive nature to allow for such changes.<sup>360</sup>

### Our decision

- 11.130 We have decided no further changes to the measure are required in relation to flexibility. We consider that the measure is flexible enough to be implemented by a broad range of service providers. To achieve this, we give providers the flexibility to choose how to ensure clarity of responsibilities in the written statement without setting out the precise form this statement should take.

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<sup>358</sup> 5Rights Foundation response to November 2023 Consultation, p.9.

<sup>359</sup> As with measures PCU A2 and PCS A2 in relation to the individual accountable for the safety duties protecting children and reporting and complaints duties, this measure is also not associated with senior manager liability for compliance with information notices issued by Ofcom under section 103 of the Act (unless the provider wishes to give these roles to the same individual), nor is it associated with the duty in section 139 of the Act to comply with requirements imposed in confirmation decisions.

<sup>360</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.6.

## Impacts on service providers

### Our position at consultation

- 11.131 In our May 2024 Consultation, we explained that this measure would involve one-off costs to develop the statements as well as ongoing costs to maintain a centralised reference of responsibilities and review it when necessary. There may be some additional costs to agree on areas of responsibilities. We estimated a first-year cost of approximately £17,000 to produce written statements of responsibilities for 10 senior managers.<sup>361</sup> We did not estimate the ongoing costs but said that we generally expect them to be small.
- 11.132 These costs will increase with service size and with the number and complexity of risks. Costs will naturally be smaller for providers of services with few senior managers and will increase for providers of larger services (depending on the number of senior managers that make decisions relating to the management of risks). However, the costs will likely be a larger proportion of annual revenue for providers of smaller services.

### Summary of responses

- 11.133 Meta noted that the implementation and maintenance of a statement of responsibilities for a global, “matrixed company such as Meta” would require significant additional resources and disagreed with our time estimate of how long would be needed to create a statement as stated in our November 2023 Consultation.<sup>362</sup>

### Our decision

- 11.134 We have updated our estimates to correct a minor calculation error in the consultation.<sup>363</sup> This means that we estimate an approximate implementation cost of £16,000 in the first year, rather than £17,000.<sup>364</sup> We have additionally calculated ongoing costs of reviewing and updating the statements, which we estimate to be up to £4,000 per year.<sup>365</sup>
- 11.135 We have considered stakeholder feedback on the estimated time investment being too short to create the written statement of responsibilities for global and complex companies. We maintain that our assumptions for time and resource (outlined in paragraph 11.131-11.132) are reasonable and illustrative of a broad range of services, while acknowledging that very large and highly complex service providers may incur costs higher than our estimates.
- 11.136 We did not receive any other stakeholder feedback on the costs of this specific measure. As noted above, our cost estimate is now slightly lower than in the consultation.

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<sup>361</sup> We assumed that on average it would take three days to develop and agree each statement, and that the time would mostly be of senior managers. We assumed an annual salary of £100,000 for senior managers of a large service and used the non-wage uplift assumption in Annex 12 of our May 2024 Consultation.

<sup>362</sup> Meta response to November 2023 Consultation, p.6.

<sup>363</sup> We note that our methodology and assumption is the same as [May 2024 Consultation](#). However, the difference in the estimated implementation cost (£16,000 instead of £17,000) is due to calculation error. We do not consider this difference to be significant to affect our findings.

<sup>364</sup> We assume on average it would take three days to develop and agree each statement, and that the time would mostly be of senior managers. As in our May 2024 Consultation, we assume an annual salary of £100,000 and the total cost includes a further uplift as described in Annex 3.

<sup>365</sup> This is based on our standard assumptions that maintenance costs are 25% of build costs as set out in Annex 3.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 11.137 In our May 2024 Consultation, we considered that this measure would not interfere with the rights to freedom of expression or association of users, providers, or website and database operators. We did not receive feedback on the impact of this measure and, having considered the clarificatory change made to the measure, we remain of the view that this measure does not interfere with users' (both children and adults), providers' or website and database operators' rights to freedom of expression or association.
- 11.138 Additionally, we consider that this measure is likely to achieve significant benefits for users (both children and adults) in terms of positively impacting their rights to the extent that it is protecting them from exposure to harm through any resulting improvements to compliance and risk management.

### Privacy and Data protection

#### Our final rights assessment

- 11.139 In our May 2024 Consultation, we considered that this measure would not interfere with privacy rights.
- 11.140 Having considered the clarificatory changes made to this measure, overall, and taking the benefits to children into consideration, if this measure results in any interference with privacy rights or any data protection impacts (including for the senior managers in scope of this measure), this would be limited and proportionate. This is for the same reasons as set out in our rights assessment of PCU A2/PCS A2, which we consider also apply to this measure.

## Who this measure applies to

### Our position at consultation

- 11.141 In our May 2024 Consultation, we proposed applying this measure to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.

### Summary of responses

- 11.142 Several stakeholders requested the measure be extended to providers of small and single-risk services.<sup>366</sup> The OSA Network and CCDH disagreed with this measure only being recommended for providers of large and multi-risk services, suggesting that this undermines a safety by design approach.<sup>367</sup>
- 11.143 The Office of the Children's Commissioner for England suggested that, as proposed, providers of services out of scope of PCU A3 and PCS A3 would only have a senior individual accountable under PCU A2 and PCS A2, which could lead to a focus only on accountability

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<sup>366</sup> C3P response to May 2024 Consultation, p.12; CCDH response to May 2024 consultation, p.7; Office of the Children's Commissioner for England response to May 2024 Consultation, p.22; OSA Network response (1) to May 2024 Consultation, pp.37-40. Similar feedback was raised in response to November 2023 Consultation: BT Group response to November 2023 Consultation, pp.1-2.

<sup>367</sup> CCDH response to May 2024 consultation, p.7; OSA Network response (1) to May 2024 Consultation, pp.37-40.

only (for example, on retrospective learning rather than on proactive compliance with the Act).<sup>368</sup>

### Our decision

- 11.144 Having considered stakeholder responses, we remain of the view that the measure should apply to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.
- 11.145 This measure is likely to have material benefits for providers of services that are multi-risk for content harmful to children. These services pose significant risks of harm to children and the measure will help them to better coordinate risk management activities across multiple harms and prevent gaps in risk oversight. We consider that costs are likely to be small compared to these benefits, so we consider this measure proportionate for providers of multi-risk services.
- 11.146 While the benefits will be smaller for providers of large low risk or single-risk services, we still consider this measure proportionate for providers of such services. Clarity of responsibilities is important in providers of large services with complex organisational structures to ensure that risk management activities are properly scrutinised, even if they assess they are low risk. This is because it helps to ensure that existing and emerging risks are properly identified in a timely manner, which can impact a large number of users including children.<sup>369</sup> Moreover, providers of large services with low risk of harm are likely to incur lower costs when implementing this measure as the statement of responsibility will be simpler. Providers of large services are likely to have sufficient resources to apply it and there will also be flexibility over how it is implemented for service providers with fewer resources.
- 11.147 As with some of the other Governance and Accountability measures, we do not consider it proportionate to recommend this measure to providers of large vertical search services that are low risk or single-risk for content harmful to children as they typically present very limited risks, if any.<sup>370</sup>
- 11.148 At this stage, we are not recommending this measure for providers of smaller services that are low risk or single-risk for content harmful to children. The additional benefits of formal written responsibilities would be more limited for providers of these services compared to providers of smaller multi-risk services (all else being equal), as they are likely to have fewer and less complex relevant risk management activities. While the costs of this measure in isolation could be manageable for providers of many smaller services, we have also considered potential adverse effects to users (both children and adults) and people in the UK due to the overall financial burden along with other measures. As a result, we have prioritised other measures for which the benefits are more material. As set out in Section 10, we recognise that this measure may potentially have benefits for some single-risk services; however, we have decided not to extend these measures to single risk services at

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<sup>368</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, pp.21-22.

<sup>369</sup> This is set out in more detail in Section 10.

<sup>370</sup> Vertical search services typically focus on specific topics, products or services offered by third parties and the content surfaced is likely to be more controlled and less rapidly changing than in general search services or for user-to-user services due to the arrangements in place and technical operation of these services. We are also not aware of evidence of such services showing content that is harmful to children. See Section 12 of the Children's Register for more detailed information.

this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.

## Measure PCU A4 and PCS A4: Internal monitoring and assurance

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### Introduction

- 11.149 In our May 2024 Consultation, we proposed that providers of large user-to-user services and large search services likely to be accessed by children that are multi-risk for content harmful to children should have an internal monitoring and assurance function to independently assess, on an ongoing basis, the effectiveness of measures to mitigate and manage the risks of harm to children identified in their children's risk assessment.<sup>371</sup> The function should report to either: (i) the body that is responsible for overall governance and strategic direction of a service; or (ii) an audit committee. The aim of this measure is to ensure independent oversight of the effectiveness of measures in place to safeguard children.
- 11.150 We received feedback from a wide range of stakeholders on our proposed approach. A few stakeholders expressed broad support for this measure<sup>372</sup> while others raised concerns around the scope<sup>373</sup> and effectiveness of the measure.<sup>374</sup>

### Our decision

- 11.151 Having considered responses and reviewed this measure, we have made a clarificatory change to the measure. We have clarified that the governance body or audit committee to whom the findings are reported should consider the report. This is to reiterate the importance that the findings of the report should inform decision-making.
- 11.152 We have also made an amendment in relation to the application of this measure in the Search Code of Practice (PCS A4.1) to clarify that the measure applies to providers of search services that are large and multi-risk. This clarification is in line with our policy proposal as set out in our May 2024 Consultation, and also in line with the equivalent measure in the Illegal Harms Search Code of Practice (ICS A4.1).
- 11.153 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services, and they are referred to as PCU A4 and PCS A4 respectively.

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<sup>371</sup> In our May 2024 Consultation, we referred to this measure as GA4 or PCU A4 and PCS A4. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A4 and PCS A4 throughout.

<sup>372</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.7; [8].

<sup>373</sup> C3P response to May 2024 Consultation, p.12; Office of the Children's Commissioner for England response to May 2024 Consultation, p.24.

<sup>374</sup> Health Professionals for Safer Screens response to May 2024 Consultation, p.8; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.24-25; UKSIC response to May 2024 Consultation, pp.7, 24. Similar feedback was raised in response to November 2023 Consultation: Protection Group International response to November 2023 Consultation, p.2; SWGfL response to November 2023 Consultation, pp.5-6.

## How this measure works

- 11.154 Providers in scope of this measure should have an internal monitoring and assurance function in place to provide independent assurance on an ongoing basis that measures taken to mitigate and manage the risks of harm to children identified in the latest children's risk assessment are effective.<sup>375</sup> This function should report to an overall governance body or audit committee, which should consider the findings presented to it.
- 11.155 We do not set out any specific qualifications for this function, as we consider service providers best placed to determine this. Internal monitoring and assurance functions may include regular audits, internal reviews, and quality assurance that focuses on compliance with policies and guidelines for protecting children.
- 11.156 The overall objective for the monitoring and assurance function is to ensure independent oversight of the effectiveness of measures in place to mitigate and manage the risks of harm to children. Ensuring that roles which provide objective assurance and advice on the adequacy and effectiveness of governance and risk management are independent is usually necessary to ensure objectivity, authority, and credibility. Independence in these functions can be established by having direct accountability between the function and the overall governing body, having unfettered access to people, resources, and data necessary to complete work, and having freedom from bias or interference in the delivery of findings on effectiveness of controls.<sup>376</sup>

## How this measure protects children

- 11.157 Strengthening internal controls within an effective corporate governance framework is cited as an effective way to mitigate risk across several industries.<sup>377</sup> This is supported by best practice guidelines and controls on governance and internal assurance and audit.<sup>378</sup>
- 11.158 Analyses of serious corporate governance failures have focused remediation and prevention recommendations on improving the effectiveness of internal controls and oversight processes – including assurance and compliance functions. Bolstering the independence of assurance functions and having heads of functions report directly to the

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<sup>375</sup> 'Assurance' refers to the verification of risks and mitigation and internal controls, including activities around effectively identifying, measuring, and managing risks.

<sup>376</sup> IIA Three Lines Model, July 2020.

<sup>377</sup> European Commission, 2022. [Corporate reporting – improving its quality and enforcement](#) [accessed 13 March 2025]; Department for Business, Energy, and Industrial Strategy, 2022. [Restoring trust in audit and corporate governance](#). [accessed 13 March 2025].

<sup>377</sup> The European Commission's consultation on corporate reporting found overall support from respondents in favour of ensuring effective internal controls to improve the effectiveness and efficiency of corporate governance mechanisms. Notable responses to this consultation included comments from professional services organisations, which pointed to evidence that establishing and embedding a system for monitoring and reporting of internal controls improves the quality of financial reporting (PwC) and reduces the risk of corporate failure and fraud (Deloitte). We also found support for stronger internal control frameworks reflected in response to a 2022 BEIS consultation, which cites improved reporting and audit and better corporate governance as key outcomes. Sources: European Commission, 2022. Corporate reporting – improving its quality and enforcement]; Department for Business, Energy, & Industrial Strategy, 2022. Restoring trust in audit and corporate governance.

<sup>378</sup> International Organization for Standardization, 2020. [ISO 31000 Risk Management](#). [accessed 13 March 2025].

overall governance body or supervisory board, have been found to support more robust internal oversight.<sup>379</sup>

- 11.159 However, there is evidence suggesting that internal assurance measures are ineffective if risk management policies and processes are not properly implemented. Effective risk management depends on well-executed controls, as shown by case studies where internal controls failed despite the presence of assurance and audit functions.<sup>380</sup>
- 11.160 Having an independent function reporting to the overall governance body will help service providers assess the effectiveness of their risk measures. It will show how much risk remains after harmful content identified in the latest children's risk assessment has been addressed. As a result, providers will be better able to check that mitigations and controls are adequate and address any safety concerns effectively. We consider that this will make providers better placed to make good decisions about what steps to take to protect children from harmful content, which will deliver significant benefits.

## Stakeholder feedback and our response

### Effectiveness

#### Summary of responses

- 11.161 Some stakeholders expressed concern about the effectiveness of the measure. The Office of Children's Commissioner for England supported the measure but expressed concern about the absence of a minimum standard, suggesting that Ofcom should establish a metric for how to assess the effectiveness of the monitoring and assurance function.<sup>381</sup> The Office of the Children's Commissioner for England also suggested that providers should submit the measure of effectiveness to Ofcom and publish their results alongside their children's access assessments and children's risk assessments.
- 11.162 Several stakeholders questioned the reliability of internal assurance functions and suggested that this measure could be strengthened by having regular checks on the effectiveness of the internal assurance and compliance functions or monitoring by an external independent auditor.<sup>382</sup> In response to our November 2023 Consultation, Protection Group International queried who would be deemed suitably qualified to carry out the independent assurance checks.<sup>383</sup>

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<sup>379</sup> Krahnen, P.K., Langenbucher, K., Leuz, C., Pelizzon, L. 2020. [Wirecard Scandal: When All Lines of Defense Against Corporate Fraud Fail Oxford Business Law Blog](#), 23 November. [accessed 13 March 2025]. [What are the wider supervisory implications of the Wirecard case](#), study requested by the European Parliament ECON committee, Katja LANGENBUCHER Christian LEUZ Jan Pieter KRAHNEN Lorian PELIZZON [accessed 13 March 2025].

<sup>380</sup> This includes the case study of India's Yes Bank, which faced charges of money laundering. Despite referring to a clear risk management framework based on the IIA's Three Lines Model and having an internal audit department, ineffective implementation of policies in Yes Bank meant that serious financial risks were not managed or mitigated. Source: Teen, M.Y. (ed.), 2021. [Yes Bank, No Governance. Corporate Governance Case Studies 10](#) [accessed 13 March 2025].

<sup>381</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, pp.23-24.

<sup>382</sup> Health Professionals for Safer Screens response to May 2024 Consultation, p.8; UKSIC response to May 2024 Consultation, pp.7, 24. Similar feedback was raised in response to November 2023 Consultation: Protection Group International response to November 2023 Consultation, p.2; SWGfL response to November 2023 Consultation, pp.5-6.

<sup>383</sup> Protection Group International response to November 2023 Consultation, p.2.

- 11.163 Health Professionals for Safer Screens argued that there needs to be clear guidance on whistleblowing to ensure that measures such as effective independent monitoring and assurance are carried out correctly.<sup>384</sup> It referenced the case of a Meta whistleblower who called out poor child safety processes as evidence that such monitoring is necessary.
- 11.164 The Association of Police and Crime Commissioners (APCC) suggested we specify a maximum time between internal monitoring.<sup>385</sup>

#### **Our decision**

- 11.165 We have considered stakeholder feedback on creating metrics for effectiveness, but we maintain our view set out in the consultation that service providers are best placed to determine this considering the structural and operational differences of services in scope.
- 11.166 We note stakeholder concerns on the reliability of internal monitoring and assurance processes. Providers should find a way to achieve as much independent oversight and challenge as possible for each task. As explained in the sub-section ‘How this measure works’, there are a range of ways in which providers can achieve independence for this function. For services where having dedicated individuals who work for the service provider in a monitoring and assurance function is not possible, there may be an option to structure the organisation to try to ensure that oversight of tasks within the monitoring and assurance function can be done by another individual in the firm who is not directly involved with that task.
- 11.167 Several stakeholders suggested that this measure could be strengthened by having regular checks on the effectiveness of the internal assurance and compliance functions or establishing a minimum standard and requiring providers to publish the results. Based on our consideration of evidence, we expect the internal assurance and compliance functions measure will bring sufficiently material benefits by mitigating risks. However, this does not mean that providers are not expected to consider third-party information. The Children’s Risk Assessment Guidance (Volume 3, Section 8) sets out expectations that service providers include additional evidence if: (i) they are large or complex, or (ii) they are not confident that the core inputs have enabled them to make an accurate assessment of the risk of content harmful to children on their service. Third-party expertise is suggested as one kind of additional evidence type that service providers should consider in risk assessments. The Children’s Register can also help providers consider third-party information about how harms manifest online.
- 11.168 We also do not envisage independence as requiring providers to engage an independent third party (such as an external auditor) to confirm effectiveness of mitigations, although providers may choose to do so.
- 11.169 Having considered feedback from Health Professionals for Safer Screens, we are of the view that no further amendments to the measure are required in relation to whistleblowing. We expect providers to have in place processes for individuals to be able to raise concerns internally, including about internal child safety practices, as part of good corporate practice, and we do not consider that they are a necessary aspect of an internal monitoring and assurance function of the type recommended in this measure.

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<sup>384</sup> Health Professionals for Safer Screens response to May 2024 Consultation, p.8.

<sup>385</sup> APCC response to May 2024 Consultation, p.8.

11.170 As set out in paragraph 11.164, a respondent requested we provide maximum time limits between internal monitoring. We have considered this feedback but, at this stage, we consider that the frequency and timing of independent assurance should be part of the service provider's risk management strategy. We expect that a service provider's leadership is best placed to determine the review and reporting requirements that will ensure measures are effective on an ongoing basis.

### Impacts on service providers

11.171 In our May 2024 Consultation, we explained that this measure would have substantial costs, which would largely be for staffing and (if necessary) training.

11.172 We used the number of staff employed in internal audit functions as a reference to inform our views on how many staff service providers might typically need for their internal monitoring and assurance function.<sup>386</sup> Smaller organisations are less likely to have an internal audit team, although they may have reporting and review functions within operational teams.

11.173 If a provider of a larger, riskier, more complex service requires ten additional people to fulfil this function, we estimate the costs to be approximately £500,000 to £1,000,000 per year. A provider of a smaller service that has a limited range of online safety risks and measures may only require a single person to fulfil its monitoring and assurance function, in which case the estimated annual costs would be approximately £50,000 to £100,000.<sup>387</sup> We expect that the costs of this measure for providers of smaller services would tend to represent a higher proportion of their annual revenue.

11.174 As demonstrated by responses to our November 2023 Consultation, providers of some large services already have internal assurance processes in place that deal with risks related to online safety.<sup>388</sup> Provided these processes are sufficient and providers retain them for online safety purposes, they would not incur any additional costs from this measure.

11.175 For service providers who are also in scope of the related measure in the Illegal Content Codes, we consider that there will be some overlaps between the two measures. We expect there to be incremental costs of staffing for the function to address issues specifically related to the protection of children. However, knowledge and management can be shared such that the combined cost of the two measures is reduced.

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<sup>386</sup> The 2022 Internal Audit: A Global View found that 51% of audit functions had 5 or fewer people. At the other extreme, 10% had 51 or more staff. This was based on 3,600 responses to the global survey. Another study, the 2019 Internal Audit Survey Insurance by PwC found that 48% of internal audit functions had 0-10 members, but this was based on responses by only 25 organisations. Source: PWC, 2019. [Internal Audit Survey Insurance and Asset Management](#) [accessed 13 March 2025]; Internal Audit Foundation, 2022. [2022 Premier Global Research](#). [accessed 13 March 2025].

<sup>387</sup> These estimates are based on our assumptions in Annex 3. We use the salaries for the "professional occupations" for the staff of the internal monitoring and assurance function. We recognise that salaries will vary considerably between different organisations and also within the internal monitoring and assurance function at any organisation. This is the case for salaries within internal audit function, as shown by the benchmarking of different internal audit roles in [2022 Barclay Simpson Salary & Recruitment Trends Guide: Internal Audit](#). [accessed 14 March 2025].

<sup>388</sup> For example, Meta indicated that its audit arrangements already cover how the service can be used to facilitate harm or undermine public safety or the public interest. Source: Meta response to November 2023 Consultation, p.7. [38].

11.176 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on providers is therefore unchanged.

## Rights

### Freedom of expression, freedom of association, privacy and data protection

#### Our final rights assessment

- 11.177 In our May 2024 Consultation, we considered that this measure would not interfere with rights to freedom of expression or association of users, providers, or website and database operators, or on users' rights to privacy. We also did not consider it would require any specific steps to be taken with regards to the processing of personal data. We did not receive stakeholder feedback specifically on the impact of this measure on freedom of expression or association, privacy or data protection.
- 11.178 Having considered the clarificatory changes made to the measure, our view of rights impacts remains unchanged.
- 11.179 To the extent that it helps to reduce harm on the service and make users feel safer, this could also positively impact on their human rights.

## Who this measure applies to

### Our position at consultation

- 11.180 In our May 2024 Consultation, we proposed to apply this measure to providers of large user-to-user services and large search services likely to be accessed by children that are multi-risk for content harmful to children.<sup>389</sup>

### Summary of responses

- 11.181 Two stakeholders expressed support for the scope of the measure as proposed.<sup>390</sup> Others expressed support for extending the application of the measure to providers of all services.<sup>391</sup> C3P suggested that an adapted, scaled-down version of the measure should be applied to providers of smaller or single-risk services.
- 11.182 Roblox raised the concern that this measure would put a disproportionate burden on providers that are not the largest, have nimble resources or have effective existing solutions in place.<sup>392</sup> It shared the view that a dedicated assurance team is not always necessary, especially when there are less burdensome solutions available that are proven effective, such as leveraging existing trust and safety teams.

### Our decision

- 11.183 Having considered stakeholder responses, we conclude it is proportionate to apply this measure to providers of large user-to-user services and large search services likely to be

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<sup>389</sup> This includes large user-to-user services which are multi-risk, large general search services which are multi-risk, and large vertical search services which are multi-risk.

<sup>390</sup> Microsoft response to November 2023 Consultation, p.2; [38].

<sup>391</sup> C3P response to May 2024 Consultation, p.12; Office of the Children's Commissioner for England response to May 2024 Consultation, p.23.

<sup>392</sup> Roblox response to May 2024 Consultation, p.7. We note Roblox made similar comments in response to the November 2023 Consultation, p.3.

accessed by children that are multi-risk for content harmful to children as proposed in our May 2024 Consultation.<sup>393</sup>

- 11.184 We consider this measure would deliver the greatest benefits for these providers as they operate in the most complex risk management environments (in that they typically have more complex organisations and multiple risks to manage). While we have identified significant ongoing costs associated with this measure, we consider that it is fundamental to good risk management for providers of large multi-risk services (even when combined with other Governance and Accountability measures). These providers are also likely to be able to access necessary resources to implement the measures.
- 11.185 We do not consider it proportionate to recommend this measure for providers of large single risk services or large low-risk services, where the risk environment is relatively simpler compared to that of large multi-risk services. We consider that providers of these services are already in scope of the other Governance and Accountability measures, meaning the additional benefits of this function would be relatively small and would not justify the substantial costs involved. As set out in Section 10, we recognise that this measure may potentially have benefits for some single-risk services; however, we have decided not to extend these measures to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.
- 11.186 We are not recommending this measure for providers of smaller services. The incremental benefits from having a monitoring and assurance function will be materially lower for providers of smaller services with a lower headcount and less complex governance structures. Establishing and operating such a function would entail substantial costs that could ultimately lead to a negative outcome for users (both children and adults) and for people in the UK. For example, the cost burden of this measure could lead to a reduction in investment in high-quality features or in more extreme cases, it could lead to providers of smaller services exiting the UK market. This can lead to bad outcomes for users, including children, as it would reduce user choice and negatively impact innovation in the online services industry without material benefits to offset this.
- 11.187 We acknowledge Roblox’s concerns but clarify that since providers assess their risk levels after taking their existing mitigations into account, this measure should not apply to those providers that are effectively reducing risks to the extent that their services are properly categorised as low risk.

## Measure PCU A5 and PCS A5: Tracking evidence of new and increasing harm to children

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### Introduction

- 11.188 In our May 2024 Consultation, we proposed that providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children should track new or unusual increases in content harmful to children, which Ofcom has specified in the Children’s Register and the Children’s

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<sup>393</sup> This includes large user-to-user services which are multi-risk, large general search services which are multi-risk, and large vertical search services which are multi-risk.

Risk Profiles, including kinds of PPC, PC and NDC that have not been previously identified by a service, using relevant information.<sup>394</sup> Assessments of any identified trends or unusual increases in content harmful to children should be reported through governance channels. The aim of this measure is to ensure that risks are mitigated and managed consistently and effectively through a monitoring and reporting process.

- 11.189 A few stakeholders expressed support for the measure.<sup>395</sup> Other stakeholders gave feedback on the scope<sup>396</sup> and effectiveness<sup>397</sup> of the measure and its application to generative artificial intelligence (GenAI) and virtual reality (VR).<sup>398</sup>

## Our decision

- 11.190 We have decided to make two changes to this measure following consideration of the requirements outlined in the Act with regards to NDC and the relevant stakeholder feedback we received.<sup>399</sup>
- 11.191 First, we now expect service providers to track unusual increases in any kinds of NDC which they have identified as a risk in their most recent children's risk assessment<sup>400</sup>. This change is to align with the requirements outlined in the Act.<sup>401</sup>
- 11.192 Second, we have amended the measure to give service providers the option to track unusual increases in 'content harmful to children proxy'. This refers to PPC, PC and NDC identified in the provider's terms of service or publicly available statement (as relevant) as subject to moderation action, and has also been included to reflect the amendments made to the content moderation and search moderation measures.<sup>402</sup> Where a provider assesses content that it suspects to be harmful against its terms of service (for user-to-user services) or publicly available statement (for search services) rather than making a harmful content judgement,<sup>403</sup> content in breach of those terms or publicly available statements would be

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<sup>394</sup> In our May 2024 Consultation, we referred to this measure as GA5 or PCU A5 and PCS A5. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A5 and PCS A5 throughout.

<sup>395</sup> [3<]; Welsh Government response to May 2024 Consultation, p.6.

<sup>396</sup> [3<]; OSA Network response (1) to May 2024 Consultation, p.22; Samaritans response to May 2024 Consultation, p.7; Scottish Government response to May 2024 Consultation, p.9. Similar feedback was raised in response to November 2023 Consultation: Mega response to November 2023 Consultation, pp.3-5.

<sup>397</sup> 5Rights Foundation response to November 2023 Consultation, p.10; Office of the Children's Commissioner for England response to May 2024 Consultation, p.24; OSA Network response (2) to May 2024 Consultation, p.63; Samaritans response May 2024 Consultation, p.7. Similar feedback was raised in response to November 2023 Consultation.

<sup>398</sup> Institution of Engineering and Technology (IET) response to May 2024 Consultation, p.5; REPHRAIN response to May 2024 Consultation, p.9.

<sup>399</sup> We discuss the relevant feedback in Section 14.

<sup>400</sup> This means any kind of NDC which providers have identified as low, medium or high-risk in their most recent children's risk assessments. In the Codes the measure has been drafted to refer to tracking unusual increases in "content that is harmful to children". This is defined as including "identified kind of non-designated content", which is defined as non-designated content in respect of which the services' children's risk assessment has identified a low, medium or high risk of harm to children.

<sup>401</sup> In respect of user-to-user services, section 13(2) of the Act explains that so far as a duty set out in section 12 of the Act relates to non-designated content that is harmful to children, the duty is to be taken to extend only to addressing risks of harm from the kinds of such content that have been identified in the most recent children's risk assessment (if any have been identified). Section 30(2) includes an equivalent clarification in respect of the search service duties set out in section 29.

<sup>402</sup> See Section 14 and Section 15 for further information.

<sup>403</sup> Service providers may make judgements as to whether individual pieces of content should be classified as content that is harmful to children for the express purpose of complying with the children's safety duties ("harmful content judgements").

‘content harmful to children proxy’. Where providers assess content in this way, we have made it clear that the relevant moderation measures would apply to this.<sup>404</sup> This also provides flexibility for implementation by providers with differing operating models.

- 11.193 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services, and they are referred to as PCU A5 and PCS A5 respectively.

## How this measure works

- 11.194 Providers in scope of this measure should track (a) new PPC and PC, and (b) unusual increases in (i) content that is harmful to children i.e., PPC, PC and any kinds of NDC which the provider has identified as low, medium or high risk for their most recent children’s risk assessment, or (ii) content harmful to children proxy, on parts of the services that are accessible to children.<sup>405 406</sup>
- 11.195 To understand this, the provider should establish a baseline understanding of how frequently particular kinds of content harmful to children, or content harmful to children proxy, occurs on the service to the extent possible based on its internal data and evidence. The provider should use this baseline to identify unusually high spikes in the relevant data.
- 11.196 Such trends or unusual increases in particular kinds of content that is harmful to children over time, or equivalent changes in the use of the service in a way that will be harmful to children, should be regularly reported through relevant governance channels to the most senior governance body. Providers should also consider these reports as relevant evidence for their children’s risk assessment.
- 11.197 Internal controls to manage and mitigate risk need to be reviewed regularly to ensure their effectiveness. This is to avoid measures becoming out of date as risks to children change and evolve over time. For instance, a risk to children that becomes more prominent on a service due to external events may not be effectively mitigated and managed by measures implemented at a regular risk assessment cycle. The Act requires providers to keep their children’s risk assessments up to date, and monitoring of changes in risks to children as they occur on a service is part of a healthy risk management process.
- 11.198 Alongside this measure, service providers may wish to monitor if there are emerging categories of NDC. To help them with this, providers can consult Sections 10 and 11 of the Children’s Register, which includes our framework for identifying kinds of NDC. Where providers of user-to-user services identify the presence of NDC on their service as part of their risk assessment, they must notify us of this. Information on this process can be found in the Children’s Risk Assessment Guidance.
- 11.199 We anticipate that, for many providers, the work of monitoring emerging harms from content that is harmful to children would likely be overseen day-to-day by a team or existing risk management function, which would regularly report on trends to an internal

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<sup>404</sup> See Section 14 and Section 15 for further information.

<sup>405</sup> For the avoidance of doubt, this measure is in addition to the requirement for providers of user-to-user services to report to Ofcom on non-designated content that is harmful to children that they identify in Children’s Risk Assessments, which we cover in more detail in Children’s Risk Assessment Guidance. This non-designated content requirement does not apply to providers of search services.

<sup>406</sup> The children’s safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

audit function, a responsible senior manager, other operational teams, and governance bodies (where these exist). This could be flexible in line with structures providers already have for reporting on trends.

- 11.200 We do not specify metrics and measurements for assessing increasing kinds of harm. However, at a minimum, we expect service providers to use evidence inputs including: existing user complaints; reporting processes, and moderation systems and processes; information that may come to light following an inquiry into the death of a child; and information from trusted flaggers and any other expert group or body the provider considers appropriate to inform their assessment on emerging harm. This evidence would be in addition to any relevant evidence that providers may consult as part of their children's risk assessment.<sup>407</sup>
- 11.201 We recognise that there are differences between services depending in particular on how closely their terms of service or publicly available statement align with PPC, PC and NDC which they have identified as a risk in their most recent risk assessment and the extent to which they assess content against their terms of service or publicly available statement, rather than making a harmful content judgment. As such, we acknowledge the way in which this measure works in practice is likely to be different for different providers and that a provider may need to use content harmful to children proxy, sampling, market research among users and/or information from third parties.

## How this measure protects children

- 11.202 The online risk environment is dynamic and constantly subject to change. User behaviour can change over time leading to a greater risk of children encountering harmful content or experiencing harm online. Changes in the external environment (such as offline events) may mean that content harmful to children, that a provider may have identified as a low or negligible risk of occurring in its most recent risk assessment, becomes more prominent on a service. To address this promptly, it is useful to have a mechanism for identifying and understanding new and evolving trends to minimise risks to children. This is particularly the case given evidence suggesting that children may be more likely to become involved in social media challenges, including dangerous stunts.<sup>408</sup>
- 11.203 We consider reporting on new and increasing kinds of harm to children to be effective in achieving adequate governance oversight and decision-making on risk mitigation and management.<sup>409</sup>

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<sup>407</sup> Please see the Children's Risk Assessment Guidance for further information on the kinds of evidence Ofcom considers appropriate for making assessments of risk across different kinds of services.

<sup>408</sup> See examples including challenges which have resulted in harm to children cited in Balmer, C. (2021). [Italy Tells TikTok to Block Users after Death of Young Girl](#). Reuters. [accessed 14 March 2025]. And Editorial Board ed., (2021). [Tricky Trends: Teens Are Too Quick to Follow Social Media Trends to Seek out Views and likes, Not considering the Consequences of Their Actions](#). The Harbinger Online. [accessed 14 March 2025]. [A social neuroscience perspective on adolescent risk-taking](#). [accessed 14 March 2025]. Trucco, E. M. et al (2023). [Teenage brains are drawn to popular social media challenges – here's how parents can get their kids to think twice](#). FIU News. [accessed 14 March 2025]

<sup>409</sup> In its Practice Guide for Risk Reporting, the Government Finance Function emphasises that risk reporting best enhances decision-making when there are risk identification processes in place to capture new and emerging risks. Government Finance Function, 2021. Good Practice Guide Risk Reporting V1.0 (publishing.service.gov.uk). [accessed 8 April 2025]

## Stakeholder feedback and our response

### Effectiveness

#### Summary of responses

- 11.204 One stakeholder expressed concerns about the effectiveness of this measure, including the lack of related governance responsibility to act on the findings from this measure.<sup>410</sup>
- 11.205 The OSA Network and Samaritans commented on the language used to describe this measure in our May 2024 Consultation and said this measure was not forward-looking because ‘horizon scanning’ means identifying risks before they occur, not after evidence of them is available.<sup>411</sup> Samaritans further said that this retroactive approach would risk harm to children.<sup>412</sup>
- 11.206 The Office of the Children’s Commissioner for England expressed concern that the flexibility provided for providers to choose the most “cost-effective” way to implement the measure risks providers implementing low-cost ineffective measures, despite many providers having the resources to do more. The Office of the Children’s Commissioner for England recommended that we provide a minimum outcome standard for measures that allow of design for online services and said that flexibility should be conditional on providers providing evidence to show that they are using the most effective system.<sup>413</sup>
- 11.207 In relation to child sexual exploitation and abuse, the National Crime Agency (NCA) questioned how this measure will work in practice considering most detection methods used by industry do not currently prioritise new material and are instead reliant on detecting pre-identified child sexual abuse material (CSAM).<sup>414</sup> It argued that “without specific detection measures, mechanisms, or targets being within the codes for primary priority content, priority content and non-designated content that industry will not effectively identify, track and respond to new material under these definitions”.<sup>415</sup>

#### Our decision

- 11.208 We have considered stakeholder responses to the consultation and have decided not to make changes in response to stakeholder views that this measure is not forward-looking enough. We encourage providers to take proactive and reactive analysis and consideration as part of tracking evidence of new and increasing harm. See paragraph 11.200 for examples of ways in which service providers may do this. By monitoring changes in the internal and external environment, providers will be better able to identify and respond to new risks quickly and effectively. We expect such activity to be used in any ongoing risk assessment cycles.
- 11.209 We note stakeholder concerns around the lack of an obligation to act on the findings from this measure. As explained in ‘How this measure works’, there are a number of ways

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<sup>410</sup> OSA Network response (2) to May 2024 Consultation, p.63. Similar feedback was raised in response to November 2023 Consultation: 5Rights Foundation response to November 2023 Consultation, p.10.

<sup>411</sup> OSA Network response (2) to May 2024 Consultation, p.63; Samaritans response May 2024 Consultation, p.7.

<sup>412</sup> Samaritans response May 2024 Consultation, p.7.

<sup>413</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.24.

<sup>414</sup> NCA response to May 2024 Consultation, p.5.

providers may take action as a result of this measure. The monitoring of trends of risks to children should be followed up by analysis and interpretation of the data, which can then be used to evaluate the effectiveness of the controls put in place to mitigate risks. Providers should report findings on new kinds of, or increases in, content harmful to children through relevant governance channels to the most senior governance body, for them to make appropriate and proportionate risk-based decisions. We consider that this measure, alongside the other measures set out in this statement, will be effective in capturing emerging trends and minimising risks to children from harmful content.

- 11.210 We also acknowledge the Office of the Children’s Commissioner for England’s concerns about the degree of flexibility for this measure. We do not intend to add prescriptive requirements, but we do encourage providers to consider the safety outcome expected and to implement the measures in a way that is appropriate and effective for their own services and organisational structure. We consider that a flexible approach enables service providers to adapt to the needs of their services and the risk environments that they operate in, while also providing sufficient clarity as to how service providers should implement the measure in a way that will be effective. We outline why costs are important in Section 10 and discuss how they inform our assessment of a measure and its proportionality.
- 11.211 Having considered feedback from the NCA, we are of the view that no further amendments to the measure are required in relation to including specific detection measures, mechanisms, or targets. First, CSAM content amounts to a criminal offence and, as such, is covered by the illegal content duties. With regards to tracking new types of PPC and PC, and increases in content harmful to children, providers may use evidence derived from reporting and complaints processes, moderation processes, referrals from law enforcement, and information from trusted flaggers, third parties, proxies, sampling, market research, and any other expert groups. With regards to specifying detection, measures, mechanisms, or targets within the Codes, we have intentionally designed this measure with flexibility in mind as we recognise the importance for providers to have some flexibility in how they will implement this measure. The measure now also includes that, should providers choose to use content harmful to children proxies, they should track unusual increases in these. This allows providers to opt to track increases in content harmful to children proxy against its terms of service or publicly available statement (rather than having to make a judgment about whether it is definitely PPC, PC or NDC which they have identified as a risk in their most recent risk assessment).

## Generative artificial intelligence and virtual reality

### Summary of responses

- 11.212 Some stakeholders questioned the effectiveness of this measure in relation to generative artificial intelligence (GenAI) and virtual reality (VR).
- 11.213 The Institution of Engineering and Technology (IET) noted that there is no mention of risks to children from GenAI content or applications, despite the measure specifying providers to track and manage new and increasing risks to children.<sup>416</sup> The National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) argued that the measure is insufficient at protecting children from online harms emerging from social VR applications.<sup>417</sup> It argued this is partly because of difficulties in evidencing harms in

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<sup>416</sup> IET response to May 2024 Consultation, p.5.

<sup>417</sup> REPHRAIN response to May 2024 Consultation, p.9.

immersive environments and partly because social VR services are less transparent in disclosing the prevalence of harm.

#### **Our decision**

- 11.214 Having considered this feedback, we have decided no further amendments to the measure are required in relation to GenAI and VR. Providers of any regulated search or user-to-user services with GenAI or VR functionalities are required to assess risks associated with features and functionalities, and the Children's Risk Assessment Guidance will help them do this. Risks identified in risk assessments should be monitored and tracked under this measure. The Children's Register also provides evidence to help providers understand how risk factors may change depending on certain characteristics, including for specific risks of harm to children where such evidence is available.
- 11.215 We received feedback across the Codes on specific features and functionalities. See Section 9 for more detail.

#### **Impacts on service providers**

##### **Our position at consultation**

- 11.216 In our May 2024 Consultation, we stated that this measure will result in significant costs for service providers, including both one-off and ongoing costs. It is not possible to meaningfully estimate these costs as they are likely to vary considerably from provider to provider depending on the kinds of PPC, PC and NDC that they face, how they are able to gather information, and how much content they have.
- 11.217 We have revisited our proportionality assessment to also consider the impacts of changing the measure to require providers to track unusual increases in (a) NDC which they have identified as a risk in their most recent risk assessment, or (b) content harmful to children proxy. Our following assessment therefore includes these considerations as well as in relation to tracking new kinds of PPC and PC.
- 11.218 Under the Act, all providers will be required to establish complaints processes. They will therefore already have information obtained from those processes. However, they may choose to run complaints processes in a way that does not distinguish between complaints regarding PPC, PC, NDC which they have identified as a risk in their most recent risk assessment or content harmful to children proxy. Providers may need to rely on other sources of information – including, but not limited to, outcomes of moderation processes, trust and safety activities such as monitoring user activity, investigating policy violations and evaluating user behaviour, referrals from law enforcement, or flags from expert groups – to have a sufficient understanding of trends in PPC, PC, NDC which they have identified as a risk in their most recent risk assessment and content harmful to children proxy risks on their service.
- 11.219 There will be costs associated with monitoring, reporting, and analysing evidence of new and increasing kinds of PPC and PC and increasing NDC which they have identified as a risk in their most recent risk assessment or content harmful to children proxy, including both one-off costs for establishing processes or automated collection systems and ongoing costs of employing staff to run these systems. Costs will broadly increase with the size and risk level of the service. They will be higher where services have a higher total volume of material, number of users, volume of potentially content harmful to children, complexity of monitoring systems, and number of evidence sources. Service providers will have the

flexibility to implement this measure in a way that suits their existing monitoring and governance systems.

- 11.220 For service providers who are also in scope of the related measure in the Illegal Content Codes, we consider that there will be some overlaps between the two measures. Providers may be able to adapt their tracking software and processes to include metrics or evidence relating to content harmful to children. This could reduce the combined cost of the two measures.

#### **Our decision**

- 11.221 We have considered the amendments made to the measure, as outlined above, and do not consider there to be a significant change in the cost to providers as a result of these. We also did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on providers is therefore unchanged.

## **Rights**

### **Freedom of expression and freedom of association**

#### **Our final rights assessment**

- 11.222 In our May 2024 Consultation, we considered that this measure would have no impact on rights to freedom of expression or association of users, providers, or website and database operators. We did not receive stakeholder feedback specifically on the impact of this measure on freedom of expression or association.
- 11.223 Having considered amendments made to the measure, our assessment of the impact on freedom of expression and association remains unchanged. As explained in paragraph 11.191 we are changing the measure to require providers to track unusual increases in NDC which they have identified as a risk in their most recent risk assessment, as well as content harmful to children proxy. This supports the objective of the measure which is to ensure that any increasing risks that emerge on a service are continuously monitored by the provider, enabling them to mitigate and manage these risks as and when they arise. The amendments to this measure do not necessarily recommend that service providers review content they would not otherwise have reviewed (as the content harmful to children proxy relates to content that the service provider will have identified in accordance with its terms of service), nor does it specify actions to be taken. As such, we conclude that it will not interfere with rights to freedom of expression or association.

### **Privacy and data protection**

#### **Summary of responses**

- 11.224 In response to the November 2023 Consultation, the Information Commissioner's Office (ICO) noted that this measure is likely to involve the processing of personal data and that service providers will need to comply with data protection law when doing so.<sup>418</sup>

#### **Our final rights assessment**

- 11.225 In our May 2024 Consultation, we considered that any impact of this measure on users' rights to privacy would be minimal.
- 11.226 Having considered the amendments to the measure and the comments from the ICO, our assessment of privacy impacts remains unchanged. We agree with the ICO on the

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<sup>418</sup> ICO response to November 2023 Consultation, pp.9-10.

importance of complying with data protection law. We acknowledge that service providers will have to collect some information and review trends in order to carry out the measure (including in relation to the amendments that we have made), but this process may not need to include users' personal data or records of their content. Where a provider elects to process personal data for the purposes of this measure, it will need to ensure that it is processed in accordance with the relevant data protection legislation, including following data minimisation principles.

- 11.227 Therefore, we consider that any impact of this measure on the privacy rights of users is limited and proportionate where providers comply with relevant data protection laws.

## Who this measure applies to

### Our position at consultation

- 11.228 In our May 2024 Consultation, we proposed to apply this measure to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.

### Summary of responses

- 11.229 Several stakeholders expressed support for the measure being extended to providers of small and single-risk services.<sup>419</sup> The OSA Network said that extending the scope is important because tracking new and emerging evidence of harm may show that services are no longer single-risk.<sup>420</sup>
- 11.230 Other stakeholders questioned the applicability of this measure to providers of certain types of services. A stakeholder indicated that, outside of direct user feedback, downstream search services do not have the means to track increases in, or new kinds of, harmful content appearing in search results because such services obtain their results from upstream search services.<sup>421</sup> In response to the November 2023 Consultation, Mega queried the technical feasibility of tracking and monitoring encrypted content (such as messages) by providers of services using end-to-end encryption, specifically for providers small services.<sup>422</sup>

### Our decision

- 11.231 Having considered stakeholder responses, we remain of the view that this measure should apply to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.
- 11.232 We consider this measure to be proportionate for providers of services that are multi-risk for content harmful to children, with benefits likely to be material. While costs may represent a large proportion of revenue for some providers of smaller services that are multi-risk, we consider them to be justified given the benefits set out in paragraph 11.202-11.203. We also offer providers the flexibility to choose the most cost-effective way to implement the measure.

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<sup>419</sup> OSA Network response (1) to May 2024 Consultation, p.22; Samaritans response to May 2024 Consultation, p.7; Scottish Government response to May 2024 Consultation, p.9. Similar points were raised in response to the November 2023 consultation: BT Group response (1) to November 2023 Consultation, p.2.; NSPCC response to November 2023 Consultation, p.7; C3P response to November 2023 Consultation, p.5. [38].

<sup>420</sup> OSA Network response (1) to May 2024 Consultation, p.22.

<sup>421</sup> [39].

<sup>422</sup> Mega response to November 2023 Consultation, pp.3-5.

- 11.233 We consider this measure to be proportionate for providers of all large user-to-user and large general search services, including those that are low-risk or have a single medium or high risk of content harmful to children. Although costs may be significant for providers of large services, the benefits of tracking potential harms will increase with the increasing volume of content and a rapidly evolving risk landscape. All else being equal, we expect costs to be lower for providers of large low risk services compared to providers of large multi-risk services.
- 11.234 As with some of the other Governance and Accountability measures, we currently do not consider it proportionate to recommend this measure to providers of large vertical search services that are low risk or single-risk for content harmful to children.<sup>423</sup>
- 11.235 At this stage, we are not recommending this measure for providers of smaller services that are low risk or single-risk for content harmful to children.<sup>424</sup> Although such providers are likely to experience changes in how their service is used over time, costs associated with establishing a system to track signals and to report them through governance channels can be burdensome. As set out in Section 10, we recognise that this measure may potentially have benefits for some single-risk services; however, we have decided not to extend these measures to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.
- 11.236 We do not agree with stakeholder suggestions for exemptions for providers of certain types of services. We consider that the measure should apply to providers of general downstream search services for the reasons set out in paragraphs 15.126-15.132 in Section 15. The downstream entity should come to an arrangement such that evidence of new and increasing harms is tracked by the appropriate provider.
- 11.237 As explained in our December 2024 Statement, we expect services using end-to-end encryption, for whom activity on their service is less visible, to seek alternative sources of information to understand their risks fully and apply this measure. We have evidence that providers of end-to-end encrypted services are able to make harmful content judgements when receiving complaints. We expect that through such complaints, a provider would still be able to apply this measure. Other potential sources of evidence could include information received from law enforcement, civil society groups, academic experts or suspected unusual patterns of user behaviour that may need further investigation.

## Measure PCU A6 and PCS A6: Code of conduct regarding protection of children from harmful content

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### Introduction

- 11.238 In our May 2024 Consultation, we proposed that providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-

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<sup>423</sup> Vertical search services typically focus on a specific segment of online content that is more controlled and less rapidly changing than in general search services. We are also not aware of evidence of such services showing content that is harmful to children. See Section 12 of the Children's Register for more detailed information.

<sup>424</sup> We take the view that it may be sufficient for such services to rely on less formal processes as their simpler risk landscape allows for greater visibility of their content and more flexible escalation of critical business monitoring tasks.

risk for content harmful to children should have a code of conduct that sets standards and expectations for all employees working for the provider relating to the children’s safety duties.<sup>425</sup> The aim of this proposed measure is to establish a clear organisational understanding around protecting children from harmful content.

- 11.239 We received feedback from a wide range of stakeholders on that proposed approach, mainly concerning scope<sup>426</sup> and flexibility.<sup>427</sup>

## Our decision

- 11.240 Having reviewed this measure, we have decided to make two clarifications. First, we have replaced the reference to “staff” with “individuals working for the provider” to clarify that the measure will apply even where the service provider has contractors or volunteers working for it.<sup>428</sup> Second, we have clarified that the measure is about harm to children as it relates to children in the UK.
- 11.241 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services, and they are referred to as PCU A6 and PCS A6 respectively.

## How this measure works

- 11.242 Providers in scope of this measure should have a code of conduct that sets standards and expectations for all individuals working for the provider around protecting children in the UK from risks of harm to children. The objective is that the code be service-specific. For the purposes of child safety, a code of conduct could include:
- recognition of the potential risks of harm to children on a service;
  - a clear organisational statement around protecting children from content harmful to them; and
  - expectations and guidelines for reporting instances of concern relating to content that is harmful to children on the service.
- 11.243 A good code of conduct would be simple, concise, easy to understand, and consistent with other policies and communications.<sup>429</sup> It would also be reviewed by multi-disciplinary teams.

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<sup>425</sup> In our May 2024 Consultation, we referred to this measure as GA6 or PCU A6 and PCS A6. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A6 and PCS A6 throughout.

<sup>426</sup> C3P response to May 2024 Consultation, p.12. We note that C3P made a similar point in response to November 2023 Consultation, p.5. Inkbunny response to May 2024 Consultation, p.7; Scottish Government response to May 2024 Consultation, pp.8-9; [S&K]. Similar feedback was raised in response to November 2023 Consultation: Airbnb response to November 2023 Consultation, p.3; Mega response to November 2023 Consultation, p.5; Mencap response to November 2023 Consultation, p.3.

<sup>427</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.7.

<sup>428</sup> Although we did not explicitly state that this measure applies to contractors or volunteers in the May 2024 Consultation, we consider it to make no practical difference to the work the provider would have to do in order to comply with the measure.

<sup>429</sup> Deloitte, 2009. [Suggested guidelines for writing a code of ethics/conduct](#). [accessed 14 March 2025].

## How this measure protects children

- 11.244 A code of conduct can be an effective way for service providers to communicate expectations regarding behaviour and responsibilities to all who are working for it and are used to achieve compliance aims in other regulatory regimes.<sup>430</sup> Individuals working for a provider will be more likely to have a consistent understanding of the provider's approach to the children's safety duties and be able to apply it effectively in their day-to-day work and decision-making. Having a code of conduct around protecting children makes it more likely that opportunities to mitigate risks of content harmful to children will be identified, considered, and adopted. We expect the implementation of a code of conduct to increase the likelihood of safety concerns in all parts of a service being flagged and action being taken.
- 11.245 Responses to our 2022 Call for Evidence reinforced the importance of documentation regarding the values and behaviours expected of staff as part of a broader programme of good corporate governance regarding online safety.<sup>431</sup>
- 11.246 We have also considered examples of existing written statements committing to child safety across a range of organisations such as the BBC and the Nursing and Midwifery Council and the NSPCC.<sup>432</sup> These demonstrate why setting organisation-wide standards is necessary to safeguard children's experiences.
- 11.247 We consider that the code of conduct, together with our other Governance and Accountability measures, will contribute to the creation of a service-wide culture to support online safety.

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<sup>430</sup> The FCA requires regulated firms to have codes of conduct for staff under its SM&CR scheme (cited above), which are in line with firms' duties to comply with financial regulations. In its evaluation of Corporate Compliance Programs, the US Department of Justice highlights that "any well-designed compliance program entails policies and procedures that give both content and effect to ethical norms and that address and aim to reduce risks identified by the company as part of its risk assessment process". It advises prosecutors that a Code of Conduct that is accessible and applicable to all staff is important in this regard, as an expression of an organisations efforts to link risk management and compliance to its day-to-day operations. Source: U.S Department of Justice, 2023, [Evaluation of Corporate Compliance Programs](#) [accessed 14 March 2025]

<sup>431</sup> This included Google, which mentioned consistent principles, such as a Code of Conduct and Group Guiding Principles, as part of governance and accountability. Source: Google response to our 2022 Illegal Harms Call for Evidence (our 2022 CFE), p.16 [accessed 21 January 2025]; Zoom framed this in terms of its standard operating procedures (SOPs) which govern expectations for analysts dealing directly with content decisions. Source: Zoom response to 2022 CFE.

<sup>432</sup> The BBC's Child Protection Code of Conduct sets out rules for interacting directly with children in any capacity on behalf of the BBC, including prioritising the safety and wellbeing of the child at all times. Source: BBC, 2024, [BBC Safeguarding Code of Conduct](#). [accessed 19 February 2025]; The Nursing and Midwifery Council sets out standards to protect children from abuse and maltreatment and prevent harm to children's health or development. Source: [The Nursing and Midwifery Council, November 2018. Policy on Safeguarding and Protecting People](#). [accessed 14 March 2025]; The NSPCC provides a set of recommended standards and accompanying guidance to help non-statutory organisations in the UK which work with children to put clear safeguarding arrangements in place. Source: [NSPCC, 2024. Standards and guidance for children and young people aged 0-18](#). [accessed 19 February 2024].

## Stakeholder feedback and our response

### Flexibility

#### Summary of responses

- 11.248 Meta stated that service providers should have the flexibility to decide how to draft their codes of conduct (to ensure alignment with any existing codes of conduct they have in place).<sup>433</sup>
- 11.249 C3P suggested we create a sample code for providers to adapt.<sup>434</sup>

#### Our decision

- 11.250 We have considered this feedback and have decided not to make changes to the measure. The measure is not prescriptive about how a code of conduct should be drafted. We consider service providers to be best placed to decide how to integrate the code of conduct with their existing codes of conduct or people management policies, should they choose to do so.
- 11.251 Due to the importance of the code being service-specific and the diversity of service providers, we do not consider it appropriate to develop a sample code at this stage.

### Impacts on service providers

- 11.252 We estimated that developing a code of conduct would incur a one-off development cost of less than £10,000 (where there is no existing code of conduct).<sup>435</sup> We expected there to be some additional lower costs of reviewing and adapting this document over time. We expected costs to be higher for providers of services that have more risks, use more complex reporting systems, or require more time for legal review and for integrating this measure with existing staff policies. We anticipated that implementation costs for providers of smaller low risk services would be considerably lower.
- 11.253 For the code of conduct to be effective it would need to be read by all relevant individuals. We assume that the document would be short and would not take a significant amount of time to read and understand.
- 11.254 For service providers who are also in scope of the related measure in the Illegal Content Codes, we consider that there will be some overlaps between the two measures. Their existing code of conduct could be adapted for protection of children such that the combined cost of the two measures is reduced.
- 11.255 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on providers is therefore unchanged.

### Rights

#### Freedom of expression and freedom of association and privacy and data protection

##### Our final rights assessment

- 11.256 In our May 2024 Consultation, we provisionally concluded this measure would not have any negative impact on the rights to freedom of expression or association of users (including

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<sup>433</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.7.

<sup>434</sup> C3P response to May 2024 Consultation, p.12.

<sup>435</sup> We assume it takes up to 20 days of professional occupation staff time to produce the Code of Conduct. This includes the standard assumptions outlined in Annex 3.

children), service providers, or website and database operators, or on users' rights to privacy. We did not receive stakeholder feedback specifically on the rights impact of this measure.

- 11.257 Having considered the clarificatory changes made to the measure, we have not identified any additional adverse rights impacts. We have concluded that this measure would not interfere with rights to freedom of expression, association or privacy or have any data protection impacts. To the extent that providing a code of conduct helps to reduce harm on the service and make children feel safer, this could have a positive impact on their human rights. As with other Governance and Accountability measures, we consider that a well-managed business is, in general, more likely to comply with its obligations under privacy and data protection laws (as well as, for that matter, other important laws such as those relating to consumer protection and equality). As such, the measures may help to safeguard these.

## Who this measure applies to

### Our position at consultation

- 11.258 In our May 2024 Consultation, we proposed to recommend this measure to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.

### Summary of responses

- 11.259 Several stakeholders said that the measure should apply to providers of all services.<sup>436</sup> C3P said that this is a basic obligation for providers in creating a safer culture, and suggested we provide a sample code.<sup>437</sup>
- 11.260 C3P also disagreed with our position that providers of smaller services which are not multi-risk are more likely to achieve an understanding of children's safety duties through more informal means.<sup>438</sup> It stated that "in our experience, platforms do not consider or understand child safety, and are focused more on growing their user base and technical capacity".
- 11.261 In contrast, in response to our November 2023 Consultation, one respondent questioned the application of this measure to providers of large, low-risk services.<sup>439</sup>
- 11.262 Twelve App expressed concerns about the documentation burden this measure would create for providers of small and medium services while making it fully operational.<sup>440</sup> ["<sup>441</sup>]. In response to our November 2023 Consultation, Mega argued that it placed a burden on smaller services (specifically those that deal with image-based illegal content).<sup>442</sup>

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<sup>436</sup> C3P response to May 2024 Consultation, p.12. We note that C3P made a similar point in response to November 2023 Consultation, p.5. Scottish Government response to May 2024 Consultation, pp.8-9. Similar feedback was raised in response to November 2023 Consultation: Mencap response to November 2023 Consultation, p.3.

<sup>437</sup> C3P response to May 2024 Consultation, p.12.

<sup>438</sup> C3P response to May 2024 Consultation, p.10.

<sup>439</sup> Airbnb response to November 2023 Consultation, p.3.

<sup>440</sup> Twelve App response to May 2024 Consultation, p.6

<sup>441</sup> [X].

<sup>442</sup> Mega response to November 2023 Consultation, p.5.

- 11.263 Ink bunny asked if service providers without employees (such as those run by volunteers) would need a code of conduct.<sup>443</sup>

## Our decision

- 11.264 As outlined in paragraph 11.240, we have changed the wording of this measure to clarify that the measure will apply even where the service provider has contractors or volunteers working for them.
- 11.265 Having considered stakeholder views, we remain of the view set out in our May 2024 Consultation that this measure should apply to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.
- 11.266 We consider it proportionate to recommend this measure for providers of services that are multi-risk for content harmful to children even if they are small. They pose significant risks of harm to children and a code of conduct has clear benefits in reducing this risk as individuals need to understand multiple harms (see paragraphs 11.244-11.247). Costs are also likely to be small relative to the benefit and are largely related to one-off set up costs.
- 11.267 We also consider it proportionate to recommend this measure for providers of large user-to-user and general search services that are low risk or single-risk for content harmful to children. Large and complex organisational structure increases the importance of a good understanding and a consistent approach to risk management across the organisation. While this benefit will be lower for providers of large services that are low risk or single-risk, it still justifies costs for providers of user-to-user and general search services for the same reasons set out for measures PCU A3 and PCS A3 in paragraph 11.146. The benefits justify the costs for large vertical search services that are low risk or single-risk for content harmful to children for the same reasons set out in paragraph 11.147.
- 11.268 At this stage we do not consider it proportionate to recommend this measure for providers of smaller services that are low risk or single-risk for content harmful to children for the same reasons set out for measures PCU A3 and PCS A3 (paragraph 11.148). Less formal arrangements may be sufficient as the simpler governance structures allow for more effective communication of standards, and there are fewer risks of harmful content to manage. As set out in Section 10, we recognise that this measure may potentially have benefits for some single-risk services; however, we have decided not to extend these measures to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.

## Measures PCU A7 and PCS A7: Compliance training

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### Introduction

- 11.269 In our May 2024 Consultation, we proposed that providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children should ensure that staff involved in the design and operational management of the services are trained in the providers' approach to compliance with the children's safety duties, including the reporting and complaints duties,

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<sup>443</sup> Ink bunny response to May 2024 Consultation, p.7.

sufficiently to give effect to them.<sup>444</sup> The aim of this measure was to establish a risk-aware culture by ensuring that staff who are involved in the design and operation of a service have a good understanding of the relevant duties and of what the provider is doing to manage and mitigate risks of harm to children.

- 11.270 We received feedback from a wide range of stakeholders on our proposed approach. Stakeholders expressed views on scope,<sup>445</sup> children’s rights,<sup>446</sup> the content and delivery of the training,<sup>447</sup> and its impact on services.<sup>448</sup>

## Our decision

- 11.271 We have decided to make two clarificatory changes to this measure. First, the reference to “staff” has been replaced with “individuals working for the provider” to clarify the remit of the measure and emphasise that it will apply even where the service provider has contractors working for them. This is a slight broadening of the measure on which we consulted, which related to staff or employees. However, it aligns with our approach to the training of content and search moderators (see Volume 2, sub-section ‘Content moderation’ in Section 2). We consider that this change is unlikely to make a practical difference since a provider is unlikely to consider the precise employment status of its paid workers before deciding who to train.
- 11.272 Second, we state that this measure does not extend to volunteers.<sup>449</sup> This clarifies that the measure as proposed in our May 2024 Consultation applies only to paid workers.
- 11.273 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and in the Protection of Children Code of Practice for search services, and they are referred to as PCU A7 and PCS A7 respectively.

## How this measure works

- 11.274 Providers in scope of this measure should ensure that individuals working for the provider who are involved in the design and operational management of the service (other than volunteers) receive sufficient training on the provider’s approach to compliance with the children’s safety duties, as well as the reporting and complaints duties, so that they can apply these effectively in their roles.
- 11.275 The outcome of an effective compliance training programme for children’s safety duties would be that individuals working for the provider have a good understanding of the

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<sup>444</sup> In our May 2024 Consultation, we referred to this measure as GA7 or PCU A7 and PCS A7. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU A7 and PCS A7 throughout.

<sup>445</sup> C3P response to May 2024 Consultation, p.12; Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.29; Scottish government response to May 2024 Consultation, pp.8-9; UKSIC response to May 2024 Consultation, pp.23, 36.

<sup>446</sup> ACT – The App Association response to May 2024 Consultation, p.12; NICCY response to May 2024 Consultation, p.29.

<sup>447</sup> APCC response to May 2024 Consultation, p.8; East Riding of Yorkshire Council response to May 2024 Consultation, p.4; UKSIC response to May 2024 Consultation, p.24.

<sup>448</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.7. Similar feedback was raised in response to November 2023 Consultation: techUK response to November 2023 Consultation, p.3.

<sup>449</sup> Volunteers are those who, in relation to the activities in question, are not employed by the provider or anyone else, remunerated, or acting by way of a business.

children’s safety duties, including the reporting and complaints duties, and of how the provider is managing and mitigating risks to children.

- 11.276 We consider that this measure builds in flexibility by allowing providers to choose various approaches for compliance training. For example, this could range from creating standard internal guidance or tailored learning modules to more elaborate options, such as externally developed courses or supported learning programmes.

## How this measure protects children

- 11.277 Compliance training is important to achieve good safety outcomes for users. How people are trained in their roles can inform how providers approach the children’s safety duties and embed risk mitigation and management within their organisation. Evidence shows how the absence of compliance training programmes has contributed to serious corporate scandals.<sup>450</sup> An absence of such training can undermine company-wide understanding of regulatory compliance, or of how the company manages and mitigates online safety risks to children.
- 11.278 Evidence from organisations that have faced major governance issues highlights the importance of compliance training. In our November 2023 Consultation, we noted a case study from Siemens relating to redress of governance failings that focused on strengthening compliance programmes through staff training. This study provides supporting evidence to suggest that such changes led to an improvement in perception of how risks were managed.<sup>451</sup> Providers referenced the general importance of staff training in the 2022 and 2023 Calls for Evidence.<sup>452</sup>
- 11.279 We consider that regular compliance training will result in better safety outcomes and will play a role in creating a healthy culture in relation to the management of risks of harm to children presented by content harmful to children. We have therefore concluded that this measure will result in significant benefits to children.

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<sup>450</sup> For example, in the case of Siemens – which was subject to regulatory investigations for bribery in 2008 – the failure to embed a programme of compliance and Code of conduct for staff has been cited as playing a “decisive role” in the scandal. Source: Primbs, M., and Wang, C., 2016. [Notable Governance Failures: Enron, Siemens and Beyond Comparative Corporate Governance and Financial Regulation](#). [accessed 14 March 2025].

<sup>451</sup> Following a 2008 bribery scandal, Siemens attempted to redress governance failings identified by strengthening its compliance programmes This included ensuring that employees in different levels have been provided with trainings specific to their roles and responsibilities. Source: Institute of Business Ethics (Dietz, G., and Gillespie, N.), 2012. [The Recovery of Trust: Case Studies of Organisational Failures and Trust Repair](#). [accessed 20 November 2024].

<sup>452</sup> These providers included Google, which gives its employees specific training on “risk and compliance to raise awareness of requirements from new and emerging regulations which govern online content and behaviours” Google response to our 2022 CFE and [3]. Carnegie UK recommended that services have appropriately trained staff, and should have processes that can separate specific children’s issues from general operating issues, and get appropriate teams involved. Source: Carnegie UK response to Our 2023 Protection of Children Call for Evidence (our 2023 CFE).

## Stakeholder feedback and our response

### Content and delivery of training

#### Our position at consultation

11.280 In our May 2024 Consultation, we did not specify what should be included in the compliance training.

#### Summary of stakeholder responses

11.281 Some stakeholders requested clarity on what the training should cover,<sup>453</sup> including if it should cover safeguarding training and whether there would be safeguarding procedures.<sup>454</sup>

11.282 The UK Safer Internet Centre (UKSIC) said that many moderators may have direct access to children and should therefore be subject to the same checks to which offline safeguarding professionals are subject, such as enhanced disclosure and barring service (DBS) checks.<sup>455</sup>

11.283 Meta advocated for discretion and flexibility on the form and manner in which training is delivered.<sup>456</sup>

#### Our decision

11.284 We have considered stakeholder feedback and have decided that at this stage, we do not consider it proportionate for us to specify what should be included in the compliance training. It is essential that the measure is flexible enough to be implemented by the broad range of service providers in scope. Providers have discretion to choose suitable information and educational methods to ensure they achieve the cultural change needed to put user safety at the heart of service design and decision-making.

11.285 In response to UKSIC's request for subjecting moderators to the same checks as offline safeguarding professionals, enhanced DBS checks, as a matter of law, are only available in prescribed circumstances (such as where an individual is regularly caring for or training children). If service providers consider that it may be useful to obtain these checks for individuals working for them, they will need to assess whether they are legally able to do so. We assume that many service providers will undertake basic DBS checks as standard recruitment practice. Therefore, we do not consider it necessary to include reference to this in the measure.

11.286 We consider it essential that the measure is flexible enough to be implemented by the broad range of service providers in scope and therefore do not consider that it would be proportionate for us to add limitations to the training for the measure at this stage.

### Impacts on service providers

#### Our position at consultation

11.287 In our May 2024 Consultation, we specified that the cost of this measure will vary significantly from service to service, based on factors such as size and risk level. Overall, we

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<sup>453</sup> APCC response to May 2024 Consultation, p.8; Dean, J. response to May 2024 Consultation, p.9 ; East Riding of Yorkshire Council response to May 2024 Consultation, p.4. Similar feedback was raised in response to November 2023 Consultation: Protection Group International response to November 2023 Consultation, p.2.

<sup>454</sup> East Riding of Yorkshire Council response to May 2024 Consultation, p.4.

<sup>455</sup> UKSIC response to May 2024 Consultation, p.24.

<sup>456</sup> Meta response to May 2024 Consultation, p.11, which references the Meta response to November 2023 Consultation, p.7.

expect costs to be higher for providers larger services as they will need to train more people, but we note that costs are likely to be a larger proportion of revenue for providers of smaller services compared to larger ones. We also expect costs to increase with the number of risks of harms on the service, as this is likely to affect the length of the training required.

- 11.288 We estimated that the cost of creating the training material would be approximately £1,000 to £6,000. We further estimated the additional cost per person trained per day to be around £150 to £250 for general individuals working for the provider (such as designers, engineers, and managers), and £500 to £700 for senior individuals working for the provider (such as senior leaders and senior managers).<sup>457</sup> If training needed to be repeated, then the training materials would need to be updated at the same frequency. If training was repeated and updated every two years, the annualised costs of doing so would be half of the build costs.
- 11.289 For service providers who are also in scope of the related measures ICU A7 and ICS A7 in the Illegal Content Codes, we anticipate some overlap between the proposed measures. If providers already conduct training for individuals working for the provider on identifying illegal harms, we said that this measure may only lead to additional costs related to incorporating information on compliance with children's safety duties.

### Summary of responses

- 11.290 techUK referred to its November 2023 Consultation response, in which it asked for a thorough impact assessment of the Governance and Accountability measures, including on the resources that will be required to meet training requirements for staff, specifically for providers of smaller services.<sup>458</sup>

### Our decision

- 11.291 As set out in our May 2024 Consultation, we expect the cost of this measure to vary significantly across services. We have updated our estimates to correct for minor calculation errors in the consultation. This means that we estimate the cost of creating training material relating to children's safety duties to be approximately £2,000 to £8,000. We maintain our estimate of cost of training general staff to be around £150 to £250 per person per day. However, we now estimate that the cost of training senior staff to be around £500 to £800 per person per day.<sup>459</sup> We have therefore assessed the cost impacts of this measure, as requested by techUK.
- 11.292 We did not receive any other stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on providers is therefore unchanged, except for the minor correction to the cost estimates.

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<sup>457</sup> We assume it would take one person two to four weeks to create the training materials. Training costs per person per day are derived from the wage assumptions set out in Annex 3.

<sup>458</sup> techUK response to November 2023 Consultation, p.3.

<sup>459</sup> We note that our methodology and assumption is the same as May 2024 Consultation. However, the differences in the estimated cost of creating the training material (£2,000 to £8,000 instead of £1,000 to £6,000), and the cost of training senior staff (£500 to £800 instead of £500 to £700) are due to calculation errors. We do not consider these differences to be significant to affect our findings. We maintain that overlaps with the related measure in illegal harms duties could lead to reduced costs overall.

## Rights

### Freedom of expression and freedom of association and privacy and data protection

#### Our final assessment

- 11.293 In our May 2024 Consultation, we considered this measure would not have any negative impact on the rights to freedom of expression or association of users (including children), service providers, or website and database operators, or on users' rights to privacy. We did not receive stakeholder feedback specifically on the impact on these rights.
- 11.294 Having considered the clarificatory changes made to the measure, we have not identified any additional adverse impacts on the rights to freedom of expression, freedom of association, privacy, or consider there are any data protection impacts. To the extent that providing appropriate training and a code of conduct helps to reduce harm on the service and make users feel safer, this could positively impact on their human rights. As with other Governance and Accountability measures, we consider that a well-managed business is, in general, more likely to comply with its obligations under privacy and data protection laws (as well as, for that matter, other important laws such as those relating to consumer protection and equality). As such, the measure may help to safeguard these.

### Children's rights

#### Summary of responses

- 11.295 The Northern Ireland Commissioner for Children and Young People (NICCY) noted that "the 'effective compliance training programme' for children's safety duties makes no mention of children's rights", which we interpret to mean that the training provided under this measure should cover children's rights.<sup>460</sup> ACT – The App Association noted that services directed at children should act in the 'best interest of the child' when designing, developing, marketing, and operating on an online service likely to be accessed by a child.<sup>461</sup>

#### Our final assessment

- 11.296 As explained in paragraph 11.284 we do not set specific expectations for what should or should not be included in the training as we do not consider this to be appropriate at this time. As outlined in Section Volume 1, Section 2, we have specifically considered negative and positive impacts on children's and adults' rights across this statement. We have considered how to balance protecting children from harm with both child and adult users' rights to freedom of expression, privacy and religion or belief, among others. Where we have identified a possible negative impact to children's rights, we have explained how this has been mitigated.

## Who this measure applies to

### Our position at consultation

- 11.297 In our May 2024 Consultation, we proposed to recommend this measure to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.

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<sup>460</sup> The Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.25.

<sup>461</sup> ACT - The App Association response to May 2024 Consultation, p.12.

## Summary of responses

- 11.298 Several stakeholders argued for the expansion of the application for this measure to providers of all services.<sup>462</sup> C3P argued that PCU A7 and PCS A7 should apply to providers of all services, stating that providers would only achieve a safety by design mentality with a combination of a code of conduct and compliance training.<sup>463</sup> It also said that individuals who run smaller services do not understand child safety risks and the ways in which their service may be misused and as such some training is needed.
- 11.299 NICCY said that a lack of internal knowledge and expertise are often obstacles to integrating children's rights into compliance efforts and excluding providers of small and single-risk services from this measure might undermine providers' review responsibilities under the Act.<sup>464</sup>
- 11.300 UKSIC also recommended extending the measure to cover moderators working with children.<sup>465</sup>
- 11.301 Other stakeholders argued for reducing the scope of this measure.<sup>466</sup> ACT – The App Association argued that only services directed at children should train relevant staff.<sup>467</sup>

## Our decision

- 11.302 Having considered stakeholder feedback, we maintain that this measure should apply to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.
- 11.303 We consider it proportionate to recommend this measure for providers of services that are multi-risk for content harmful to children, including providers of small multi-risk services. These services pose significant risks of harm to children and training will be particularly beneficial as it will help those working there to understand interdependencies between the different risks and how they are managed. Although certain providers may incur significant costs, we consider that these are justified because costs generally increase with the number of associated risks, and therefore the benefits from training staff members are greater. We also give providers the flexibility to choose the most cost-effective way to achieve the aim of the measure while managing the cost burden.
- 11.304 We consider this measure to be proportionate for providers of large user-to-user and large general search services that are low risk or single-risk for content harmful to children. Providers of large services typically have complex operations and larger headcounts, so compliance training plays a greater role in establishing a strong culture of risk management. While this benefit will be lower for providers of large services that are low risk or single-risk,

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<sup>462</sup> C3P response to May 2024 Consultation, p.12; NICCY response to May 2024 Consultation, p.29; Scottish government response to May 2024 Consultation, pp.8-9. We note the stakeholders also expressed support for extending the equivalent measure in response to our November 2023 Consultation: BT Group response to November 2023 Consultation, p.2; C3P response to November 2023 Consultation, p.5; Mencap response to November 2023 Consultation, p.3.

<sup>463</sup> C3P response to May 2024 Consultation, p.13.

<sup>464</sup> NICCY response to May 2024 Consultation, p.29.

<sup>465</sup> UKSIC response to May 2024 Consultation, pp.23, 36.

<sup>466</sup> We note that Airbnb and [§<] questioned the application of this measure to large, low-risk services in their response to the equivalent measure in the November 2023 Consultation. Both expressed the opinion that this measure should not be applied solely based on size, but instead should be based on the risk profile of a service: Airbnb response to November 2023 Consultation, p.3; [§<].

<sup>467</sup> ACT – The App Association response to May 2024 Consultation, p.12.

costs will also be lower because the duration of the training can be shorter (all else equal). We consider that benefits will justify costs for the same reasons set out for measure PCU A3 and PCS A3 in paragraph 11.146.

- 11.305 As with some of the other Governance and Accountability measures, we currently do not consider it proportionate to recommend this measure for providers of large vertical search services that are low risk or single risk for content harmful to children as they typically present very limited risks, if any.<sup>468</sup>
- 11.306 At this stage we are not recommending this measure for providers of smaller services that are low risk or single risk for content harmful to children for the same reasons set out for measure PCU A3 and PCS A3 (paragraph 11.148). As set out in Section 10, we recognise that this measure may potentially have benefits for some single-risk services; however, we have decided not to extend these measures to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.

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<sup>468</sup> Vertical search services typically focus on a specific segment of online content that is more controlled and less rapidly changing than in general search services. We are also not aware of evidence of such services showing content that is harmful to children. See Section 12 of the Children's Register for more detailed information.

# 12. Terms of service and publicly available statements

## What is this section about?

In this section we set out the measures for terms of service (terms) and publicly available statements (statements).

Terms and statements contain information about how a service functions, including who is allowed to use the service, rules for using the service, and how children will be protected from harm. They contribute to a safer online environment for children by helping them, and the adults who care for them, to make an informed choice about whether and how to use a service based on the information made available. These measures are broadly equivalent to the measures in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).<sup>1</sup>

## What decisions have we made?

Number in the Codes	Recommended measures	Who should implement this <sup>469</sup>
PCU G1 PCS G1	Include all information mandated by the Act in terms and statements regarding the protection of children	Providers of all user-to-user and all search services
PCU G2 PCS G2	Summarise the findings of the most recent children’s risk assessment in terms and statements	Providers of Category 1 and 2a services
PCU G3 PCS G3	Ensure terms and statements regarding the protection of children are clear and accessible	Providers of all user-to-user and all search services

## Why have we made these decisions?

These measures will ensure that children, and adults who care for them, understand the risks they face on relevant services and the measures service providers are taking to protect them from these risks.

<sup>469</sup> These measures relate to providers of services likely to be accessed by children.

## Introduction

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- 12.1 Terms of service (terms) and publicly available statements (statements) contain information about how a service functions, including who is allowed to use the service, rules for using the service, and how users will be protected from harm on the service.<sup>470</sup>
- 12.2 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we proposed three measures to improve the substance, clarity, consistency and accessibility of services' terms and statements. This section summarises stakeholder feedback received in response to those proposals and sets out our decisions after considering this feedback.

### Why are terms and statements important for protecting children?

- 12.3 Terms and statements provide important information to children and the adults who care for them about the risks and rules of using a service, allowing them to make more informed decisions.
- 12.4 Where terms and statements lack information regarding the protection of children, or where this information is presented in a way that is confusing or inaccessible to children, this can present risks to children using the service.<sup>471</sup>
- 12.5 It is therefore important that services likely to be accessed by children have terms and statements that are clear and accessible to them. This will help children, independently or in consultation with the adults who care for them, to:
- make an informed choice about whether to use a service;
  - understand the measures the provider uses to keep them safe from harmful content, including whether, when, and how they can control their online experience; and
  - understand how the provider handles complaints procedures if something goes wrong.
- 12.6 As a result, children should have knowledge of, and confidence in, the services that they use. This should contribute to a safer online environment for children.

### What are providers of regulated services' obligations regarding terms and statements?

- 12.7 Under the Online Safety Act 2023 (the Act), service providers are required to produce terms and statements for their regulated services that are both easily accessible and understandable. These documents must outline how children are to be protected from

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<sup>470</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>471</sup> For evidence on why accessible terms of service are important for children, see Section 13 'Governance, Systems and Processes' in the (Children's Register. Information regarding protection of children could include evidence sources used in a service's risk assessment, lists of all risks and harms identified on the service, and the measures the provider uses to protect children, including those set out in Codes, as well as their own bespoke solutions.

content harmful to them, whether any proactive technology is used (and how it is being used), and explain the process for handling complaints. The provisions must be consistently applied to ensure all children have a clear understanding of how they are being protected from content that is harmful to them.

- 12.8 For content that is harmful to children, the duties set out by the Act relating to provisions in the terms and statements can be grouped into three core areas which are covered by the measures in the Protection of Children Codes (the Codes). The three core areas are:
- substance,<sup>472</sup>
  - consistency,<sup>473</sup> and
  - clarity and accessibility.<sup>474</sup>
- 12.9 In terms of duties for user-to-user and search services to consistently apply provisions in their terms and statements explaining how children are to be protected from harmful content or prevented from encountering it,<sup>475</sup> in our view, providers who properly implement the measures to prevent or protect children from encountering harmful content will necessarily do so in a way that ensures terms and statements are applied consistently (due to the way these measures have been designed). It is for this reason, as set out in our May 2024 Consultation, that we have not introduced a separate measure for this consistency duty.
- 12.10 In addition to the duties regarding illegal content and content that is harmful to children, providers of categorised services have additional duties relevant to terms and statements.<sup>476</sup> We are intending to consult in early 2026 on proposals for the additional duties on categorised services.
- 12.11 The measures described in this section are compatible with the pursuit of the online safety objectives laid out in Schedule 4 to the Act, in particular that “United Kingdom users (including children) are made aware of, and can understand, [terms and statements]”.<sup>477</sup>

## Interaction with Illegal Harms

- 12.12 In our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), we set out three measures relating to terms of service and publicly available statements in respect of illegal content. These measures are broadly equivalent to the measures set out in this section.
- 12.13 See Section 10, Volume 2 of our December 2024 Statement (Terms of Service and Publicly Available Statements) for a detailed discussion of the evidence, costs, and impacts of these measures.

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<sup>472</sup> Regarding the protection of children, see sections 12(9), 12(11)(a), 12(12), 12(14), 21(3), 29(5), 29(7), 29(9), and 32(3) of the Act.

<sup>473</sup> Regarding the protection of children, see sections 12(10), 12(11)(b) and 29(6) of the Act.

<sup>474</sup> Regarding protection of children, see sections 12(13), 29(8), 21(3) of the Act.

<sup>475</sup> See section 12(10) and 29(6) of the Act.

<sup>476</sup> Some services will be categorised as Category 1, 2A or 2B, and will be required to comply with additional requirements, if they meet certain threshold conditions set out in [The Online Safety Act 2023 \(Category 1, Category 2A and Category 2B Threshold Conditions\) Regulations 2025](#) [accessed 24 March 2025]. We are now in the process of making assessments to determine whether services meet the thresholds and will publish a register of categorised services once we have completed this process.

<sup>477</sup> Paragraph 4 (a)(iii) and paragraph 5 (a)(iii) of Schedule 4 to the Act.

- 12.14 We understand that many service providers produce just one version of their terms and statements. This version may explain their approach to keeping all users safe from illegal content and protecting children from harmful content. We have taken this into account when assessing the impact of recommending measures for inclusion in the Codes.

## Summary of stakeholder feedback on our approach proposed at consultation

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- 12.15 Many stakeholders agreed with our proposals. Civil society organisations and the governments of Scotland and Wales expressed broad support towards the overall package of measures relating to terms and statements in our May 2024 Consultation.<sup>478</sup> However, stakeholders also raised concerns about aspects of the proposals. Many civil society organisations called for more prescriptive measures, while some service providers raised concerns about the level of information they would have to include in their terms and statements under the proposals. This feedback is discussed in the following subsections.
- 12.16 The children we consulted on the proposals showed general support for the measure setting out that terms and statements should be written in a way that is clear and accessible to them. They acknowledged that there is value in presenting terms in a more engaging and accessible format. In their view, services' current terms and statements are difficult to understand, which often discourages them from reviewing such information. The children we consulted agreed that terms should be simplified and easy to understand.<sup>479</sup>

## Measure PCU G1 and PCS G1: Terms and statements regarding the protection of children contain all information mandated by the Act

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### Introduction

- 12.17 In our May 2024 Consultation, we proposed that all terms and statements should include provisions in line with the duties in the Act, stating how the provider will protect children from content harmful to them, any proactive technology used, and information on how complaints are handled and resolved.<sup>480</sup> We proposed this measure be applied to all user-to-user and search services. We proposed that by implementing this measure, providers could comply with their duties relating to the substance of their terms and statements and, for user-to-user services, their duty to consistently apply any provisions in their terms of

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<sup>478</sup> Centre for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), p.16; Dean, J. response to May 2024 Consultation, p.18; Kooth Digital Health response to May 2024 Consultation, p.14; Parenting Focus response to May 2024 Consultation, p.31; Scottish Government response to May 2024 Consultation, p.17; Snap Inc. response to May 2024, p.23. Many stakeholders supported our equivalent proposals in the November 2023 Consultation Protecting People from Illegal Harms Online (November 2023 Consultation). See Section 10, Volume 2: Terms of Service and Publicly Available Statements in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).

<sup>479</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>480</sup> In our [May 2024 Consultation](#), we referred to this measure as TS1 or PCU D1 and PCS D1. For ease, and to align with the Protection of Children Codes we will refer to the measure as PCU G1 and PCS G1 throughout.

service detailing any measures they use to prevent access to their service (or parts of their service) by children under a certain age.<sup>481</sup>

- 12.18 Most respondents were supportive of this measure.<sup>482</sup> However, some stakeholders raised concerns, including the risk that providing more detail in terms and statements could aid bad actors,<sup>483</sup> reduce clarity,<sup>484</sup> or be difficult for service providers.<sup>485</sup> As discussed in Section 9, many stakeholders disagreed with our approach to provisions in terms and statements relating to minimum age requirements.<sup>486</sup>

## Our decision

- 12.19 Having considered this feedback, we have decided to proceed with the measure as proposed in our May 2024 Consultation. The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and our Protection of Children Code of Practice for search services, and they are referred to as PCU G1 and PCS G1 respectively.

## How this measure works

- 12.20 All service providers in scope of this measure should include the below provisions in their terms and statements for each of their services, as applicable.
- 12.21 Both user-to-user and search service providers in scope of this measure should include provisions in their terms and statements specifying:

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<sup>481</sup> The consistency duty is set out in section 12(11)(b) of the Act.

<sup>482</sup> Dean, J. response to May 2024 Consultation, p.18; Kooth Digital Health response to May 2024 Consultation, p.14; Nexus NI response to May 2024 Consultation, p.19; Scottish Government response to May 2024 Consultation, p.17.

<sup>483</sup> Meta Platforms Inc. (Meta) response to May 2024 Consultation, p.28; Mid Size Platform Group response to May 2024 Consultation, pp.11-12. We note Mid Size Platform Group made a similar point in response to the November 2023 Consultation, p.10; Snap Inc. response to May 2024 Consultation, pp.22-23. We note Snap Inc. made a similar point in response to the November 2023 Consultation, p.16. Several service providers raised similar concerns in response to November 2023 Consultation: Google response to November 2023 Consultation, p.56; LinkedIn response to November 2023 Consultation, p.13; Match Group response to November 2023 Consultation, pp.13-14.

<sup>484</sup> Meta response to May 2024 Consultation, pp.28-29. We note that Meta Platforms Inc. made a similar point in response to the November 2023 Consultation, p.30; [§<]; Snap Inc. response to May 2024 Consultation, pp.22-23. We note that Snap Inc. made a similar point in response to November 2023 Consultation, p.16; Ukie response to May 2024 Consultation, p.48. We note that Ukie made a similar point in response to the Illegal Harms Consultation, p.24.

<sup>485</sup> Snap Inc. response to May 2024 Consultation, p.23.

<sup>486</sup> 5Rights Foundation response to May 2024 Consultation, p.1; Barnardo's response to May 2024 Consultation, pp.26-28; Christian Action Research and Education (CARE) response to May 2024 Consultation, p.2; Carr, J. response to May 2024 Consultation, p.2; Centre to End All Sexual Exploitation (CEASE) response to May 2024 Consultation, pp.3-4; Children's Coalition for Online Safety response to May 2024 Consultation, p.3; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.3; Internet Matters response to May 2024 Consultation, p.12; Islington Headteacher Network's response to May 2024 Consultation, p.2; Internet Watch Foundation (IWF) response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, pp.1-2; Molly Rose Foundation response to May 2024 Consultation, p.2; National Association of Head Teachers (NAHT) response to May 2024 Consultation, p.16; The Age Verification Providers Association (AVPA) response to May 2024 Consultation, pp.8-9; The National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, pp.30-34; UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, p.32; Vodafone response to May 2024 Consultation, p.2; Yoti response to May 2024 Consultation, p.3.

- information about any proactive technology the service uses to safeguard children in line with their children’s safety duties, including the kind of technology, when it is used, and how it works;<sup>487</sup> and
- the policies and processes that govern the handling and resolution of complaints “of a relevant kind”.<sup>488</sup>

12.22 User-to-user service providers in scope of this measure should also include provisions in their terms of service specifying:

- how children of any age are to be prevented from encountering each kind of primary priority content that is harmful to children (PPC);<sup>489</sup>
- how children in age groups judged to be at risk of harm from priority content that is harmful to children (PC) are to be protected from encountering each kind of PC (where they are not prevented from doing so);<sup>490</sup>
- how children in age groups judged to be at risk of harm from non-designated content that is harmful to children (NDC) are to be protected from encountering any kinds of NDC which the provider has identified as a risk in their most recent children’s risk assessment (where they are not prevented from doing so);<sup>491 492</sup> and
- details about the operation of any measure taken or used by the service that is designed to prevent access to the whole, or part of, the service by children under a certain age.<sup>493</sup>

12.23 Search service providers in scope of this measure should also include provisions in their publicly available statements specifying how children are to be protected from:

- each kind of PPC;<sup>494</sup>
- each kind of PC;<sup>495</sup> and
- NDC which providers have identified as a risk in their most recent children's risk assessment.<sup>496</sup>

12.24 Service providers must ensure that all the relevant provisions set out here are clear and accessible, as required by the Act, regardless of the number of documents that constitute the provider’s terms and statements, or where this information is located within their terms and statements. See further details in the sub-section ‘Clarity and accessibility of terms and statements’ under Measure PCU G3 and PCS G3.

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<sup>487</sup> See section 12(12) and 29(7) of the Act.

<sup>488</sup> See section 21 and section 32 of the Act

<sup>489</sup> See section 12(9)(a) of the Act.

<sup>490</sup> See section 12(9)(b) of the Act.

<sup>491</sup> See section 12(9)(c) and Section 13 of the Act.

<sup>492</sup> This means any kind of NDC which providers have identified as low, medium or high-risk in their most recent children’s risk assessment.

<sup>493</sup> See section 12(11) of the Act.

<sup>494</sup> See section 29(3)(a) and 29(5)(a) of the Act.

<sup>495</sup> See section 29(5)(b) of the Act.

<sup>496</sup> See section 29(5)(c) of the Act.

## How this measure protects children

- 12.25 This measure is important to ensure providers are transparent with users and the public about the actions they take to protect children from content that is harmful to them. It reflects a duty in the Act for all service providers.<sup>497</sup>

## Stakeholder feedback and our response

### Clarity of terms and statements

#### Summary of responses

- 12.26 Several respondents raised concerns that including the information called for by the measure would have a negative impact on the clarity of service providers' terms and statements, which is contrary to the aims of the Act.<sup>498</sup>

#### Our decision

- 12.27 We have considered this feedback and have decided not to amend the measure.
- 12.28 We recognise stakeholders' concerns that including all the information required by the Act might mean terms and statements are longer and contain more information than they do currently. To enable service providers to manage such concerns and to avoid undermining the clarity and accessibility of these documents, we allow flexibility for service providers to manage the level of detail in their terms and statements. This measure will not necessarily result in longer documents as the Act allows service providers the flexibility to set out terms and statements across multiple documents, provided they are clear and accessible.

### Aiding bad actors

#### Summary of responses

- 12.29 A number of stakeholders, including Mid Size Platform Group and Meta Platforms Inc. (Meta), raised concerns that providing too much detail in a service's terms and statements could potentially lead to bad actors using the information to circumvent services' child safety protection measures.<sup>499</sup>

#### Our decision

- 12.30 Having considered this feedback from stakeholders, we have decided not to amend the measure.
- 12.31 We acknowledge stakeholder concerns that too much detail could potentially lead to information being used by bad actors to circumvent child safety measures. To mitigate this risk, service providers may choose to limit the level of detail in their terms and statements

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<sup>497</sup> See discussion at paragraphs 12.7-12.11 setting out the relevant duties for service providers in the Act.

<sup>498</sup> Meta response to May 2024 Consultation, pp.28-29. We note that Meta Platforms Inc. made a similar point in response to the November 2023 Consultation, p.30; [3<]; Snap Inc. response to May 2024 Consultation, pp.22-23. We note that Snap Inc. made a similar point in response to November 2023 Consultation, p.16; Ukie response to May 2024 Consultation, p.48. We note that Ukie made a similar point in response to the Illegal Harms Consultation, p.24.

<sup>499</sup> Meta response to May 2024 Consultation, p.28; Mid Size Platform Group response to May 2024 Consultation, pp.11-12. We note that Mid Size Platform Group made a similar point in response to November 2023 Consultation, p.10; Snap Inc. response to May 2024 Consultation, pp.22-23. We note that Snap Inc. made a similar point in response to November 2023 Consultation, p.16. Several services raised similar concerns in response to November 2023 Consultation: Google response to November 2023 Consultation, p.56; LinkedIn response to November 2023 Consultation, p.13; [3<].

to reduce the risk of aiding bad actors, provided they cover all the points required under the Act in a clear and accessible way (see Measure PCU G3 and PCS G3). For example, there is no need for service providers to describe how any proactive technology they use works in such a level of detail that it may give rise to circumvention risks.

## Provisions relating to protecting children from NDC

### Summary of responses

- 12.32 Snap Inc. expressed concern regarding how services are expected to address NDC in their terms and statements, given the subjective nature of such content.<sup>500</sup>

### Our decision

- 12.33 Regarding Snap Inc.'s concerns about provisions relating to NDC, we consider that to comply with their duties, service providers will need a clear understanding of how harmful content should be defined and identified. We have made changes to the Children's Register of Risk (Children's Register) and Children's Risk Assessment Guidance, to further clarify providers' duties in relation to protecting children from NDC. See Section 4 of Volume 2 and Section 8 of Volume 3 for further detail. We have also clarified in the Codes that measures relating to NDC apply to any kinds of NDC which providers have identified as low, medium or high risk in their most recent children's risk assessments.

## Provisions relating to minimum age requirements

### Our proposals

- 12.34 In our May 2024 Consultation, we said we were not proposing to make recommendations about how service providers in scope of this measure should implement measures designed to prevent access to the service (or part of it) by children under a certain age. This is because the Act does not require providers to set or enforce minimum age requirements. We also explained that we had limited independent evidence that age assurance methods could reliably distinguish between children in different age groups.
- 12.35 We proposed that where providers take measures designed to prevent access to the service (or part of it) by children under a certain age (minimum age requirements), they should ensure they include details in their terms about how their minimum age requirements operate and should apply these provisions consistently as required under the Act. In the draft Children's Risk Assessment Guidance, we proposed that, unless providers use a highly effective method for establishing if a user is over the minimum age requirement (see the Guidance on highly effective age assurance for Part 3 services), they should consider the risks to underage users and take a conservative view of the number of such users. On this basis, we expected providers that do not use highly effective age assurance to implement their minimum age requirements to assess risks and how they could be mitigated for children in age groups likely to be on the service, regardless of any minimum age requirements included in their terms of service. We were clear that asking children to declare their age is not an effective means of establishing the age of a user.

### Summary of responses

- 12.36 As discussed in Section 9 many stakeholders disagreed with the fact the draft Codes did not recommend measures for the enforcement of minimum age provisions or called for

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<sup>500</sup> Snap Inc. response to May 2024 Consultation, p.23.

measures recommending providers set and/or enforce such minimum age requirements.<sup>501</sup> The Office of the Children’s Commissioner for England supported our approach, suggesting providers were not best placed to decide which ages of users their services are suitable for.<sup>502</sup> The Information Commissioner’s Office (ICO) said we should provide “further clarification on the requirement for services to apply their terms of service consistently where they voluntarily set minimum age requirements”.<sup>503</sup>

12.37 We also discuss feedback relating to age assurance and minimum age requirements in Section 13.

### Our decision

12.38 The Act does not require providers to set a minimum age for users who can access their service or to use an effective means to enforce such a minimum age requirement where they choose to set one. We have therefore decided not to make changes to the measure. However, we have considered stakeholder feedback relating to minimum age provisions included in services’ terms and have conducted further analysis of existing practice across the industry. Our analysis of providers’ terms of service and other publicly available documents suggests that where providers currently set minimum age requirements in their terms of service, they tend to view them as safety measures to protect children. We have therefore decided to explain how we expect providers who set a minimum age requirement to them to apply them to users and meet their duties under the Act.

12.39 The Act places duties on user-to-user service providers who have measures designed to prevent access to their service by children under a certain age to explain those measures in their terms of service and apply them consistently.<sup>504</sup> Providers would be in scope of these duties if they use measures such as (but not limited to) the following:

- requiring users to declare their age, or confirm they are over a certain age, when accessing the service;
- using methods of age assurance to uphold their minimum age requirements; and/or
- enabling users to report underage users to prevent access to their services by children under a certain age.

12.40 As explained in the ‘How this measure works’ sub-section, Measure PCU G1 is designed to reflect these requirements in the Act.

12.41 We are aware that some providers currently rely on self-declaration of age to prevent underage users from accessing their services. We understand that a limited number of providers use age inference technologies and user reporting to detect underage users who

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<sup>501</sup> 5Rights Foundation response to May 2024 Consultation, p.1; AVPA response to May 2024 Consultation, pp.8-9; Barnardo’s response to May 2024 Consultation, pp.26-28; CARE response to May 2024 Consultation, p.2; Carr, J. response to May 2024 Consultation, p.2; CEASE response to May 2024 Consultation, pp.3-4; Children’s Coalition for Online Safety response to May 2024 Consultation, p.3; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.3; Internet Matters response to May 2024 Consultation, p.12; Islington Headteacher Network’s response to May 2024 Consultation, p.2; IWF response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, pp.1-2; Molly Rose Foundation response to May 2024 Consultation, p.2; NAHT response to May 2024 Consultation, p.16; NSPCC response to May 2024 Consultation, pp.30-34; UKSIC response to May 2024 Consultation, p.32; Vodafone response to May 2024 Consultation, p.2; Yoti response to May 2024 Consultation, p.3.

<sup>502</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.66-67.

<sup>503</sup> ICO response to May 2024 Consultation, p.2.

<sup>504</sup> See section 12(11) of the Act.

falsely declare themselves to be over the minimum age. Based on the available evidence, we do not consider such an approach is an effective means of preventing younger children accessing a service, because a significant number of children under the minimum age continue to use these services without detection.<sup>505</sup>

- 12.42 We encourage providers to go beyond their current approaches and use more effective measures to enforce their minimum age requirements; for example, by improving the effectiveness of the processes currently in place or exploring other means to correctly determine the age or age range of a particular user. In all instances, providers must ensure that they have regard to individuals' rights to privacy and comply with data protection requirements.<sup>506</sup>
- 12.43 As we explain in the Children's Risk Assessment Guidance (see paragraph 3.12), providers with a minimum age requirement that do not have in place highly effective age assurance to establish if a user is over the minimum age, should not assume underage users are not present on their services. They should put in place mitigations to address the risks their services pose to children under that minimum age. Where providers have minimum age requirements in place, we will seek to understand how those requirements are applied and how providers satisfy themselves that they have effective safety measures to protect children in age groups who are likely to be able to access the service. We will seek to understand the methods chosen by the providers to implement their minimum age requirements and how they mitigate risks to children under the minimum age who are likely to be on their services.
- 12.44 Since our May 2024 Consultation, we have also received new independent evidence on the effectiveness of age assurance methods to distinguish between different age groups of children. We discuss this evidence in Section 13.
- 12.45 We recognise the Office of the Children's Commissioner for England's concerns that providers are not best placed to decide which ages of users their services are suitable for. However, we consider Section 17 of the Children's Register and the guidance provided in the Children's Risk Assessment Guidance will enable providers to assess and understand the risks their service poses to different ages of users. Providers are also required to assess the risks their service poses to different age groups of children and take steps to mitigate those risks. We consider this mitigates the Office of the Children's Commissioner's concern.

## Impacts on service providers

- 12.46 This measure comes directly from a requirement of the Act. Any related costs or service impacts arise solely from this duty in the Act. Therefore, as in our May 2024 Consultation, we have not considered any costs or impacts to services associated with this measure as part of assessing the implications of this measure for services.

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<sup>505</sup> According to [Ofcom's Media Use and Attitudes tracker](#) (January 2025), 55% of children aged under 13 – which is commonly the minimum age requirement for many social media platforms – report using social media sites/apps. A recent report by Australia's eSafety Commissioner found that 80% of Australian 8-12-year-olds surveyed had used social media in 2024. See [eSafety Commissioner \(2025\), Behind the screen: The reality of age assurance and social media access for young Australians](#) [accessed 21 March 2025]

<sup>506</sup> Online services likely to be accessed by children are expected to comply with data protection laws and conform to the standards outlined in the [ICO's Children's Code](#) when processing children's personal data.

- 12.47 We did not receive stakeholder feedback on the impacts of this measure on service providers. We have decided to confirm our assessment of the impacts on service providers as set out in our May 2024 Consultation.

## Rights

### Freedom of expression and freedom of association

- 12.48 As explained in Section 2 of Volume 1, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. It is a qualified right, and Ofcom must exercise its duties under the Act in a way that does not restrict this right unless satisfied that it is necessary and proportionate to do so. Article 11 sets out the right to associate with others. As with Article 10, Ofcom must exercise its duties under the Act in a way that does not restrict these rights unless satisfied that it is necessary and proportionate to do so.

### Our final rights assessment

- 12.49 In our May 2024 Consultation, we considered whether this measure would constitute an interference with the rights to freedom of expression or association of users (both children and adults) or service providers. We provisionally concluded that it would not. We did not receive any stakeholder feedback on the impact of this measure on the rights of freedom of expression or association.
- 12.50 We remain of the view that this measure would not constitute an interference with users' or service providers' rights to freedom of expression or association, as it codifies direct requirements under the Act. We consider that the provision of the specific types of information mandated by the Act as set out in 'How this measure works' would be beneficial to users because they would be consistently provided with information about how the service operates across several important areas relating to children's online safety, including the use of proactive technology, user access, and complaints. This may have positive impacts on users' (particularly children's) rights to both freedom of expression and association as it should help them understand how a service protects them from encountering content that might be harmful to them.

## Privacy

- 12.51 As explained in Volume 1, Section 2, Article 8 of the ECHR confers the right to respect for an individual's private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply.

### Our final rights assessment

- 12.52 In our May 2024 Consultation, we provisionally concluded that this measure would not constitute an interference with users' privacy rights and may have positive impacts, in that it could also help children understand how a service operates to protect them from encountering content that might be harmful to them. We did not receive stakeholder feedback regarding the privacy impacts of this measure.
- 12.53 We remain of the view that this measure would not interfere with users' privacy rights but may have some positive impacts in terms of assisting users, particularly children, to understand how they can protect their personal data.

## Who this measure applies to

- 12.54 In our May 2024 Consultation, we proposed this measure would apply to providers of all user-to-user and search services likely to be accessed by children, since this is required by the Act. We did not receive stakeholder feedback on this proposal and have decided to apply the measure to providers of all services.

## Measure PCU G2 and PCS G2: Terms and statements for Category 1 and 2A services contain the findings of their most recent children’s risk assessments

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### Introduction

- 12.55 The aim of this measure is to ensure that providers of Category 1 and Category 2A services that are likely to be accessed by children summarise the findings of their most recent children’s risk assessment, including levels of risk and the nature and severity of harm to children, in their terms or statements.<sup>507</sup> This measure relates to a specific requirement in the Act<sup>508</sup> and only applies to Category 1 and Category 2A services. We proposed that by implementing this measure – along with Measure PCU G1 (user-to-user) or Measure PCS G1 (search) – providers could comply with their duties relating to the substance of their terms and statements.
- 12.56 Many respondents were supportive of this measure, agreeing with the importance of services publishing their most recent risk assessment findings in their terms or statements.<sup>509</sup> Some stakeholders made specific suggestions for points that risk assessment summaries should or should not include,<sup>510</sup> or provided feedback on the location of the risk assessment.<sup>511</sup>

### Our decision

- 12.57 Having considered this feedback, we have decided to proceed with the measure as proposed in our May 2024 Consultation.
- 12.58 The full text of the measure can be found in the Protection of Children Codes of Practice for user-to-user services and our Protection of Children Code of Practice for search services, and it is referred to as measure PCU G2 and PCS G2.

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<sup>507</sup> In our May 2024 Consultation, we referred to this measure as TS3 or PCU D2 and PCS D2. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU G2 and PCS G2 throughout.

<sup>508</sup> See sections 12(14) and 29(9) of the Act.

<sup>509</sup> CELCIS response to May 2024 Consultation, p.16; Dean, J. response to May 2024 Consultation, p.18; Kooth Digital Health response to May 2024 Consultation, p.14; NSPCC response to May 2024 Consultation, p.59; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.67; Parenting Focus response to May 2024 Consultation, p.31.

<sup>510</sup> Microsoft response to May 2024 Consultation, p.15; NSPCC response to May 2024 Consultation, pp.59-60; Pinterest response to May 2024 Consultation, p.18.

<sup>511</sup> Microsoft response to May 2024 Consultation, p.15; Pinterest response to May 2024 Consultation, p.18.

## How this measure works

- 12.59 Category 1 and 2A service providers in scope of this measure should summarise the findings of their most recent children’s risk assessment in their terms and statements, including levels of risk and the nature and severity of harm to children.

## How this measure protects children

- 12.60 This measure is important to ensure providers of Category 1 and 2A services are transparent with children and the adults who care for them about the risks of harm on a service, in the context of the measures, systems and processes the service provider has in place to protect them.
- 12.61 Greater transparency for users does not change the operation of the children’s safety duties; the onus remains on service providers to protect children from content that is harmful to them (rather than on children and the adults who care for them to protect themselves, even if they are empowered to do so).

## Stakeholder feedback and our response

### Flexibility of measure

#### Summary of responses

- 12.62 Several stakeholders made specific suggestions for points that risk assessment summaries should or should not include. The National Society for the Prevention of Cruelty to Children (NSPCC) expressed support for the measure but suggested that we should include more detail on what exactly service providers in scope of this measure should include in their risk assessment summary to ensure that they do not “cherry-pick” information, excluding information that might portray the service in a negative light.<sup>512</sup> Pinterest and Microsoft suggested that risk assessment summaries should exclude any details that could help bad actors undermine a service provider’s child protection measures.<sup>513</sup>

#### Our decision

- 12.63 Having considered this feedback from stakeholders, we have decided not to amend the measure.
- 12.64 The Act stipulates that the children’s risk assessment summary should include levels of risk and the nature and severity of potential harm to children.<sup>514</sup> We consider the duty as laid out in the Act to be sufficiently clear as to what is expected for Category 1 and Category 2A services in scope of the measure to implement without further elaboration by us.
- 12.65 We acknowledge stakeholder feedback, including the NSPCC’s concern that this measure is not prescriptive as to the level of detail that service providers are required to include. However, given the range of services in scope, we think it is important to allow flexibility for service providers so that they can tailor the information provided to the needs of their user base and avoid unintended consequences, such as equipping perpetrators to circumvent protections.

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<sup>512</sup> NSPCC response to May 2024 Consultation, pp.59-60.

<sup>513</sup> Microsoft response to May 2024 Consultation, p.15; Pinterest response to May 2024 Consultation, p.18.

<sup>514</sup> See sections 11 and 28 of the Act.

- 12.66 We have considered the risk highlighted by Pinterest and Microsoft that perpetrators may use the detail provided in risk assessment summaries to undermine safety measures. However, this measure is required by the Act. We consider it is sufficiently flexible to mitigate this risk, by allowing providers flexibility to comply with their duty in a way that does not equip bad actors.

## Location of risk assessment

### Summary of responses

- 12.67 Some stakeholders provided feedback relating to the location of the risk assessment. Microsoft argued that the risk assessment summary should be kept separate from terms and statements, noting that readers could get confused trying to navigate both documents if published together in one location.<sup>515</sup> Pinterest made a similar point about clarity and suggested flexibility in the format and location of where the risk assessment is published.<sup>516</sup> Meta also added that services should have the flexibility to reference most recent risk assessment findings in separate locations, such as the Transparency Centre, to avoid practical difficulties of having to notify users every time risk assessment changes occur, including changes to an Ofcom risk profile or aspects of a service's design or operation which would result in overly frequent notifications to users.<sup>517</sup>

### Our decision

- 12.68 We have considered Microsoft, Pinterest and Meta's feedback and have decided not to amend the measure.
- 12.69 We recognise that although service providers might prefer to have flexibility about where to publish summaries of their findings from children's risk assessments, the Act requires those findings to be summarised in terms or statements. The Act allows service providers the flexibility to set out terms and statements across multiple documents, provided they are clear and accessible.

## Impacts on service providers

- 12.70 This measure comes directly from a requirement of the Act. Any related costs or service impacts arise solely from this duty in the Act. Therefore, as in our May 2024 Consultation, we have not considered any costs or impacts to service providers associated with this measure as part of assessing the implications of this measure for service providers.
- 12.71 We did not receive stakeholder feedback on the impacts of this measure on service providers. We have decided to confirm our assessment of the impacts on service providers as set out at consultation.

## Rights

### Our final rights assessment

- 12.72 In our May 2024 Consultation, we considered that the reasoning set out in the 'Rights impact' sections of Measure PCU G1 and PCU G3 on the potential interference of those measures on freedom of expression, association and privacy rights, applied equally to this measure, as it codifies direct requirements under the Act. We did not receive stakeholder feedback on the impact of this measure on such rights. We have therefore concluded that

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<sup>515</sup> Microsoft response to May 2024 Consultation, p.15.

<sup>516</sup> Pinterest response to May 2024 Consultation, p.18

<sup>517</sup> Meta response to May 2024 Consultation, p.33.

this measure would not constitute an interference with users' (both children and adults) or service providers' rights to freedom of expression or association, or with users' privacy rights.

- 12.73 Summarising levels of risk as well as the nature and severity of potential harm to children may result in positive impacts on users' (particularly children's) rights to freedom of expression and association as well as their rights to privacy. It should help users understand why a service may choose or be required to implement specific measures to protect children from harmful contacts or interactions while they use the service to express themselves and connect with others.

### Who this measure applies to

- 12.74 As required by the Act, and as set out in our May 2024 consultation, this measure will apply to all Category 1 and Category 2A services that are likely to be accessed by children.

## Measure PCU G3 and PCS G3: Terms and statements regarding the protection of children are clear and accessible

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### Introduction

- 12.75 As required by the Act, this measure focuses on making detailed information that is provided in services' terms and statements clear and accessible to readers, including children.<sup>518</sup> It is also intended to mirror the equivalent measure ICU G3 (user to user) and ICS G3 (search) in the Illegal Content Codes. We proposed that by implementing this measure providers could comply with their duties relating to the clarity and accessibility of their terms and statements.
- 12.76 In our May 2024 Consultation, we proposed four key areas for providers to consider in order to make the provisions in their terms and statements clear and accessible: findability, layout and formatting, language, and useability.<sup>519</sup> We proposed that an outcomes-based approach, which sets high-level expectations for providers in these areas, would best accommodate the range of service providers in scope of regulation and provide flexibility in how they meet their duties.
- 12.77 Many respondents were supportive of this measure, agreeing with the importance of terms and statements being accessible and clearly presented.<sup>520</sup> Among other feedback that we discuss in detail in the 'Stakeholder feedback and our response' sub-section, several

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<sup>518</sup> Schedule 4, paragraph 4 (a)(iii) and paragraph 5 (a)(iii) of the Act; Section 29 (8) of the Act.

<sup>519</sup> In our May 2024 Consultation, we referred to this measure as TS2 or PCU D3 and PCS D3. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU G3 and PCS G3 throughout.

<sup>520</sup> ACT - The App Association response to May 2024 Consultation, p.23; CELCIS response to May 2024 Consultation, p.16; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.7. We note that FSB made a similar point in response to November 2023 Consultation p.4; Kooth Digital Health response to May 2024 Consultation, p.14; Meta response to May 2024 Consultation, p.29; Nexus NI response to May 2024 Consultation, p.19. We note that Nexus NI made a similar point in November 2023 Consultation, p.14; Office of the Children's Commissioner for England response to May 2024 Consultation, p.66; Parenting Focus response to May 2024 Consultation, p.31; Pinterest response to May 2024 Consultation, p.17; Scottish Government response to May 2024 Consultation, p.17; Welsh Government response to May 2024 Consultation, p.13; Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

stakeholders suggested changes to make the measure more prescriptive.<sup>521</sup> Another stakeholder shared that it is excessive to impose a duty to rewrite and illustrate terms and statements in a child-friendly manner, particularly if the service is not intended for children.<sup>522</sup>

## Our decision

- 12.78 Having considered this feedback, we have decided to proceed with the measure as proposed in our May 2024 Consultation.
- 12.79 The full text of this measure can be found in the Protection of Children Codes of Practice for user-to-user services and our Protection of Children Code of Practice for search services, and it is referred to as PCU G3 and PCS G3 respectively.

## How this measure works

- 12.80 The measure relates to duties in the Act concerning the clarity and accessibility of certain provisions set out in Measure PCU G1 and G2. To achieve this, service providers in scope of this measure should have regard to the findability and usability of these provisions, how they are laid out and formatted, and the language used to describe them.
- 12.81 Service providers in scope of this measure should ensure compliance with their duties by ensuring that the following four factors are considered:
- Findability: Provisions should be easy to find, in that they are easy to locate within the terms or statement and are clearly signposted to the public (including to those who do not use or are not signed up for the service).
  - Layout and formatting: Provisions should be laid out and formatted in a way that helps users, including children, to understand them.
  - Language: Provisions should be written to a reading age comprehensible for the youngest person permitted to use the service without consent from a parent or guardian.
  - Usability: Provisions should be compatible with assistive technologies that may be required by children with visual or motor impairments, such as screen readers and keyboard navigation tools.

## How this measure protects children

- 12.82 This measure reflects a duty in the Act for service providers to ensure their terms and statements relating to protection of children are clear and accessible, including to children.<sup>523</sup>

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<sup>521</sup> ACT - The App Association response to May 2024 Consultation, p.23; Canadian Centre for Child Protection Inc. (C3P) response to May 2024 Consultation, pp.26-27; CELCIS response to May 2024 Consultation, p.16; Dean, J. response to May 2024 Consultation, p.18; Nexus NI response to May 2024 Consultation, p.19; Office of the Children's Commissioner for England response to May 2024 Consultation, pp .66-68.

<sup>522</sup> Ink bunny response to May 2024 Consultation, p.16

<sup>523</sup> Section 12(13) and 29(8) of the Act. It also reflects the online safety objective that UK users (including children) are made aware of and can understand, the terms of service – see paragraphs 4(a)(iii) and 5(a)(iii) of Schedule 4.

- 12.83 As we discussed in our May 2024 Consultation, evidence suggests terms and statements are often long, confusing and require advanced reading skills to understand,<sup>524</sup> meaning they are unsuitable for many users, especially children.<sup>525</sup> Our research found that UK internet users (including 16- and 17-year-olds) rarely access terms and statements when visiting websites or apps.<sup>526</sup>
- 12.84 However, Ofcom research also found that 29% of 16-24-year-olds would check a service's community guidelines and 7% would check the terms and conditions if they were unsure about posting something on the service.<sup>527</sup> It is therefore important that these documents contain clear and accessible information for users, including children, when they need it.
- 12.85 For more supporting evidence for the effectiveness of this measure, please refer to paragraphs 19.44-19.68 in our May 2024 Consultation.

## Stakeholder feedback and our response

### Flexibility of measure

#### Summary of responses

- 12.86 Several stakeholders suggested the measure include more prescriptive recommendations about how providers should make their terms and statements clear and accessible.
- 12.87 These suggestions included specifying that providers should:
- write terms and statements in multiple languages to make information more accessible to those who do not speak English as their first language;<sup>528</sup>
  - produce terms and statements that can be understood by those with an entry level three reading age (expected of children aged 9-11);<sup>529</sup>

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<sup>524</sup> Ofcom, 2023. [Regulating Video-Sharing Platforms \(VSPs\). Our first 2023 report: What we've learnt about VSPs' user policies](#). Subsequent references are to this document throughout; Ibdah, D., Lachtar, N., Meenakshi Raparathi, S. and Bacha, A., 2021. ["Why should I read the privacy policy, I just need the service": A study on attitudes and perceptions toward privacy policies](#), *IEEE Access*, 9. [accessed 21 March 2025]. 55% of surveyed users did not correctly understand what a privacy policy told them; Taloustutkimus Oy (Turja, T. & Sandqvist, S.), 2021. [The use of digital services 2021: Summary report](#). [accessed 21 March 2025]. Only 44% of survey respondents felt they understood well the terms and conditions of different applications and services

<sup>525</sup> See Schneble, C.O., Favaretto, M., Elger, B.S. and Shaw, D.M., 2021. [Social media terms and conditions and informed consent from children: Ethical analysis](#), *JMR Pediatrics and Parenting*, 4 (2). [accessed 21 March 2025]. Subsequent references are to this research throughout. A thematic analysis of terms and conditions on 20 social media platforms and two mobile phone operating systems, which concluded 'terms and conditions are often too long and difficult to understand, especially for younger users.' See also Milkaite, I. and Lievens, E., 2020. [Child-friendly transparency of data processing in the EU: from legal requirements to platform policies](#). *Journal of Children and Media*, 14 (1). [accessed 21 March 2025]; Office of the Children's Commissioner for England, January 2017. [Growing up digital: A report of the Growing Up Digital Taskforce](#). [accessed 21 March 2025]. Subsequent references are to this document throughout; Ofcom, 2021. [Video-sharing platform guidance](#); [Mental Health Foundation response](#) to 2023 Protection of Children Call for Evidence; [Anti-Bullying Alliance response](#) to 2023 Protection of Children Call for Evidence.

<sup>526</sup> Ofcom, 2023. [Platform Terms and Accessibility](#) [accessed 8 April 2025]. Question 1: Have you ever needed to access terms of service/ guidelines on social media? Note: Only 33% of 16–24-year-olds reported ever needing to access social media terms or guidelines, decreasing to 19% for all respondents.

<sup>527</sup> Ofcom, 2024. [Online Platform Terms and Conditions and Content Controls](#) [accessed 8 April 2025]. Question TOS\_23: If you were unsure about posting something on a social media or video sharing platform (in case it wasn't allowed), where would you check first to see if you should post it or not? Please select one option only.

<sup>528</sup> CELCIS response to May 2024 Consultation, p.16.

<sup>529</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.66

- create a version of the statement for children and young people;<sup>530</sup>
- condense terms and statements so they are published in a more user-friendly format;<sup>531</sup>
- communicate terms and statements through a more accessible and engaging medium, such as audio and visuals, as opposed to text;<sup>532</sup> or
- standardise presentation of terms and statements across services.<sup>533</sup>

#### Our decision

- 12.88 Having considered this feedback, we have decided not to amend the measure for the following reasons.
- 12.89 Given the number and diversity of services within scope of this measure, we consider it would not be proportionate to make more prescriptive recommendations that would require service providers to present their terms and statements in the same way. We maintain that it is important for providers to have flexibility in choosing the format of terms and statements that is most suitable for their service and users. Service providers may develop terms and statements in multiple languages or formats if they choose to do so, as long as they achieve outcomes in line with the four characteristics of clear and accessible terms and statements described in paragraph 12.81.
- 12.90 The User Support Measure PCU F1 and PCS F1 sets out that providers should develop age-appropriate support materials. This should help both children and adults with specific communication needs to understand the most important elements of terms and statements.<sup>534</sup> We consider this will help to address some of the suggestions raised by stakeholders.
- 12.91 We agree with the Office of the Children’s Commissioner for England that writing terms and statements so that they can be understood by those with a lower reading age will help ensure that they are easily accessible to a wide range of users. However, we are not recommending that terms and statements are written to a specific reading age because we have not found a sufficient body of evidence to determine a reading age that would deliver clear and accessible terms and statements across the range of services this measure applies to. There is also a limit to the extent to which lowering reading age ensures all users can understand terms and statements, and to the extent to which providers can simplify the language of their terms and statements. Such documents, by their nature, might need to be longer and complex despite a service provider’s best efforts to simplify and streamline them. For these reasons, reading age is only one part of our four characteristics for clear and accessible terms.

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<sup>530</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.10.

<sup>531</sup> CELCIS response to May 2024 Consultation, p.16; Dean, J. response to May 2024 Consultation, p.18; Northern Ireland Commissioner for Children and Young People response to May 2024, p.35.

<sup>532</sup> Nexus response to May 2024 Consultation, p.19

<sup>533</sup> ACT – The App Association response to May 2024 Consultation, p.23; C3P response to May 2024 Consultation, pp.26-27.

<sup>534</sup> See sections 21(3) and 32(3) of the Act.

## Effectiveness of measure

### Summary of responses

- 12.92 Smartphone Free Childhood noted that most adults do not read terms of service or disclaimers before using a service and expecting children to read them is unrealistic.<sup>535</sup>

### Our decision

- 12.93 Having considered Smartphone Free Childhood’s feedback, we have decided not to amend the measure for the following reasons.
- 12.94 We agree with Smartphone Free Childhood that evidence suggests that most adults do not read terms of service, and that children cannot be expected to read them either. We consider this measure will make it easier for children and the adults who care for them to find and understand terms and statements, should they wish to do so. This may lead to an increase in the numbers of users who read terms and statements in future. Evidence suggests that some children want to engage with terms and statements,<sup>536</sup> even if many are discouraged from doing so by their length and complex language.<sup>537</sup>
- 12.95 We recognise that even if terms and statements are significantly clearer and more accessible, reading rates may remain low. Therefore, this measure is part of a larger suite of measures designed to protect children from harmful online content. Ultimately, this measure is required by the Act and places a duty on service providers that are in scope to make terms and statements as clear and accessible as is reasonably possible. As such, we have limited discretion to make alternative recommendations.

## Tools to assist smaller services

### Summary of responses

- 12.96 While the Federation of Small Businesses (FSB) broadly supported the measure, it suggested that small and mid-sized business should be allowed to generate terms and/or statements with “content policy generator tools”. It cited the Information Commissioner’s Office’s (ICO) privacy statement generator tool as an example.<sup>538</sup>

### Our decision

- 12.97 We have considered the FSB’s feedback and have decided not to amend the measure. This is because we do not think that given the wide variety of services in scope of these measures it would be appropriate for us to provide a generative tool that helps businesses

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<sup>535</sup> Smartphone Free Childhood response to May 2024 Consultation, p.12

<sup>536</sup> Ofcom, 2024. Online Platform Terms and Conditions and Content Controls. Question TOS\_23: If you were unsure about posting something on a social media or video sharing platform (in case it wasn’t allowed), where would you check first to see if you should post it or not? Please select one option only. Note: The top reported place to check first was a platform’s community guidelines with 29% of 16–24-year-olds selecting this option, while 7% would check a platform’s terms and conditions. The Behavioural Insights Team Best Practice Guide, 2019; European Commission, 2021. Anti-Bullying Alliance response to 2023 Protection of Children Call for Evidence.

<sup>537</sup> Ofcom, 2023. Regulating Video-Sharing Platforms (VSPs). Our first 2023 report: What we’ve learnt about VSPs’ user policies. Subsequent references are to this document throughout; Ibdah, D., Lachtar, N., Meenakshi Raparathi, S. and Bacha, A., 2021. “Why should I read the privacy policy, I just need the service”: A study on attitudes and perceptions toward privacy policies, IEEE Access, 9. [accessed 16 April 2024]. 55% of surveyed users did not correctly understand what a privacy policy told them; Taloustutkimus Oy (Turja, T. and Sandqvist, S.), 2021. The use of digital services 2021: Summary report. [accessed 16 April 2024]. Only 44% of survey respondents felt they understood well the terms and conditions of different applications and services.

<sup>538</sup> FSB response to May 2024 Consultation on Protecting Children from Harms Online, p.7.

generate terms and statements in line with these measures at this time. There would be too great a risk that this could give service providers inaccurate assurances about their compliance, as they would be best placed to judge how they need to frame their own terms of service to comply, and they will need to do so in light of the particular circumstances of their own service. However, we have an extensive programme of work to make the regulations more accessible and compliance easier for all online services which fall in scope of the Act. Earlier this year, we launched the first phase of a new ‘Digital Support Service’ consisting of interactive digital tools for providers of regulated services based on their feedback.<sup>539</sup> Our newest tool will help providers comply with the protection of children legislation.

## Clarification of the measure

### Summary of responses

- 12.98 Skyscanner acknowledged the need for terms and statements to be clearer and more accessible but noted that such documents are contractual by nature and therefore do not lend themselves to being user-friendly. Skyscanner called for us to clarify that a provider will be deemed compliant as long as the information in its terms and statements is not obscured or misleading.<sup>540</sup>

### Our decision

- 12.99 We have considered Skyscanner’s feedback that terms and statements are contractual by nature and have decided not to amend the measure. We do not consider the contractual nature of terms and statements prevents them from being written and presented in a way that is understandable for many users, including children. The measure allows providers flexibility about how they do this as long as the desired outcome of clarity and accessibility is achieved. We would consider whether or not terms or statements are clear and accessible on a case-by-case basis, taking into account the nature of the provision in question and how it is presented to users, in particular those who are likely to be children, as this would need to be considered in context.

## Impacts on service providers

- 12.100 In our May 2024 Consultation, we said the costs of this measure may vary between services, depending on factors such as the length of provisions, the information included and the clarity of providers’ current terms and statements. We considered this variation in costs was likely to be within a narrow range, with those costs representing a higher share of revenue for smaller services with smaller budgets. We explained that we expected there would be cost efficiencies where services implemented the equivalent measure set out in the Illegal Content Codes.
- 12.101 We estimated that providers would need to incur one-off costs of between £3,000 and £5,000, with smaller ongoing maintenance costs, to implement this measure in addition to the measure in the Illegal Content Codes. We estimated these additional costs are in laying out and formatting provisions to aid children comprehension and using clear and simple language to explain provisions. We expect service providers would incur additional costs to ensure that provisions regarding the protection of children are laid out and formatted in a way that facilitates understanding amongst children, with one-off costs between £1,000

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<sup>539</sup> Ofcom, 2025. [Ofcom launches digital safety toolkit for online services.](#)

<sup>540</sup> Skyscanner response to May 2024 Consultation, p.17

and £1,500. We also expect service providers may need to invest time and effort to ensure provisions are expressed in language that is comprehensible to the youngest person permitted to agree to them, with one-off costs between £2,000 and £3,500.<sup>541</sup>

### Summary of responses

- 12.102 We received little feedback on our costs analysis for this measure. However, one stakeholder considered that the estimated cost was far too low when considering associated costs for maintenance and presentation.

### Our decision

- 12.103 We have considered this feedback and have decided not to amend our assessment of the impacts of the measure. While we encourage service providers to go beyond our measures, such as translating the terms and statements, we recognise that this would increase costs. Furthermore, service providers are required by the Act to ensure provisions are clear and accessible. As such, most of the costs of this measure relate to these specific requirements in the Act, over which we have no discretion.
- 12.104 For the majority of service providers, we remain of the view that the costs of applying this measure will be relatively small, in line with our assessment in the consultation. This is particularly given that the criteria of the measure are framed in high-level terms. This means that service providers have a significant degree of flexibility to implement the measure in way which is appropriate for their size and risks.

## Rights

### Our final rights assessment

- 12.105 In our May 2024 Consultation, we considered whether this measure would constitute an interference with the rights of users (both children and adults) or services' freedom of expression, association or right to privacy. We did not consider that this measure would constitute an interference with the right to freedom of expression or association or privacy of users (both children and adults) or services.
- 12.106 We did not receive any stakeholder feedback on the impact of this measure on freedom of association or privacy rights. In relation to freedom of expression, Big Brother Watch agreed with the measure and said that measures should avoid limiting expression beyond the law.<sup>542</sup>
- 12.107 We therefore remain of the view that this measure would not constitute an interference with users' or service providers' rights to freedom of expression or association, or users' rights to privacy. We consider that this measure is likely to achieve benefits for users in aiding understanding of information which is of particular relevance to whether they choose to use a service, and their experience if they do. The measure will be beneficial for children in particular as it should help them understand how a service operates to protect them from content that might be harmful to them and protects their personal data as they use and gain access to the service. These benefits will have positive effects on rights to privacy and to freedom of expression and association on users (in particular children).

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<sup>541</sup> For a fuller description of our assessment of the impact on services, see paragraphs 19.71-19.84 in our May 2024 Consultation.

<sup>542</sup> Big Brother Watch response to May 2024 Consultation, p. 47. We note that Big Brother Watch made a similar point in response to November 2023 Consultation, p.11.

## Who this measure applies to

12.108 In our May 2024 Consultation, we proposed that this measure apply to providers of all user-to-user and search services likely to be accessed by children, since the Act requires all service providers to ensure that the provisions in their terms or statements outlined in Measure PCU G1 and PCS G1 are clear and accessible. We consider the flexibility of the measure, the benefits it will bring to children, and its alignment with an equivalent measure in the Illegal Content Codes means it is proportionate for providers of all services.<sup>543</sup> We have decided to confirm our assessment set out at consultation of which providers the measures should apply to.

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<sup>543</sup> Since providers of all services will need to implement an equivalent measure in the Illegal Content Codes, we consider the additional costs of implementing this measure also will be limited, as outlined in 'Impacts on service providers' above.

# 13. Age assurance

## What is this section about?

In this section we set out the Age Assurance measures for providers of user-to-user services likely to be accessed by children.

Highly effective age assurance enables service providers to determine whether or not a particular user is a child, and subsequently prevent access to the service or part of the service or target safety measures at children. The age assurance measures are designed to prevent children from encountering primary priority content (PPC) and protect children from priority content that is harmful to children (PC) and, in the case of Measure PCU B7, non-designated content that is harmful to children (NDC). We also recommend Measure PCU B1<sup>544</sup> which sets out what service providers should have regard to when implementing a highly effective age assurance process in accordance with any of the measures set out in the Protection of Children Code for user-to-user services.

## What decisions have we made?

Number in the Codes	Recommended measure	Who should implement this <sup>545</sup>
PCU B1	Principles that services should have regard to when implementing highly effective age assurance.	Providers of services likely to be accessed by children that implement a highly effective age assurance process for the purpose of acting in accordance with any of the recommendations set out in these Codes.
PCU B2	Use highly effective age assurance to prevent children from accessing the entire service.	Providers of user-to-user services: <ul style="list-style-type: none"> <li>where the principal purpose is the hosting or dissemination of one or more kinds of PPC.</li> </ul>
PCU B3	Use highly effective age assurance to prevent children from accessing the entire service.	Providers of user-to-user services: <ul style="list-style-type: none"> <li>where the principal purpose is the hosting or dissemination of one or more kinds of PC.</li> </ul>

<sup>544</sup> In our May 2024 Consultation, we referred to this measure as PCU H1. For this statement we have aligned the numbering of the age assurance measures with the Protection of Children Codes numbering. For ease, the numbers have been detailed in the first mention within each pair of measures.

<sup>545</sup> These measures relate to providers of user-to-user services likely to be accessed by children.

PCU B4	Use highly effective age assurance to ensure that children are prevented from encountering PPC identified on the service.	Providers of user-to-user services: <ul style="list-style-type: none"> <li>• where the principal purpose is not the hosting or the dissemination of one or more kinds of PPC; and</li> <li>• allow one or more kinds of PPC; or</li> <li>• prohibit all kinds of PPC in their terms of service but are currently unable to remove that content.</li> </ul>
PCU B5	Use highly effective age assurance to ensure that children are protected from encountering PC identified on the service.	Providers of user-to-user services: <ul style="list-style-type: none"> <li>• where the principal purpose is not the hosting or dissemination of one or more kinds of PC; and</li> <li>• who allow one or more kinds of PC for which it is medium or high risk; or</li> <li>• prohibit one or more kinds of PC in their terms of service for which they are medium or high risk but are currently unable to remove that content.</li> </ul>
PCU B6	Use highly effective age assurance to apply Measure PCU E1 <sup>546</sup> to children on the service.	Providers of user-to-user services: <ul style="list-style-type: none"> <li>• whose terms of service do not prohibit one or more kinds of PPC for which it is medium or high risk; and</li> <li>• have a content recommender system</li> </ul>

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<sup>546</sup> Measure PCU E1 recommends that content indicated potentially to be PPC is excluded from children's feeds. If service providers prohibit all kinds of PPC for which they are medium or high risk for, they may use highly effective age assurance to apply the measure only to children's recommender feeds or, if deemed proportionate, opt to apply Measure PCU E1 to all users' recommender feeds. If service providers do not prohibit the kind(s) of PPC that they are medium or high risk for, then they are in scope of Measure PCU B6 and should use highly effective age assurance for the purpose of applying Measure PCU E1 to children.

PCU B7	Use highly effective age assurance to apply Measure PCU E2 <sup>547</sup> to children on the service.	Providers of user-to-user services: <ul style="list-style-type: none"> <li>• whose terms of service do not prohibit one or more kinds of PC or NDC for which it is medium or high risk; and</li> <li>• have a content recommender system</li> </ul>
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### Why have we made these decisions?

Determining whether or not a user is a child is critical to creating safer experiences for children online as it enables service providers to target protections at children. Age assurance measures will work together with content moderation, service design and user support to make it harder for children to access harmful content and reduce the prevalence and dissemination of such content in online spaces children can access.

## Introduction

- 13.1 A highly effective age assurance process means a process that is highly effective at correctly determining whether or not a user is a child. This allows service providers to target safety measures at children. It may also enable providers to tailor online experiences for children of different age groups.
- 13.2 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we proposed six age assurance measures that were designed to prevent children from encountering primary priority content (PPC) and protect children from encountering priority content (PC).<sup>548</sup> We also proposed Measure PCU B1 which set out considerations that service providers should have regard to when implementing any age assurance process for the purpose of other measures which recommend the use of highly effective age assurance.
- 13.3 Under the Protection of Children Codes (the Codes), age assurance, together with content moderation, service design and user support, work together to ensure that children are less likely to access harmful content. These measures should also limit the prevalence and dissemination of harmful content in spaces that children can access.
- 13.4 This section sets out a summary of the stakeholder feedback we received in response to our proposals and the decisions we have made.

<sup>547</sup> Measure PCU E2 recommends that content indicated potentially to be PC and NDC is excluded or given a low degree of prominence in children's recommender feeds. If service providers prohibit all kinds of PC and NDC that they are medium or high risk for, they can use highly effective age assurance to apply this measure only to children's recommender feeds or, if deemed proportionate, opt to apply the measure to all users' recommender feeds. If service providers do not prohibit all the kinds of PC and NDC that they are medium or high risk for, then they are in scope of Measure PCU B7 and should use highly effective age assurance for the purpose of applying Measure PCU E2 to children.

<sup>548</sup> Our [May 2024 Consultation on Protecting Children from Harms Online](#) (May 2024 Consultation), Vol. 5, Section 15.

## Our approach to highly effective age assurance

- 13.5 In May 2024, we consulted on non-statutory draft guidance for highly effective age assurance to assist service providers in scope of Part 3 of the Act in complying with their duties.<sup>549</sup> We subsequently published the following two documents in January 2025:
- The Age Assurance and Children’s Access Statement (January 2025 Statement). This statement set out our decisions on our approach to highly effective age assurance for service providers in scope of Part 3 of the Act. It included summaries of stakeholder feedback and Ofcom’s responses. The feedback covered in the January 2025 Statement included responses to our May 2024 Consultation on the draft Part 3 Highly Effective Age Assurance Guidance (Part 3 HEAA Guidance).
  - The final guidance on highly effective age assurance for providers of Part 3 services (Part 3 HEAA Guidance). Service providers in scope of Part 3 of the Act should refer to this guidance when carrying out the first stage of a children’s access assessment (as set out in the Children’s Access Assessments Guidance)<sup>550</sup> and to understand what constitutes highly effective age assurance and how it should be implemented for the measures set out in the Codes, which are explained in this section.<sup>551</sup>
- 13.6 As part of this publication, we have updated the Part 3 HEAA Guidance with references to the Codes and to reflect any changes to the wording and numbering of the relevant measures.<sup>552</sup>

## What the Act requires

- 13.7 The Online Safety Act 2023 (the Act) requires service providers to use highly effective age assurance to prevent children encountering PPC that the service provider identifies on its service.<sup>553</sup> This duty applies to user-to-user service providers in relation to each kind of PPC, unless that kind of PPC is prohibited by their terms of service for all users.<sup>554</sup> While the Act does not require the use of highly effective age assurance to prevent children from encountering PC or NDC, or from encountering kinds of PPC which are prohibited under the terms of service, age assurance is an example of a measure that providers may take to comply with the one of the duties in sections 12(2) and 12(3).<sup>555</sup> In our May 2024 Consultation, we proposed that providers of certain services should use highly effective age

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<sup>549</sup> May 2024 Consultation, Annex 10.

<sup>550</sup> Ofcom, 2025. [Guidance on highly effective age assurance](#). (Part 3 HEAA Guidance)

<sup>551</sup> Service providers who display or publish their own pornographic content online (Part 5 services) should refer to our Guidance for service providers publishing pornographic content (Part 5 Guidance) and Section 4 of our [January 2025 Age Assurance and Children’s Access Statement](#) (our January 2025 Statement) to understand how they can meet all the requirements of the Act relating to the scope of Part 5.

<sup>552</sup> Part 3 HEAA Guidance

<sup>553</sup> Section 12(4) of the Act. Specifically, the Act explains that the duty set out in section 12(3)(a) of the Act, which requires service providers to use proportionate systems and processes designed to prevent children of any age from encountering PPC by means of the service, requires a provider to use age verification or age estimation to prevent children of any age from encountering PPC which the provider identifies on the service. Section 12(6) of the Act explains that the kind of age assurance used should be highly effective at correctly determining whether or not a particular user is a child.

<sup>554</sup> Section 12(5) of the Act. Specifically, this explains that the duty set out in s.12(4) applies to a provider in relation to a particular kind of PPC in every case, except where (a) a term of service indicates (in whatever words) that the presence of that kind of PPC is prohibited on the service; and (b) that policy applies in relation to all users of the service.

<sup>555</sup> Section 12(7) of the Act.

assurance to ensure children are prevented from encountering PPC or are protected from encountering PC.<sup>556</sup>

- 13.8 The Act does not specifically require the use of age assurance by providers of search services, and we have not recommended it at this stage. We discuss the rationale for this in Section 15.
- 13.9 For this reason, in the remainder of this section, references to ‘services’ and ‘service providers’ refer only to user-to-user services likely to be accessed by children. References to the ‘Protection of Children Code’ refer to the Code for user-to-user services.

#### Schedule 4

- 13.10 As detailed in Section 21, we are required to have regard to various principles in preparing the Codes, including proportionality, and the right to freedom of expression and privacy.<sup>557</sup> In addition to this, paragraph 12 of Schedule 4 to the Act sets out further principles that we must have regard to when preparing age assurance measures for the Code.<sup>558</sup>
- 13.11 For each measure, we provide detail on the principles we have had regard to and set out our assessment of the impact of measures on the rights to freedom of expression and privacy. These principles are a common thread throughout our consideration of the measures. Where relevant, we may refer to other sections of this statement to demonstrate how we meet our obligations in Schedule 4 to the Act. In other instances, we set this out in our consideration of individual measures in this section.

### Interaction with Illegal Harms

- 13.12 Understanding whether or not a user is a child for the purpose of applying safety measures is also relevant to the Illegal Content Codes of Practice (the Illegal Content Codes). In our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), we recommended measures for service providers in scope of Part 3 of the Act to protect children from online grooming.
- 13.13 If a service provider has an existing means to determine the age or age range of a particular user, including by a system or process other than highly effective age assurance, we set out that the service provider should apply a set of safety defaults (ICU F1) and provide supportive information (ICU F2) to the accounts of children on their relevant services.<sup>559</sup>
- 13.14 Where providers of Part 3 services are also in scope of the age assurance measures as set out in the Codes, we expect they may choose to use highly effective age assurance to apply Measures ICU F1 and F2 as well. In the coming months, we intend to consult on proposals to use highly effective age assurance to determine who is a child for the purposes of implementing ICU F1 and F2.

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<sup>556</sup> In our May 2024 Consultation, we did not include NDC in the scope of the six proposed measures. However, we did state that we were minded to for Measure PCU B7, and this decision is set out at paragraph 13.273.

<sup>557</sup> Schedule 4 to the Act.

<sup>558</sup> Paragraph (12) of Schedule 4 to the Act.

<sup>559</sup> [Illegal Content Codes of Practice for user-to-user services.](#)

## What children told us

- 13.15 The children we engaged with on the draft Codes were broadly positive about our proposed age assurance measures.<sup>560</sup> Children felt it was important for age checks to be harder to circumvent on services that they used. They felt that the proposed age assurance measures would improve the strength of online age checks.
- 13.16 In response to Measures PCU B2 and PCU B3, children recognised that these measures were aimed at protecting them from harmful content. A few children reflected that age assurance for this purpose should already be in place.
- 13.17 Children saw Measures PCU B4 and PCU B5 as a positive way to continue enjoying online services while being protected from harmful content.
- 13.18 In response to Measures PCU B6 and PCU B7, overall children supported the use of age assurance to target measures aimed at reducing harmful content appearing on their feeds. However, some children expressed concerns about whether it was appropriate for different types of harmful content (such as PPC and PC) to be treated differently (i.e. remove vs. reduce in prominence).

## How this section is structured

- 13.19 In this section, we have grouped the measures into pairs:
- Service-wide age-gating: Measures to use highly effective age assurance to prevent children accessing services whose principal purpose is hosting PPC or PC (PCU B2 and PCU B3).
  - Targeting appropriate actions towards children: Measures to use highly effective age assurance to target our content moderation measures to prevent children accessing PPC and protect them from PC (PCU B4 and PCU B5).
  - Targeting recommender systems protections towards children: Measures to use highly effective age assurance to target recommender systems protections for children (PCU B6 and PCU B7).
- 13.20 We discuss measure-specific stakeholder feedback in the relevant sub-section for each pair of measures.
- 13.21 Many stakeholders also provided cross-cutting feedback. Where this feedback related to our approach to highly effective age assurance, including stakeholders' concerns about privacy, data protection, security and circumvention, we have responded to this in the January 2025 Statement.<sup>561</sup>
- 13.22 We address other cross-cutting feedback that is not measure-specific at the end of this section, under 'Other considerations'.
- 13.23 We also received some feedback which is relevant across a number of, but not all, Age Assurance measures. For example, this includes feedback about the cost of implementing highly effective age assurance, relevant to some measures where we exercise discretion in recommending highly effective age assurance in circumstances where it is not specifically

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<sup>560</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#). Children were shown simplified versions of the draft codes.

<sup>561</sup> For more detail, see Section 3 of our [January 2025 Statement](#).

required by the Act (PCU B3, PCU B5, PCU B6 and PCU B7).<sup>562</sup> To minimise duplication, we address such feedback in the first measure for which it is relevant and make clear where certain points apply to multiple measures. At the same time, where such feedback has different or additional implications for other measures, we address this individually.

## Measures PCU B2 and PCU B3: Service-wide age-gating

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### Introduction

- 13.24 In our May 2024 Consultation, we proposed two measures for providers of services whose principal purpose is the hosting or dissemination of harmful content:<sup>563</sup>
- We proposed that providers of services whose principal purpose is the hosting or the dissemination of one or more kinds of PPC should use highly effective age assurance to prevent children from accessing the entire service.
  - We proposed that providers of services whose principal purpose is the hosting or dissemination of PC, and who are also medium or high risk for one or more of those kinds of PC, should use highly effective age assurance to prevent children from accessing the entire service.
- 13.25 We refer to these measures collectively as service-wide age-gating measures.
- 13.26 Some stakeholders expressed specific support for Measures PCU B2<sup>564</sup> and PCU B3.<sup>565</sup> We also received other comments on various aspects of Measures PCU B2 and PCU B3, which we summarise in paragraphs 13.39-13.125.

### Our decision

- 13.27 Having considered this stakeholder feedback, we have decided to proceed with Measure PCU B2 as proposed in our May 2024 Consultation.
- 13.28 We have decided to change Measure PCU B3 to remove the additional criteria that the service is medium or high risk for one or more of the kinds of PC that it prohibits. We detail our rationale for this decision at paragraph 13.122.
- 13.29 Having considered feedback received from the Information Commissioner's Office (ICO) in relation to Section 16, measures PCU B2 and PCU B3 now include a recommendation that provides adult users with a mechanism to appeal against an incorrect assessment of age, in circumstances where this has resulted in their access to a part or the whole of a service being restricted.<sup>566</sup>

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<sup>562</sup> Similarly, feedback about PC is only relevant to measures specifically related to PC (PCU B3, PCU B5 and PCU B7) but not to measures related only to PPC (PCU B2, PCU B4 and PCU B6).

<sup>563</sup> In our May 2024 Consultation, we referred to these measures as AA1 or PCU H2 and AA2 or PCU H3. For ease and to align with the Protection of Children Codes, we will refer to these measures as PCU B2 and PCU B3 throughout.

<sup>564</sup> Christian Action Research and Education (CARE) response to May 2024 Consultation, p.1; Office of the Children's Commissioner for England response to May 2024 Consultation, p.54.

<sup>565</sup> International Justice Mission response to May 2024 Consultation, p.10.

<sup>566</sup> The Information Commissioner's Office (ICO) response to May 2024 Consultation, p.12.

- 13.30 The full text of these measures can be found in the Protection of Children Code of Practice for user-to-user services, and they are referred to as PCU B2 and PCU B3.

## How these measures work

- 13.31 Providers of services where the principal purpose is to host or disseminate PPC or PC should prevent United Kingdom users<sup>567</sup> from accessing the entire service unless they have been determined to be adults using highly effective age assurance. ‘Principal purpose’ in this context refers to the main activity or objective of the service. ‘Entire service’ means any part of the service on which regulated user-generated content may be present.
- 13.32 Highly effective age assurance should be implemented either at the point of entry to the service or the provider must ensure that no harmful content is visible to users on entering the service before they have completed the age check.
- 13.33 Where a provider of a service is in scope of Measure PCU B2 or PCU B3, it should ensure that all users have completed an age check, regardless of whether the user is accessing the service through an existing account, new account, or is using a logged-out version of the service.
- 13.34 Once services have introduced highly effective age assurance in line with these measures, they may then carry out a new children’s access assessment. As we explain in the Children’s Access Assessment Guidance, providers of services using highly effective age assurance may conclude that it is not possible for children to access the service, meaning that they are not subject to the children’s risk assessment and safety duties.<sup>568</sup>

## How these measures protect children

- 13.35 Measures PCU B2 and PCU B3 are designed to significantly reduce the risk of harm to children by preventing children from accessing services whose principal purpose is to host or disseminate PPC or PC.
- 13.36 The Act requires the use of highly effective age assurance to prevent children from encountering identified PPC.<sup>569</sup> To secure this outcome, we have exercised a degree of discretion in recommending that service providers in scope of Measure PCU B2 prevent users from accessing the entire service unless they have been determined to be adults using highly effective age assurance, rather than only preventing access to identified PPC as required by the Act. We consider that age assurance is essential for facilitating effective access control measures for providers of services whose principal purpose is the hosting or dissemination of PPC. We consider that providers would realistically have no other way to prevent children from encountering this content other than to prevent them from accessing the service.

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<sup>567</sup> For brevity, in this section we refer to ‘users’ rather than ‘United Kingdom users’. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>568</sup> Children’s Access Assessment Guidance, p.12, paragraph 3.2. Providers should note that they would then be required to carry out children’s access assessments every year, or in other circumstances including in response to evidence about reduced effectiveness of age assurance. See Section 5 of the Children’s Access Assessments Guidance for more details.

<sup>569</sup> See the exception set out in section 12(5) of the Act.

- 13.37 The Act does not explicitly require providers to use highly effective age assurance to protect children from PC, whether through preventing children from accessing the entire service or otherwise.<sup>570</sup> However, it does require that service providers protect, in a way proportionate to the risk of harm, children in age groups judged to be at risk of harm from encountering PC. The Children's Register of Risks (Children's Register) explains the impact of PC on children who encounter it, particularly where this content is cumulative or in high volume.<sup>571</sup>
- 13.38 Given PC is likely to make up the majority of content on services in scope of Measure PCU B3, allowing children to access these services could result in cumulative harm, where a child encounters harmful content repeatedly or at high volumes, or when a child encounters harmful combinations of different kinds of content. We consider that this represents a risk of harm to all children. Therefore, we consider that recommending highly effective age assurance to prevent children from accessing services whose principal purpose is the hosting or dissemination of PC is the only effective way to protect children from harm and is therefore proportionate.

## Stakeholder feedback and our response

### Publication of circumvention risk assessments (applicable to PCU B2)

#### Our proposals

- 13.39 In our May 2024 Consultation, we proposed that service providers should take steps to identify any methods children are likely to use to circumvent age assurance methods. We also proposed that providers should take feasible and proportionate steps to make it harder for children to circumvent highly effective age assurance.

#### Summary of responses

- 13.40 The Office of the Children's Commissioner for England welcomed the proposal that providers should take steps to identify how children might circumvent an age assurance process, suggesting that this is supplemented with a direction to providers to publish the assessment of that risk in the children's risk assessment, and to share the steps taken to mitigate it publicly.<sup>572</sup>

#### Our decision

- 13.41 We have considered this feedback and have decided to maintain our approach. The Children's Risk Assessment Guidance already recommends service providers consider the effectiveness of existing controls at mitigating risks to children on their services.<sup>573</sup>
- 13.42 The Act only requires providers of Category 1 services to summarise the findings of their children's risk assessment in their terms of service (see Section 12 for discussion of the corresponding measure) and does not require any service providers to publish their children's risk assessments.<sup>574</sup>

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<sup>570</sup> Unlike PPC where the Act requires children of any age to be prevented from encountering PPC (see section 12(4) of the Act).

<sup>571</sup> See the Children's Register.

<sup>572</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.55. We received feedback on circumvention of highly effective age assurance which we addressed under the 'Robustness' criterion in Section 3 of the January 2025 Statement.

<sup>573</sup> See the sub-section 'Evidence Inputs' in the Children's Risk Assessment Guidance for Service Providers.

<sup>574</sup> Section 12(14) of the Act.

- 13.43 In addition, we consider that encouraging service providers to publish information about circumvention risks could have the perverse effect of increasing awareness amongst children or bad actors of ways to circumvent an age assurance process. For these reasons, we are not recommending that service providers in scope of the age assurance measures publish information about the steps taken to mitigate circumvention risks.

## Proportionality of highly effective age assurance for PC

### Our proposals

- 13.44 In our May 2024 Consultation, we set out that for Measure PCU B3 we considered that preventing access by children to the entire service using highly effective age assurance was the only feasible solution to protect children from encountering PC on services with the principal purpose of hosting or disseminating PC. We noted that the Act does not specifically require highly effective age assurance for PC, but we considered the proposed measure justified and proportionate and in line with the principles set out in Schedule 4 to the Act.

### Summary of responses

- 13.45 Big Brother Watch argued that recommending highly effective age assurance for PC would “prevent” rather than “protect” children from encountering PC, suggesting that this is unnecessary and disproportionate.<sup>575</sup> An individual respondent suggested that age assurance should be limited to only PPC, and that we should recommend alternative measures for PC.<sup>576</sup>

### Our decision

- 13.46 We have considered stakeholder feedback and have decided not to make changes to the measure in response.
- 13.47 The Children’s Register demonstrates that exposure to all forms of PC (and PPC) can negatively affect children’s wellbeing through isolated incidents of exposure, cumulative exposure, and incidents of indirect harm.<sup>577</sup> For example, sites whose primary purpose is to host or disseminate PC may include sites dedicated to gore or extreme forms of violence which pose a significant risk of severe impacts on children.
- 13.48 We remain of the view that implementing targeted content controls to specific content identified as PC or access controls to parts of the service is unlikely to be effective or feasible for a service of this nature, and therefore preventing access to the entire service through service-wide access controls using highly effective age assurance is the only feasible solution to effectively protect children from encountering PC on these kinds of services.
- 13.49 Although the Act does not specifically require age assurance in relation to PC, it does make clear that measures to protect children may include age assurance.<sup>578</sup> We consider this measure is proportionate for the services we recommend it for, in line with the principles

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<sup>575</sup> Big Brother Watch response to May 2024 Consultation, pp.25-26.

<sup>576</sup> Individual, anonymous 1 response to May 2024 Consultation.

<sup>577</sup> See the Children’s Register for a fuller discussion of our assessment of the causes and impacts of harm to children.

<sup>578</sup> Section 12(7) of the Act.

set out in Schedule 4 to the Act.<sup>579</sup> As such, we have used the discretion afforded to us in the Act to require highly effective age assurance to protect children from encountering PC, which we deem to be proportionate for these kinds of services.

## Impacts on service providers

### Measure PCU B2 – services where the principal purpose is hosting or disseminating PPC

#### Our position at consultation

13.50 In our May 2024 Consultation, we considered that the impacts on service providers of Measure PCU B2, including direct and indirect costs of implementing highly effective age assurance, largely result from the specific requirements in the Act. Providers that allow PPC on their services have a duty to use highly effective age assurance to prevent children encountering identified PPC. Where impacts result from specific requirements in the Act which are outside our discretion, we did not incorporate these into our impact assessment.

#### Our decision

- 13.51 We did not receive feedback about impacts on providers related to Measure PCU B2 specifically. Overall, our assessment remains that the costs resulting from Measure PCU B2 result primarily from the specific requirements of the Act itself.
- 13.52 To expand on our position set out at consultation, we recognise that we have exercised discretion in how we define highly effective age assurance and set out the supporting Part 3 HEAA Guidance, which is likely to have an impact on providers.<sup>580</sup> As set out below, we consider these impacts justified and proportionate to achieve the objective that children cannot access these services, taking into account the flexibility provided by the non-exhaustive list of methods and the criteria-based approach, and the clarity that the Part 3 HEAA Guidance gives to providers about how to comply in practice. The assessment and decision in this sub-section apply equally to Measures PCU B3-B7, where the same definition of highly effective age assurance and guidance applies. For brevity, we do not repeat this for each measure.
- 13.53 As a result of our definition of highly effective age assurance, providers will incur costs to understand the guidance and assess their age assurance process against the criteria, as well as having regard to the principles of accessibility and interoperability as part of their implementation. Similarly, providers should consult ICO guidance which may entail some staff costs. Further, as age assurance technology evolves, the provider may have to review and update its approach to ensure compliance over time.
- 13.54 The scale of these costs is likely to be highly dependent on each service's context and approach to implementation. Regardless of our approach to defining highly effective age assurance, we expect that all providers who are required by the Act<sup>581</sup> to use it would need

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<sup>579</sup> Paragraph 2(c) of Schedule 4 to the Act sets out the principle that the measures described in the code of practice must be proportionate and technically feasible and that measures that are proportionate or technically feasible for providers of a certain size or capacity, or for services of a certain kind or size, may not be proportionate or technically feasible for providers of a different size or capacity or for services of a different kind or size. We consider that this principle has been satisfied in our recommendation to use age assurance in relation to PC, given risk of harm to children from encountering these types of content on services of this kind.

<sup>580</sup> This includes exercising discretion in defining the four criteria associated with highly effective age assurance and in providing a non-exhaustive list of the kinds of age assurance that are capable of being highly effective in the Part 3 HEAA Guidance.

<sup>581</sup> Sections 12(4) and 12(6) of the Act.

to incur some preparatory costs, to assess the effectiveness of their age assurance process and ensure it is compliant with other relevant requirements, such as data protection legislation. Any costs arising from the definition of highly effective age assurance set out in the Codes, as supported by the Part 3 HEAA Guidance, are incremental to this.

- 13.55 We recognise that these costs could be material and represent a higher proportion of revenue or total cost for smaller service providers. Smaller service providers with few employees may, for example, have to rely on external expertise that is not readily available internally. On the other hand, smaller service providers may be more agile in implementing changes and could face less complex internal governance processes, which could reduce some of the costs involved in following our definition and guidance. Overall, we consider that our approach can help providers to comply while affording appropriate flexibility over implementation, enabling them to pursue cost-effective age assurance processes that best suit their own specific contexts, so long as they can demonstrate that their age assurance process is highly effective.
- 13.56 More information about how we have considered the impacts of our general approach to highly effective age assurance, including responses to relevant stakeholder comments, can be found at Annex 2 of the January 2025 Statement.<sup>582</sup>

### **Measure PCU B3 – services where the principal purpose is hosting or disseminating PC**

#### **Our position at consultation**

- 13.57 In our May 2024 Consultation, we assessed the direct and indirect costs of Measure PCU B3 in full, given that we would be exercising our discretion in recommending this measure in relation to PC, which is not specifically required by the Act.
- 13.58 In summary, the likely upfront, direct and indirect costs assessed included:
- Preparatory costs: this included understanding and applying the principles, criteria and steps set out in the Codes and in our Part 3 HEAA Guidance (as discussed in the previous sub-section in relation to Measure PCU B2).
  - Direct costs of deployment: where a service provider uses a third-party age assurance provider, we estimated that most of this cost would relate to third-party fees charged on a unit basis, which we assumed could be in the range of 5p to 20p per age checks. Where age assurance is developed in-house, we found that costs would likely be substantial and considered this approach unlikely to be realistic for providers of smaller services. We also noted that service providers could potentially incur costs from changing the design of their services to control access.
  - Indirect costs: we noted that the measure could reduce user numbers and revenue. This could be due to the exclusion of children – which is the intent of the measure – but also where adults are unwilling or unable to undergo age assurance.

#### **Summary of responses**

- 13.59 We received feedback on the costs of implementing highly effective age assurance, which is summarised below. This feedback is also relevant to other measures (PCU B5, B6 and B7) where we have exercised discretion in recommending highly effective age assurance in circumstances where it is not specifically required by the Act, and we therefore assess the impacts of its implementation in full. For brevity, we do not repeat this for each measure.

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<sup>582</sup> Annex 2, January 2025 Statement.

- 13.60 Some respondents commented on the costs of age assurance in general terms.<sup>583</sup> The Centre for Excellence for Children's Care and Protection (CELCIS) suggested that the cost implications of our proposed measures are proportionate.<sup>584</sup> Two stakeholders expressed concern that the costs would have a significant impact on some services.<sup>585</sup>
- 13.61 Some respondents made more specific comments about our cost analysis. With respect to direct costs, Snap Inc. argued that the costs of using third-party age assurance providers were significantly higher than our estimates, particularly where service providers would need to carry out non-interoperable age assurance checks.<sup>586</sup> However, Snap Inc. acknowledged that costs are trending towards the values mentioned in our consultation.<sup>587</sup> Yoti challenged our proposed approach to third-party cost estimates on the grounds that it does not account for volume discounts.<sup>588</sup> With respect to the cost of developing age assurance in-house, Yoti suggested that our cost estimates were too low.<sup>589</sup>
- 13.62 With respect to indirect costs, we received feedback about potential user drop-off. Multiple stakeholders provided evidence about the reluctance of users to undergo age checks, with some linking this to user drop-off and resulting revenue losses.<sup>590</sup> A stakeholder expressed concern that our analysis of indirect costs related to user drop-off is brief and argued that even a 20% user-drop out resulting from an age assurance process could represent an existential threat to their platform.<sup>591</sup> [§].<sup>592</sup>
- 13.63 Multiple stakeholders said that the proposed measures could have adverse effects on competition. [§].<sup>593</sup> Pinterest argued that the burden of age assurance would fall disproportionately on newer market entrants that are competing to win user share from established market players.<sup>594</sup> Free Dating Limited argued that services without a strong brand are more likely to experience significant user drop-off due to implementing highly effective age assurance, which may make some small services unviable.<sup>595</sup>
- 13.64 The Advertising Association commented on indirect impacts of the measures on advertisers. It argued that age assurance may lead to “more age-gated content which could complicate ad placement and targeting strategies” and could limit advertisers’ ability to reach “younger demographics”. It argued that our proposed measures may make it more challenging to run cohesive cross-platform campaigns. It also suggested that advertisers and agencies could face increased costs from complying with services’ new policies and in the event that regulated service providers pass on any increased costs to advertisers.<sup>596</sup>

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<sup>583</sup> Nexus response to May 2024 Consultation, p.14.

<sup>584</sup> CELCIS response to May 2024 Consultation, p.12.

<sup>585</sup> Inkbunny response to May 2024 Consultation, p.13; [§].

<sup>586</sup> Snap Inc. response to May 2024 Consultation, p.19.

<sup>587</sup> Snap Inc. response to May 2024 Consultation, p.21.

<sup>588</sup> Yoti response to May 2024 Consultation, p.29.

<sup>589</sup> Yoti response to May 2024 Consultation, p.30.

<sup>590</sup> Free Dating Limited response to May 2024 Consultation, p.9, Mid Size Platform Group response to May 2024 Consultation, p.3; Nextdoor response to May 2024 Consultation, p.9; Online Dating and Discovery Association response to May 2024 Consultation, p.6; Skyscanner response to May 2024 Consultation, p.3.

<sup>591</sup> [§].

<sup>592</sup> [§].

<sup>593</sup> [§].

<sup>594</sup> Pinterest response to May 2024 Consultation, p.14.

<sup>595</sup> Free Dating Limited response to May 2024 Consultation, p.2.

<sup>596</sup> Advertising Association response to May 2024 Consultation, p.11.

## Our decision

- 13.65 We have considered this feedback and adjusted some cost assumptions, as summarised below. The changes also apply to other measures (PCU B5, B6 and B7) where we use these assumptions and are reflected in our cost estimates presented in Annex 3. We also provide clarifications below where appropriate. Overall, we accept that costs may be significant but assess these to be proportionate given the risk of harm posed by services in scope.
- 13.66 Specifically, we have updated our assumptions about the costs of third-party age assurance methods, increasing the upper bound of our estimate from 20p to 30p, so that we assume a cost of 5p to 30p per age check. We consider that this better reflects the variety of methods and prices available in the market. The range we have adopted takes into account that there is some uncertainty about future market developments and price trends. It also better reflects our position on use of challenge age as per the Part 3 HEAA Guidance (see paragraphs 4.16-4.20), which means that a second check may be needed in some cases, depending on a provider's approach, and this may entail additional costs.
- 13.67 With respect to Snap Inc.'s comment about the cost implications where age assurance is not interoperable, we wish to clarify that we have not assumed use of interoperable methods in our analysis (see Annex 3). To the extent that interoperable methods are available and adopted, this could result in lower costs.
- 13.68 With respect to developing age assurance in-house, our cost estimates are indicative. We have clarified in Annex 3 that costs may be significantly higher in some cases than the indicative cost we estimate, including where a provider develops and implements multiple age assurance methods.
- 13.69 We have considered feedback about potential indirect impacts and consider that our assessment adequately takes into account such impacts, which we assess as proportionate in the context of this measure. We also take into account this feedback when discussing indirect impacts in later subsections for Measures PCU B4-B7 where there are some different considerations.
- 13.70 We acknowledge that, if Measure PCU B3 reduces the number of users on a service, this may have a commercial impact on service providers. We expect that there will be further evidence in the future regarding this impact. For providers of services where the principal purpose is hosting or disseminating PPC or PC, we consider any impact on user drop-off and competition from age-gating the service to be unavoidable to comply with the children's safety duties, due to the clear harm posed to children by such services.<sup>597</sup>
- 13.71 With respect to impacts on the advertising sector, where a service provider prevents children accessing the entire service, we acknowledge that this reduces the ability of advertisers to reach children on these services. We consider these measures to be the only way for providers of such services to comply with the children's safety duties and therefore our assessment is that any impact on advertisers is unavoidable. We note that the nature of the services in scope of Measure PCU B3 means that they may not be relevant for many mainstream advertisers in any case, and it is possible that relevant advertisers (such as those advertising products or services containing adult themes) may in fact prefer to target their adverts at adults only.

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<sup>597</sup> See the sub-sections 'How these measures protect children' and 'Proportionality of highly effective age assurance for PC (applicable to Measure PCU B3 only)' where we discuss this in more detail.

## Rights

### Freedom of expression and freedom of association

- 13.72 As explained in Volume 1, Section 2, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. Article 11 sets out the right to associate with others. Both Article 10 and Article 11 are qualified rights, and we must exercise our duties under the Act in a way that does not restrict these rights unless satisfied that it is necessary and proportionate to do so.<sup>598</sup>

### Our final rights assessment: PCU B2

- 13.73 In our May 2024 Consultation, we considered that this measure had the potential to significantly interfere with individuals' rights to both freedom of expression and freedom of association. We also considered that there was the potential to interfere with service providers' rights to freedom of expression. However, given the significant benefits to children from this measure, we considered that the interference with rights to freedom of expression and association was proportionate.
- 13.74 We did not receive any feedback from stakeholders regarding the freedom of expression or freedom of association impacts of this measure.
- 13.75 Where a service provider implements highly effective age assurance with the objective of restricting children's access to the entire service to prevent them encountering PPC, this has the potential to interfere with both child and adult users' rights to freedom of expression and association, and service providers' rights to freedom of expression. The Act requires providers of services that do not prohibit all kinds of PPC to use highly effective age assurance to prevent children from encountering identified PPC identified. To the extent that children are effectively prevented from encountering PPC identified on the service, and adults are restricted from sharing such content with children, we consider this the minimum action required to secure that providers meet their duties under the Act.
- 13.76 We note that this measure prevents children from accessing any regulated user-generated content on the service, which goes further than the duties in the Act strictly require.<sup>599</sup> However, this measure only applies to providers of services where the principal purpose is to host or disseminate PPC. Therefore, we consider that the amount of non-PPC on such services from which children could potentially benefit is likely to be very limited. We also consider that preventing access to the entire service using effective service-wide access controls is the only feasible solution to prevent children from encountering PPC in practice. Therefore, we do not consider there is a less intrusive way for providers in scope of this measure to meet the requirements of the Act.
- 13.77 We recognise the costs of implementing this measure may be significant, such that some service providers may decide to exit the UK market. UK adults would therefore no longer be able to access such services, interfering with their rights to receive or impart information and potentially to associate with other users through these services. However, we consider it highly unlikely that all service providers in scope of this measure would cease to operate

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<sup>598</sup> A qualified right is a right that can be restricted in certain circumstances to balance the rights of the individual with the needs of another, or of the wider community.

<sup>599</sup> We note that it is possible that this could include content related to religion or belief which could engage users' rights under Article 9 of the ECHR, although we consider the likely impact in this regard to be limited, given the nature of the services in scope of this measure.

in the UK, although the choice of such services overall may be more limited than it is currently. Nevertheless, as noted in paragraph 13.51, we consider that the costs resulting from Measure PCU B2 result primarily from the specific requirements of the Act itself.

- 13.78 We also acknowledge that the measures will make it more difficult for adults to access these services, and that some adult users may be dissuaded from using the service altogether, where they have to undergo an age check each time they use the service. On the other hand, some providers may make their service only available to users with accounts, but this could also result in users being dissuaded from accessing the service, as they may have concerns about how their personal data might be used or how their activity may be tracked by the provider. However, we consider these risks may be limited by the fact that providers have incentives to make their age assurance processes as user-friendly as possible and limit friction for adult users. In this regard, we note that the Part 3 HEAA Guidance sets out that age assurance should be easy to use and work for all users, regardless of their characteristics or whether they are members of a certain group.<sup>600</sup>
- 13.79 We note that some adult users may be inadvertently restricted from accessing a service because they are wrongly assessed to be a child. While there is potential risk for a margin of error in the use of age assurance, we consider that service providers can limit this risk by implementing an age assurance process in line with the Part 3 HEAA Guidance, which includes suggestions such as offering users a choice of age assurance methods.<sup>601</sup> This measure also includes a mechanism for adult users to appeal against an incorrect assessment of age. We consider this provides a safeguard against unjustified interference with individuals’ rights and we have included specific reference to this safeguard in the measure.
- 13.80 This measure may also have an impact on service providers’ rights to freedom of expression. For example, where UK adult users were dissuaded from using services in scope of this measure, or if providers were to cease to make their services available to users in the UK due to the cost burdens. However, we consider that most of this impact arises from the duties placed on service providers under the Act, rather than as a result of this measure.
- 13.81 As such, we remain of the view set out in our May 2024 Consultation that, given the likelihood of children encountering PPC on these services is high, any interference with individuals’ or service providers’ rights to freedom of expression and individuals’ rights to freedom of association, is proportionate when taking into account the risk of harm to children.

### Privacy and data protection

- 13.82 As explained in Volume 1, Section 2, Article 8 of the ECHR confers the right to respect for an individual’s private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply.

### Summary of responses

- 13.83 TikTok argued that the age assurance measures (though not specifically Measure PCU B2), “appear to conflict with the ICO Children’s Code”.<sup>602</sup> It suggested that “Ofcom should

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<sup>600</sup> Part 3 HEAA Guidance, p. 20.

<sup>601</sup> Part 3 HEAA Guidance, p. 20.

<sup>602</sup> TikTok response to May 2024 Consultation, p.10.

coordinate with the ICO and other regulators to ensure the approach taken in relation to age assurance aligns with broader data protection and privacy requirements”.<sup>603</sup>

- 13.84 iProov commented on our rights assessment for Measure PCU B2, in which we considered that where a provider uses automated processing as part of their highly effective age assurance process, there may be a more significant impact on users’ privacy, particularly if the user does not know that their personal data could be used like this. iProov suggested that we had not gathered or reviewed sufficient evidence to state that the impact of automated processing could be more significant than human processing.<sup>604</sup>

#### Our final rights assessment: PCU B2

- 13.85 In our May 2024 Consultation, we considered that all methods of age assurance would involve the processing of personal data and would have a significant impact on individuals’ rights to privacy. We identified that safeguards exist in the form of compliance with data protection laws and took the view that service providers are able to implement highly effective age assurance in accordance with these laws.
- 13.86 We remain of the view that any interference with privacy and data protection rights associated with this measure would be proportionate.
- 13.87 All methods of age assurance involve the processing of personal data of individuals, and it will therefore have an impact on users’ rights to privacy and their rights under data protection law. The degree of interference will depend on the extent to which the nature of their affected content and communications is public or private, or, in other words, gives rise to a legitimate expectation of privacy. It will also depend on the nature of the information required to complete the highly effective age assurance process, for example, if more sensitive information is required, the interference may be greater.
- 13.88 This measure is not limited only to content or communications that are communicated publicly. Therefore, it may also interfere with users’ ability to access services which enable users to communicate privately or for which individuals might expect a reasonable degree of privacy. However, the impact on adults’ rights in this regard would be more limited where a service continues to be available, provided adult users assure their age.
- 13.89 We do not consider that it would be appropriate to limit this measure to content communicated publicly. Given the nature of the services in scope of this measure (where the principal purpose would be to host content related to one or more forms of PPC), we do not consider that it is likely that children could be otherwise prevented from exposure to PPC in any private communications functionalities enabled by these services. We also consider that any functionalities enabling private communications are likely to be an ancillary function of such services. Therefore, we consider this may, to some extent, limit the degree of interference with rights to privacy.
- 13.90 We acknowledge that depending on how age assurance is implemented, for example, whether it is in association with users logging into accounts, having to complete age assurance may result in a user being identified to the service and/or other users via their online account. However, it is possible to assure a user’s age without retaining data other than as needed for the purposes of the age check. This measure does not recommend that service providers should obtain or retain any specific types of personal data about

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<sup>603</sup> TikTok response to May 2024 Consultation, p.7.

<sup>604</sup> iProov response to May 2024 Consultation, p.20.

individual users as part of their highly effective age assurance processes. Providers have flexibility as to the methods they use and we do not recommend, for example, that they should rely on identity documentation. We consider that service providers can and should implement the measure in a way which minimises the amount of personal data which may be processed or retained.

- 13.91 When processing users’ personal data, including for the purposes of complying with all measures in this section, providers must comply with all relevant data protection legislation, including minimising the amount of children’s data that is processed, which must be given special consideration.<sup>605</sup> We note the feedback from iProov, in relation to the use of automated processing in highly effective age assurance. We are not specifically recommending such processing but consider that it has the potential for a significant impact on users’ rights to privacy (and data protection), albeit not necessarily more so than human processing. We would expect service providers to have regard the relevant guidance from the ICO when implementing highly effective age assurance, given the processing of personal data involved. We have also considered the feedback from TikTok and reiterate that where a provider chooses to collect any metrics or is already collecting metrics, they need to ensure that any personal data is processed in accordance with applicable data protection legislation.
- 13.92 Users’ data protection rights would also be affected by the nature of the action taken as a result of the highly effective age assurance process, particularly if a user’s age was incorrectly assessed with the result that personal data held by the service provider about that user was inaccurate.<sup>606</sup> However, we note our recommendations in the Part 3 HEAA Guidance that age assurance is done in a way that is highly effective, which may mitigate any potential interference. Additionally, we note that any negative impacts from incorrect age assessments may be mitigated given that this measure includes a recommendation that users whose access to a part of or the whole of a service is incorrectly restricted, should be able to appeal against the outcome of that assessment. Guidance from the ICO also explains that providers “must provide tools so that people can challenge inaccurate age assurance decisions. You should make these tools accessible and prominent, so people can exercise their rights easily”.<sup>607</sup>
- 13.93 While the degree of interference with users’ rights to privacy is likely to be significant, we remain of the view that this measure is likely to constitute the minimum degree of interference required to enable service providers to fulfil their children’s safety duties under the Act and is therefore proportionate to the legitimate aim of protecting children from harm.

## **Freedom of expression and freedom of association**

### **Summary of responses**

- 13.94 Big Brother Watch raised concerns about “widespread age verification across websites, apps and other online services” at the point of entry. It argued this would lead to restrictions on children’s and adults’ freedom of expression (and access to information) as this measure would effectively prevent children from encountering PC, which is an

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<sup>605</sup> Recital 38 of the UK GDPR.

<sup>606</sup> Further guidance on the data protection implications of this can be found on the ICO website at [Right to rectification](#) [accessed 8 April 2025].

<sup>607</sup> See the [Information Commissioner’s Opinion on Age Assurance](#), section 6.1.2. [accessed 8 April 2025]

“unnecessary and disproportionate measure”. It argued this would have a “major impact on users’ rights”.<sup>608</sup>

#### Our final rights assessment: PCU B3

- 13.95 In our May 2024 Consultation, we considered that this measure had the potential to significantly interfere with children’s and adult users’ rights to both freedom of expression and freedom of association. We also considered that there was the potential to significantly interfere with service providers’ rights to freedom of expression. However, given the significant benefits to children from this measure, we considered that the interference with rights to freedom of expression and association was proportionate.
- 13.96 We remain of the view that the degree of potential interference with rights to freedom of expression and association is potentially significant for the reasons set out in relation to Measure PCU B2. However, many of the mitigations noted in relation to Measure PCU B2 also apply here, including the recommendation that service providers include a mechanism for users to appeal against an incorrect assessment of age.
- 13.97 We recognise that the children’s safety duties in the Act place an obligation on service providers only to protect children in age groups judged to be at risk of harm from encountering PC. We consider it is important for us to take into account the different needs of children in different age groups when designing the Codes recommendations, in line with the principles set out in Schedule 4 to the Act. However, while there may be unintended adverse impacts on some children who may be less severely affected if exposed to PC, this may not be the case for all children across a particular age group for which additional protections may provide significant benefits. Furthermore, as noted in the Children’s Register, the evidence suggests that children of all ages are at risk of harm from PC. Given the services in scope of this measure have the hosting or dissemination of PC as their principal purpose, we therefore consider that any interference with rights to freedom of expression or association by this measure is proportionate given the risk of harm to children on such services.
- 13.98 Having considered stakeholder responses, we remain of the view set out in our May 2024 Consultation, that while there is potential for this measure to interfere with individuals’ and service providers’ rights to freedom of expression and individuals’ rights to freedom of association, we consider that the risk of interference is proportionate to the legitimate aim of protecting children from encountering PC given the risk of harm posed by these services.

#### Privacy and data protection

##### Summary of responses

- 13.99 In response to our May 2024 Consultation, the ICO stated that highly effective age assurance should not be “implemented in a disproportionately intrusive manner”.<sup>609</sup> Big Brother Watch also took issue with “increased data profiling” that would take place as a result of our proposals recommending implementing highly effective age assurance, although this was a comment made more broadly in relation to the implementation of age assurance rather than specifically for this measure.

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<sup>608</sup> Big Brother Watch response to May 2024 Consultation, p.26.

<sup>609</sup> ICO response to May 2024 Consultation, p.6.

### Our final rights assessment: PCU B3

- 13.100 In our May 2024 Consultation, we considered this measure had the potential to have a significant impact on users' rights to privacy and their rights under data protection law for the reasons set out in relation to Measure PCU B2. We remain of the view that the degree of potential interference with privacy and data protection rights is potentially significant. However, many of the mitigations noted in relation to Measure PCU B2 also apply here.
- 13.101 We recognise that the use of highly effective age assurance requires the processing of personal data, and this must be done in accordance with data protection laws. The nature of the services in scope of this measure is such that it would not be realistic to expect children to be protected from PC if they are able to access the entire service, since their principal purpose poses a clear risk of children encountering PC on these services. We have considered the feedback received in response to our May 2024 Consultation. We agree with the ICO's feedback and understand the concerns raised by Big Brother Watch. However, we consider that it is possible to implement highly effective age assurance in compliance with data protection laws, providing some safeguards for the rights to privacy and data protection.
- 13.102 As with Measure PCU B2, where a provider chooses to collect any metrics or is already collecting metrics, they must ensure that any personal data is processed in accordance with applicable data protection legislation. We have recommended that service providers give users a mechanism to appeal against an incorrect assessment of age, where this has resulted in their access to a part or whole of a service being incorrectly restricted. This provides a safeguard for the right to privacy (and data protection) in circumstances where the service provider implements highly effective age assurance that incorrectly assesses an adult user is a child, and we have provided specific reference to this safeguard in the measure. Providers should also refer to relevant guidance from the ICO to ensure that they comply with data protection laws.<sup>610</sup>
- 13.103 Having considered stakeholder responses, we have concluded that although there could be significant interference with rights to privacy (and data protection) of users, this measure is proportionate to the legitimate aim of protecting children from encountering PC given the risk of harm posed by these services.

### Who these measures apply to

#### Our position at consultation

- 13.104 We proposed that Measure PCU B2 should apply to providers of user-to-user services whose principal purpose is the hosting or the dissemination of one or more kinds of PPC. We would expect this category to include most dedicated pornography services (such as tube sites, cam sites, and fan sites) and certain services dedicated to suicide, self-harm and eating disorders where these are the primary subjects of discussion on the site.
- 13.105 We proposed that Measure PCU B3 should apply to providers of services whose principal purpose is to host or disseminate PC and are medium or high risk for one or more of those kinds of PC.<sup>611</sup> We would expect this category to include services dedicated to gore and

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<sup>610</sup> See ICO, [Online safety and data protection](#) [accessed 8 April 2025].

<sup>611</sup> The meaning of 'principal purpose' in Measure PCU B3 is equivalent to its meaning in Measure PCU B2 and refers to the main activity or objective of the service. Paragraph 13.31 explains how this is to be interpreted.

violence, or to abusive and hateful content (such as sites which are set up specifically to degrade or humiliate a target).

- 13.106 We did not propose extending these measures for providers of services whose principal purpose is to host or disseminate NDC. This was because we currently have more limited evidence about services and harm associated with NDC.

## Principal purpose

### Summary of responses

- 13.107 We received feedback from several stakeholders related to the general concept of principal purpose.<sup>612</sup> Inkbunny suggested that even if a certain type of content is present on a service, hosting that content may not be the explicit purpose of the site.<sup>613</sup>
- 13.108 The Online Safety Act (OSA) Network questioned what would happen if “the percentage of content that is ‘principal purpose’ is just below the threshold designated for age assurance measures to prevent children’s access”.<sup>614</sup>
- 13.109 The Office of the Children’s Commissioner for England asked for clarification of how and to what standard service providers will complete a self-assessment of their main purpose, to ensure that services that publish or host a range of content including PPC are obliged to implement age assurance to the highest standard as is proportionate.<sup>615</sup>
- 13.110 We also received feedback from stakeholders related to principal purpose specifically in the context of Measure PCU B3. The Association for UK Interactive Entertainment (Ukie) suggested that there are contexts where the applicability of age assurance may need further consideration. It suggested that this could be relevant where the use of non-user-generated content is predominant – for example “in video games depicting publisher created scenes”. It also suggested that “the necessity of Measure PCU B3 should be contingent upon the centrality of user-generated content (UGC) to the platform’s purpose” and that clarifying this could prevent “disproportionate age assurance requirements on platforms where user-generated-content is not a primary feature”.<sup>616</sup>

### Our decision

- 13.111 Having considered this feedback, we have decided to maintain our consultation position in respect of principal purpose for Measures PCU B2 and PCU B3.
- 13.112 It is for service providers to assess the nature and purpose of their services to determine whether their principal purpose is the hosting or dissemination of PPC or PC. We do not specify any percentage-based content threshold to determine the ‘principal purpose’ of a service or a particular process for how service providers should assess their principal purpose. Relevant indicators could include, but are not limited to:

- Whether the service promotes or refers to any kind of PPC or PC, for instance through its name, branding, terms of service, or any other means of describing the service to users; and how it markets or positions itself against its competitors;

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<sup>612</sup> Inkbunny response to May 2024 Consultation, pp.7-8; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.54-55; OSA Network (1) response to May 2024 Consultation, p.71.

<sup>613</sup> Inkbunny response to May 2024 Consultation, pp.7-8.

<sup>614</sup> OSA Network (1) response to May 2024 Consultation, p.71.

<sup>615</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.54-55.

<sup>616</sup> Ukie response to May 2024 Consultation, p.38.

- How the content itself is presented or described, including consideration around whether PPC or PC is the main draw for users of the service; and
  - Whether the service provides access to content other than PPC or PC. In cases where it does, it may be relevant to consider the centrality of PPC or PC to the service, including the proportion or relative prominence of PPC or PC on the service.
- 13.113 Service providers may also find it helpful to consult the Guidance on Content Harmful to Children, which provides examples of content which Ofcom considers would (and would not) be PPC or PC.<sup>617</sup>
- 13.114 In response to Ukie’s comments, we note that the definition of a user-to-user service is derived from the Act. It is for service providers to assess the risk their services pose to children and implement safety measures as appropriate to mitigate this risk. Where the principal purpose of the service is not to host or disseminate PC that is user-generated, the service would not be in scope of Measure PCU B3. Any such service may still be in scope of Measures PCU B4-B7 depending on the functionalities of the service and the kinds of harmful content that it prohibits.

## Risk criteria

### Summary of responses

- 13.115 Stakeholders raised a variety of points relating to the nature and level of risk that should bring services in scope of these measures.
- 13.116 Some respondents argued for age assurance measures to apply to a narrower range of services,<sup>618</sup> including ensuring the measures reflect the risk-based framework set out under the Act and that age assurance is used in a way that is proportionate to potential harm.<sup>619</sup>
- 13.117 Other stakeholders suggested that highly effective age assurance should only apply to services that are high risk for PPC or PC.<sup>620</sup>
- 13.118 Conversely, the Office of the Children’s Commissioner for England suggested that service-wide age-gating should be applied even to services with a low risk of PC.<sup>621</sup>
- 13.119 The Canadian Centre for Child Protection (C3P) suggested that several of the proposed age assurance measures, including Measure PCU B3 (as well as Measures PCU B5, PCU B6 and PCU B7) should extend to services that have a low risk of at least one kind of PPC or PC.<sup>622</sup>

### Our decision

- 13.120 We have considered this feedback and have decided to maintain our consultation position for Measure PCU B2. We have changed Measure PCU B3 to remove the risk criterion such that this measure applies to providers of all services whose principal purpose is the hosting or dissemination of PC.
- 13.121 For Measure PCU B2, we note that the Act itself sets out a requirement to apply highly effective age assurance to prevent children from encountering identified PPC, of a kind that

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<sup>617</sup> [Guidance on Content Harmful to Children](#)

<sup>618</sup> Apple response to May 2024 Consultation, p.3; techUK response to May 2024 Consultation, p.14; Wikimedia Foundation, p.6, Online Dating and Discovery Association, response to May 2024 Consultation, p.6.

<sup>619</sup> Google response to May 2024 Consultation, p.2.

<sup>620</sup> [3<]; techUK response to May 2024 Consultation, p.14.

<sup>621</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.57.

<sup>622</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.20.

is not prohibited in the terms of service.<sup>623</sup> This duty applies regardless of a service's risk assessment or any other service-specific criteria, and we have therefore not applied a risk threshold in this measure. Measure PCU B2 will also only apply to providers of services where the principal purpose is the hosting or dissemination of PPC. Therefore, we do not consider it plausible that these services could be low risk for the kinds of PPC their principal purpose is to host or disseminate. Given this, we consider adding a risk-level criterion in addition to the principal purpose test is unnecessary.

- 13.122 For Measure PCU B3, we have removed the criteria of medium or high risk, so that it applies to providers of any service where the principal purpose is to host or disseminate PC. This is because we do not consider it plausible that this kind of service could be low risk for the kinds of PC their principal purpose is to host or disseminate. It is therefore unnecessary to specify that this measure only applies to providers of services which are medium or high risk for PC, in addition to the principal purpose test.
- 13.123 We have taken account of the duties in the Act that require children to be protected from encountering PC in age groups judged to be at risk of harm from such content. If the principal purpose of a service is to host or disseminate PC, then it can be expected that users will encounter PC. We have concluded that even older groups of children can be vulnerable to harm from PC. For example, older children may be vulnerable to such harm due to particular characteristics, such as gender, race, sexuality or neurodivergence, depending on the context and kind of content.<sup>624</sup> Moreover, children are likely to repeatedly encounter PC in high volumes on services with this principal purpose, which is likely to increase the risk of cumulative harm.<sup>625</sup> We have therefore decided that the protection ensured by Measure PCU B3 is appropriate for children of all ages on such services.

## Extending measures to NDC

### Summary of responses

- 13.124 The Office of the Children's Commissioner for England suggested that service-wide age-gating should be applied to services with a principal purpose of hosting or disseminating NDC.<sup>626</sup>

### Our decision

- 13.125 We have considered this feedback and decided not to change the measure. We currently do not have evidence to suggest that there are services whose principal purpose is the hosting or dissemination of NDC. To the extent that any such services may exist, any impact on children is not known and it is currently unclear whether applying this measure would be proportionate, taking into account the potentially significant impacts on the rights of users and service providers, and the direct and indirect costs associated with implementing age assurance.

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<sup>623</sup> Sections 12(4) to 12(6) of the Act.

<sup>624</sup> See the Children's Register.

<sup>625</sup> See the Children's Register.

<sup>626</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.57.

# Measures PCU B4 and PCU B5: Targeting appropriate actions towards children

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## Introduction

13.126 In our May 2024 Consultation, we proposed two measures for providers of services that allow at least one kind of PPC or PC on the service but do not have the principal purpose of hosting or disseminating it: <sup>627</sup>

- We proposed that providers of services that do not prohibit at least one kind of PPC in their terms of service and do not have the principal purpose of hosting or disseminating it should use highly effective age assurance to prevent children encountering PPC identified on the service. Measure PCU B4 was intended to reflect the specific duty in section 12(4) of the Act, for those services not in scope of Measure PCU B2.
- We proposed that providers of services that do not prohibit at least one kind of PC in their terms of service, do not have the principal purpose of hosting or disseminating it and are medium or high risk for one or more the kinds of PC they do not prohibit should use highly effective age assurance to protect children from encountering PC identified on the service. This is set out in Measure PCU B5.

13.127 We refer to these measures collectively as measures for targeting appropriate actions towards children.

13.128 Some stakeholders expressed support for Measure PCU B4 <sup>628</sup> and Measure PCU B5. <sup>629</sup> We also received other comments on various aspects of our proposals, which we consider in the following paragraphs.

## Our decision

13.129 Having considered stakeholder feedback, we have decided to make the following changes to Measures PCU B4 and PCU B5:

- We have extended Measure PCU B4 to apply to providers of services that either allow one or more kinds of PPC or prohibit all kinds of PPC in their terms of service but are currently unable to remove that content; and extended Measure PCU B5 to providers of services that are medium or high risk of either one or more kinds of PC they allow on the service, or one or more kinds they prohibit in their terms of service but are currently unable to remove that content. This is because these services are unable to prevent children encountering identified PPC or PC by taking down prohibited content in line with their Terms of Service.
- We have clarified the measures to specify that we generally expect providers to implement highly effective age assurance under these measures, but that they do not

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<sup>627</sup> In our May 2024 Consultation, we referred to these measures as AA3 or PCU H4 and AA5 or PCU H5. For ease and to align with the Protection of Children Codes, we will refer to these measures as PCU B4 and PCU B5 throughout.

<sup>628</sup> Barnardo's response to May 2024 Consultation, p. 31, CARE response to May 2024 Consultation, p.1; International Justice Mission response to May 2024 Consultation, p.10; Office of the Children's Commissioner for England response to May 2024 Consultation, p.56.

<sup>629</sup> International Justice Mission response to May 2024 Consultation, p.10; Office of the Children's Commissioner for England response to May 2024 Consultation, p.56.

need to do so where it is not currently technically feasible for them to apply either content level action to individual pieces of PPC and PC identified on the service, or apply access controls to the part(s) of the services where PPC or PC is identified (or where access controls are not proportionate, in the case of PC). See Section 14 for further detail about the steps these providers should take.

- 13.130 The full text of these measures can be found in the Protection of Children Code of Practice for user-to-user services and they are referred to as PCU B4 and PCU B5.

## How these measures work

- 13.131 Providers in scope of these measures should use highly effective age assurance to target content or access controls, where they determine them to be the appropriate action under measure PCU C2, at users who are not determined to be adults to prevent children from encountering identified PPC and protect them from identified PC. This will ensure that children are given appropriate protections from PPC and PC as required by the children's safety duties in the Act.<sup>630</sup> For full detail on the appropriate actions that providers may take on identified PPC and PC, see Content Moderation Measure PCU C2 in Section 14. We explain what is meant by 'content level action', 'content controls' and 'access controls' at paragraph 14.150 Section 14.

### Services that can take content level action

- 13.132 Services that prohibit PPC and PC in their terms of service should take this content down for all users, in line with their terms of service and are therefore not in scope of measures PCU B4 and PCU B5.
- 13.133 Service providers in scope of Measure PCU B4 should use highly effective age assurance to target content controls at users who are not determined to be adults to prevent them encountering individual pieces of PPC identified on the service. Alternatively, they could use highly effective age assurance to apply access controls to prevent users who are not determined to be adults from accessing, or removing them from, the part(s) of the service, where PPC has been identified.<sup>631</sup> This will ensure children are prevented from encountering PPC identified on the service. Using highly effective age assurance to achieve this outcome is a specific requirement under the Act for services that do not prohibit PPC for all users.<sup>632</sup>
- 13.134 Service providers in scope of Measure PCU B5, i.e. those who are medium or high risk of either one or more kinds of PC they allow or who are currently unable to remove PC that they prohibit in their terms of service, should use highly effective age assurance to target content controls at users who are not determined to be adults, to protect them from PC identified in the service where this is determined to be the appropriate action under Measure PCU C2. Alternatively, providers could use highly effective age assurance to target access controls to prevent users who are not determined to be adults from accessing, or removing them from, the part(s) of the service, where PC has been identified. In deciding

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<sup>630</sup> Section 12(3) of the Act.

<sup>631</sup> This could include preventing children from being able to join, or removing them from, group chats, communities, or channels or other parts of the service where this content is known to exist. This type of control would prevent children encountering not just identified PPC but also any other content on available in this part of the service, which might include non-harmful content.

<sup>632</sup> Sections 12(4)-(6) of the Act.

whether to implement access or content controls to protect children from identified PC or whether other content level actions (such as obscuring, blurring or distorting identified PC, or adding warnings to the content) are appropriate, service providers should have regard to the factors listed in Measure PCU C2 in Section 14. Providers may decide, based on these factors, not to implement content or access controls for all individual pieces of identified PC, and instead could decide that the protections provided by other content level actions are more appropriate for some identified PC, including obscuring, blurring or distorting identified PC, or adding warnings to the content. Service providers could decide to use highly effective age assurance to target this kind of action at children, or in some cases could decide that it is appropriate to apply such action to all users.

- 13.135 Measures PCU B4 and PCU B5 allow providers some flexibility about how they implement highly effective age assurance, as long as they achieve the outcome of preventing children from encountering identified PPC and/or protecting children from identified PC. This enables providers to use highly effective age assurance in the way that is most appropriate for the nature and design of their service, and the type(s) of appropriate actions they decide to take. For instance, a provider could decide to deploy highly effective age assurance on an 'opt in' basis to give adult users the choice to access identified PPC or PC by completing an age check. Alternatively, a provider could require all users to complete an age check on first accessing the service, so that children and adults benefit from a differential experience from the start.
- 13.136 Where a provider of a service in scope of these measures implements highly effective age assurance to apply content or access controls, it should ensure that only users determined to be adults should be able to access identified PPC or identified PC without appropriate protections. This is the case regardless of whether the user is accessing the service through an existing account, new account, or is using a logged-out version of the service. Providers should also ensure that children who have been exposed to identified PPC do not continue to have access to this content; similarly, providers should ensure that children are protected from identified PC.

### Services that cannot take content level action

- 13.137 Our evidence suggests that a very limited set of service providers cannot take content level action on content identified as harmful to children, as discussed at Section 14, Content Moderation. For these services, Measures PCU B4 and PCU B5 apply irrespective of whether they prohibit or allow PPC and PC in their terms of service. This is because providers of these services are unable to prevent children encountering identified PPC or PC by taking down prohibited content in line with their Terms of Service.
- 13.138 Where it is not currently technically feasible for providers to take content level action on PPC identified on their service, providers should use highly effective age assurance under these measures to apply access controls to the part(s) of the service where PPC has been identified, if it is technically feasible for them to do so. This could include, for example, preventing children from accessing or removing them from group chats, channels or communities where PPC has been identified.
- 13.139 Where it is not currently technically feasible for providers to take content level action on PC identified on their service, providers of services that are medium or high risk for PC should use highly effective age assurance to apply access controls to protect children from

accessing this content, when this is technically feasible and proportionate.<sup>633</sup> We expect these providers to have regard to the factors set out in paragraph 14.151 of Measure PCU C2 in Section 14 to decide if access controls are proportionate to protect children from PC identified on their services or if other action may be more appropriate. For example, we would not normally expect a provider to prevent all children from accessing a part of the service which is likely to host a large amount of non-harmful content in response to evidence of a single piece of PC being identified on that part of the service. Other appropriate actions could include the application of content warnings or labels to the parts of the service where this content is known to exist. These protections could be applied to all users and do not require the service to implement highly effective age assurance.

- 13.140 A very limited number of service providers for which content level action is not currently technically feasible may also conclude that access controls are not currently technically feasible, or, in the case of PC, proportionate. In these very limited circumstances, highly effective age assurance is not required under this measure. These providers should keep a record of how technical feasibility and/or proportionality has been assessed and the reasons for concluding that it is not currently technically feasible (or, in the case of access controls for PC) proportionate to take content level actions or use access controls. We will investigate these claims, including through the use of information gathering powers. If we conclude that it is technically feasible for them to use highly effective age assurance to apply access controls, we will expect these providers to do so. Failure to do so, could result in enforcement action which will be considered in line with our Enforcement Guidance.<sup>634</sup> See paragraphs 14.63 – 14.65 in Measure PCU C2 in Section 14 for more detail about the steps providers should take in these circumstances.
- 13.141 Providers in scope of Measures PCU B4 and PCU B5 could decide, as part of their commercial strategy, to use highly effective age assurance to prevent children from accessing the entire service. We are not recommending this in the Codes as we consider that the vast majority of service providers could meet their obligations by implementing content or access controls to prevent children from encountering identified harmful content on the service. However, this could be an appropriate outcome for providers that conclude that their service poses a high risk of harm to children, that it is not technically feasible for them to apply either content or access controls, and that they have not identified effective alternative measures to ensure children's safety.

## How these measures protect children

- 13.142 In our May 2024 Consultation, we set out the clear benefits of the Age Assurance measures for protecting children from harmful content online. These measures are designed to prevent children from encountering identified PPC and protect them from encountering identified PC on the service, while still allowing children to access non-harmful content.

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<sup>633</sup> This is in accordance with the duty under section 12(3)(b) of the Act to use proportionate systems and processes designed to protect children in age groups judged to be at risk of harm from PC from encountering it by means of the service. We note that section 12(7) of the Act provides that age verification or age estimation are examples of measures that can be taken to comply with the duties set out in section 12(2) and section 12(3) of the Act.

<sup>634</sup> [Online Safety Enforcement Guidance](#).

- 13.143 As highlighted in the Children’s Register, both PPC and PC can have wide-ranging and severe consequences for children.<sup>635</sup> Services whose principal purpose is not the hosting or the dissemination of one or more kinds of PPC or PC but do not prohibit this content may pose significant risks to children. Similarly, services that prohibit PPC or PC in their terms of service but are unable to remove that content when identified could pose significant risks to children. However, these services could also host significant amounts of non-harmful content which children may benefit from accessing. Measure PCU B4 prevents children from encountering PPC and Measure PCU B5 protects children from encountering PC, while ensuring that children’s rights and their ability to access services and content online are not unduly limited.
- 13.144 We acknowledge that the effectiveness of Measures PCU B4 and PCU B5 at protecting children will depend on providers’ ability to efficiently and accurately identify PPC and PC. Measure PCU C1 sets out that providers should have systems and processes to review and assess content that is suspected to be harmful to children (see Section 14).

## Stakeholder feedback and our response

### Service providers may age-gate entire services unnecessarily

#### Summary of responses

- 13.145 Some stakeholders raised concerns that providers may choose to age-gate their entire service rather than implement content controls, and that this could restrict children’s wider rights beyond safety.<sup>636</sup>

#### Our decision

- 13.146 We have considered this stakeholder feedback, and we have decided not to specify how age assurance should be implemented on a service to secure the outcomes of these measures.
- 13.147 Measures PCU B4 and PCU B5 do not require providers to prevent children from accessing the entire service. We do not consider this would be proportionate. These measures allow providers the flexibility to decide how to implement age assurance to comply with their duties under the Act. They may do this in a way that is appropriate for their services’ contexts and business models, taking into account commercial and other considerations. This flexibility allows providers of services in scope of these measures to exercise some discretion in how they meet their duties under the Act.
- 13.148 However, we recognise that service providers may choose to prevent children accessing their entire services. This is a matter for service providers. We expect that there will be other ways to implement these measures that do not involve age gating the entire service. Providers may have incentives to maintain children’s access to non-harmful content while preventing access to identified PPC and protecting children from identified PC.
- 13.149 While these are commercial decisions for providers of services in scope to consider they also need to have particular regard to protecting users’ rights to freedom of expression and

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<sup>635</sup> See the Children’s Register.

<sup>636</sup> Big Brother Watch response to May 2024 Consultation, p.27; Northern Ireland Commissioner for Children and Young People response to May 2024 Consultation, p.19.

protecting users from a breach of any relevant statutory provision or rule of law concerning privacy when deciding how to implement the measures.<sup>637</sup>

## Services that cannot take content level action

### Our proposals

13.150 In our May 2024 Consultation, we proposed that Measure PCU B4 should apply to all services:

- whose terms of service do not prohibit one or more kinds of PPC in their terms of service; and
- whose principal purpose is not the hosting or dissemination of PPC (as in such a case, Measure PCU B2 would apply instead).

13.151 We proposed that Measure PCU B5 should apply to all services:

- whose terms of service do not prohibit one or more kinds of PC in their terms of service;
- whose principal purpose is not the hosting or dissemination of PC (as in such a case, Measure PCU B3 would apply instead); and
- are medium or high risk for one or more kinds of PC that they do not prohibit.

### Summary of responses

13.152 We received feedback about the technical feasibility of applying these measures for services that use end-to-end encryption.

- [38].<sup>638</sup> A stakeholder stated that services reliant on end-to-end encryption should be excluded from these measures, or as an alternative, that the measures should be limited to public communication and/or content communicated publicly as including E2EE may result in preventing children accessing a service.<sup>639</sup>

13.153 WhatsApp LLC raised concerns that the Codes expect providers to take content moderation action on PC that would severely compromise the security and privacy of end-to-end encrypted services for children. It urged Ofcom to review these proposals.<sup>640</sup> Mega Limited similarly highlighted that it is technically infeasible for end-to-end encrypted services to review content to determine whether it may be harmful to children as they cannot review files without the necessary encryption key.<sup>641</sup>

### Our decision

13.154 We have considered this feedback and have decided to make changes to clarify our expectations for providers.

13.155 In response to concerns about certain providers' ability to identify and review content, as we discuss in Section 14, we consider the measure on reviewing content and determining whether it is harmful to children or in breach of the service's terms of services (Measure

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<sup>637</sup> Sections 22(2) and 22(3) of the Act.

<sup>638</sup> [38].

<sup>639</sup> Apple response to May 2024 Consultation, p.13.

<sup>640</sup> WhatsApp LLC response to May 2024 Consultation, pp.4-5.

<sup>641</sup> Mega Limited response to May 2024 Consultation, pp.15-16.

PCU C1) is feasible and proportionate for all providers of user-to-user services likely to be accessed by children.

- 13.156 As set out in ‘How these measures work’, we consider that it is technically feasible for the vast majority of providers to use highly effective age assurance to target content level action at children to prevent them from encountering PPC and to protect them from PC. Where that is not the case, we expect that most providers in scope of PCU B4 and PCU B5 would be able to use highly effective age assurance to apply access controls to part(s) of the service where PPC or PC has been identified. In the very limited circumstances where a service provider concludes that it is neither currently technically feasible to take content level action nor currently technically feasible (or in the case of access controls for PC, proportionate) to apply access controls, we conclude that highly effective age assurance would not be proportionate or appropriate. This is because there would not be any content level actions or access controls providers could feasibly target to children to secure the outcome of Measure PCU C2 by using highly effective assurance. As such, the benefits of using highly effective age assurance in such cases would be limited, while the costs for providers and impacts on users’ rights could be substantial.
- 13.157 Providers in scope of PCU B4 and PCU B5 could decide, as part of their commercial strategy, to use highly effective age assurance to prevent children from accessing the entire service. We are not recommending this in the Codes as we consider that the vast majority of service providers could meet their obligations by implementing content or access controls to prevent children from encountering identified harmful content. However, this could be an appropriate outcome for providers that conclude that their service poses a high risk to children, it is not technically feasible for them to apply either content or access controls, and they have not identified effective alternative measures to ensure children’s safety.

## Ensuring that children do not view harmful content

### Summary of responses

- 13.158 Pinterest argued that “platforms cannot completely ‘ensure’ that users known to be children will never view harmful content” and Ofcom should consider this in assessing whether Measures PCU B4 and PCU B5 have been implemented as intended.<sup>642</sup> It suggested that achieving this is not only reliant on age assurance but “the sum total of platforms’ content moderation efforts, including defining, identifying, and actioning” harmful content.<sup>643</sup>

### Our decision

- 13.159 We considered stakeholder feedback and have not made any changes to the measures in response.
- 13.160 There is no single measure that providers can take to protect children online. The age assurance measures form one part of a wider package of measures which are designed to work together to ensure services are safe by design and that children are protected from harmful content.
- 13.161 Under Measures PCU B4 and PCU B5, services providers in scope of these measures should use highly effective age assurance to prevent users that are not determined to be adults from encountering PPC and protect them from PC identified by the provider on the

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<sup>642</sup> Pinterest response to May 2024 Consultation, p.13.

<sup>643</sup> Pinterest response to May 2024 Consultation, p.13.

service. We will review whether this outcome is achieved by providers of services in scope of these measures. The measures do not anticipate that children will never encounter PPC or PC, nor is this set out in the Act.

## Differentiation between types of priority content

### Our proposals

- 13.162 In our May 2024 Consultation, we proposed that providers of services in scope of Measure PCU B5 should protect children from identified PC. We did not differentiate between different types of PC.<sup>644</sup>

### Summary of responses

- 13.163 Microsoft suggested “reconsidering Measure PCU B5 to reflect the differences among the categories of PC”.<sup>645</sup>

### Our decision

- 13.164 We considered this feedback and have made no changes in response. As set out in the Children’s Register, each of these types of PC poses significant harm to children, including adverse impacts on children’s wellbeing and potential loss of life in worst case scenarios.<sup>646</sup>
- 13.165 In light of the significant risks posed to children of all ages by PC, we have decided not to differentiate this measure for different categories of PC.
- 13.166 In the Content Moderation Measure PCU C2, we set out examples of actions that may be appropriate for providers to take to protect children from identified PC, in line with the outcome that is envisaged by Measure PCU B5.
- 13.167 We have made a change to Measure PCU C2 to clarify that when designing the part of their content moderation function that relates to deciding what action is appropriate to take to identified PC, providers should have regard to a number of factors (see Section 14). As such, the measure gives providers flexibility to take different actions on identified PC depending on what they consider is appropriate, including in relation to children in different age groups. Providers in scope of Measure PCU B5 should use highly effective age assurance to target those actions to users who have not been determined to be adults.

## Proportionality of highly effective age assurance for priority content

### Our proposals

- 13.168 In our May 2024 Consultation, we recognised that highly effective age assurance for PC is not a requirement of the Act. The Act requires service providers to use proportionate systems and processes to protect children from content that is harmful to them, which includes (where proportionate) measures to block users from accessing certain content.<sup>647</sup>
- 13.169 For providers of services which are medium or high risk for one or more kinds of PC that they do not prohibit, we said that we considered it to be unlikely that there is a less intrusive way to comply with their children’s safety duties under the Act relating to PC. At

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<sup>644</sup> Section 62 of the Act for details of the types of harm considered to be PC.

<sup>645</sup> Microsoft response to May 2024 Consultation, p.11. Microsoft did not expand further on this comment or the specific differences among categories of PC.

<sup>646</sup> See Sections 5-9 of the Children’s Register.

<sup>647</sup> Sections 12(3), 12(7) and 12(8) of the Act.

consultation we considered that recommending highly effective age assurance is proportionate to the risk of harm to children from encountering PC on these services.

### Summary of responses

- 13.170 As outlined in paragraphs 13.45 under Measure PCU B3, some stakeholders argued that recommending highly effective age assurance to protect children from PC would be disproportionate. Several stakeholders raised specific concerns about the use of highly effective age assurance for Measure PCU B5.<sup>648</sup> The National Society for the Prevention of Cruelty to Children (NSPCC) argued that the Act only explicitly requires highly effective age assurance for PPC, suggesting that providers should instead use a range of age estimation measures to develop age-appropriate experiences.<sup>649</sup>
- 13.171 Big Brother Watch suggested that implementing highly effective age assurance for Measure PCU B5 is disproportionate.<sup>650</sup> Similarly, the Wikimedia Foundation commented that the concept of PC is very broad and therefore objected to requiring age assurance for PC, including for Measure PCU B5.<sup>651</sup>
- 13.172 The Wikimedia Foundation suggested that the approach to defining levels of risk may not align with the legislative intent of section 12(3) of the Act.<sup>652</sup> It argued that Parliament asked for “protection” against risks associated with PC and that there are alternative approaches other than age assurance which could be introduced such as “social safety nets”, “user/community control” and the ability to leave feedback.<sup>653</sup>
- 13.173 Through our engagement with children, we found that when presented with a range of proposals to consider, including age assurance, some children highlighted how over 16s and more ‘mature’ children might feel restricted by these proposals. However, children also emphasised - and seemed more concerned about - fairness and consistency. They questioned why different categories of harmful content should be subject to different interventions and were also concerned about missing out on content that their friends could view. Protecting children equally and applying similar protections to different kinds of harmful content were viewed positively by children, provided that this was approached consistently and uniformly.<sup>654</sup>

### Our decision

- 13.174 Having considered stakeholder feedback, including our engagement with children, we have decided to maintain our position proposed at consultation. While the Act does not require highly effective age assurance for PC, it requires children in age groups judged to be at risk of harm from PC to be protected from encountering such content and sets out that age assurance is one measure that service providers may use to comply with the children’s

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<sup>648</sup> Big Brother Watch response to May 2024 Consultation, p.29; Wikimedia Foundation response to May 2024 Consultation, pp.6-7.

<sup>649</sup> National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, p.45.

<sup>650</sup> Big Brother Watch response to May 2024 Consultation, p.29.

<sup>651</sup> Wikimedia Foundation response to May 2024 Consultation, p.6.

<sup>652</sup> Wikimedia Foundation response to May 2024 Consultation, p.7.

<sup>653</sup> Wikimedia Foundation response to May 2024 Consultation, p.7.

<sup>654</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

safety duties.<sup>655</sup> We have discretion to recommend the use of highly effective age assurance where proportionate and taking into account the risks of harm to children.<sup>656</sup>

- 13.175 Our evidence shows that PC can have wide-ranging and severe consequences for children of all ages.<sup>657</sup> While the concerns outlined by children that we highlight in paragraph 13.174 were not specific to Measure PCU B5 alone, we consider that the decision to protect all children from PC aligns with children’s comments around implementing measures uniformly.
- 13.176 We have considered whether alternative approaches, other than using highly effective age assurance to target appropriate action to children, would be sufficient to secure the outcome required in the Act. However, we judge that alternative approaches could lead to material unaddressed harm to children on the services in scope of these measures and could lead to the children’s safety duties not being met. As we discuss at paragraph 13.140, we have decided to clarify Measure PCU B5 to specify that where it is not currently technically feasible, or in the case of access controls, proportionate, for providers to use either content or access controls, we consider that highly effective age assurance would not be proportionate.
- 13.177 While we consider it proportionate to maintain our position from consultation, we have reassessed evidence of the risks to children in the oldest recommended age group in our Children’s Register, reflecting a greater degree of nuance in the rights and abilities of 16-17 year-olds to navigate challenging content.<sup>658</sup> In light of this evidence, we note that providers may decide it is appropriate to take stronger moderation actions, such as using access and content controls, for children under 16, while still ensuring that 16-17 year-olds receive appropriate protections for their age, taking into account their evolving capacity. We have also clarified that when setting internal content policies under Measure PCU C3, providers should have regard to the findings of their risk assessments, including those that relate to the risk of harm to children in different age groups on their service.
- 13.178 We recognise that Measure PCU B5 may have significant direct or indirect costs. We discuss this further under ‘Impact on service providers’ and consider these impacts proportionate and justified given the benefits of this measure. Furthermore, our approach to the Part 3 HEAA Guidance gives service providers a degree of flexibility over how they comply and our non-exhaustive list of methods that are capable of being highly effective include a number of age estimation methods.
- 13.179 In relation to the Wikimedia Foundation’s suggestion that the concept of PC is very broad and should not require the deployment of highly effective age assurance, we encourage providers to refer to the Guidance on Content Harmful to Children which should assist providers in understanding what we consider to be (and not to be) PC. In addition, our position on the breadth of PC is explained at Volume 2, Section 6. In paragraphs 13.44-13.49, we set out our rationale for recommending highly effective age assurance to protect children from encountering PC.

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<sup>655</sup> Sections 12(3)(b) and 12(7) of the Act.

<sup>656</sup> Paragraphs 12(2)(c) and 12(2)(d) of Schedule 4 to the Act.

<sup>657</sup> See the Children’s Register.

<sup>658</sup> See Section 17 of the Children’s Register.

## Impacts on service providers

### Direct and indirect impacts

#### Our position at consultation

- 13.180 In our May 2024 Consultation, we set out that the costs of Measure PCU B4 result from the requirements in the Act over which we have no discretion. We explained that we exercised discretion in recommending highly effective age assurance to protect children from encountering identified PC for the services in scope of Measure PCU B5. We noted that providers of these services will incur costs of implementing highly effective age assurance, to the extent they are not already in scope of Measure PCU B4.
- 13.181 We assessed that costs would be similar to those discussed under Measure PCU B3 (see paragraphs 13.57- 13.71), although potentially lower in many cases, as Measure PCU B5 does not necessarily entail mandatory age assurance for all users. Service providers have the option to apply age checks only for a subset of users, for example only users who request access to identified PC.
- 13.182 We identified potential indirect costs, including reduced user engagement, user numbers and revenue, if there are adults who want to access identified PC but are unwilling to complete the age assurance process. Our assessment noted that this effect is likely to be more limited with Measure PCU B5 than Measure PCU B3, given that services can choose to allow adults to continue to use parts of the service without access to identified PC.

#### Summary of responses

- 13.183 We did not receive stakeholder feedback on the likely impacts of these measures on regulated service providers. The general feedback about potential indirect costs related to user drop-off and competition impacts also applies here (see paragraphs 13.62-13.63).
- 13.184 We received feedback about potential indirect impacts on advertisers from the Advertising Association, which suggested that Measures PCU B4 and PCU B5 may lead to “more age-gated content which could complicate ad placement and targeting strategies”.<sup>659</sup>

#### Our decision

- 13.185 Our assessment of the impacts on regulated service providers is unchanged.<sup>660</sup> In the case of Measure PCU B4, we consider such impacts unavoidable given the specific duty in the Act with respect to PPC. We recognise that we exercise discretion in recommending Measure PCU B5 for PC and, therefore, we respond to relevant stakeholder feedback in that context.
- 13.186 In our assessment of direct costs, we have considered cost variation depending on how Measure PCU B5 is implemented. If a service provider chooses to implement age checks when users request access to PC, costs will generally be higher if many users request this access. We consider that this is generally more likely to apply to services with large volumes of PC. Therefore, we consider that, on average, costs may tend to be higher for riskier services, where the measure also has greater potential to benefit children through increased safety.
- 13.187 With respect to indirect costs, we assessed that the measures may increase friction for users and have negative impacts on user experience on a service, with potential for user

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<sup>659</sup> Advertising Association response to May 2024 Consultation, p.11.

<sup>660</sup> Aside from the relevant adjustments or clarifications which are already set out in the previous ‘Impacts on service providers’ section with respect to measures PCU B2 and B3.

drop-off which may have a commercial impact. In addition, there may be a competition impact if the measures incentivise users to move to alternative services. We recognise that these impacts may be material but consider that Measure PCU B5 provides appropriate flexibility to mitigate them. Providers can continue to allow children to access services, as long as they target appropriate actions towards children, and they do not necessarily have to make age checks mandatory for all users. Our approach to highly effective age assurance is designed to be tech-neutral and future-proof, allowing appropriate flexibility for providers to explore cost effective options to mitigate friction for users and the impact of user drop-off as long as their approach is highly effective.

- 13.188 Nevertheless, we recognise the possibility of unintended impacts, such as some service providers choosing to limit UK users' access to PC, or to stop serving UK users altogether. Other service providers may choose to use highly effective age assurance to prevent children's access to the whole service, which would also prevent them accessing non-harmful content on such services. Such outcomes could dampen competition and choice in some cases. These examples are not the intended outcomes, and we expect that most service providers will have commercial incentives to create safe environments that allow children to continue accessing services while protecting them from harm, particularly where many children use the service. While providers of some smaller services may not be able to achieve this, we consider that the flexibility we allow as part of the measure should ensure that many will. We also note that some service providers may respond by introducing more differentiated products which continue to meet a variety of needs of adults and children.
- 13.189 The changes made to our measure and its application should further mitigate the risk of unintended effects. As set out under 'How these measures work', HEAA is not expected to be used where it is not currently technically feasible to apply content controls, and where access controls on relevant parts of the service are also not currently technically feasible or, in the case of PC, proportionate. These changes reduce the risk of unintended outcomes, such as providers exiting the UK in order to avoid being in scope of measures that may not be technically feasible or proportionate.
- 13.190 With respect to feedback about indirect impacts on advertisers, we recognise that costs of advertising could increase somewhat, if part of the costs of implementing the measure were passed on to advertisers. We also accept that Measure PCU B5 may have an impact on placement of adverts but do not consider that this materially changes our overall assessment.
- 13.191 As a result of these measures, advertisers may not be able to target adverts at children that are placed next to identified PPC or PC. However, this may result in some benefits for advertisers by better enabling them to align with best practice, both in relation regulatory requirements including the Committee of Advertising Practice (CAP) code and in relation to managing brand image and reputation more generally. As providers of services in scope of Measures PCU B4 and PCU B5 can continue to allow children to access the service, we do not anticipate that these measures should substantially reduce the ability of advertisers to reach younger demographics.

## Rights

### Freedom of expression and freedom of association

#### Summary of responses

- 13.192 In response to our May 2024 Consultation, Big Brother Watch highlighted concerns that service providers may take the decision to restrict access to all children as a result of Measures PCU B4 and PCU B5. It argued that service providers may take this step for cost and complexity reasons and that as a result, children could be prevented from being able to access non-harmful content, interfering with their rights to freedom of expression.<sup>661</sup>
- 13.193 A stakeholder suggested that the use of highly effective age assurance on end-to-end encrypted services would disproportionately impact on users' rights to freedom of expression and freedom of association which may cause providers of such services potentially to block child users from accessing their services.<sup>662</sup>

#### Our final rights assessment: PCU B4

- 13.194 In our May 2024 Consultation, we acknowledged the potential interference with rights to freedom of expression and association, both of users and service providers, and provisionally concluded that any interference was justified in pursuance of a legitimate aim (the substantial public interest in the protection of children) and was proportionate to that aim.
- 13.195 Having considered the feedback from stakeholders, we remain of the view that the interference with rights to freedom of expression and association, both of users and service providers, is justified and proportionate. In paragraphs 13.72-13.93, we have discussed the rights impacts connected to the use of highly effective age assurance to prevent children from encountering PPC in relation to Measure PCU B2 and consider that similar reasoning applies here. However, this measure does not recommend service providers use age assurance to prevent children from accessing services altogether and as such, any potential interference by this measure with users' rights is therefore likely to be less significant than for Measure PCU B2.
- 13.196 As noted, in relation to Measure PCU B2, the duty to use highly effective age assurance to prevent children from encountering PPC identified by the service is a requirement of the Act.<sup>663</sup> This measure offers services flexibility as to how age assurance is used to achieve this outcome (subject to the points below regarding circumstances where it is not technically feasible for a provider to take content level action). How a provider decides to implement this measure may therefore affect the extent to which users' rights are affected, but we acknowledge that this measure could have a potentially significant impact on users' rights to freedom of expression and association.
- 13.197 For example, as highlighted in relation to Measure PCU B2, the costs of implementing this measure may lead to some service providers withdrawing from the UK market. We consider that this is less likely to arise here, given there is no expectation for providers to prevent children's access to the entire service. In addition, as noted by Big Brother Watch [3<], service providers could choose to prevent children in the UK from accessing the service as a whole, rather than the dissociable parts of the service where harmful content has been

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<sup>661</sup> Big Brother Watch response to May 2024 Consultation, p.28.

<sup>662</sup> [3<].

<sup>663</sup> Sections 12(3)(a), 12(4) and 12(6) of the Act.

identified. This would restrict children from expressing themselves in relation to non-harmful content and associating on these parts of the service. However, it is open to service providers to ensure that they implement this measure in a way which does not necessarily restrict children's access to non-harmful content.<sup>664</sup>

- 13.198 In this regard, we note that where it is not currently technically feasible for a provider to take content level action then, in accordance with Measure PCU C2, the provider should use highly effective age assurance to apply access controls to prevent children from accessing the parts of the service where PPC is identified if it is technically feasible for them to do so. We consider this is proportionate since section 12(4)-(6) of the Act is clear that the use of highly effective age assurance to prevent children from accessing PPC is not qualified by reference to the concept of proportionality, unlike the more general duty set out in s.12(3)(a) of the Act.
- 13.199 As discussed in Section 14, there is also a risk that content that is not harmful could wrongly be identified as content harmful to children and children<sup>665</sup> could be erroneously prevented from accessing non-harmful content. However, for the reasons set out in the Section 14, we consider that such a risk is mitigated by the measures on Reporting and Complaints, and by the other Content Moderation measures (PCU C3-8) where applicable.
- 13.200 We note that adult users may be dissuaded from using a service in scope of this measure for similar reasons to those given in relation to Measure PCU B2, given the potential friction created in using such services. However, we consider that users are less likely to be dissuaded from accessing the service at all compared with Measures PCU B2 and PCU B3, as they may end up losing access to a wide range of beneficial content and user interactions if they choose to forgo this, not just PPC. Where providers implement an age assurance process so that adult users are not required to undergo age assurance unless they make a specific choice to access PPC, some adult users may prefer not to complete age assurance and therefore may be dissuaded from seeking to access PPC on the service. However, we consider this impact on their freedom of expression and association rights to be relatively limited, given they will have a viable option to access the content if they chose to assure their age.
- 13.201 We further note that this measure may have unintended impacts on adult users' rights to access to PPC if, to avoid the costs associated with this measure, providers choose to change their terms of service to prohibit all forms of PPC to all users. However, it remains open to providers as a commercial decision, and in the exercise of their own right to freedom of expression, to decide what forms of content to allow on their service so long as they comply with the Act.
- 13.202 We also consider that there is likely to be a beneficial impact on children's freedom of expression in having a safer online experience, where children feel more comfortable to express themselves without the risk of encountering harmful and age-inappropriate content.

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<sup>664</sup> We note, however, that service providers have a duty under section 22(2) of the Act, when deciding on and implementing safety measures and policies, to have particular regard to the importance of protecting users' right to freedom of expression within the law.

<sup>665</sup> Or adult users where they are incorrectly assessed to be a child. However, as noted in relation to PCU B2, we consider this risk to be limited provided that services take account of our recommendations in the Part 3 HEAA Guidance to ensure their age assurance process is highly effective.

13.203 Therefore, we consider that the interference with rights to freedom of expression and association, both of users and service providers, while potentially significant, is justified and proportionate to the legitimate aim of protecting children from harm online.

#### Our final rights assessment: PCU B5

13.204 In our May 2024 Consultation, we acknowledged the potential interference with rights to freedom of expression and association, both of users and service providers, and provisionally concluded that any interference was proportionate.

13.205 The duty to use proportionate systems and processes to effectively protect children from encountering PC is a requirement of the Act. However, we acknowledge that the Act does not require the use of highly effective age assurance in achieving this outcome (unlike for PPC), and this measure allows services flexibility as to precisely how age assurance is used to achieve this outcome (subject to the points below regarding circumstances where it is not technically feasible for a provider to take content level action). We also acknowledge that how this measure is implemented may affect the degree of impact on users' rights to freedom of expression and that it may have a potentially significant impact on these rights.

13.206 Having considered the feedback from stakeholders, we remain of the view that the interference with rights to freedom of expression and association is proportionate. We have discussed the rights impacts connected to the use of age assurance in paragraphs 13.72-13.103 and 13.193-13.204 in relation to Measures PCU B2, PCU B3 and PCU B4, and consider that similar reasoning applies here. However, the anticipated impacts of this measure are likely to be less compared to Measure PCU B3 as the measure does not recommend providers use age assurance to prevent children from accessing the service altogether.

13.207 Furthermore, providers also have more flexibility as to the appropriate action they take on identified PC compared to Measure PCU B4 where the Act requires children are prevented from encountering PPC. For example, a provider may choose to protect children from encountering PC through the use of obscuring, labels and interstitials. We also note that, in accordance with Measure PCU C2, where it is not technically feasible for a provider to take content level action, they should consider relevant factors to determine whether it is proportionate to use highly effective age assurance to apply access controls if it is technically feasible for them to do so. See Section 14 for our assessment of the impacts and mitigations that exist in relation to action taken on identified PC. As such, any potential interference by this measure with users' rights is therefore likely to be less significant than compared to Measure PCU B4.

13.208 In light of this analysis, we therefore consider that the interference with rights to freedom of expression and association, both of users and service providers, while potentially significant, is proportionate to the legitimate aim of protecting children from harm.

### Privacy and data protection

#### Summary of responses

13.209 One stakeholder highlighted that, even if it were to use highly effective age assurance to identify whether a user is a child or not, it would not be able to establish the nature of content without removal of end-to-end encryption.<sup>666</sup>

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<sup>666</sup> [3<].

#### Our final rights assessment: PCU B4

- 13.210 In our May 2024 Consultation, we considered that this measure had the potential to have an impact on users' rights to privacy for the reasons set out in relation to Measure PCU B2. Having considered the feedback from stakeholders, we remain of the view that the potential interference with privacy and data protection rights is proportionate. We have discussed the rights impacts connected to the use of age assurance to prevent children from encountering PPC in paragraphs 13.72-13.93 in relation to Measure PCU B2, and consider that similar reasoning applies here, and that this measure may have a potentially significant impact on these rights.
- 13.211 However, as noted in relation to rights of freedom of expression and association, this measure does not recommend service providers use age assurance to prevent children from accessing services altogether and as such, any potential interference by this measure with users' rights is therefore likely to be less significant compared to Measure PCU B2. The impact on users' rights may be affected by the nature of the action taken to implement this measure. For example, the level of intrusion and significance of the impact is likely to be higher where providers enabling private communications withdraw from the UK, where providers prohibit the sharing of PPC on the service, where adults choose to avoid using services enabling private communications due to requirements to complete age assurance, where children are restricted from communicating privately in particular group chats or closed user groups due to suspected risks they are being used to share PPC, or where specific restrictions are put in place on the sharing of PPC via private communications.
- 13.212 However, we consider that private communications/ content communicated privately should not be excluded from the scope of the measure. The Act is clear that these services and content are in scope of the children's safety duties, and also requires that service providers who do not prohibit one or more types of PPC must use highly effective age assurance as part of their systems and processes to prevent children from accessing PPC they allow. Additionally, the Children's Register highlights group messaging and direct messaging as key functionalities through which harmful content is shared among children, including direct messages and group chats, in relation to which users may have a legitimate expectation of privacy.<sup>667</sup> It is therefore proportionate that providers of services that enable private communications are in scope of this measure.
- 13.213 As noted in relation to Measure PCU B2, there are also particular risks in relation to privacy and personal data if the age assurance methods deployed by service providers result in the processing of more personal data than needed, or if users' ages are incorrectly assessed, including in relation to content communicated publicly, for example adult users being prevented from encountering this content. This could result in unnecessary amounts of users' personal data being processed or the creation of inaccurate personal data.<sup>668</sup> We consider this risk can be mitigated if providers implement highly effective age assurance in accordance with the Part 3 HEAA Guidance, and by providers having in place appropriate complaints policies and processes.<sup>669</sup> Providers must also comply with all relevant data protection laws and ICO guidance.
- 13.214 As regards the concerns raised by [X], we are not recommending that all communications are reviewed to see if they contain PPC or PC. As set out in Section 14 Content Moderation,

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<sup>667</sup> See Sections 2-4 of the Children's Register.

<sup>668</sup> See ICO Guidance on the Right to Rectification for further details on the data protection implications.

<sup>669</sup> See PCU D11 and PCU D12 of the Protection of Children Code and Section 16 of this Statement.

we are not recommending that service providers should use proactive technology for content moderation purposes. Further detail on our recommendations for services for which it is technically infeasible can be found in Section 14.

- 13.215 Having considered stakeholder feedback, we consider that the interference with privacy and data protection rights is justified and proportionate to the legitimate aim of protecting children from harm.

**Our final rights assessment: PCU B5**

- 13.216 In our May 2024 Consultation, we acknowledged the potential interference with users' rights to privacy, and provisionally concluded that any interference was proportionate.
- 13.217 Having considered the feedback from stakeholders, we remain of the view that the interference with privacy and data protection rights is proportionate. We have discussed the rights impacts connected to the use of age assurance in paragraphs 13.72-13.103 and 13.193-13.204 in relation to Measures PCU B2, PCU B3 and PCU B4, and consider that similar reasoning applies here, and that this measure may have a potentially significant impact on these rights. However, as noted in relation to rights of freedom of expression and association, this measure does not recommend service providers use age assurance to prevent children from accessing services altogether. We also note the flexibility as to the appropriate action providers take in connection with identified PC (as discussed in paragraph 13.134) in relation to the impacts of this measure on freedom of expression and association. As such, any potential interference by this measure with users' rights is therefore likely to be less significant compared to Measure PCU B3.
- 13.218 For similar reasons to those given in the rights assessment of Measure PCU B4, we consider that private communications/ content communicated privately should not be excluded from the scope of the measure. Providers of services in scope of this measure would pose a high to medium risk of PC being present and, as mentioned in paragraph 13.213, the Children's Register highlights that group messaging and direct messaging are key functionalities through which PC, such as violent content and hate and abuse content, is shared among children.<sup>670</sup> We therefore consider that to the extent this measure can apply to PC identified in private communications in a proportionate way, this would be consistent with the risk to children that group messaging functionalities pose on the services in scope of this measure.
- 13.219 We also consider that services should design the application of this measure in a way that limits the impacts on privacy to no more than necessary to give effect to the requirement of the Act, namely securing adequate protections for children from encountering PC. As with Measure PCU B4, we also consider that the data protection impacts can be mitigated if providers implement highly effective age assurance in accordance with the Part 3 HEAA Guidance and have in place appropriate complaints policies and processes as set out in Section 16. Providers must also comply with all relevant data protection laws and ICO guidance.
- 13.220 Having considered stakeholder feedback, we consider that the interference with privacy and data protection rights, while potentially significant, is justified and proportionate to the legitimate aim of protecting children from harm.

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<sup>670</sup> See Sections 5-9 of the Children's Register

## Who these measures apply to

### Our position at consultation

- 13.221 We proposed that Measure PCU B4 would apply to all user-to-user services whose principal purpose is not the hosting or dissemination of one or more kinds of PPC and do not prohibit one or more kinds of PPC.
- 13.222 We proposed that Measure PCU B5 would apply to all user-to-user services whose principal purpose is not the hosting or dissemination of one or more kinds of PC and do not prohibit one or more kinds of PC that they are medium or high risk for.

### Changing the scope of the measures

#### Summary of responses

- 13.223 Several stakeholders provided general feedback about which services the proposed measures should apply to. Microsoft stated that, in the context of age assurance, Ofcom should differentiate between public and private communications.<sup>671</sup>
- 13.224 As discussed at paragraphs 13.152-13.154, we also received feedback about the technical feasibility of applying these measures for services that use end-to-end encryption.<sup>672</sup> [X].<sup>673</sup>
- 13.225 The Office of the Children’s Commissioner for England supported Measure PCU B4 but suggested that it should be applied to all services that meet the “child access threshold”.<sup>674</sup>

#### Our decision

- 13.226 Having considered this feedback on our proposals, we have decided to change who these measures apply to.
- 13.227 We have decided to extend Measure PCU B4 to providers of services that either allow one or more kinds of PPC or prohibit all kinds of PPC but cannot currently remove it. This is because these service providers are unable to prevent children encountering identified PPC by taking down prohibited content in line with their terms of service.
- 13.228 We are also extending Measure PCU B5 to providers of services that are medium or high risk for one or more kinds of PC that they either allow or prohibit in their terms of service, but cannot currently remove that content. This is because these service providers are unable to prevent children encountering identified PC by taking down prohibited content in line with their terms of service.
- 13.229 We have not extended the measure to providers of services that prohibit one or more kinds of PC for which they are low risk. Given the lower risk posed by such services, we consider that using highly effective age assurance would incur significant costs while offering limited benefits for children’s safety. In such cases, it could be appropriate for providers to take actions such as applying overlays, interstitials, labels or warnings to identified PC for all

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<sup>671</sup> Microsoft response to May 2024 Consultation, p.9.

<sup>672</sup> [X]; Mega Limited response to May 2024 Consultation, pp.15-16; WhatsApp response to May 2024 Consultation, pp.4-5.

<sup>673</sup> [X].

<sup>674</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.55-56. We assume that “child access threshold” is a reference to services that meet the child user condition as part of their Children’s Access Assessments.

users to ensure children are protected from it, without the use of highly effective age assurance.

- 13.230 As we explain at paragraph 13.140, where it is not currently technically feasible for providers to use either content level actions or access controls, we consider that highly effective age assurance would not be proportionate.
- 13.231 Regarding the Office of the Children’s Commissioner for England’s feedback, we do not consider it would be proportionate to expand Measure PCU B4 to providers of services that prohibit all kinds of PPC in their terms of service and can remove that content when it is identified on their services. In these cases, we expect providers to swiftly take down the identified PPC for all users, not just children. See Measure PCU C2 in Section 14 for further details.
- 13.232 Having considered Microsoft’s feedback about differentiating between private and public communications, we remain of the view set out in our May 2024 Consultation that applying Measure PCU B5 to information communicated privately would bring significant benefits for children’s online safety and is therefore proportionate.<sup>675</sup> This view is supported by the evidence in the Children’s Register which suggests that private communications can pose significant risks of children encountering PC.<sup>676</sup> We consider this rationale applies equally to Measure PCU B4 for PPC, given the evidence in the Children’s Register for the risks of children encountering PPC in private communications.<sup>677</sup> Furthermore, the Act does not distinguish between public and private communications for the purposes of protecting children.<sup>678</sup>
- 13.233 Having considered this evidence and our own technical analysis, we have decided to apply Measure PCU B4 to providers of services which:
- allow one or more kinds of PPC on their service; or
  - prohibit all kinds of PPC in their terms of service but are currently unable to remove that content; and
  - whose principal purpose is not the hosting or dissemination of PPC.
- 13.234 We have decided to apply Measure PCU B5 to providers of services which are medium or high risk of one or more kinds of PC and:
- allow one or more kinds of PC; or
  - prohibit one or more kinds of PC in their terms of service but are currently unable to remove that content; and
  - whose principal purpose is not the hosting or dissemination of PC.

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<sup>675</sup> See paragraph 15.210 of our May 2024 Consultation.

<sup>676</sup> See Sections 5-9 of the Children’s Register.

<sup>677</sup> See Sections 2-4 of the Children’s Register.

<sup>678</sup> We note that Paragraph 13(4) of Schedule 4 to the Act provides that Ofcom may not recommend the use of proactive technology to analyse user-generated content communicated privately, or metadata relating to user-generated content communicated privately. However, we note that section 231(5) of the Act further provides that technology which analyses data specifically provided by a user for the purposes of the provider verifying or estimating the user’s age in order to decide whether to allow the user to access a service (or part of a service) or particular content, and does not analyse any other data or content, is not to be regarded as proactive technology for the purposes of the Act.

## Changing the risk threshold of the measures

### Summary of responses

- 13.235 Stakeholders also commented specifically on the risk thresholds we proposed would bring providers into scope of these measures in the May 2024 Consultation. Some respondents argued for age assurance measures in general to apply to a narrower range of services.<sup>679</sup> See paragraphs 13.116-13.117 for discussion of this feedback.
- 13.236 Microsoft recommended reconsidering Measure PCU B5 to “to provide greater differentiation between “high” and “medium” risk.”<sup>680</sup>
- 13.237 The Wikimedia Foundation expressed concern about Measure PCU B5 being applied to providers of services with medium risk. It said that a medium level of risk is “determined by looking at an expansive range of factors, but seemingly being presumed when a service 1) has over 100,000 under-18 users, but 2) does not have the resources to muster evidence proving low likelihood of posing risk to under-18s from such content”.<sup>681</sup>
- 13.238 C3P suggested that several age assurance measures including Measure PCU B5 should extend to services that have a low risk of at least one kind of PPC and/or PC.<sup>682</sup>

### Our decision

- 13.239 We have considered this feedback and have decided not to change the risk-level criteria proposed in the May 2024 Consultation.
- 13.240 Having considered stakeholders’ feedback about risk levels, we consider Measure PCU B5 will be effective and proportionate for providers of services with a medium level of risk. PC causes significant harm to children and excluding medium-risk services from the measures could result in significant unaddressed harm and a gap in the protection of children online. We consider that exposure to only one kind of PC can still cause severe harm to children, including in cases of repeated exposure, and we consider this outcome inherently more likely on services that do not prohibit such content or where they do prohibit it but cannot remove it when identified. Such harm can occur across a range of service types, as well as both large and smaller services. Therefore, we consider that Measure PCU B5 can support significant incremental benefits to children, even on smaller services with a single risk of PC.
- 13.241 We discuss our consideration of different levels of risk and effectiveness of age assurance more generally in paragraphs 13.334-13.342 later in this section.
- 13.242 With respect to the Wikimedia Foundation’s comments about assessing a medium level of risk, we discuss relevant points in relation to the Children’s Risk Assessment Guidance separately in Volume 3, Section 8, including regarding the interpretation of risk levels, the significance of the number of child users as part of risk assessments and the kinds of evidence relevant to assessing risk.
- 13.243 In relation to stakeholder feedback about extending the measures to providers of low-risk services, we consider that Measure PCU B5 would have limited benefits for children on services where the level of risk had not been assessed to be at least medium for one kind of PC. This differs from Measure PCU B3, where we consider significant risk to be inherent in

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<sup>679</sup> Apple response to May 2024 Consultation, p.3; techUK response to May 2024 Consultation, p.14; Wikimedia Foundation, p.6; Online Dating and Discovery Association response to May 2024 Consultation, p.6.

<sup>680</sup> Microsoft response to May 2024 Consultation, p.11.

<sup>681</sup> Wikimedia Foundation response to May 2024 Consultation, p.6.

<sup>682</sup> C3P response to May 2024 Consultation, p.20.

any service whose principal purpose of hosting or disseminating PC. It would therefore be disproportionate to include low-risk services in the measure, taking into account the potential costs for providers and impact on users where highly effective age assurance is implemented.

### Applying the measures to NDC

#### Summary of responses

13.244 The Office of the Children’s Commissioner for England suggested that Measures PCU B4 and PCU B5 should be extended to apply to services that have NDC.<sup>683</sup>

#### Our decision

13.245 We do not consider that it would be proportionate to extend these measures to NDC at this time, particularly when balanced against the potentially significant impact of age assurance on the rights of users and service providers, and the direct and indirect costs associated with the implementation of age assurance, as outlined above. See the discussion of Measure PCU C2 in Section 14 for details of the types of appropriate action we consider providers can take to protect children from NDC they identify on their service.

## Measures PCU B6 and PCU B7: Targeting content recommender systems protections towards children

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### Introduction

13.246 In our May 2024 Consultation, we proposed two measures for providers that operate content recommender systems and meet certain other criteria:<sup>684</sup>

- Measure PCU B6: We proposed that providers of services that are medium or high risk for one or more kinds of PPC and operate a content recommender system should use highly effective age assurance to apply the relevant recommender systems measures to children.
- Measure PCU B7: We proposed that providers of services that are medium or high risk for one or more kinds of PC (other than bullying) and operate a content recommender system should use highly effective age assurance to apply the relevant recommender systems measures to children. We said we were also minded to recommend this measure for providers of services that are medium or high risk for NDC, subject to consultation on the categories of NDC described in the draft Children’s Register.<sup>685</sup>

13.247 Measures PCU B6 and PCU B7 are closely linked to recommender systems Measures PCU E1 and PCU E2, respectively.<sup>686</sup> The recommender systems measures are designed to ensure services protect children from harmful content on their recommender feeds by excluding content from children’s feeds (PCU E1) and by excluding content, or giving content a low

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<sup>683</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.57.

<sup>684</sup> In our May 2024 Consultation, we referred to these measures as AA5 or PCU H6 and AA6 or PCU H7. For ease and to align with the Protection of Children Codes, we will refer to these measures as PCU B6 and PCU B7 throughout.

<sup>685</sup> Paragraph 15.243 of May 2024 Consultation.

<sup>686</sup> References to ‘recommender systems’ throughout this section should be understood to refer only to content recommender systems and user recommender feeds. See Volume 5, Annex 7 Glossary, for more information and a detailed definition. See Section 17 for more detail on the Recommender Systems measures.

degree in prominence in children’s feeds (PCU E2); the age assurance measures enable services to target these protections to children effectively. We refer to Measures PCU B6 and PCU B7 collectively as measures for targeting content recommender systems protections towards children.

- 13.248 Multiple stakeholders expressed support for Measures PCU B6 and PCU B7.<sup>687</sup> We also received other comments on various aspects of our proposals, which we consider in the section entitled ‘Stakeholder feedback and response’ below.

## Our decision

- 13.249 In light of stakeholder responses and evidence, we have decided to make the following changes to the measures:
- We have changed our approach to NDC to confirm the extension of the application of this measure to all types of NDC that a service identifies a medium or high risk for in its Children’s Risk Assessment Guidance.
  - We have also changed the scope of both measures such that they no longer apply to services which prohibit the type of PPC, PC or NDC which they are medium or high risk for. This change clarifies that while providers of these kinds of services have an option to use highly effective age assurance to apply Measures PCU E1 and E2 to children’s recommender feeds, they may instead choose to make their recommender feeds safer for all users.<sup>688</sup> This change brings Measures PCU B6 and PCU B7 in line with the other age assurances measures, which apply where a service does not prohibit the type of PPC or PC which they are medium or high risk for.<sup>689</sup>
- 13.250 The full text of these measures can be found in the Protection of Children Code of Practice for user-to-user services, and they are referred to as Measures PCU B6 and PCU B7.

## How these measures work

- 13.251 Services that operate a child-accessible content recommender system and do not prohibit the kinds of PPC, PC or NDC that they are medium or high risk for should use highly effective age assurance to target the relevant recommender systems measures to children.<sup>690</sup>
- 13.252 Measures PCU B6 and PCU B7 support the Recommender Systems Measures PCU E1 and PCU E2 by ensuring that services use highly effective age assurance to determine which users are children, on parts of the services that are accessible to children,<sup>691</sup> so that they can benefit from the protections in their recommender feeds.

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<sup>687</sup> International Justice Mission response to May 2024 Consultation, p.10; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.56.

<sup>688</sup> See Section 17, Recommender Systems for more information.

<sup>689</sup> Services unable to take content level action should refer to Section 14 for a full discussion on how to comply.

<sup>690</sup> Measures PCU E1 and PCU E2. See Section 17 for further detail.

<sup>691</sup> The children’s safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

- 13.253 Service providers that prohibit all kinds of PPC, PC and/or NDC that they are medium or high risk for, <sup>692</sup> have the option of:
- applying the recommender systems Measures PCU E1 and Measures PCU E2 to all users; or
  - implementing highly effective age assurance to apply the measures to all users, other than those determined to be an adult.
- 13.254 If a service provider does not prohibit all kinds of PPC, PC and/or NDC that it is medium or high risk for, it will be in scope of our Age Assurance measures. This will mean that Measure PCU B6 should be used to secure the outcome of Measures PCU E1 and PCU B7 should be used to secure the outcome of Measure PCU E2.
- 13.255 Where a service is in scope and implements highly effective age assurance, the provider should ensure that all users have completed an age check before allowing a user access to recommender feeds which have not had the relevant protections applied to them, regardless of whether the user is accessing the service through an existing account, new account, or is using a logged-out version of the service.

## How these measures protect children

- 13.256 Section 17 details the rationale and intended impact of Recommender Systems measures PCU E1 and PCU E2. We discuss the risks to children presented by content recommender systems, and how the measures address these risks in detail in Section 17.
- 13.257 We consider that Measures PCU B6 and PCU B7 will enable the recommender systems measures to address effectively the risk of children encountering content indicated potentially to be PPC, PC or NDC. They will do so by enabling service providers to determine whether a particular user is a child by using highly effective age assurance. This will allow providers to accurately apply recommender systems measures to children's feeds, while allowing adults to view content on their recommender feeds that is permitted on the service.

## Stakeholder feedback and our response

### Applying the recommender systems measures to all users instead of targeting them to children

#### Our proposals

- 13.258 In our May 2024 Consultation, we proposed that highly effective age assurance should be used to make recommender feeds safer for children, without limiting adult access to content that is legal. As such, we proposed that the age assurance measures should be used to target the recommender systems measures to children only, and that any service in scope of Recommender Systems measures PCU E1 and PCU E2, should also be in scope of Age Assurance measures PBU B6 and BCU B7, respectively.

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<sup>692</sup> We consider that even where a service prohibits PPC/PC/NDC in its terms of service, children may still encounter PPC/PC/NDC as some users may still post or share these types of content. We would expect services to take the relevant appropriate actions under our Content Moderation and Recommender Systems measures to prevent and/or protect users from encountering harmful content even where that content is prohibited by the service.

## Summary of responses

13.259 Snap Inc. suggested that we should clarify if service providers can instead apply recommender systems measures to all users as an alternative approach to implementing age assurance.<sup>693</sup>

## Our decision

13.260 Having considered the stakeholder feedback, we have made amendments to Measures PCU B6 and PCU B7. Services that prohibit all kinds of PPC, PC and NDC that they are medium or high risk for can choose to:

- apply the recommender systems measures PCU E1 and PCU E2 to all users; or
- implement highly effective age assurance to apply the measures to all users, other than those determined to be an adult.

13.261 We have made this change to clarify that use of highly effective age assurance is not required if the relevant kinds of harmful content are prohibited on the service. Where this is the case, a provider may choose to make its recommender feeds safer for all users. We consider this flexibility is appropriate because in these circumstances, there would be limited freedom for users to share such content on the service in any event, as it would be violative (in line with the provider's exercise of their own right to freedom of expression). Further reasoning for this change is set out at 17.61 of Section 17 on Recommender Systems.

13.262 Accordingly, we have also changed the scope of Measures PCU B6 and PCU B7 so that they now only apply to services which do not prohibit PPC, PC and/or NDC that they are medium or high risk for.

13.263 Where the relevant types of content harmful to children is allowed on a service (that is, it is not prohibited in its terms of service), we continue to expect the service to use highly effective age assurance to apply Measures PCU E1 and PCU E2 to children so that they are protected from harmful content, without limiting adult's access to legal content.

## Impacts on service providers

### Our position at consultation

13.264 In our May 2024 Consultation, we explained that service providers will incur costs of implementing highly effective age assurance under Measures PCU B6 and PCU B7. These costs are similar to those discussed in the previous 'Impacts on service providers' sub-section in relation to Measure PCU B5.

13.265 We also noted that service providers have the option to apply age checks to a subset of users; for example, only for those who wish to see content indicated potentially to be PPC, PC and/or NDC in their recommender feeds. This could limit the costs, depending on the number of users who choose to undertake an age check for this purpose, which will vary depending on the nature of the service and its user base.

13.266 The direct costs of implementing the related recommender systems measures are assessed separately in Section 17.

13.267 We assessed potential indirect costs through reduced user engagement, user numbers and revenue if adults are discouraged from using the service because they want to access

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<sup>693</sup> Snap Inc. response to May 2024 Consultation, p.16.

content indicated potentially to be PPC, PC and NDC in their recommender feeds but are unwilling to complete the age assurance process. However, our assessment was that this effect will be mitigated on services hosting a varied range of content because they have the option to allow adults to continue accessing recommender feeds that have safety measures applied, but which still include content that may be appealing to adults and is not content indicated potentially to be PPC, PC or NDC.

### Summary of responses

- 13.268 We did not receive stakeholder feedback on the likely impacts of this measure on regulated service providers specifically.
- 13.269 In addition to its feedback mentioned at paragraph 13.185, the Advertising Association also argued that Measures PCU B6 and PCU B7 could have an impact on targeted advertising and content recommendation algorithms, potentially reducing the effectiveness of personalised advertising for child users.<sup>694</sup>

### Our decision

- 13.270 Our cost assessment now takes into account our decision set out in paragraph 13.263 to change the scope of Measures PCU B6 and PCU B7 so that they only apply to providers of services with risk of PPC, PC and/or NDC that is not prohibited in the terms of service. For providers of services in scope of Measure PCU B6, there will be no further additional cost as these services are already in scope of Measure PCU B4.
- 13.271 Providers of most services in scope of Measure PCU B7 will also be in scope of Measure PCU B5 so they will already have to implement highly effective age assurance. Providers of services which do not prohibit one or more kinds of NDC and are medium or high risk for NDC may be in scope of Measure PCU B7 but not Measure PCU B5. These services would need to incur the full age assurance costs as part of implementing Measure PCU B7.
- 13.272 We have decided to include body stigma content and depression content as types of NDC in the Children's Register. Evidence in Sections 10 and 11 of our Children's Register shows that these types of NDC are harmful to children in high volumes and content recommender systems can play a significant role in amplifying these kinds of NDC so that it is seen by more children, exacerbating its impact. There is a significant benefit in service providers taking action to protect children's recommender feeds from this content and we therefore conclude our approach is proportionate.
- 13.273 We acknowledge that costs may be substantial if a service is not in scope of Measures PCU B4 or PCU B5. It remains a matter of commercial discretion for providers of such services to prohibit the relevant kind(s) of NDC identified on the service and protect all users from that content, instead of implementing Measure PCU B7.
- 13.274 We considered the Advertising Association's comment that Measures PCU B6 and PCU B7 could potentially reduce the effectiveness of personalised advertising for users determined to be children. We have decided that there is insufficient evidence to conclude that this presents a material risk. We expect that service providers implementing the recommender systems measures will typically still be able to recommend a wide variety of content to children. The measures do not prevent service providers from displaying personalised advertising alongside such content.

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<sup>694</sup> Advertising Association response to May 2024 Consultation, p.11.

- 13.275 We note that providers of some large services with personalised advertising already take action to filter or reduce prominence of content in recommender systems for certain users or user groups, including children. We also consider that service providers relying on advertising revenue would in any case have a strong commercial incentive to continue to offer effective advertising solutions.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 13.276 In our May 2024 Consultation, we provisionally concluded that any interference with rights to freedom of expression and association, both of users and service providers, was justified in pursuance of a legitimate aim (the substantial public interest in the protection of children) and proportionate to that aim.
- 13.277 We have discussed the rights impacts connected to the use of age assurance in the previous ‘Freedom of expression and freedom of association’ sub-sections in relation to Measures PCU B2 to PCU B5 and consider that similar reasoning applies here. However, we note that these measures only apply in relation to services which have a relevant content recommender system, and that the impacts of this measure will only be applicable where a provider is in scope of Measures PCU E1 and PCU E2 (see Section 17 for the rights assessments in relation to those measures).
- 13.278 While we did not receive stakeholder feedback specifically on the impact of these measures for freedom of expression or association, we have decided since consultation to limit the applicability of these measures to apply only to providers of services that do not prohibit the relevant kinds of PPC, PC or NDC for which they are medium or high risk.
- 13.279 For providers of these services, we recognise that there is the potential for this measure to have a negative impact on users’ and service providers’ rights to freedom of expression, and of users’ rights to freedom of association. This could place limitations on sharing and dissemination of information and knowledge by users and service providers. It could also mean that children are not made aware of online spaces or communities that they may wish to join. However, given the risk that content recommender systems may include content that is harmful to children, as set out in Section 17, we consider that to achieve the legitimate aim of protecting children online, service providers should use highly effective age assurance to target measures to prevent children from being exposed to this content if it is not prohibited on the service.
- 13.280 We have set out our assessment of the impact on these rights in relation to Measures PCU E1 and PCU E2 in Section 17 and consider that similar reasoning applies here. In particular, we conclude that while the interference by these measures with users’ and service providers’ rights to freedom of expression and association may be significant, it is nevertheless proportionate and will secure the positive benefits to children that are intended by this measure.
- 13.281 The measures also provide flexibility that enables the service provider to choose how to implement highly effective age assurance, including where in the user journey this is implemented (for example, it may be less intrusive to implement age assurance on an opt-in basis for any users seeking to access age-restricted harmful content in their recommender feed). Such choices will determine the level of impact on the rights to freedom of expression, of both children and adults.

- 13.282 In reaching our conclusion on our rights assessment, we have weighed any interference with these rights against the benefits to children from these measures. We consider there to be significant benefits to children, including reducing the risk of children encountering harmful content in a recommender feed without them actively seeking it out and reducing the risk of cumulative exposure to harmful content. There is also likely to be a beneficial impact on children's freedom of expression in having a safer online experience, where children do not suffer fear, shock or distress as a result of harmful content shown in their recommender feeds.
- 13.283 Overall and taking these benefits to children into consideration, we consider that the interference of the right to freedom of expression and freedom of association from these measures is justified and proportionate.

## Privacy and data protection

### Summary of responses

- 13.284 We received feedback from the ICO about separating privacy and data protection in our assessments.<sup>695</sup> We have addressed this feedback in paragraph 10.73.

### Our final rights assessment

- 13.285 In our May 2024 Consultation, we considered the potential for interference with individuals' rights to privacy and data protection, as set out in 13.85. We provisionally concluded that any form of highly effective age assurance will involve the processing of personal data and will have an impact on users' privacy. We considered that the interference with the privacy rights of users was proportionate in light of the aims of the Act and benefits to children. We also assessed that the extent of processing of personal data expected by the measures was limited to the minimum degree required to age assure whether a user is a child and was therefore justified. We did not receive stakeholder feedback specifically on the impact of these measures on privacy or data protection.
- 13.286 We have discussed the impacts on privacy and data protection rights connected to the use of age assurance in the previous 'Privacy and data protection' sub-sections in relation to Measures PCU B2-B5 and consider that similar reasoning applies here. However, as above, we note that these measures only apply in relation to services which have a relevant content recommender system, and that the impacts of this measure will only be relevant where a provider is in scope of Measures PCU E1 and PCU E2 (see Section 17, Recommender systems on user-to-user services, for the rights assessments in relation to those measures).
- 13.287 We also note that, by their nature, content recommender systems would generally promote content that is widely publicly available, rather than private communications.<sup>696</sup> In this respect, we consider the impact of this measure to be more limited than in relation to the other Measures above.

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<sup>695</sup> ICO response to May 2024 Consultation, p.16.

<sup>696</sup> There may be limited circumstances in which a recommender system is configured to recommend content which is not widely publicly available, and we recognise that may be a limited impact on privacy rights from this measure in relation to such systems. However, in line with the requirements of paragraph 13 of Schedule 4 to the Act, we have updated measures PCU E1 and PCU E2 to make clear that the recommended measures do not recommend the use of proactive technology to analyse user-generated content communicated privately, or metadata relating to user-generated content communicated privately.

13.288 Following the changes made to these measures, we consider that the interference with privacy rights of users is justified and proportionate. Service providers must comply with data protection legislation when processing users' personal data as part of a highly effective age assurance process and should adhere to the applicable guidance published by the ICO when processing this data, including the Commissioner's Opinion on Age Assurance and the Age-Appropriate Design Code.

## Who these measures apply to

### Our position at consultation

13.289 In our May 2024 Consultation, we proposed that Measure PCU B6 should apply to provider of services that:

- are medium or high risk for one or more kinds of PPC; and
- operate a content recommender system.

13.290 We proposed that Measure PCU B7 should apply to providers of services that:

- are medium or high risk for one or more kinds of PC (except bullying); and
- operate a content recommender system.

13.291 As set out in Section 17, in our May 2024 Consultation we were minded to include providers of services with medium or high risk of body image and depressive content in scope of Measure PCU B7, subject to the outcome of our consultation on NDC.<sup>697</sup>

### Summary of responses

13.292 Several stakeholders suggested we should extend these measures to a wider range of services, users or types of content. The Office of the Children's Commissioner for England suggested that NDC should be brought into the scope of Measure PCU B7.<sup>698</sup> C3P suggested that Measures PCU B6 and PCU B7 (along with Measures PCU B3 and PCU B5) should be extended to services that have a low risk of at least one kind of PPC and /or PC.<sup>699</sup> Snap Inc. said that Ofcom should be clear that if the recommender systems measures supported by Measures PCU B6 and PCU B7 are in fact applied to all users, regardless of their age, then this would serve as an appropriate alternative approach to age assurance.<sup>700</sup>

### Our decision

13.293 Having considered this feedback, we have decided to make changes to the measures. We have decided to give providers of services in scope of Measures PCU E1 and PCU E2 an alternative route of compliance. Where a service prohibits in its terms of service the kind(s) of content harmful to children that it is medium or high risk for, we have changed recommender systems Measures PCU E1 and PCU E2 to enable service providers to use highly effective age assurance to target those measures at children or apply the measures to all users.<sup>701</sup>

13.294 We have also included providers of services with medium or high risk of at least one kind of NDC in scope of Measure PCU B7 if such content is not prohibited in their terms of service. This aligns with the application of Measure PCU E2, as set out in 17.118-17.120 of Section

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<sup>697</sup> Paragraph 15.243 of May 2024 Consultation.

<sup>698</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.56.

<sup>699</sup> C3P response to May 2024 Consultation, p.20.

<sup>700</sup> Snap Inc. response to May 2024 Consultation, p.16.

<sup>701</sup> See Section 17.

17. In making this decision, we have considered stakeholder feedback in relation to Measure PCU B7 and Measure PCU E2 (as discussed in Section 17). We also considered the substantial harm associated with NDC, which is explained in Volume 2, Section 4 of this statement and in Sections 10 and 11 of the Children’s Register. Service providers should also consult paragraphs 17.166-17.169 of Section 17, which further explains this decision for Measure PCU E2 and signposts to relevant guidance.

13.295 These measures work alongside Measures PCU E1 and PCU E2 to target those measures to children on services with content recommender systems where there is medium or high risk for one or more kinds of PPC, PC, and/or NDC which the service does not prohibit. We have decided not to apply recommender systems Measures PCU E1 and PCU E2 to providers of services assessed as low risk because we consider the measures would have limited benefits for children’s safety, whereas the impact on service providers and adult users would be material. Consistent with this decision, we have not extended Measures PCU B6 and PCU B7 to services that are low risk for PPC, PC and/or NDC.

13.296 Measure PCU B6 applies to providers of user-to-user services which:

- are medium or high risk for at least one kind of PPC that is not prohibited in the terms of service; and
- operate relevant content recommender systems.<sup>702</sup>

13.297 Measure PCU B7 applies to providers of user-to-user services which:

- are medium or high risk for at least one kind of PC (excluding bullying) and/or NDC, that is not prohibited in the terms of service; and
- operate relevant content recommender systems.<sup>703</sup>

## Other considerations

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13.298 Beyond specific measures, this sub-section addresses broader stakeholder feedback about our approach to age assurance.

## Measure PCU B1: implementing an age assurance process

### Our position at consultation

13.299 In addition to the six age assurance measures discussed in this section, as part of our May 2024 Consultation, we also proposed Measure PCU B1, ‘Implementing an age assurance process’. This proposed measure provided safeguards to protect users’ rights to freedom of expression and privacy (including data protection), which service providers should have regard to when implementing highly effective age assurance. We proposed that Measure PCU B1 would apply to providers of services likely to be accessed by children that implement an age assurance process for the purpose of acting in accordance with any of the recommendations set out in Measures PCU B2-B7.

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<sup>702</sup> See Section 17 for details of our decision on the kinds of content recommender systems which are in scope of this measure.

<sup>703</sup> See Section 17 for details of our decision on the kinds of content recommender systems which are in scope of this measure.

13.300 In the draft Protection of Children Codes, we also consulted on the definition of highly effective age assurance. We proposed that where providers implement the recommendations set out in the age assurance measures, they should note that highly effective age assurance is an age assurance process that fulfils the criteria of technical accuracy, robustness, reliability and fairness.

#### Our position in the Part 3 HEAA Guidance

13.301 In January 2025, we published the Part 3 HEAA Guidance, which confirmed that an age assurance process should fulfil the four criteria of technical accuracy, robustness, reliability and fairness to be considered highly effective; along with additional principles service providers should have regard to.<sup>704</sup>

#### Our decision

13.302 We have decided to proceed with Measure PCU B1 largely as proposed at consultation. Therefore, Measure PCU B1 applies to service providers likely to be accessed by children that implement an age assurance process for the purpose of acting in accordance with any of the recommendations across this statement and the accompanying Codes. This includes Measures PCU B2-B7, and any other Code measures that include reference to highly effective age assurance.

13.303 While we did not receive feedback from stakeholders regarding the proposed Measure PCU B1 itself; we received significant feedback on our overall approach to highly effective age assurance. The majority of this feedback was addressed in our January 2025 Statement.<sup>705</sup>

13.304 In January 2025, we updated the Part 3 HEAA Guidance to ensure greater alignment with the Part 5 Guidance and to provide further clarity to service providers about the steps they should take under each of the criteria. To ensure consistency with the definition of highly effective age assurance published in the Part 3 HEAA Guidance, we have updated the definition of highly effective age assurance in the Code to align with changes made in these publications.

13.305 Service providers should consult both the definition in Codes and the Part 3 HEAA Guidance when implementing highly effective age assurance for the purpose of complying with the measures set out in this section, including Measure PCU B1.

13.306 Under Measure PCU B1, the provider should have regard to the following when implementing the age assurance process on the service:<sup>706</sup>

- the principle that age assurance should be easy to use, including by children of different ages and with different needs;
- the principle that age assurance should work effectively for all users regardless of their characteristics or whether they are members of a certain group;
- the desirability of ensuring interoperability between different kinds of age assurance; and

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<sup>704</sup> Part 3 HEAA Guidance on highly effective age assurance.

<sup>705</sup> January 2025 Statement, Section 3.

<sup>706</sup> Ofcom must ensure that in the implementation of age assurance there is regard to the principles outlined in paragraph 12(2) of Schedule 4 to the Act.

- the age-appropriate design code and the Information Commissioner’s Opinion entitled “Age Assurance for the Children’s code” published on 18 January 2024.<sup>707</sup>
- 13.307 The provider should ensure that users are able to easily access information about what a provider’s age assurance process is intended to do and how the provider’s age assurance process works prior to commencing the age assurance process for the service.<sup>708</sup>
- 13.308 The provider should not publish content that directs or encourages users to circumvent the age assurance process or access controls used on the service.

## Retrospective identification of child users (applicable to PCU B2 – PCU B7)

### Summary of responses

- 13.309 The NSPCC suggested that Ofcom provide guidance on what services should do to retrospectively identify children on their sites, as well as requiring services to use highly effective age assurance to check the age of existing user accounts.<sup>709</sup>

### Our decision

- 13.310 We have considered this feedback and decided not to change the measures. As set out under ‘How these measures work’, we consider that where a service provider is in scope of Measure PCU B2 or PCU B3, it should ensure that all users have completed an age check, regardless of whether the user is accessing the service through an existing account, new account, or is using a logged-out version of the service.
- 13.311 Where a provider of a service in scope of Measures PCU B4-B7 implements highly effective age assurance to prevent children from encountering PPC or protect them from PC on the service or chooses to use it to age-gate the entire service, it should ensure that all users have completed an age check before allowing a user access to PPC identified on the service, access to PC identified on the service without appropriate protections or access to recommender feeds which have not had the relevant protections applied to them.

## Limitations of age assurance measures

### Summary of responses

- 13.312 Several stakeholders commented on the limitations of age assurance as measures to protect children.
- 13.313 Two stakeholders argued that the implementation of age assurance is not a safety by design choice.<sup>710</sup> The Office of the Victims’ Commissioner for England and Wales suggested that the measures “builds in safety to the architecture of the service through age-gating...but the service behind the age-gating may not be made safer”.<sup>711</sup> The Online Safety Act (OSA)

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<sup>707</sup> [Age assurance for the Children’s code | ICO](#)

<sup>708</sup> In doing so, we expect that service providers must comply with data protection laws and refer to relevant guidance from the ICO.

<sup>709</sup> NPSCC response to May 2024 Consultation, p.3.

<sup>710</sup> Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.9; OSA Network (1) response to May 2024 Consultation, p.30.

<sup>711</sup> Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.9.

Network highlighted that age assurance prevents harm but does not change the actual service for all users.<sup>712</sup>

- 13.314 Qoria Ltd suggested that toxicity is widespread, but the “age assurance regime” can only focus on a small number of services. They also suggested our approach “does not deal with search previews, message sharing, content shared in social and gaming platforms or inadvertent access through shared and parent devices”.<sup>713</sup>
- 13.315 The Integrity Institute suggested that instead of mandating age assurance, it is more important to create accountability and incentivise services to consider all measures to reduce harms to children.<sup>714</sup>
- 13.316 OneID identified a “gap” in the criteria in that services may prohibit PPC and PC on their policies, but users may still post harmful content.<sup>715</sup> Pinterest considered it foreseeable that services may modify their policies to avoid being in scope of the age assurance measures.<sup>716</sup>
- 13.317 Multiple services suggested that age assurance measures could result in young people moving to less protective environments, including any non-compliant services.<sup>717</sup> [X].<sup>718</sup>
- 13.318 Through our engagement with children on the proposed age assurance measures, we found that most children reported that age checks currently used by providers were ineffective and easily circumventable. They welcomed the increased use of more effective methods and supported the measures in this context. However, some children expressed doubts as to whether methods that they perceived as more robust – such as checking an individual’s passport – would always work.<sup>719</sup>

## Our decision

- 13.319 We have considered stakeholder responses and have decided not to make changes to our approach proposed at consultation in response to this feedback.
- 13.320 With respect to safety by design, we discuss this issue separately in Section 9. We agree that age assurance alone does not fully address the risk of harm to children that service design can pose. However, we maintain that the age assurance measures are an important and proportionate component of our overall package of measures, supporting a safety by design approach that delivers safer experiences for children. In Section 9, we discuss how all the measures in the Codes work together to achieve this and highlight that highly effective age assurance and safety by design are two of the four concepts that have together guided our approach to these Codes.
- 13.321 In response to the suggestion that our approach “does not deal with search previews...”, we have clarified that search services are out of scope of the age assurance measures. For more detail on our approach to search services, see Section 15. Furthermore, we addressed

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<sup>712</sup> OSA Network (1) response to May 2024 Consultation, p.30.

<sup>713</sup> Qoria Ltd response to May 2024 Consultation, p.2.

<sup>714</sup> Integrity Institute response to May 2024 Consultation, p.12.

<sup>715</sup> OneID response to May 2024 Consultation, p.3.

<sup>716</sup> Pinterest response to May 2024 Consultation, p.14.

<sup>717</sup> [X]; Meta Platforms Inc. (Meta) response to May 2024 Consultation, p.30.

<sup>718</sup> [X].

<sup>719</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

feedback related to the risks of circumvention, including from device and account sharing, in our January 2025 Statement under the ‘Robustness’ criterion from paragraph 3.175.<sup>720</sup>

- 13.322 In response to OneID’s comment, we acknowledge that prohibiting PPC and PC does not eliminate the risk of it being shared and encountered. Where providers prohibit PPC or PC in their terms of service, our Content Moderation measures specify the actions that service providers should take to remove identified PPC or PC from the service (see Section 14). In addition, service providers will need to explain in their terms of service how they plan to deal with the content that they prohibit. As discussed at paragraphs X-X, we have extended Measure PCU B4 to providers of services that prohibit one or more types of PPC but cannot remove that content. We have also extended Measure PCU B5 to providers of services that prohibit one or more types of PC for which their service is medium or high risk but cannot remove that content. This is because these services are unable to prevent children encountering identified PPC or PC by taking down prohibited content in line with their Terms of Service.<sup>721</sup>
- 13.323 In relation to the stakeholder concern that children may migrate to “non-compliant services”, we acknowledge that this is an inherent risk. In our January 2025 Statement, we outlined our overarching enforcement approach in the context of pornography services.<sup>722</sup> As we set out in January 2025, we have a range of tools and powers – both statutory and non-statutory – which we expect to apply in combination to drive compliance.
- 13.324 Alongside our statutory powers to open investigations and take formal enforcement action (including imposing financial penalties), we have a range of non-statutory tools which we may use in response to a potential non-compliance concern. This may include sending warning letters and / or accepting commitments or assurances to remedy compliance concerns. In parallel, we will continue working with the industry through supervisory engagement and broader outreach work to promote compliance, to ensure that the sector is aware of their duties and the steps they need to take to comply. This will be balanced against the need to take swift action against serious breaches, and the importance of protecting children from harm.
- 13.325 In January 2025, we opened an age assurance enforcement programme to monitor and assess compliance with the new duties for Part 5 services.<sup>723</sup> On 17 January 2025, we wrote to hundreds of providers, collectively covering thousands of sites that publish or display pornographic content, to inform them of their obligations under Part 5 of the Online Safety Act to implement highly effective age assurance to prevent children from accessing pornographic content. We have had positive engagement from across the sector and we are likely to extend this enforcement programme to Part 3 services when the child safety duties come into force from July 2025.
- 13.326 We have shown through our video-sharing platform (VSP) regulation how a combination of statutory and non-statutory tools can drive compliance with duties to protect children from pornography.<sup>724</sup> We consider that the same applies in the context of user-to-user services.

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<sup>720</sup> January 2025 Statement, pp. 42-46.

<sup>721</sup> See Content Moderation Section 14 for a full discussion on Measure PCU C2.

<sup>722</sup> January 2025 Statement, paragraph 4.86.

<sup>723</sup> Ofcom, 2025, [Enforcement Programme to protect children from encountering pornographic content through the use of age assurance](#).

<sup>724</sup> Ofcom, 2024, [Investigation into MintStars Ltd compliance with rules to protect children from restricted material - Ofcom](#).

- 13.327 In relation to children’s comments on the effectiveness of age assurance methods, the Part 3 HEAA Guidance outlines the criteria that service providers should adhere to when implementing highly effective age assurance. Service providers should identify and take appropriate steps to mitigate against methods of circumvention that are easily accessible to children and where it is reasonable to assume that children may use them. As highlighted in our January 2025 Statement, we consider that our report on the use of age assurance will provide us with a good first opportunity to assess, as necessary and appropriate, any circumvention techniques or solutions that threaten to reduce the effectiveness of age assurance, as well as examples of industry good practice for dealing with them.<sup>725</sup>

## Exemption from age assurance measures (applicable to PCU B4– B7)

### Summary of responses

- 13.328 The Wikimedia Foundation suggested that certain kinds of services or organisations, such as “nonprofit and/or educational” sites, should be exempt from age assurance measures.<sup>726</sup> An individual respondent suggested that services with particular cultural or social importance should be exempt.<sup>727</sup>
- 13.329 Channel 4 asked for clarity that news publisher content is exempt from age assurance, citing that the Act makes provisions for this type of content.<sup>728</sup>

### Our decision

- 13.330 We do not agree with stakeholder suggestions that certain services should be exempt from age assurance measures because of their particular service or organisational culture or characteristics.<sup>729</sup> Providers of such services may still fall in scope of the requirements in the Act to use highly effective age assurance in relation to PPC, which are not subject to any such exemptions.
- 13.331 However, the Act states that “news publisher content” is not considered to be “regulated user-generated content” and as a result it is not subject to the protection of children duties.<sup>730</sup> As such, service providers are not required to implement highly effective age assurance to protect children from news publisher content.
- 13.332 Where we exercise discretion in recommending highly effective age assurance in relation to PC in Measures PCU B3 and PCU B5 (or as part of Measure PCU B7 discussed later in this section), we consider the measures proportionate based on the relevant scope criteria (such as the principal purpose, the kinds of content prohibited or not prohibited, the level of risk, and/or the functionality which the provider operates). We cannot rule out that some services with certain characteristics suggested by stakeholders, such as operating on a non-profit basis or having significant cultural value, may still pose risk to children that should be mitigated using highly effective age assurance. As set out throughout this section, we

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<sup>725</sup> January 2025 Statement, paragraph 3.196.

<sup>726</sup> Wikimedia Foundation response to May 2024 Consultation, p.12

<sup>727</sup> [§].

<sup>728</sup> Channel 4 response to May 2024 Consultation, p.2-3.

<sup>729</sup> [§]; Wikimedia Foundation response to May 2024 Consultation, p.12.

<sup>730</sup> Section 55(8)-(10) of the Act

consider that the measures play an important role in protecting children on services that meet the criteria we have specified.

## Greater differentiation by risk or effectiveness level

### Summary of responses

- 13.333 Several stakeholders commented on how age assurance could be used by providers of services with different risks. TikTok and Google highlighted that under our proposals, providers of high and medium risk services in scope would be subject to the same measures and that greater differentiation was needed.<sup>731</sup> TikTok suggested that the use of “hard” age assurance like photo ID, should be necessary only for the “riskiest services”.<sup>732</sup> [3<].<sup>733</sup>
- 13.334 Yoti suggested a concept of “broadly effective” age assurance could be used in cases where highly effective age assurance would be disproportionate to the level of risk.<sup>734</sup>

### Our decision

- 13.335 Having considered this stakeholder feedback, we have decided not to change our approach.
- 13.336 In response to stakeholder feedback about differentiating between high and medium-risk services, where we include a risk criterion for content harmful to children that services do not prohibit in our age assurance measures (PCU B5, PCU B6, and PCU B7), we consider it justified and proportionate to include services with a medium level of risk. These types of content cause significant harm to children and excluding medium-risk services from the measures could result in significant unaddressed harm and a gap in the protection of children.<sup>735</sup> We consider that exposure to only one kind of PPC, PC or NDC can still cause severe harm to children, especially in high volumes, and we consider this outcome inherently more likely on services that do not prohibit such content. Such harm can occur across a range of service types, as well as both large and smaller services. Therefore, we consider that these measures can support significant incremental benefits to children and have not differentiated between services that are medium and high risk.
- 13.337 With regard to stakeholder feedback about differentiating the standard of age assurance based on risk, the Act requires the use of highly effective age assurance to prevent children from encountering identified PPC in cases where one or more kinds of PPC are not prohibited on a service for all users.<sup>736</sup> The Act specifies that in these circumstances we cannot recommend a form of age assurance that is not highly effective for compliance with the duty under s.12(4).<sup>737</sup> Therefore in connection with Measures PCU B2 and PCU B4, we consider we do not have discretion to recommend providers use forms of age assurance that would not be highly effective.
- 13.338 We have exercised our discretion to recommend that highly effective age assurance should also be used across Measures PCU B3, PCU B5 and PCU B7, based on the significant risks that we consider PC and, in the case of Measure PCU B7, NDC pose to children. We have also exercised our discretion to recommend the use of highly effective age assurance for

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<sup>731</sup> Google response to May 2024 Consultation, p.3; TikTok response to May 2024 Consultation, p.3.

<sup>732</sup> TikTok response to May 2024 Consultation, pp.1-2.

<sup>733</sup> [3<].

<sup>734</sup> Yoti response to May 2024 Consultation, p.3.

<sup>735</sup> See the Children’s Register.

<sup>736</sup> Sections 12(4) to 12(6) of the Act.

<sup>737</sup> Paragraphs 12(3) and (5) of Schedule 4 to the Act.

Measure PCU B6 which recommends relevant actions for content indicated potentially to be PPC.

- 13.339 Having considered in particular our requirement under Schedule 4 to the Act to have regard to the need to strike the right balance between the levels of risk and the nature, and severity, of potential harm to children which age assurance is designed to guard against, we do not consider it appropriate to recommend a lower standard of age assurance than highly effective age assurance to comply with these measures.<sup>738</sup> As highlighted in the Children’s Register, PPC and PC can have wide-ranging and severe consequences for children.<sup>739</sup> The Children’s Register demonstrates that exposure to even one kind of PPC or PC can still cause severe harm to children. We also consider that the kinds of content we have identified as NDC (depression content and body stigma content) can be harmful to children when encountered in high volumes, which could include via a recommender feed. We judge that for services that do not prohibit PPC, PC or (in the case of PCU B7, NDC) content that they are medium and high risk for there is an increased likelihood of harm to children. As such, we consider the recommendation of highly effective age assurance to be proportionate and necessary to meet this duty.
- 13.340 We conclude that age assurance that is not highly effective could leave many children without adequate protection and therefore exposed to an unacceptable risk of harm that would not be consistent with the objectives of the Act.
- 13.341 However, in the Part 3 HEAA Guidance we set out a non-exhaustive list of age assurance methods that are capable of being highly effective, giving providers flexibility as to the method(s) they implement, provided that their overall age assurance process meets our four criteria.

## Capability of age assurance technologies

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### Introduction

- 13.342 In our May 2024 Consultation, we set out our understanding of the capabilities of age assurance for:
- determining whether a user is an adult or a child, for the purpose of complying with the age assurance Measures PCU B2 to PCU B7;<sup>740</sup> and
  - determining a child’s age or age range, for the purpose of applying minimum age requirements and tailoring safety protections for children of different ages.<sup>741</sup>
- 13.343 In this sub-section, we address comments that suggested that age inference models are capable of being highly effective at determining whether a user is an adult or a child in the context of Measures PCU B4-B7.<sup>742</sup> We consider that age inference is distinct from the kinds of age estimation outlined in the Part 3 HEAA Guidance, because age inference models rely

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<sup>738</sup> Paragraph 12(2)(c)(i) of Schedule 4 to the Act.

<sup>739</sup> See the Children’s Register.

<sup>740</sup> Annex 10 of May 2024 Consultation.

<sup>741</sup> Paragraphs 15.314 and 15.318, Volume 5 of May 2024 Consultation.

<sup>742</sup> We use the term “age inference” to refer to statistical models which analyse signals generated by a user’s activity on a service to estimate their age. The signals can be based on a variety of different factors, including text on a user’s profile, such as a username, nickname, or biography; audio and visual input, such as a user’s voice or facial features; and behavioural features, such as content viewed by the user.

on signals generated through use of the service, as opposed to an age check that a user is prompted to undergo prior to accessing the service. We set out our rationale for the decision not to add, at this time, age inference to the list of methods that we consider capable of being highly effective.

- 13.344 We also address comments about the capability of age assurance methods for the purpose of applying minimum age requirements and tailoring safety protections for children of different ages. We set out our updated assessment, including new evidence on facial age estimation, photo-ID matching, verifiable parental consent, and age inference in the context of determining a child's age or age range.

## Age inference in the context of Measures PCU B4-B7

### Our proposals

- 13.345 In our January 2025 Statement, we acknowledged that age inference models, which analyse a user's activity while on a service to infer their age, are being increasingly tested and deployed.<sup>743</sup>
- 13.346 We made clear that providers of Part 5 services and Part 3 services in scope of Measures PCU B2 and PCU B3 could not reasonably implement age inference methods to prevent children from accessing their service to comply with their duties. This is because age inference models, by design, require children to be on the service for a period of time for an inference to be made. Given that the principal purpose of services in scope of Measures PCU B2 and PCU B3 is the hosting or dissemination of PPC or PC, we ruled out the use of this method in these circumstances, on the basis that age assurance should be used to prevent children from accessing the entire service.<sup>744</sup>
- 13.347 However, we recognised that age inference models could potentially play a role for service providers in scope of Measures PCU B4-B7, where children are allowed to access a service, but must be protected from harmful content that may be present on the service. We stated that we would address responses made about age inference in this context in this statement.<sup>745</sup>

### Summary of responses

- 13.348 We set out stakeholder feedback on age inference in our January 2025 Statement.<sup>746</sup>
- 13.349 In summary, several providers of large user-to-user services argued that age inference models have value as a form of age assurance.<sup>747</sup> In the absence of OS or app store age verification, Meta consider that a combination of age assurance methods, including 'age prediction models', are a reasonable and appropriate approach to age assurance.<sup>748</sup>

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<sup>743</sup> January 2025 Statement, paragraph 3.89.

<sup>744</sup> January 2025 Statement, paragraphs 3.90 and 3.91.

<sup>745</sup> January 2025 Statement, paragraph 3.92.

<sup>746</sup> January 2025 Statement, paragraphs 3.41 to 3.49.

<sup>747</sup> Google response to May 2024 Consultation, pp.3, 25; Online Dating and Discovery Association response to May 2024 Consultation, p.7; Snap Inc. response to May 2024 Consultation, p.18.

<sup>748</sup> Meta response to May 2024 Consultation, p.27.

- 13.350 Internet Matters and the 5Rights Foundation argued that service providers already collect information about users, including their age, for commercial purposes, and therefore they should use this information to remove underage children from their services.<sup>749</sup>
- 13.351 Conversely, ACT – The App Association was critical of age inference models based on concerns about accuracy and privacy implications.<sup>750</sup>

## Our decision

- 13.352 We have considered stakeholder feedback and have decided not to add age inference to the list of kinds of age assurance that we consider capable of being highly effective at this time. Despite age inference models being in use, there is limited evidence on their efficacy at determining whether a user is an adult or a child. There are also some scenarios in which age inference models are unlikely to ever be appropriate for compliance with the children’s safety duties, which we outline below for the avoidance of doubt.
- 13.353 We are aware that some service providers currently rely on self-declaration to initially determine whether a user is an adult; followed by a combination of age inference models and user reporting processes to detect any child users who falsely self-declared as adults.<sup>751</sup> It is our view that this process alone is unlikely to be suitable for the purposes of complying with the children’s safety duties. Even the most sophisticated age inference models will inevitably take a period of time to infer each user’s age, during which time, children that have falsely self-declared as adults may be at risk of exposure to harmful content on services.
- 13.354 Furthermore, there is currently a lack of evidence to suggest that age inference models are capable of being highly effective at determining whether a user is an adult or a child. We do not have evidence to suggest that age inference models suitably meet the criteria of technical accuracy, robustness, reliability, or fairness, while also being compliant with data protection requirements. For this reason, we have not added age inference to the list of age assurance methods that we consider are capable of being highly effective at this time.
- 13.355 If service providers wish to implement age inference, they should consider how best to evidence how their method are technically accurate and robust at detecting a significant proportion of children, the length of time different age inference models take to determine whether a particular user is an adult or a child and how children are protected during this period.
- 13.356 If service providers wish to demonstrate that age inference models are capable of being reliable, they should be prepared to evidence that the models can perform in a consistent manner, producing the same or similar outputs when given the same or similar inputs.<sup>752</sup> To

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<sup>749</sup> 5Rights Foundation response to May 2024 Consultation, p.14; Internet Matters response to December 2023 Part 5 Consultation, p.9.

<sup>750</sup> ACT - The App Association response to May 2024 Consultation, p.3.

<sup>751</sup> [Behind the screen: The reality of age assurance and social media access for young Australians](#), eSafety Commissioner (February 2025). The Australian eSafety Commissioner’s recent transparency report on age assurance and social media access for young Australians reported that seven of the eight services included in the report used age inference technologies, either to detect users under the age of 13, aged 13-17, or, to a lesser extent, over 18.

<sup>752</sup> Gundersen OE, Kjensmo S, 2018, [State of the art: Reproducibility in artificial intelligence](#) in Proceedings of the AAAI Conference on Artificial Intelligence 32(1), p. 1645.

demonstrate fairness, service providers should be prepared to explain how discriminatory outcomes and bias are minimised.

- 13.357 Service providers must also consider the right to user privacy and the special considerations that must be given to the processing of children’s personal data under the data protection regime.<sup>753</sup> It is possible that attempting to enhance the performance of age inference models for the purpose of complying with the children’s safety duties could raise concerns under the data protection regime, on the basis that it would likely require the collection of more personal data. Service providers must comply with both the Act and data protection legislation, including principles such as data minimisation, storage limitation, and purpose limitation, when implementing highly effective age assurance.

## Age assurance methods for differentiating between children of different ages

### Our proposals

- 13.358 In our May 2024 Consultation, we stated that we had limited independent evidence that age assurance technology could correctly distinguish between children in different age groups to a highly effective standard and, therefore, there was a risk that this could have serious impact on children’s ability to access services.
- 13.359 We stated that the technology for determining the age of users under 18 was still developing. We noted that while certain age verification methods (such as photo-ID matching using a passport) could determine the age of a user under 18, reliance on these methods risk excluding children from online activity as many do not have access to official documents.<sup>754</sup>

### Summary of responses

- 13.360 Many respondents disagreed with our analysis of the limitations of age assurance technology being able to correctly distinguish between child users of different ages.<sup>755</sup> Several respondents pointed to examples of different methods which could be used for to distinguish between children in different age groups, including in some cases how these were already being deployed by services.<sup>756</sup> In contrast, two stakeholders expressed concern about the accuracy of age estimation technology, including in relation to younger users.<sup>757</sup>
- 13.361 Two respondents argued that age assurance methods were available to distinguish between children of different ages (or enforce a minimum age limit) which met a “reasonable” or “broadly effective” degree of accuracy, even if they did not meet the standard of “highly effective”.<sup>758</sup>

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<sup>753</sup> Recital 38 of UK GDPR.

<sup>754</sup> May 2024 Consultation, Volume 5, pp.100-102.

<sup>755</sup> Age Verification Providers Association (AVPA) response to May 2024 Consultation, p.10; Barnardo’s response to May 2024 Consultation, p.7; Internet Matters response to May 2024 Consultation, p.11; Yoti response to May 2024 Consultation, pp.18-19.

<sup>756</sup> 5Rights Foundation response to May 2024 Consultation, pp.12-13; AVPA response to May 2024 Consultation, pp.10-11; Barnardo’s response to May 2024 Consultation, p.7; NSPCC response to May 2024 Consultation, p.29; Yoti response to May 2024 Consultation, pp.18-19.

<sup>757</sup> Integrity Institute, p.13, iProov response to May 2024 Consultation, p.4.

<sup>758</sup> AVPA response to May 2024 Consultation, p.10; NSPCC response to May 2024 Consultation, p.31.

- 13.362 The ICO stated that our assessment about the capability of existing age assurance methods to correctly distinguish between child users of different age groups to a ‘highly effective’ standard should not disincentivise service providers from using age assurance to determine a child’s age for the purposes of complying with data protection law and confirming to the standards of the Children’s code that provide for age-appropriate application. The ICO acknowledged this was not our intention but asked that we clarify our position more explicitly.<sup>759</sup>
- 13.363 Two respondents expressed concern that our assessment of the capability of the technology would make it challenging to take enforcement action against service providers failing to uphold a minimum age where set in their terms of service.<sup>760</sup> Big Brother Watch said that we had taken a “contradictory approach” by acknowledging that the technology is limited while also encouraging service providers to tailor their experiences to children in different age groups.<sup>761</sup>
- 13.364 The Molly Rose Foundation argued that we had not done enough to obtain the evidence needed of the capabilities of age assurance to meet the highly effective age assurance criteria, including use of our information-gathering powers.<sup>762</sup> The NSPCC suggested that we should incentivise innovation and use our information-gathering powers to work towards recommending the use of highly effective age assurance for enforcing minimum age in the future.<sup>763</sup>

## Our decision

- 13.365 As set out in Section 9, we do not consider that approaches reliant on self-declaration, in combination with age inference technologies and user reporting, are an effective means of preventing younger children accessing a service, based on the number of younger children who continue to access services that use this approach. We set out our assessment of age inference models in this context in paragraphs 13.370-13.373.
- 13.366 We have reviewed new independent evidence on the effectiveness of age assurance methods to differentiate between children of different ages. For the reasons explained in Section 9, we have not included in the Codes that providers should use highly effective age assurance for the purpose of applying minimum age requirements or tailoring protections to children of different ages. However, it is our view that there are increasingly effective means of doing so. We also anticipate that improvements and new solutions will continue to develop at pace. We therefore encourage service providers to explore the use of such methods to implement their minimum age requirement, or to tailor protections where their risk assessment indicates that there may be different risks of harm for children of different age groups.
- 13.367 In response to the ICO’s comments, we consider that our assessment of the capability of age assurance methods should not, in any circumstances, disincentivise service providers from using age assurance to determine a child’s age for the purposes of complying with data protection law and conforming to the standards of the ICO’s Children’s Code that provide for age-appropriate application. We encourage service providers to refer to the

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<sup>759</sup> ICO response to May 2024 Consultation, p.7.

<sup>760</sup> Molly Rose Foundation response to May 2024 Consultation, p.36, NSPCC response to May 2024 Consultation, p.31.

<sup>761</sup> Big Brother Watch response to May 2024 Consultation, p.21.

<sup>762</sup> Molly Rose Foundation response to May 2024 Consultation, p.37.

<sup>763</sup> NSPCC response to May 2024 Consultation, p.33.

Commissioner's Opinion on Age Assurance for further guidance on complying with their Children's Code to understand how to apply age assurance in a risk-based and proportionate way, whilst respecting users' privacy.<sup>764</sup>

- 13.368 We expect to continue gathering and analysing evidence on the capabilities of age assurance for determining the ages of children, in particular through our report on the use of age assurance, which we will publish in 2026.

## The use of age inference models to differentiate children of different ages

- 13.369 In the 'Age inference in the context of Measures PCU B4-B7' sub-section, we set out our assessment of age inference technologies for the purpose of correctly determining whether a user is an adult or a child. Here we set out our assessment of age inference technologies for applying minimum age requirements and tailoring protections to children in different age groups.
- 13.370 We are aware that the majority of service providers currently rely on self-declaration of age to prevent children below the minimum age established in their terms of service from accessing their services. We understand that some of these providers use age inference technologies and user reporting to detect underage users who falsely declare themselves to be over the minimum age. Based on the available evidence we do not consider such an approach is an effective means of preventing younger children accessing a service, because a significant number of children under the minimum age continue to have accounts on these services without detection.<sup>765</sup>
- 13.371 From the insights gained through our VSP programme, it is difficult to determine, with certainty, the effectiveness of current age inference technologies implemented by providers. We would require further evidence from service providers to understand the capabilities of individual age inference models. However, it seems logical to conclude that current approaches to age inference are not currently effective, or are not being effectively implemented, based on the proportion of children who continue to have accounts with these services.
- 13.372 The eSafety Commissioner's recent transparency report compared service providers' use of tools and technologies with insights from Australian children aged 8 to 12 about their experiences of their accounts being detected as under-13 and being shut down. The report found that despite half of the service providers using age inference models (and also relying on user reporting) to detect users under 13, only 10% of children aged 8-12 who had their own account reported that their account(s) had been shut down between January and September 2024. The report emphasised that these were preliminary findings and that the

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<sup>764</sup> ICO Age assurance for the Children's code (2024).

<sup>765</sup> Ofcom's [Children and Parents' Media Literacy Tracker](#) and [Children's Online Behaviours and Attitudes Survey](#), 2024 has found that 40% of 3-12 year-olds have an account with one of the 12 services asked about in our survey, despite these services having minimum age requirements of 13. Similarly, the eSafety Commissioner transparency report highlighted that 36% of 8-12 year-olds who had used social media had their own account on at least one of the eight services included in the report, despite the services having minimum age requirements of 13 ([E-Safety Commissioner February 2025 transparency report](#), p.12).

number of underage children who had accounts removed could be higher in practice.<sup>766</sup> Nevertheless, we consider that these figures support our assumption that age inference technologies currently in use are not consistently effective at correctly detecting underage users.

## Facial age estimation to differentiate children of different ages

- 13.373 Since our May 2024 Consultation, the US National Institute of Standards and Technology (NIST) has published reports which have provided more independent evidence on the capabilities of facial age estimation.<sup>767</sup>
- 13.374 The majority of algorithms tested produced a similar, and sometimes lower, mean absolute error (MAE) for children than for adults.<sup>768</sup> This evidence indicates that, depending on the algorithm in question, facial age estimation can be used to determine the age range of a child with broadly the same level of technical accuracy as estimating whether a person is a child or an adult. However, the results also indicate that for both use cases, there is often still a significant margin for error.<sup>769</sup>
- 13.375 In the Codes and the Part 3 HEAA Guidance, we have recommended that where service providers use any form of age estimation to determine whether a user is an adult or a child, service providers should use a challenge age approach in order to address the margin of error.<sup>770</sup> For the same reasons, we encourage service providers to use a challenge age approach where they use age estimation for the purposes of determining the age or age range of a child.

## Access to photo ID documentation to differentiate children of different ages

- 13.376 We have previously expressed concern about photo ID matching using passports as a means of age assurance for applying minimum age requirements or tailoring protections to children in different age groups on the grounds that some children and young adults may be unduly excluded from services because they do not own a passport.<sup>771</sup> However, since our May 2024 Consultation, we have observed developments which we expect to drive an

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<sup>766</sup> The eSafety Commissioner's transparency report emphasised that these were preliminary findings and that the number of underage children who had accounts removed could be higher in practice. For example, some of the surveyed children may have had a YouTube account connected to an adult account through Family Link; such children would therefore be permitted to use YouTube through their Family Link account.

<sup>767</sup> [https://pages.nist.gov/frvt/html/frvt\\_age\\_estimation.html](https://pages.nist.gov/frvt/html/frvt_age_estimation.html)

<sup>768</sup> For a full definition of 'Mean Absolute Error' see Annex 7, glossary.

<sup>769</sup> For example, for a threshold of 13 years old, the results suggest that on average across the models tested 36% of 8-12-year-olds could be incorrectly estimated to be between 13 and 16. [This figure is correct as of 27/03/2025]

<sup>770</sup> A challenge age approach is widely used offline when selling age-restricted products in retail environments, for instance, through the retailing strategy 'Challenge 25'. In this approach, anyone who appears to the provider of restricted products to be under the age of 25 should be challenged to provide acceptable ID proving that they are over the age of 18 if they wish to buy alcohol. The 'challenge age' in this scenario would be 25. In an online age assurance process, a challenge age approach refers to where a user who is estimated as being under a given challenge age must then undergo a second age assurance step (for example, a different age assurance method) to confirm that they are over the required age. For more detail, see Part 3 HEAA Guidance, paragraphs 4.16-4.20.

<sup>771</sup> Ofcom Protection of Children Statement, pp.100-102.

increase in the availability of free, nationally accredited photo-ID documents, which could help to reduce this risk.

- 13.377 Young people can currently apply for photo-ID cards certified by the Proof of Age Standards Scheme (PASS).<sup>772</sup> Some card suppliers are exploring the role that the cards could play as a form of age assurance for children online, in some instances by producing cards for 13-15 year-olds free of charge. Free access to these cards could help to increase the proportion of children with a photo ID document that is accepted as legal proof of age.
- 13.378 The application process varies between suppliers, but in many cases, it is possible to apply for a PASS-accredited card without existing photo ID documents such as a passport (for example, through a school, a trusted referee, or local library).
- 13.379 PASS cards could be used in a photo ID matching process, either as a standalone age assurance method or as part of a challenge age approach. This could be an effective way for service providers to apply their minimum age requirements or to tailor additional protections to children in different age groups.

## Role of verifiable parental consent

- 13.380 As set out in our January 2025 Statement, a typical verifiable parental consent process involves a child self-declaring their age and providing an adult's email address, who is assumed by the system to be that of the parent.<sup>773</sup> The adult is invited via email to undergo an age assurance check themselves to prove they are an adult and is then invited to approve the child's self-declared age.
- 13.381 Currently, verifiable parental consent is deployed primarily as a means of obtaining parental consent for the purpose of processing personal data for users under 13 years old,<sup>774</sup> and to give parents the option of using parental controls.<sup>775</sup> We are not aware of this process being used as a dedicated method of age assurance, which enables the service provider either to grant access to children of a certain age or to apply additional protective measures for children of different ages. However, it may be possible for service providers to adapt the process for use in this way.
- 13.382 In considering the applicability of verifiable parental consent as a method of age assurance, service providers need to be able to ensure that the email supplied by the child is indeed that of the child's parent or carer. It is possible that verifiable parental consent could be abused by bad actors and, should a service or third-party age assurance provider decide to explore this as a potential future age assurance method, they should work to mitigate this risk.

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<sup>772</sup> The Proof of Age Standards Scheme (PASS) is the UK's national proof of age accreditation scheme, endorsed by the Home Office, the National Police Chiefs' Council (NPCC) and the Security Industry Authority (SIA). The list of PASS schemes and suppliers can be found on the [PASS Scheme website](#).

<sup>773</sup> January 2025 Statement, paragraph 3.93.

<sup>774</sup> [Article 8, UK GDPR](#). See also "What are the rules about an ISS and consent?", ICO.

<sup>775</sup> Parental controls are optional tools which enable parents or carers to exercise control over the types of experiences their children are having online, including by controlling the type of content they can access.

# 14. Content moderation for user-to-user services

## What is this section about?

In this section we set out content moderation measures for providers of user-to-user services.

Content moderation is when a service provider reviews and assesses content, and where relevant, takes appropriate moderation action on it. It is used by providers to address a wide variety of harms, including content harmful to children, illegal content and content that does not comply with their terms of service (which we call ‘harmful content proxy’). Content moderation can be carried out by humans, via automation, or a combination of the two.

Effective content moderation functions are fundamental to ensuring that service providers can take swift action to protect children when they become aware of harmful content present on their services.

Many of these measures are broadly equivalent to the recommendations in our December 2024 Statement on Protecting People from Illegal Harms Online (our December 2024 Statement), adjusted to cover content harmful to children.

## What decisions have we made?

Number in the Codes	Recommended measure	Who should implement this <sup>776</sup>
PCU C1	Have a content moderation function to review and assess suspected content harmful to children	Providers of all user-to-user services
PCU C2	Have a content moderation function that allows for swift action on content harmful to children, where it is currently technically feasible to take appropriate action	Providers of all user-to-user services
PCU C3	Set internal content policies	<ul style="list-style-type: none"> <li>Providers of user-to-user services that are multi-risk<sup>777</sup> for content harmful to children</li> </ul>
PCU C4	Set and record performance targets	
PCU C5	Prepare and apply a policy for the prioritisation of content for review	

<sup>776</sup> These measures relate to providers of services likely to be accessed by children.

<sup>777</sup> A service is multi-risk if it is medium or high risk of two or more specific kinds of content that is harmful to children.

PCU C6	Resource the content moderation function to give effect to PCU C3 and PCU C4	<ul style="list-style-type: none"> <li>Providers of large user-to-user services</li> </ul>
PCU C7	Provide training and materials to individuals working in moderation (non-volunteers)	
PCU C8	Provide materials to volunteers in the content moderation function	

### Why have we made these decisions?

These measures will ensure all providers of user-to-user services have effective moderation processes in place to review, assess and take swift action on content that is harmful to children. By recommending that providers of large services and/or multi-risk services have appropriate policies, targets, resourcing and training in place, these measures will ensure they are equipped to moderate harmful content at scale. Together, these measures will reduce the likelihood that children encounter harmful content on user-to-user services, leading to an increase in safety for children online.

## Introduction

- 14.1 Content moderation is the process by which a service provider reviews and assesses content and where relevant, takes appropriate moderation action on it.<sup>778</sup> It is used by providers to address a wide variety of harms, including content harmful to children, illegal content and content that does not comply with their content policies, which we refer to as ‘content harmful to children proxy’.<sup>779</sup> Content moderation can be carried out by humans, via automation, or a combination of the two.<sup>780</sup>
- 14.2 Evidence suggests that having effective content moderation systems leads to an increase in user safety and a reduction in harmful content.<sup>781</sup> In Section 13 of the Children’s Register of Risks (the Children’s Register) we set out evidence which indicates that, in the absence of well-designed and resourced content moderation systems, children are more likely to encounter harmful content.<sup>782</sup>

<sup>778</sup> Gillespie, T., and Aufderheide, P., 2020. [Expanding the debate about content moderation: scholarly research agendas for the coming policy debates](#). *Internet Policy Review; Trust & Safety Professional Association* [accessed 13 November 2024]. Singh, S., 2019. [What Is Content Moderation? Everything in Moderation: An Analysis of How Internet Platforms are Using Artificial Intelligence to Moderate User Generated Content](#) [accessed 8 April 2025].

<sup>779</sup> Content that is reviewed and assessed as part of this measure and determined to be in breach of a provider’s terms of service is referred to as ‘content that is harmful to children proxy’, which we refer to as ‘harmful content proxy’ in this section as shorthand. We discuss this in further detail in PCU C1, PCU C2 and PCU C4.

<sup>780</sup> Encyclopedia of Big Data, 2017. [Content Moderation](#). [accessed 24 November 2024].

<sup>781</sup> Google, 2020. [Information quality and content moderation](#). [accessed 3 August 2023]; Reddit, 2022. [Transparency Report](#). [accessed 3 August 2023]; Google, no date. [Featured Policies: Child Safety](#) [accessed 30 January 2025]. [TikTok DSA Transparency Report](#). [accessed 30 January 2025]

<sup>782</sup> See Section 13 of the Children’s Register.

- 14.3 The Online Safety Act 2023 (the Act) requires providers of user-to-user services likely to be accessed by children to take steps to prevent and protect children<sup>783</sup> from encountering content harmful to children, including through content moderation where proportionate, and to take proportionate measures to effectively mitigate and manage the risk and impact of harm to children from content that is harmful to children.<sup>784</sup> They also have a duty to take appropriate action in response to complaints about content harmful to children, and to handle appeals about action taken against content or where a user's access to content has been restricted based on an incorrect assessment of their age.<sup>785</sup>
- 14.4 In our May 2024 Consultation on Protecting Children from Harms Online ('May 2024 Consultation'), we proposed seven content moderation measures to enable providers to make appropriate decisions about content they suspect to be harmful to children and take appropriate action to protect children online. In this section we explain the general approach we have taken to the user-to-user service content moderation measures. We begin by outlining the general approach we proposed in our May 2024 Consultation and explain the approach we have decided to take based on consideration of the stakeholder feedback we received. We then explain the eight Content Moderation measures we have recommended and why we have decided on these for the Codes.<sup>786</sup>
- 14.5 Most of the recommended measures for Protection of Children closely mirror the recommendations under the Illegal Content Codes. We have taken a broadly consistent approach where appropriate to enable providers in scope of both the illegal content and children's safety duties to design content moderation systems and processes that can address both illegal content and content harmful to children, while accounting for more varied moderation actions which can be effective at protecting children.

## Summary of stakeholder feedback on our approach proposed at Consultation

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### Our approach to developing the measures

#### Our proposals

- 14.6 In our May 2024 Consultation, we explained that we had considered different approaches to developing the Content Moderation measures.<sup>787</sup> We consulted on our provisional view that, given the diversity of services in scope of the measures, we should not set out in detail how providers should configure their content moderation systems or stipulate detailed outcomes that providers should achieve. Given that there is no 'one-size-fits-all' approach

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<sup>783</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>784</sup> Section 12(2), (3) and (8) of the Act. The content moderation measures are recommended largely for the purpose of complying with section 12(3) of the Act, but have the ancillary benefit of also enabling providers to comply with section 12(2). The measures have therefore been framed as applicable to content where the risk of harm is presented by the nature of the content in accordance with section 13(4) of the Act.

<sup>785</sup> We set out our recommendations on taking appropriate action in response to relevant complaints (including appeals) in Measures PCU D7-14 and PCS D7-14 in Section 16.

<sup>786</sup> We are recommending eight content moderation measures as we have divided the measure we originally proposed as CM1 into two measures (PCU C1 and PCU C2).

<sup>787</sup> See paragraph 16.8 in Volume 5 of our [May 2024 Consultation](#).

to content moderation, we proposed an approach which we considered would raise standards across service providers whilst also allowing for flexibility.

## Summary of responses

- 14.7 Several stakeholders expressed their overall support for our proposed Content Moderation measures.<sup>788</sup>
- 14.8 The children we spoke with as part of our deliberative engagement were broadly supportive of the proposed measures to prevent and protect children from encountering harmful content.<sup>789</sup> Despite, at first, having a limited understanding of what content moderation was, after being given an explanation, most children thought that more effective content moderation would be important in preventing them from encountering harmful content. Some said that it would provide them with a sense of security and comfort, knowing that user-to-user services were ‘looking out for them’ and that they would not encounter harmful content. Children also felt positively about there being internal systems, teams and processes in place to help keep children safe.
- 14.9 Some stakeholders expressed their support for the flexibility of the measures.<sup>790</sup> The Federation of Small Businesses said that the flexibility of the measures is particularly important to smaller businesses.<sup>791</sup> Global Network Initiative (GNI) supported our approach of focusing on systems and processes, as it allows different types of providers to develop moderation practices that complement their own services.<sup>792</sup>
- 14.10 Several stakeholders argued that we should take a more outcomes-based approach to content moderation. They said that we should name the outcomes providers should achieve through content moderation, rather than the specific content moderation practices providers should adopt.<sup>793</sup>
- 14.11 Some stakeholders argued that we should specify minimum standards for content moderation. The National Crime Agency (NCA) said that the measures “could be more specific with clearer minimum standards around proportionate investment for moderation services”.<sup>794</sup> GNI said that in the absence of appropriate legal benchmarks, companies may struggle to measure whether they are in compliance with the content moderation measures.<sup>795</sup>

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<sup>788</sup> Centre for Excellence for Children’s Care and Protection (CELCIS) response to May 2024 Consultation, p.13; Meta Platforms Inc. (Meta) response to May 2024 Consultation, p.20; National Association of Head Teachers (NAHT) response to May 2024 Consultation, p.16; Nexus response to May 2024 Consultation, p.15; Office of Children’s Commissioner for England response to May 2024 Consultation, p.59; Scottish Government response to May 2024 Consultation, p.14; Snap Inc. response to May 2024 Consultation, p.23; The Association for UK Interactive Entertainment (Ukie) response to May 2024 Consultation, p.39.

<sup>789</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>790</sup> CELCIS response to May 2024 Consultation, p.13; Federation of Small Businesses (FSB) response to May 2024 Consultation, p. 6.

<sup>791</sup> FSB response to May 2024 Consultation, p.6.

<sup>792</sup> Global Network Initiative (GNI) response to May 2024 Consultation, p.13.

<sup>793</sup> GNI response to May 2024 Consultation, p.13; Mid Size Platform Group response to May 2024 Consultation, p.9; Molly Rose Foundation response to May 2024 Consultation, p.40-41; National Crime Agency (NCA) response to May 2024 Consultation, p.9-10; TikTok response to May 2024 Consultation, p.1.

<sup>794</sup> NCA response to May 2024 Consultation, p.10.

<sup>795</sup> GNI response to May 2024 Consultation, p.13.

- 14.12 The Molly Rose Foundation argued that the proposed measures were not prescriptive enough and would not incentivise services to improve their content moderation systems.<sup>796</sup> Conversely, the Online Dating and Discovery Association argued that the proposed measures should be less prescriptive.<sup>797</sup>
- 14.13 Office of the Children’s Commissioner for England expressed support for the “consistent but differential” approach we have proposed to both illegal content and content that is harmful to children.<sup>798</sup>

## Our decision

- 14.14 Having considered this stakeholder feedback, we have decided to retain the flexible approach we proposed at consultation, with some changes to the measures. We set out that all providers should operate a content moderation system to review, assess and take swift action on harmful content they are aware of, regardless of the service’s size or risk level (see measures PCU C1 and PCU C2).<sup>799</sup> We also set out additional measures for some service providers, including for providers of smaller services that are risky, to ensure moderation systems and processes are scalable and adequately resourced. Given the diversity of services in scope of the measures, we consider that it is important and proportionate to give providers some flexibility in operating their content moderation functions to deliver effective protections for children.
- 14.15 In our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation), our May 2024 Consultation, and our December 2024 Statement on Protecting People from Illegal Harms Online (our December 2024 Statement), we set out our reasoning for not taking a more prescriptive approach or an entirely outcomes-based approach, which we maintain. This includes that we do not have enough evidence to specify in detail how providers should configure their content moderation systems and processes, or the outcomes that they should achieve. We also consider that there is no consensus on the optimum approach to content moderation and different approaches may be more appropriate in different circumstances. A prescriptive approach at this stage could give rise to a substantial risk of regulatory failure and unforeseen consequences. It could lead to significant disruption in the sector, including potentially leading to increased, rather than decreased, harm to children.<sup>800</sup> For these reasons, we have also decided not to set legal benchmarks for compliance with the measures or defined minimum standards for investment in content moderation.<sup>801</sup>
- 14.16 We also consider that taking a consistent approach across the Illegal Content Codes and the Protection of Children Codes, where appropriate, will reduce disruption to service providers and increase overall efficiency of the systems employed by services.

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<sup>796</sup> Molly Rose Foundation response to May 2024 Consultation, p.39.

<sup>797</sup> Online Dating and Discovery Association (ODDA) response to May 2024 Consultation, p.8. We note that [3X] and techUK, p.5 made similar points in response to our November 2023 Consultation.

<sup>798</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.60.

<sup>799</sup> See measures PCU C1 and PCU C2 in this section. We have made a change to PCU C2 to specify that we do not expect providers to take appropriate action on content where it is not technically feasible for them to do so. We discuss this further in the section entitled ‘How these measures work’ for PCU C2 below.

<sup>800</sup> We explain fully in paragraph 2.13 of Volume 2 of our [December 2024 Statement on Protecting People from Illegal Harms Online](#) (our December 2024 Statement) our reasons for not taking a more prescriptive approach.

<sup>801</sup> GNI response to May 2024 Consultation, p.13; NCA response to May 2024 Consultation, p.10.

- 14.17 We expect that providers of many services, including those that are small and risky, will need to make significant changes to their existing processes to comply with the recommendation to review, assess and swiftly action harmful content. We will be prepared to take enforcement action where service providers do not have effective systems and processes in place to moderate content that is harmful to children.<sup>802</sup>

## PCU C1 and PCU C2: Having a content moderation function to review, assess and take swift action against content harmful to children

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### Introduction

- 14.18 In our May 2024 Consultation, we proposed a measure recommending that providers should have in place systems and processes to swiftly action content that is harmful to children where they become aware of its presence on the service.<sup>803</sup> We proposed this measure should apply to all user-to-user service providers.
- 14.19 The proposed measure reflected the safety duties in the Act. In effect, these require that service providers must have proportionate systems and processes in place to moderate content harmful to children.
- 14.20 Some stakeholders expressed support specifically for this measure.<sup>804</sup> However, some stakeholders raised concerns, regarding the relationship between content moderation and terms of service,<sup>805</sup> the definition of ‘swiftly’,<sup>806</sup> the point at which the ‘swiftly’ obligation kicks in,<sup>807</sup> and how services should identify content.<sup>808</sup> Stakeholders also commented on how the measure applies to children in different age groups,<sup>809</sup> how non-designated content should be moderated,<sup>810</sup> the technical feasibility of the measure,<sup>811</sup> safety-by-design<sup>812</sup> and the measure’s impact on freedom of expression.<sup>813</sup>

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<sup>802</sup> We set out information about our approach to enforcement in Section 1 in Volume 1 of this statement.

<sup>803</sup> In our May 2024 Consultation, we referred to this measure as CM1 or PCU B1. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C1 and PCU C2 throughout.

<sup>804</sup> Meta response to May 2024 Consultation, p.20; NICCY response to May 2024 Consultation, p.32; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.59.

<sup>805</sup> Centre to End All Sexual Exploitation (CEASE) response to May 2024 Consultation, p.17; National Society for the Prevention of Cruelty to Children (NSPCC) response to May consultation, p.46; Snap Inc. response to May 2024 Consultation, p.25.

<sup>806</sup> Kooth Digital Health response to May 2024 Consultation, p.7; NCA response to May 2024 Consultation, p.13; NSPCC response to May 2024 Consultation, p.48.

<sup>807</sup> Big Brother Watch response to May 2024 Consultation, p.36; NSPCC response to May 2024, p.50.

<sup>808</sup> NSPCC response to May 2024 Consultation, p.24; Violence Against Women and Girls (VAWG) Sector Experts response to May 2024 Consultation, p.12.

<sup>809</sup> 5Rights Foundation response to May 2024 Consultation, p.13; Kooth Digital Health response to May 2024 Consultation, p. 4.

<sup>810</sup> Snap Inc. response to May 2024 Consultation, p.24; TikTok response to May 2024 Consultation, p.8.

<sup>811</sup> Apple response to May 2024 Consultation, p.13; Mega response to May 2024 Consultation, pp.15-16; WhatsApp LLC response to May 2024 Consultation, p.4.

<sup>812</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation p.59; UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, p.36.

<sup>813</sup> Big Brother Watch response to May 2024, p.22; GNI response to May 2024 Consultation, p.13; Open Rights Group response to May 2024 Consultation, p.10; techUK response to May 2024 Consultation, p.17.

## Our decision

- 14.21 Having considered stakeholder feedback, we have decided to make some changes to this measure.
- 14.22 We have divided the measure that we originally proposed as measure PCU B1 into two measures:
- PCU C1 recommends that providers should have systems and processes to review and assess content that they suspect is harmful to children.
  - PCU C2 recommends that providers should swiftly take action on content that is harmful to children of which they are aware.
- 14.23 We have split the measure to clarify the two main steps in the content moderation process: the reviewing and assessment of content to help establish if the content is harmful and the appropriate action that services are expected to take.
- 14.24 This change also responds to stakeholder feedback which suggested that a minority of services are configured in such a way that it is not currently technically feasible for them to take content level action on content identified as harmful to children as originally proposed in this measure.
- 14.25 Based on feedback from stakeholders, we have made additional changes to this measure.
- a) We have included the concept of ‘content that is harmful to children proxy’. This concept applies where a provider assesses content that it suspects to be harmful against its terms of service rather than making a harmful content judgement. If it decides such content is in breach of those applicable terms, that content would be ‘content that is harmful to children proxy’, which comprises ‘primary priority content proxy’, ‘priority content proxy’ and ‘non-designated content proxy’. We refer to these terms in shorthand in this section as ‘harmful content proxy’ and where relevant, ‘PPC proxy’, ‘PC proxy’ and ‘NDC proxy’. We have made this change to clarify that where providers assess content in this way, relevant moderation measures would apply to harmful content proxy.
  - b) We have set out the steps that we expect providers to take if they cannot take content level action on content identified as harmful to children, including when we expect them to implement highly effective age assurance to target access level protections at children. We have also specified that we do not expect providers to take appropriate action under PCU C2<sup>814</sup> when it is not technically feasible for them to do so and how we expect them to keep a record of their decisions.<sup>815</sup>
- 14.26 Following further consideration since our May 2024 Consultation, we have also decided to make the following changes:
- c) We have specified in PCU C2 that when designing the aspects of their content moderation function that relate to deciding the appropriate moderation action to take on identified primary content (PC) and non-designated content (NDC), providers should have regard to at least the following factors:

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<sup>814</sup> We set out examples of appropriate moderation action that providers can take on PPC, PC and NDC in the subsection entitled ‘How these measures work’.

<sup>815</sup> The Act states that Ofcom must have regard to the principle that the measures in the Codes must be proportionate and technically feasible (Paragraph 2(c) of Schedule 4 to the Act).

- the nature of the content;
- the severity of the potential harm to children if they encounter the content;
- the risk of harm to children in different age groups from PC and NDC as assessed in the most recent children’s risk assessment of the service;
- the prevalence of PC and/or NDC on the service;<sup>816</sup> and
- the interests of children in receiving content that is not harmful to them by means of the service.

14.27 We have incorporated these factors into the measure itself. This is to clarify that providers should have regard to them when designing the relevant part of their content moderation function. This change also brings this measure into alignment with the approach taken in the equivalent Search Moderation measure.

14.28 We have provided further guidance and explanation in this statement as to how providers should consider the factors. We consider that these changes give providers further clarity about how to implement this measure and help them decide what action is appropriate to take to protect children from PC and NDC.

- d) We have clarified that providers should take steps to ‘protect’ rather than ‘prevent’ children from encountering PC and NDC.<sup>817</sup>
- e) We have recommended that both measures (PCU C1 and PCU C2) should apply to NDC which has been identified as low, medium or high risk in the service’s most recent children’s risk assessment.<sup>818</sup>
- f) We have clarified that both measures (PCU C1 and PCU C2) apply to primary priority content (PPC), PC and NDC where the risk of harm arises from the nature of the content (in other words where the content is harmful by its nature, in line with the requirements of the Act).<sup>819</sup>

14.29 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and they are referred to as PCU C1 and PCU C2.

## How do these measures work?

### The relationship between terms of service and content moderation

14.30 To ensure that children are protected in line with the Act’s requirements,<sup>820</sup> service providers should apply their content moderation approach to ensure it covers children in the UK. To achieve this, providers could:

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<sup>816</sup> In the Codes, we refer to this as ‘the extent to which other relevant priority content, priority content proxy, relevant non-designated content and non-designated content proxy has been found to be present on the same part of the service’, see PCU C2.12.

<sup>817</sup> This is to correct an error in the draft Codes published at consultation and is consistent with the safety duty set out in the Act.

<sup>818</sup> Section 13(2) of the Act.

<sup>819</sup> Section 13(4) of the Act specifies that the children’s safety duties under section 12(3) only apply to content where the risk of harm is presented by the nature of the content. As such, where a service provider identifies PPC, PC or NDC that is not harmful by its nature, the Content Moderation measures would not apply to such content.

<sup>820</sup> Section 8(3) of the Act explains that the duties set out in section 12 apply to the design, operation and use of the service in the UK and (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 service as it affects UK users of the service.

- limit their content moderation approach to UK users only, if they have a way of identifying them;
  - apply their content moderation approach to all users globally; or
  - apply their content moderation approach to a particular subset of users globally, including at a minimum all UK child users.
- 14.31 When making content judgements, service providers should take at least one, or a combination of the following approaches:<sup>821</sup>
- Service providers could make judgements as to whether individual pieces of content is content that is harmful to children for the express purpose of complying with the children’s safety duties (“harmful content judgements”);<sup>822</sup> and/or
  - If service providers are satisfied that their terms of service prohibit the relevant kind of PPC, PC or NDC, they could apply those terms of service when moderating content (assessing whether the content is “PPC proxy”, “PC proxy” or “NDC proxy”, collectively “harmful content proxy”).<sup>823</sup>
- 14.32 Judgements about whether individual pieces of content is content harmful to children should be made on the basis of all relevant information that is reasonably available to the service provider.<sup>824</sup> Providers may refer to the Guidance on Content Harmful to Children (Harms Guidance), which sets out information that could assist providers in considering such information when developing their content moderation policies and making judgements about content.<sup>825</sup>
- 14.33 For clarity, where we refer to reviewing, assessing and taking action on content harmful to children in this section, this also includes reviewing, assessing and taking action on “harmful content proxy” where relevant.
- 14.34 Where we refer to reviewing, assessing and taking action on PPC, PC and NDC in this section, this means PPC, PC and NDC where the risk of harm arises from the nature of the content<sup>826</sup> and, in relation to NDC, which the provider has identified as low, medium or high risk in its latest children’s risk assessment.<sup>827</sup>

## PCU C1: Measure on reviewing and assessing content

- 14.35 Providers in scope of this measure should, as part of their content moderation function, have in place systems and processes to review and assess content present on parts of the

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<sup>821</sup> The children’s safety duties require action to be taken against PPC, PC and NDC to prevent or protect children from encountering this content. See section 12(3) of the Act.

<sup>822</sup> By reference to Ofcom’s Guidance on Content Harmful to Children, if they wish.

<sup>823</sup> See paragraph 14.25 of this section for further detail on the meaning of “harmful content proxy”.

<sup>824</sup> See Section 192(2) of the Act.

<sup>825</sup> Please see Section 6 in Volume 2.

<sup>826</sup> Section 13(4) of the Act specifies that the children’s safety duties under section 12(3) only apply to content where the risk of harm is presented by the nature of the content. As such, where a service provider identifies PPC, PC or NDC that is not harmful by its nature, the content moderation Codes measures would not apply to such content.

<sup>827</sup> Section 13(2) of the Act.

services that are accessible to children<sup>828</sup> that they suspect to be harmful to children.<sup>829</sup> There are a variety of ways providers can come to suspect that content may be harmful to children, including user complaints and reports, technology and human reviewers.<sup>830</sup>

- 14.36 Providers should evaluate the type of content moderation systems and processes that are appropriate for their service. At a minimum, all services should have a complaints-based system to identify content for moderation.
- 14.37 As part of operating a complaints-based system, all providers should:
- g) allow users and affected persons to easily report content that is harmful to children; and
  - h) have a process to assess these complaints as they arise.

## PCU C2: Measure on swiftly actioning content

- 14.38 Where providers have reviewed and assessed content in line with measure PCU C1 and determined that it is harmful to children, providers should swiftly take appropriate action in respect of that content.<sup>831</sup> The provision for a provider to act swiftly starts after a provider has reviewed and assessed the content and determined that it is content harmful to children.
- 14.39 We have received information to suggest that a relatively small number of services are configured in such a way that it is not currently technically feasible for them to take content level action on specific pieces of harmful content in the way we proposed at consultation. The Act states that we must have regard to the principle that the measures in the Codes must be proportionate and technically feasible.<sup>832</sup> For this reason, we have updated the measure to explain the actions that these services should take instead of content level action. We discuss these in paragraphs 14.60-14.65.
- 14.40 We expect the majority of service providers to be able to take content level action. In any case, we do not expect that the technical limitations we discuss in paragraph 14.39 will necessarily remain on an ongoing basis. Given the importance of this measure for protecting children from harmful content, we expect providers to invest in the development of new technologies and mitigations to keep children safe while protecting users' rights to privacy and freedom of expression.

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<sup>828</sup> The children's safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

<sup>829</sup> We have redefined 'content moderation function' to reflect that this encompasses both these measures. We now define this as the systems and processes designed to review, assess and take action in relation to content, including content a provider has reason to suspect may be content harmful to children.

<sup>830</sup> We consider that a complaint by a UK user or affected person about harmful content is grounds to suspect the content may be harmful to children (except where the provider determines the complaint to be manifestly unfounded). The Act puts in place duties relating to the treatment of complaints by UK users and affected persons, which we consider further in the Section 16. We discuss manifestly unfounded complaints in paragraphs 16.120 – 16.218 of that section.

<sup>831</sup> Note that under the reporting and complaints duties, providers must take appropriate action in response to all relevant complaints. We set this out further in Section 16.

<sup>832</sup> Paragraphs 1 and 2 of Schedule 4 to the Act.

## Services that can take content level action

### Content that is harmful to children that is prohibited – appropriate action

- 14.41 If a service provider prohibits one or more kinds of PPC, PC, or NDC in its terms of service for all users, it should swiftly take that content down in line with its terms of service once it becomes aware of it.
- 14.42 When a service is accessible to children and does not prohibit one or more kinds of harmful content in their terms of service, the provider should take swift action to ensure that children are protected from this content. The expected action varies depending on whether the content is PPC, PC or NDC.

### PPC that is not prohibited – appropriate action

- 14.43 Providers that do not prohibit one or more kinds of PPC in their terms of service should apply content controls or access controls to ensure that children are prevented from encountering identified PPC. Once PPC has been identified, providers should ensure that action is taken swiftly. Providers should use highly effective age assurance to target their content or access level controls, in line with measure PCU B4.<sup>833</sup>
- 14.44 ‘Content level action’ refers to action the provider takes on individual pieces of content. ‘Content controls’ are a type of content level action, which involve using highly effective age assurance to ensure that each individual piece of content identified as PPC can only be encountered by users determined to be adults. This type of control would not affect children’s ability to encounter non-harmful content. We discuss other types of content level action at paragraph 14.50.<sup>834</sup>
- 14.45 In some circumstances, providers may decide to implement access controls to prevent children from accessing the part of their service where PPC has been identified. An ‘access control’ means that, if children are already present on those parts of the service, highly effective age assurance should be used to prevent them from being able to access those parts of the service in future. This could include preventing children from being able to join, or removing them from, group chats, communities, channels or other parts of the service where this content is known to exist. This type of control would prevent children encountering identified PPC but also any other content available on this part of the service, which might include non-harmful content.
- 14.46 When deciding whether content controls or access controls are more appropriate, providers may wish to consider wider information available to them about the prevalence and risks of PPC on the relevant part of the service. For example, a service provider may decide to implement access controls where they have identified multiple pieces of PPC on a group chat or channel over a sustained period of time, or as a result of an unusually large volume of PPC being identified over a short period of time on that part of the service.
- 14.47 While providers can choose to implement access controls, we consider that targeting content controls towards specific pieces of content identified as PPC is a proportionate way of securing the outcome of preventing children from encountering PPC. This approach takes into account the interests of children being able to access non-harmful content which may present on parts of the service where PPC has also been identified. For example, we would

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<sup>833</sup> For further information, please refer to our Age Assurance measures in Section 13.

<sup>834</sup> Taking content down is also a content level action (see paragraph 14.41) but is not relevant for providers of services that do not prohibit PPC in their terms of service.

not normally expect a provider to prevent all children from accessing a part of the service which is likely to host a large amount of non-harmful content in response to evidence of a single piece of PPC being identified on that part of the service.

#### PC and NDC that is not prohibited – appropriate action

- 14.48 Providers that do not prohibit one or more kinds of PC or NDC in their terms of service should take swift action to protect children from encountering identified PC or NDC.
- 14.49 There are a number of moderation actions that may be appropriate to protect children from PC and NDC. The appropriate action will depend on a number of factors. Different types of appropriate action could be applied in combination, and the relevant actions are not intended to be mutually exclusive.
- 14.50 These actions include, but are not limited to:
- Content level actions, such as:
    - > Content controls – providers may use highly effective age assurance to ensure that each individual piece of content identified as PC can only be encountered by users determined to be adults.
    - > Limiting the prominence of content – providers may give PC or NDC a lower degree of prominence or remove it from recommendations altogether, for example, in recommender feeds, on the service’s home page or within search results provided by the service.
    - > Excluding content from content recommender feeds – See Section 17 for further discussion.
    - > Obscuring, blurring, distorting and labels – providers may obscure, blur, or distort content, for example by using overlays or interstitials which require the user to click through to reach the content.<sup>835</sup> Labels may be used to provide a warning or additional context on harmful content.
  - Access controls – providers may use access controls to prevent users accessing the part(s) of the service where harmful content has been identified, unless they have been determined to be adults using highly effective age assurance.
- 14.51 When designing the parts of their content moderation function that relate to what appropriate action to take on identified PC and NDC, providers should have regard to at least the following factors:
- i) the nature of the content, including for example, how the content manifests on the service, such as whether it is image, video or text and whether it can lead to cumulative harm;<sup>836</sup>
  - j) the severity of the potential harm to children if they encounter the content;
  - k) the risk of harm to children in different age groups from PC and NDC as assessed in the most recent children’s risk assessment of the service;
  - l) the prevalence of PC and/or NDC on the service, including, for example, whether multiple pieces of PC or NDC have been identified on the service (or part of it) over a sustained period of time; and

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<sup>835</sup> Obscuring, blurring and distorting involves any action that means that the content cannot be clearly seen by users or requires users to take an action such as click through, to reach the content. For example, this may be done by a greyscale overlaying an image, accompanied by a content warning.

<sup>836</sup> We discuss cumulative harm in Section 9, paragraphs 9.77 – 9.86.

m) the interests of children in receiving content that is not harmful to them by means of the service.

- 14.52 While it is not recommended as part of these measures, a provider could also choose to have regard to the factors in the context of making individual content moderation decisions.
- 14.53 Providers of services that do not prohibit one or more kinds of PC in their terms of service for which they are medium or high risk, should use highly effective age assurance. These providers should target content controls at users who are not determined to be adults, to protect them from PC identified in the service, where this is determined to be the appropriate action. Providers can also use highly effective age assurance to target access controls to prevent users who are not determined to be adults from accessing, or removing them from, the part(s) of the service, where PC has been identified. See Measure PCU B5 in Section 13.
- 14.54 In deciding whether to implement content or access controls to protect children from identified PC,<sup>837</sup> or whether other content level actions (such as obscuring, blurring or distorting identified PC, or adding warnings to the content) are appropriate, service providers should have regard to the factors listed at paragraph 14.51. Providers may decide, based on these factors, not to implement content or access controls for all individual pieces of identified PC, and instead may consider that the protections provided by other content level actions are more appropriate for some identified PC. Service providers may decide to use highly effective age assurance to target this kind of action at children, or in some cases may decide that it is appropriate to apply such action to all users.
- 14.55 We are not specifically recommending use of content or access controls for NDC, or for PC on services that are low risk of types of PC they do not prohibit. This is because highly effective age assurance is necessary for content and access controls. We do not consider it would be proportionate, based on the evidence available, to extend the measure to use highly effective age assurance to prevent children from accessing identified NDC, or identified PC on services that are low risk for types of PC they do not prohibit.<sup>838</sup> However, we expect service providers to consider the factors at paragraph 14.51 to decide what action may be appropriate to protect children from NDC and from PC on services that are low risk for PC they do not prohibit.
- 14.56 Where providers have already implemented highly effective age assurance, for example, in accordance with the Age Assurance measures in the Codes, they may choose to use this to target appropriate action to children. However, in some cases they may decide it is appropriate to apply such action to all users, which would also ensure children are protected from this content.
- 14.57 Providers that operate a content recommender system and are in scope of the measure PCU E2 should, at a minimum, exclude or give a low degree of prominence to content that is indicated potentially to be PC or NDC by relevant available information, and should target these protections using highly effective age assurance (see PCU B7).<sup>839</sup>

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<sup>837</sup> In line with the duty set out in section 12(3)(b) of the Act.

<sup>838</sup> We set out our reasoning in paragraphs 13.124-13.125 in Section 13.

<sup>839</sup> PCU E2 recommends that providers in scope of this measure should exclude or give a low degree of prominence, in relevant users' recommender feeds, to content that is indicated potentially to be PC or NDC by

### Services that cannot take content level action

- 14.58 Our evidence suggests that it is not currently technically feasible for providers of a very limited set of services to take content level action on content identified as harmful to children. These providers should make and keep a written record in an easily understandable form of how technical feasibility and/or proportionality has been assessed and the reasons for concluding that it is not currently technically feasible (or, in the case of access controls for PC, proportionate) to take content level actions or access controls.<sup>840</sup>
- 14.59 Under the Act, providers of all services likely to be accessed by children are under a duty to have proportionate systems and processes to prevent children from accessing PPC and protect them from other harmful content.<sup>841</sup> Service providers' design choices do not exempt them from this obligation, and no individual service provider should assume that it does not need to take action in this regard simply because its service is currently designed in a way that prevents them from taking action on individual pieces of content. Regardless of how they are configured, we expect these service providers to make clear in their terms of service how they are protecting children from harmful content in line with Measure PCU G1 (see Section 12).

### Services that cannot take content level action – alternative appropriate action

- 14.60 Where it is not currently technically feasible for a provider to take content level action on PPC identified on their service, they should use highly effective age assurance to apply access controls to prevent children from accessing parts of the service where PPC is identified if it is technically feasible for them to do so.<sup>842 843</sup> This could include, for example, preventing children from accessing or removing their access to group chats, channels or communities where PPC has been identified.
- 14.61 Where it is not currently technically feasible for a provider to take content level action on PC identified on their service, providers of services that are a high or medium risk for one or more kinds of PC should consider the implementation of access controls to protect children from accessing PC by means of highly effective age assurance. However, given the need to take into account proportionality,<sup>844</sup> we expect these service providers to consider the factors set out at paragraph 14.51 above to decide if access controls are proportionate to protect children from identified PC or NDC or if other action may be more appropriate. For example, we would not normally expect a provider to prevent all children from accessing a part of the service which is likely to host a large amount of non-harmful content in response to evidence of a single piece of PC being identified on that part of the service. Other appropriate actions could include the application of content warnings or labels to the parts

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relevant available information. Where this content has been reviewed and assessed as part of the content moderation function and identified as PC or NDC, providers should ensure that this content is also excluded from or given a low degree of prominence in relevant users' content recommender feeds, see Section 17.

<sup>840</sup> This record should be dated when made and on each occasion that it is updated.

<sup>841</sup> Section 12(3)(a) and (b) of the Act.

<sup>842</sup> This recommendation is set out in PCU C.2.5(a), which says that providers should swiftly apply HEAA content controls or HEAA access controls.

<sup>843</sup> See PCU B4 in Section 13.

<sup>844</sup> This is in accordance with the duty under section 12(3)(b) of the Act to use proportionate systems and processes designed to protect children in age groups judged to be at risk of harm from PC from encountering it by means of the service. We note that pursuant to section 12(7) of the Act age assurance is an example of a measures which may be taken or used for the purpose of compliance with a duty in section 12(3).

of the service where this content is known to exist. These protections could be applied to all users and do not require the service to implement highly effective age assurance.

- 14.62 These measures apply to services for which it is not technically feasible to take content level action irrespective of whether the provider allows or prohibits all kinds of PPC and PC in their terms of service. This is because providers of these services are unable to prevent children encountering identified PPC or PC by taking down prohibited content in line with their terms of service. They are therefore unable to take the appropriate action we recommend in this measure. We have therefore amended the Age Assurance measures (PCU B4 and B5) to apply in these circumstances.<sup>845</sup>
- 14.63 A very limited number of service providers for which content level action is not currently technically feasible may also conclude that access controls are not currently technically feasible, or, in the case of PC, proportionate. These providers should make and keep a written record in an easily understandable form of how technical feasibility and/or proportionality has been assessed and the reasons for concluding that it is not currently technically feasible (or, in the case of access controls for PC, proportionate) to take content level actions or access controls.<sup>846</sup> We will investigate these claims, including through the use of information gathering powers. If we conclude that it is technically feasible to implement access controls, we will expect them to do so. Failure to do so, could result in enforcement action which will be considered in line with our enforcement guidance. We are actively engaging through supervision with the providers of services that are most used by children.
- 14.64 We explain in Section 13 that services whose principal purpose is the dissemination or hosting of PPC or PC should use highly effective age assurance to prevent children accessing the service, in line with measures PCU B2 and B3.<sup>847</sup> Providers whose principal purpose is not the dissemination of PPC or PC could decide, as part of their commercial strategy, to use highly effective age assurance to prevent children from accessing the entire service. We are not recommending this in the Codes as we consider that the vast majority of service providers could meet their obligations by implementing content or access controls to prevent children from encountering identified harmful content. However, this could be an appropriate outcome for providers that conclude that their service poses a high risk of harm to children, it is not technically feasible for them to apply either content or access controls, and they have not identified effective alternative measures to ensure children's safety.
- 14.65 Service providers should also consider taking steps to make functionalities which they are aware pose a material risk of children encountering content harmful to them safer by design. For example, they might consider using highly effective age assurance to apply particular settings to children designed to mitigate the risk that they encounter harmful content via those functionalities in the first place. This is an area that we plan to explore further.

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<sup>845</sup> Please see Section 13 for further explanation.

<sup>846</sup> This record should be dated when made and on each occasion that it is updated.

<sup>847</sup> Where a service, or part of a service, is not likely to be accessed by children, it is not in scope of the children's safety duties and these content moderation measures, as with other measures in the Protection of Children Codes, would no longer apply. See sections 35-37 of the Act and Ofcom's Children's Access Assessment Guidance as to when a service or part of a service is 'likely to be accessed by children'.

## How these measures protect children

- 14.66 In our May 2024 Consultation, we set out the clear benefits of these measures for protecting children from harmful content. We consider that the effective enforcement of content moderation systems and processes is one of the most important ways in which service providers can reduce the risk of children encountering harmful content.
- 14.67 Reviewing and assessing content is crucial to enable providers to understand the types of content which is present on their service and is therefore a necessary step to enable them to take swift action on harmful content. It can also help promote compliance with other measures, such as the Governance and Accountability measure on tracking signals of new and emerging harm.<sup>848</sup> We consider that providers taking swift action on harmful content they are aware of has important benefits for children’s safety and is one of the key ways in which children can be prevented and protected from encountering harmful content online.

## Stakeholder feedback and our response

### The relationship between terms of service and content moderation

#### Our proposals

- 14.68 We proposed that providers could either make harmful content judgements, apply their own terms of service, or combine both approaches to moderate content.

#### Stakeholder feedback

- 14.69 Snap said that we should not provide the option of making harmful content judgements and expressed a preference for the option given to apply its own terms of service.<sup>849</sup> Centre to End All Sexual Exploitation (CEASE) and the National Society for the Prevention of Cruelty to Children (NSPCC) expressed concern about service providers enforcing their own terms of service and said it was unclear how we intend to enforce the measure.<sup>850</sup>

#### Our decision

- 14.70 We have considered stakeholder feedback and have decided not to make changes to the proposed measure in light of this feedback. Regarding Snap’s feedback, we have decided to proceed with giving providers these options because, as outlined in our May 2024 Consultation, we recognise that many service providers design their terms of service to comply with existing laws in multiple jurisdictions and to meet their own commercial needs. For example, if a provider’s terms of service ensure that children are prevented from encountering all content which contains nudity, the provider would not need to also make a more complex judgement about whether an individual piece of content is also pornographic content within the meaning of the Act. Instead, the provider could simply apply its terms of service.
- 14.71 Regarding CEASE and the NSPCC’s concerns, we consider that ensuring compliance with the Act and effective implementation of the Codes will be fundamental for improving protections for children online. We have various tools at our disposal in order to do this.<sup>851</sup> We consider that these concerns are also addressed by the fact that the Act requires that

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<sup>848</sup> See PCU A5 in Section 11.

<sup>849</sup> Snap Inc. response to May 2024 Consultation, p.25. We note that Snap made a similar point in response to November 2023 Consultation, p.9.

<sup>850</sup> CEASE response to May 2024 Consultation, p.17; NSPCC response to May consultation, p.46.

<sup>851</sup> See the Section 3 in Volume 1 for an overview of our compliance and enforcement strategy.

providers' terms of service explain in a clear and accessible way how children will be protected from content that is harmful to them, and those provisions must be consistently applied.<sup>852</sup>

## Definition of 'swiftly' and the point at which the 'swiftly' obligation kicks in

### Our proposals

- 14.72 In our May 2024 Consultation, we proposed that service providers should swiftly take action on content that is harmful to children that they have identified. We considered that content is actioned swiftly if the action is taken quickly to effectively mitigate the risk of harm to children and meet the children's safety duties.

### Stakeholder feedback

- 14.73 Some stakeholders commented that we have not provided a specific definition of 'swiftly'.<sup>853</sup> The NSPCC expressed concern that, as a result, providers "may claim a long timescale is required for responding to content, by which point a large number of children could have encountered it".<sup>854</sup> The NCA and Kooth Digital Health said that more guidance on timeframes for actioning content would be helpful for providers.<sup>855</sup> Conversely, Meta Platforms Inc. (Meta) supported our approach of not setting a more specific timeframe for actioning content.<sup>856</sup>
- 14.74 Some stakeholders commented that the obligation for providers to be 'swift' applies at the stage of the moderation process after which providers are 'aware' of content. The NSPCC expressed concern that the focus of the measure was solely on how providers should respond to content once they become aware of it.<sup>857</sup> In contrast, Big Brother Watch supported our decision not to require pre-publication moderation of content, and to instead set out that providers should "swiftly action" content.<sup>858</sup>

### Our decision

- 14.75 We have decided not to amend the measure in light of this stakeholder feedback. We consider it appropriate for providers to have flexibility to determine what counts as swift action depending on the content and the given circumstances. We provide further reasoning for not being more prescriptive on this in paragraph 14.225, where we explain why we are not being more prescriptive in the measure on performance targets (PCU C4).
- 14.76 In relation to stakeholder comments on the point at which the 'swiftly' obligation kicks in, the requirement to take swift action on content arises once service providers become aware of it, which is after they have reviewed and assessed it.

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<sup>852</sup> Section 12(9), 12(10) and 12(13) of the Act. See also Section 11.

<sup>853</sup> Kooth Digital Health response to May 2024 Consultation, p.7; NCA response to May 2024 Consultation, p.13; NSPCC response to May 2024 Consultation, p.48.

<sup>854</sup> NSPCC response to May 2024 Consultation, p.50.

<sup>855</sup> Kooth Digital Health response to May 2024 Consultation, p.7; NCA response to May 2024 Consultation, p.13.

<sup>856</sup> Meta response to May 2024 Consultation, p.20.

<sup>857</sup> NSPCC response to May 2024 Consultation, p.48.

<sup>858</sup> Big Brother Watch response to May 2024 Consultation, p.35.

## How services should identify content

### Our proposals

- 14.77 In our May 2024 Consultation, we proposed that the minimum requirement for providers is to have a complaints-based system to identify content for moderation, but that we would expect many providers to adopt systems and processes that go beyond this.

### Stakeholder feedback

- 14.78 Some stakeholders argued that the proposed measures lacked clarity about how providers should identify content, noting that providers may avoid adopting proactive detection systems as a result.<sup>859</sup>
- 14.79 The children we spoke with as part of our deliberative engagement viewed existing moderation practices as overly reliant on user reports. Some children were concerned that moderation was not proactive enough and that more could be done earlier to prevent harmful content appearing on children's feeds. While most were positive about having measures to improve content moderation, children had mixed views about how much of an impact the measures could have.<sup>860</sup>
- 14.80 Several stakeholders suggested that we should recommend measures requiring that providers proactively detect harmful content for moderation.<sup>861</sup> Some stakeholders suggested that we should recommend proactive detection measures for pornographic and bullying content.<sup>862 863</sup>
- 14.81 In contrast, Big Brother Watch supported that our proposals did not recommend a measure on the proactive detection of harmful content.<sup>864</sup>
- 14.82 The VAWG Sector Experts commented on the use of proactive technology to review and assess content. They expressed concern that if providers rely on human moderation alone without putting proactive systems in place, they would not be able to effectively assess whether content is harmful at the scale and speed required.<sup>865</sup>
- 14.83 Some stakeholders asked Ofcom to clarify that service providers would not be required to use proactive technology on content that is communicated privately.<sup>866</sup> Big Brother Watch noted that this measure applies to both content that is communicated publicly and content

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<sup>859</sup> NSPCC response to May 2024 Consultation, p.24; VAWG Sector Experts response to May 2024 Consultation, p.12.

<sup>860</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals. Children were shown adapted versions of Ofcom's proposed measures for accessibility reasons.

<sup>861</sup> CEASE response to May 2024 consultation, p.17; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 consultation, p.5; Conscious Advertising Network and Dr Karen Middleton, University of Portsmouth response to May 2024 consultation, p. 14; NCA response to May 2024 consultation, p.17; Nexus response to May 2024 Consultation, p.15; NSPCC response to May 2024 consultation, p.48; VAWG Sector Experts response to May 2024 consultation; Vodafone response to May 2024 consultation, p.2.

<sup>862</sup> Amaran, M. response to May 2024 consultation, p.3; Christian Action Research and Education (CARE) response to May 2024 Consultation, p.21.

<sup>863</sup> NSPCC response to May 2024 consultation, p.35.

<sup>864</sup> Big Brother Watch response to May 2024 Consultation, p.35.

<sup>865</sup> VAWG Sector Experts response to May 2024 Consultation, p.10.

<sup>866</sup> Apple response to May 2024 Consultation, p.2; Information Commissioner's Office (ICO) response to May 2024 Consultation, p.10.

that is communicated privately, and expressed concern that some providers may use proactive technology to moderate private communications.<sup>867</sup>

- 14.84 Google requested clarification that the Codes would not impose a ‘general monitoring’ obligation, which would require service providers to proactively monitor for harmful content.<sup>868</sup>

### Our decision

- 14.85 In light of stakeholder feedback, we have provided examples in paragraph 14.35 of how providers may identify content suspected to be harmful, including but not limited to through use of proactive detection tools. Where such tools are used, the Act specifies that the service’s terms of service should set how proactive technology is used for the purpose of complying with the children’s safety duties.<sup>869</sup>
- 14.86 We are not, at this stage, in a position to recommend that providers use specific kinds of proactive technology to detect any particular categories of harmful content. We recognise that many providers already proactively take steps to detect harmful content, and we welcome this. We are currently considering evidence on the use of automated tools to proactively detect content harmful to children. We intend to consult on additional potential measures in the coming months.
- 14.87 The Act places constraints on Ofcom’s power to include what the Act describes as “proactive technology measures” in the Codes. We note that such measures may not recommend the use of proactive technology to analyse user-generated content communicated privately (or metadata related to such content).<sup>870</sup>

## Age groups

### Our proposals

- 14.88 In our May 2024 consultation, we said that the action a provider takes on PC and NDC may depend on a number of factors, including the nature and severity of the harm and the age of the user, if known. We noted that evidence about risks of specific types of PC to each group is limited and concluded that all age groups are at risk of PC.<sup>871</sup>

### Stakeholder feedback

- 14.89 As discussed in Section 9, many stakeholders called for different Codes measures for different age groups of children.<sup>872</sup> In relation to the Content Moderation measures specifically, 5Rights called for services to moderate content differently for children of different ages due to their evolving capacity.<sup>873</sup> Kooth Digital Health said that discussions on mental health for younger users should be moderated differently compared to those for older users.<sup>874</sup>

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<sup>867</sup> Big Brother Watch response to May 2024 Consultation, p.35.

<sup>868</sup> Google response to May 2024 Consultation, p.26. We note that Google made a similar point in its response to November 2023 Consultation, p.33-34. We also received further stakeholder comments on general monitoring in response to our November 2023 Consultation, which we addressed in our December 2024 Statement, see Annex 1, paragraph A1.8.5.

<sup>869</sup> Section 12(12) of the Act.

<sup>870</sup> Paragraph 13 of Schedule 4 to the Act.

<sup>871</sup> Please see May 2024 Consultation, paragraph 13.74-13.75.

<sup>872</sup> See Section 9.

<sup>873</sup> 5Rights Foundation response to May 2024 Consultation, p.13.

<sup>874</sup> Kooth Digital Health response to May 2024 Consultation, p.4.

- 14.90 Several stakeholders provided information about current practices regarding moderating for different age groups.<sup>875</sup>
- 14.91 Some of the children we spoke to in our deliberative engagement expressed concern that protecting children from all harmful content could leave them less prepared to handle such material when they encounter it later.<sup>876</sup> Participants suggested this approach might lead to children being less emotionally prepared for seeing sensitive and challenging content online when they turn 18. These children proposed gradually introducing age-restricted content based on maturity levels, rather than having a single age threshold.
- 14.92 Speaking generally about the proposed Codes measures, some children were concerned about how they might limit what they could see or do online. Some children spoke about how over-16s and “mentally mature” children might feel restricted by these proposed measures.<sup>877</sup> They recognised there were developmental differences between younger and older children. However, some children expressed a preference for measures to be applied consistently to reduce the possibility of children feeling excluded based on peers (e.g. of similar ages) having access to different kinds of content.
- 14.93 We also received feedback and new evidence from stakeholders on the rights and capacities of older children, which is set out in Section 17 of the Children’s Register along with our position on risks to children in older age groups.<sup>878</sup> Stakeholders suggested that older children, while still at risk of harm, should be granted more independence and access to content online given the skills, legal and practical independence gained by children by this age.<sup>879</sup> As a result, we have reassessed evidence of the risks to children in the oldest recommended age group in Section 17 of the Children’s Register, reflecting a greater degree of nuance in the rights and abilities of 16-17-year-olds to navigate challenging content.<sup>880</sup>

### Our decision

- 14.94 We have considered this stakeholder feedback, as well as broader feedback and evidence we received on children’s capacities at different ages. We have specified in PCU C2 that providers should have regard to a number of factors, including the risk of harm to children in different age groups.
- 14.95 We have updated this measure to recommend providers consider the risk of harm to children in different age groups as one of the factors to take into account when designing the relevant part of their content moderation function relating to what appropriate action

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<sup>875</sup> 5Rights Foundation response to May 2024 Consultation, p.12; Epic Games response to May 2024 Consultation, p.15; Kooth Digital Health response to May 2024 Consultation, p.3; TikTok response to May 2024 Consultation, pp.3-4; Ukie response to May 2024 Consultation, p.40.

<sup>876</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>877</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>878</sup> See Section 4 of Volume 2.

<sup>879</sup> 5Rights Foundation response to May 2024 Consultation, p.5; Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.8; Common Sense Media response to May 2024 Consultation, pp.3-4.

<sup>880</sup> See Section 17 of the Children’s Register.

to take for PC and NDC (or PC proxy and NDC proxy).<sup>881</sup> When doing so, providers should refer to the relevant findings of their children’s risk assessment.<sup>882</sup>

- 14.96 The evidence identified in Section 17 of the Children’s Register suggests that children in all age groups are at risk of harm from PC and NDC. We therefore consider that it would be highly unlikely for a provider to be able to conclude there is no risk of harm to any age group of children in its children’s risk assessment. When a provider concludes that there was no risk of harm to children of a certain age group from a particular kind of PC or NDC, we would consider any evidence provided to support this claim and whether a provider had met its duties under the Act in relation to age groups of children at risk of harm.
- 14.97 Overall, we would expect providers to apply the most protective actions to children under 16, while still ensuring the protection of all children from harmful content. For example, where a provider identifies in its risk assessment that children under 16 are at a greater risk of harm from particular types of PC or NDC, we consider it may be appropriate for them to use content controls to protect children known to be younger than 16 from encountering it, in order to secure a higher level of protection.
- 14.98 We also recognise that, in many cases, service providers will be unable to determine the age ranges of their users to a high level of confidence. In those cases, we would expect providers to err on the side of caution when designing the relevant part of their content moderation function, bearing in mind that children, including those in age groups that are particularly vulnerable to harm from the relevant kind of content, may be able to encounter it.

## Moderating priority content (PC)

### Our proposals

- 14.99 In our May 2024 Consultation, we proposed that providers should take swift action on PC and NDC to protect children from encountering it, in line with the duties in the Act.<sup>883</sup> We provided examples of actions that we considered would be appropriate for providers to take to protect children from encountering this content, such as using content controls, limiting the prominence of content or obscuring content.

### Stakeholder feedback

- 14.100 The Office of the Children’s Commissioner for England recommended that “greater clarity is provided to online services in relation to the outcome standard that should result from the action they take to keep children safe from PC”. It argued that providers should consider what action would lead to the highest protection from PC on their service.<sup>884</sup>

### Our decision

- 14.101 Having considered this stakeholder feedback, we have made a change to PCU C2. We have specified in the measure that, when designing the relevant part of their content moderation

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<sup>881</sup> Providers should also have regard to the nature and the severity of the content.

<sup>882</sup> When completing their children’s risk assessment, providers must consult the Children’s Risk Profiles and are encouraged to consider the Children’s Register, both of which set out evidence that children in different age groups face distinct risks based on their developmental stages

<sup>883</sup> In our draft Codes, we said that providers should swiftly take steps to ‘prevent’ children from encountering priority content and non-designated content. This was an error and we have amended the measure to clarify that providers should take steps to ‘protect’ children from this content in line with the duty in the Act.

<sup>884</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.56.

function, providers should have regard to a number of factors, which are set out in paragraph 14.51.

- 14.102 We think this change clarifies how this measure reflects service providers' duty under the Act to use proportionate systems and processes designed to protect children in age groups judged to be at risk of harm from encountering PC and NDC.<sup>885</sup>

## Moderating non-designated content (NDC)

### Our proposals

- 14.103 In our draft Children's Register, we proposed that body image content and depressive content were categories of content which could meet the threshold of NDC.<sup>886</sup>

### Stakeholder feedback

- 14.104 Snap said it welcomed the discretion given to providers in the measure to deciding how to action NDC but would "suggest this discretion extends to whether the content requires any moderation action in the first place".<sup>887</sup>
- 14.105 Snap and TikTok expressed concerns that addressing body image content and depressive content could be challenging without further guidance on the scope of these harms.<sup>888</sup>

### Our decision

- 14.106 Having considered this feedback, we have provided new guidance in the Children's Register on the two types of content that we consider meet the definition for non-designated content.<sup>889</sup> We have also clarified when these measures apply to NDC.
- 14.107 We disagree with Snap's suggestion that providers should have discretion to decide whether or not to moderate NDC because of the duty in the Act for providers to protect children from this content and the evidence of risk of harm to children from encountering NDC, which we discuss in Sections 10 and 11 of the Children's Register.<sup>890</sup> All providers should take appropriate action on NDC that they have identified as low, medium or high risk in their most recent children's risk assessment, unless it is not technically feasible to do so. We have provided examples of actions that we consider could be appropriate to protect children above in paragraph 14.50, including limiting the prominence of content and obscuring content.
- 14.108 In light of Snap and TikTok's feedback and broader stakeholder feedback that we received,<sup>891</sup> we have provided new guidance in Sections 10 and 11 of the Children's Register on the two types of content that we consider meet the definition for non-designated content.<sup>892</sup> This should assist providers in making judgements about whether content should be considered to be these kinds of NDC or not. We have also clarified in paragraph 14.28 that this measure only applies to NDC which the provider has identified as low, medium or high risk in its most recent children's risk assessment and we have explained in the Children's Risk Assessment Guidance how we expect providers to understand if they

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<sup>885</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.56.

<sup>886</sup> See paragraph 7.9.6 of the draft Children's Register of Risks.

<sup>887</sup> Snap Inc. response to May 2024 Consultation, p.24.

<sup>888</sup> Snap Inc. response to May 2024 Consultation, p.24; TikTok response to May 2024 Consultation, p.8.

<sup>889</sup> See Section 10 and 11 of the Children's Register.

<sup>890</sup> See Section 10 and 11 of the Children's Register.

<sup>891</sup> We have considered feedback on NDC more broadly in Section 10 and 11 of our Children's Register.

<sup>892</sup> See Section 10 and 11 of the Children's Register.

have risks for NDC on their service.<sup>893</sup> We would therefore expect providers to have an understanding of the kinds of NDC that are present on their service and how this content manifests on their service, which would assist them in deciding what appropriate action to take when they identify it.

## The technical feasibility of reviewing and assessing content

### Our proposals

14.109 In our May 2024 Consultation, we proposed that this measure should apply to all providers of user-to-user services.

### Stakeholder feedback

14.110 We received stakeholder feedback which suggested that end-to-end encrypted services are not able to detect content in the same way as other services. However, a number of providers, including [X], WhatsApp and Mega, said that they can review complaints when the content is made available to them by the user through a complaint. WhatsApp emphasised that personal messages and calls between users on WhatsApp are end-to-end encrypted by default. However, it also noted that when a user reports content to it, it receives up to the last five messages sent to the user by the reported sender or group.<sup>894</sup> A stakeholder said that end-to-end encryption prevents providers from seeing potentially violative content unless a user reports it.<sup>895</sup> Internet Society and Internet Society UK England Chapter (ISOC) noted that improved reporting mechanisms are an important tool for content detection in end-to-end encrypted environments, as if one participant in a conversation voluntarily elects to share what they have received, then this is not a violation of strong encryption.<sup>896</sup>

### Our decision

- 14.111 In light of these responses to our consultation, we have considered how this measure should apply to end-to-end encrypted services. The feedback we received suggests that it is possible for providers of end-to-end encrypted services to configure their services such that they can view and assess content which has been reported to them as being harmful.
- 14.112 The measure on reviewing and assessing content (PCU C1) therefore sets out that all providers of user-to-user services, including end-to-end encrypted services, should, as part of their content moderation function, have systems and processes in place to review and assess content which the provider has reason to suspect may be content that is harmful to children or harmful content proxy, which in practice may only be possible where the user concerned reports it.
- 14.113 We consider that applying this measure to end-to-end encrypted services is of fundamental importance to the operation of the regulatory regime and for protecting children. Without access to at least a copy of content to which a user report refers, it would not be possible in

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<sup>893</sup> In the Children's Risk Assessment Guidance, we provide information on how service providers should assess the risk of harm to children presented by non-designated content. Providers must assign a level of risk to any kinds of non-designated content identified for assessment, including those identified by Ofcom. See sub-section 'Non-designated content' in the Children's Risk Assessment Guidance.

<sup>894</sup> [X]; Letter from WhatsApp dated 22 November. We note WhatsApp have also released similar information publicly. WhatsApp, no date. [How to block and report someone](#). [accessed 27 February 2024]; Mega response to May 2024 consultation, p.16.

<sup>895</sup> [X].

<sup>896</sup> Internet Society and Internet Society UK England Chapter (ISOC) response to May 2024 Consultation, p.13.

the vast majority of cases for a provider to have reasonable grounds on which to make a judgement as to whether content is harmful or violative of its terms of service.<sup>897</sup> The overall purpose of the Act is to make the use of regulated services “safer for individuals in the United Kingdom”, and a particular objective of the Act is to secure services are designed and operated so that “a higher standard of protection is provided for children than for adults”.<sup>898</sup> It would not make such services a safer place for children if providers were to operate their services in a way which meant that almost every complaint they received about harmful content led to a decision that too little information was available to determine that the content was harmful or harmful content proxy.

- 14.114 To benefit from the safe harbour of the Codes, providers of end-to-end encrypted services should operate their complaints processes in a way that ensures they can take into account reasonably available relevant information, including the content complained about, when making judgements about content.<sup>899</sup> We are not suggesting that providers should break end-to-end encryption to do this. However, given that some providers of end-to-end encrypted services told us that they are able to make content judgements in a privacy-preserving manner, we consider it is proportionate to recommend that end-to-end encrypted services make this type of judgement under PCU C1.

## Safety by design

### Our proposals

- 14.115 In our May 2024 Consultation, we proposed that providers should have systems and processes in place to take action on harmful content.

### Stakeholder feedback

- 14.116 The Office of the Children’s Commissioner for England and UKSIC argued that Ofcom should take a safety by design approach to content moderation.<sup>900</sup>

### Our decision

- 14.117 Having considered this feedback, as well as broader feedback we received on this topic, we have decided not to amend this measure.<sup>901</sup> We agree that the elements of safety by design highlighted by stakeholders are important for ensuring providers protect children from harm. We consider that many features of the measures support a ‘safety by design approach’.<sup>902</sup> We also consider it appropriate that a number of the measure relate to content, as the duties in the Act relate to content harmful to children and there is clear evidence of exposure to content leading to harm.

## Impacts on service providers

### Our consultation position

- 14.118 In our May 2024 Consultation, we said the costs of implementing these measures would vary widely between service providers. At one extreme, costs could be negligible or in the

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<sup>897</sup> It would require enough complaints to accumulate from enough different and unrelated people for it to be reasonable to infer that a new complaint was neither malicious nor erroneous. To draw such an inference would require a substantial amount of harm to have already occurred.

<sup>898</sup> Section 1 of the Act.

<sup>899</sup> As required in section 192 of the Act.

<sup>900</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation p.59; UKSIC response to May 2024 Consultation p.36.

<sup>901</sup> For our full response on safety by design, please refer to Section 9.

<sup>902</sup> See our response to feedback on safety by design in Section 9.

low thousands at most, whereas for other service providers they could extend to multiple millions.

### **Stakeholder feedback**

14.119 Snap noted that “employing an additional layer of content moderation especially for children (which will require specialised internal policies and guidelines, training for moderators, and resources to implement) will result in increased costs for services”.<sup>903</sup>

### **Our decision**

14.120 Having considered this stakeholder feedback, we agree with Snap that complying with the children’s safety duties will increase costs for providers of services which currently have insufficient content moderation to protect children. The steps needed and resulting costs will vary depending on the extent services pose risks to children.

- For providers of the smallest low-risk services, costs are likely to be negligible or in the low thousands at most. Providers of such services will have a limited amount or no content to review and might decide to implement a simple system, with complaints assessed sequentially, to meet the minimum requirement of the Act. They may not need the internal policies and specialised guidelines or training for moderators that Snap mentions in its feedback. There may face some small, one-off costs of designing and implementing such a system and ongoing costs associated with reviewing the content.
- For providers of some large or higher-risk services these costs could extend to multiple millions of pounds depending upon the approach taken, the volume of content on the service and/or the volume of reports received. There may be one-off costs of developing a system and the ongoing costs of maintaining it. Providers that do not build internal systems may instead incur the cost of adoption of third-party moderation solutions and integrating it with their internal system, as well as the fees for third-party moderation. There would also be substantial ongoing costs of these processes. While these costs may be significant for some providers, we consider this measure captures the minimum steps to ensure a basic level of content moderation that would be proportionate for providers of all user-to-user services to comply with the children’s safety duties. There is likely to be substantial overlap between these measures and the related measures in the Illegal Content Codes.

## **Rights impact**

### **Freedom of expression and freedom of association**

14.121 As explained in Section 2, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. Article 11 sets out the right to associate with others. Both Article 10 and Article 11 are qualified rights and we must exercise our duties under the Act in a way that does not restrict these rights unless satisfied that is necessary and proportionate to do so.<sup>904</sup>

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<sup>903</sup> Snap Inc. response to May 2024 Consultation, p.24.

<sup>904</sup> A qualified right is a right that can be restricted in certain circumstances to balance the rights of the individual with the needs of another, or of the wider community.

## Stakeholder feedback

- 14.122 Global Network Initiative expressed support for our approach to assessing the freedom of expression and privacy impacts of the measures.<sup>905</sup>
- 14.123 Some stakeholders expressed concerns about the overarching impact the measures would have on users' right to freedom of expression. Open Rights Group argued that we underestimated the impacts on freedom of expression of content moderation at scale and expressed concern that providers will not have sufficient regard to accuracy.<sup>906</sup> TechUK argued that the Content Moderation measures should strike a better balance between freedom of expression and protecting users from harm and that there is a significant risk of over-enforcement, especially for smaller services.<sup>907</sup> It said that instead of "preventing" children from encountering harmful content, a more achievable aim would be to "protect and mitigate against such encounters".<sup>908</sup> Big Brother Watch argued that expecting providers to identify harmful content, given the complexity of decision making needed, would almost certainly lead to over-censorship.<sup>909</sup>

## Our final rights assessment

- 14.124 In our May 2024 Consultation, we assessed that any interference with rights to freedom of expression and association from the equivalent content moderation measure would be proportionate. Having considered stakeholder responses and changes made to the measure since consultation, we remain of the view that any interference by these measures with individuals' and service providers' rights to freedom of expression and association would be proportionate.
- 14.125 We acknowledge that interference with children's rights to freedom of expression may arise where a service provider applies content moderation processes to suspected content harmful to children, as children's access to it may be restricted. This could also result in interference with adult<sup>910</sup> users' ability to access the content. This interference is potentially significant if that judgement is incorrect (given there would not be a substantial public interest in taking action against that content or user).
- 14.126 These measures involve service providers reviewing people's communications, which may also interfere with their freedom of association. We note that service providers may also choose to restrict users' ability to use their services, if they are found to have shared content harmful to children.
- 14.127 However, while we note TechUK's comments regarding the aim of content moderation, the duty for services to prevent or protect children from encountering content harmful to children is a requirement of the Act and not of these measures. We consider that these measures are designed to minimise the potential interference with freedom of expression

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<sup>905</sup> GNI response to May 2024 Consultation, p.13.

<sup>906</sup> Open Rights Group response to May 2024 Consultation, p.9.

<sup>907</sup> techUK response to May 2024 Consultation, p.17.

<sup>908</sup> techUK response to May 2024 Consultation, p.17.

<sup>909</sup> Big Brother Watch response to May 2024 Consultation, p.19.

<sup>910</sup> Users also include those who are operating on behalf of a business, or accounts that might also be concerned with other entities, such as charities, as well as those with their own, individual account. Both corporate and individual users can benefit from the right to freedom of expression, and we acknowledge the potential risk of interference with the rights of these users to freedom of expression, in addition to the rights of children and adults as individuals. For ease of reference, when we refer to rights of adult users, we include those who are acting on behalf of a business or other entity.

and association. The measures do not involve providers taking action against content of which they are not aware and focus on restricting children's access to content that is harmful to them.

- 14.128 These measures also do not require any particular actions to be taken against users who are found to have shared harmful content.<sup>911</sup> Instead these measures seek to secure that the provider's systems and processes are designed so that they swiftly take steps to prevent all children from encountering PPC and protect children in age groups judged to be at risk of harm from encountering PC and NDC (that has been identified as a risk in the most recent children's risk assessment). To the extent that the actions taken affect users' ability to access or share content that is harmful to children, we consider that is as a result of the duties of the Act, rather than as a consequence of this measure.
- 14.129 We note the comments from Big Brother Watch and acknowledge that there is a potential risk of error in content moderation, for example where a provider makes an incorrect judgement as to whether the content is harmful to children. Interference with freedom of expression may also arise in relation to the most highly protected forms of speech, such as religious expression (potentially affecting users' rights to religion or belief under Article 9) or political speech, and in relation to kinds of content that the Act seeks to protect, such as content of democratic importance, journalistic content, and content from Recognised News Publishers.<sup>912</sup> We also recognise that it can be difficult to assess whether certain kinds of content should be classified as harmful content, especially when such content appears to be promoting healthy behaviours on sensitive topics, for example content providing suggestions for ways to get help for individuals considering self-harm behaviours.<sup>913</sup>
- 14.130 However, we note that the definitions of PPC, PC and NDC are statutory definitions. Providers also have incentives to limit the amount of content on which they wrongly take action to meet their users' expectations and to avoid the costs of dealing with appeals. The measures on appeals PCU D8-D12 explained in Section 16 also act as a safeguard for freedom of expression. The Harms Guidance has been prepared with careful regard to human rights, including the rights of freedom of expression.<sup>914</sup> We therefore encourage service providers to have regard to the Harms Guidance when implementing this measure, to assist them with correctly determining whether content should be classified a certain way, and identifying when freedom of expression considerations are particularly relevant to the assessment of certain content.
- 14.131 We note that a greater interference with rights to freedom of expression and association could arise if the service provider adopted terms of service which define the content in relation to which children's access should be restricted more widely than necessary to comply with the Act, chose to prohibit one or more forms of PPC, PC or NDC for all users, or

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<sup>911</sup> However, we note that Measure PCU E2 recommends that PC and NDC be given a lower degree of prominence, or no longer appear, in recommender systems. Whilst these specific actions are required for the purpose of complying with our recommendations in PCU E2, a provider would still have the flexibility to take any additional actions in a way of its choosing for the purpose of complying with these measures, if it considered that the actions under PCU E2 alone were not sufficient.

<sup>912</sup> See the duties set out in sections 17, 18 and 19 of the Act. In relation to news publisher content, we note that pursuant to section 55 of the Act, such content is expressly excluded from the definition of regulated user-generated content and so any impacts on that type of content is not a requirement of this measure.

<sup>913</sup> Big Brother Watch response to May 2024 Consultation, p.34; Microsoft response to May 2024 Consultation, p.12.

<sup>914</sup> See Section 6 of Volume 2.

chose to apply access controls to a greater extent than necessary to comply with these measures. In this case, service providers may restrict users' access to certain types of content which might not be harmful, or might be less severely harmful, to them. However, it remains open to service providers as a matter of their own choice (and in the exercise of their own right to freedom of expression) to decide what content to allow on their service and who they allow to access that content, so long as they comply with the Act.

- 14.132 We note that where services cannot take content level action on identified PPC on their service, they should use highly effective age assurance to apply access controls to prevent children from accessing the parts of the service where PPC is identified if it is technically feasible for them to do so.<sup>915</sup> We consider that this requirement is proportionate since section 12(4)-(6) of the Act is clear that the use of highly effective age assurance to prevent children from accessing PPC is not qualified by reference to the concept of proportionality, unlike the more general duty set out in s.12(3)(a) of the Act. We consider this to indicate that Parliament has judged that use of access controls would, where technically feasible, be a proportionate action for service providers to take to prevent children from encountering PPC. We also note that in relation to PC, we have recommended that providers consider relevant factors to determine whether it is proportionate to use highly effective age assurance to apply access controls if it is technically feasible for them to do so.<sup>916</sup>
- 14.133 We have considered if there could be a risk of a more general effect on freedom of expression if UK users were, as a result of these measures, to cease to use well-moderated services. However, we do not consider that any such effect would be likely to arise both for the reasons set out above and given that many UK users already use service providers which have content moderation processes in place.
- 14.134 The use of content moderation to limit children's exposure to harmful content could also have significant positive impacts on the rights of children. More effective moderation of content harmful to children could result in safer spaces online where children may feel more able to join online communities and receive and impart (non-harmful) ideas and information with others.
- 14.135 These measures may also interfere with service providers' rights to freedom of expression as, to the extent that they do not already, they would need to take steps to ensure harmful content is appropriately dealt with. However, this arises from the duties in the Act, and we are allowing a degree of flexibility as to the precise approach providers take. We therefore consider that to the extent that these measures interfere with services' rights to freedom of expression, it is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act.
- 14.136 This measure also sets out other measures which help to safeguard users' freedom of expression, including other content moderation measures (where applicable), measures enabling users to complain if action has been taken against content on the basis that it is content that is harmful to children, or on the basis of an incorrect assessment of age, and measures relating to the policies and processes for complaints. While we recognise the concerns raised by the Open Rights Group, these other measures help to safeguard users' freedom of expression in a number of different ways. This includes by ensuring that (where they apply) the service provider sets internal content policies and provides training and

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<sup>915</sup> See PCU B4 in Section 13

<sup>916</sup> See PCU B5 in Section 13

materials to individuals working in moderation, which would support them in determining whether detected content has been accurately identified. These measures will also ensure providers provide a level of transparency for users about any technology used and how to make a complaint. The measure on performance targets also emphasises the importance of accuracy in decision making. Additionally, in accordance with the principles of the Act<sup>917</sup> and our duties under the Human Rights Act 1998,<sup>918</sup> we will have regard to the importance of freedom of expression and association when making any decisions about enforcement in relation to this measure.

- 14.137 Overall, and taking the benefits to children into consideration, we conclude that any interference with rights of freedom of expression and association from these measures is proportionate to the legitimate aim of protecting children from harm.

### Data Protection

- 14.138 As explained in Section 2, Article 8 of the ECHR confers the right to respect for an individual's private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins the data protection laws with which services providers must comply and the protection of personal data is of fundamental importance to an individual's enjoyment of their rights under Article 8.

### Our final rights assessment

- 14.139 In our May 2024 Consultation, we considered data protection implications as part of our broader assessment of any interference by this measure with the right to privacy (as set out in paragraphs 14.144-14.151 below). We considered that any interference with privacy rights by this measure, where providers comply with relevant data protection laws, was proportionate. We did not receive stakeholder feedback regarding the data protection impacts of this measure.
- 14.140 Having considered stakeholder responses and changes made to the measures, we remain of the view that any interference by these measures with data protection rights would be proportionate. We recognise that the degree of interference will depend on the extent of personal data about individuals which may need to be processed. These measures do not specify that service providers should obtain or retain any specific types of personal data about individual users as part of their content moderation processes. We consider that service providers can implement these measures in a way which minimises the amount of personal data which may be processed or retained so that it is no more than needed to give effect to their moderation processes, including minimising the amount of children's data that is processed, which must be given special consideration.<sup>919</sup>
- 14.141 We have considered rights implications of the changes we have made the measure. We note the change to include consideration of the risks to children in different age groups, the prevalence of harmful content on the service, and the interests of children in receiving content that is not harmful to them, as a factors relevant to determining what appropriate action to take in accordance with this measure. This may require additional processing of personal data. For example, if the provider were to target different moderation actions at children in different age groups, or to employ any particular systems or processes to

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<sup>917</sup> In particular, see section 1(3)(b).

<sup>918</sup> Section 6.

<sup>919</sup> Recital 38 of the UK GDPR.

determine the precise age or age range of users, where not otherwise in scope of the Age Assurance measures. However, these are not requirements for compliance with this measure. Furthermore, we consider this is proportionate and in line with the benefits children will receive as a result of the measure, again, provided that service providers comply with data protection law. Providers should familiarise themselves with applicable data protection legislation and relevant guidance from the Information Commissioner's Office (ICO) to understand how to comply with the UK data protection regime in processing users' personal data for the purposes of these measures.<sup>920</sup>

- 14.142 Overall and taking the benefits to children into consideration, we consider that any interference with privacy rights (which underpin the data protection rights of individuals) by this measure is proportionate where providers comply with data protection laws.

## Privacy

### Stakeholder feedback

- 14.143 As noted above, GNI expressed support for our approach to assessing privacy impacts.<sup>921</sup>

### Our final rights assessment

- 14.144 In our May 2024 Consultation, we concluded that the impact of the measure on the right to privacy was likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act and was therefore proportionate.
- 14.145 Having considered stakeholder responses and changes made to the measures, we have updated the privacy assessment as set out below. In addition to the interference with privacy rights (which underpin the data protection rights of individuals) outlined above, we consider there may be additional privacy considerations.
- 14.146 Content moderation, whether by automated tools or human moderators, poses the risk of interfering with the rights of individuals to privacy, including in some cases their rights to a family life when this could impact on communications between family members. The degree of interference with the right to privacy will depend on the extent to which the nature of the affected content and communications is public or private, or, in other words, gives rise to a legitimate expectation of privacy.
- 14.147 These measures are not limited only to content or communications that are communicated publicly and may lead to the review of content or communications in relation to which individuals might reasonably expect privacy.<sup>922</sup> This would involve more significant privacy interference than moderation of content and communications that are widely publicly available. The interference with users' rights would also be affected by the nature of the action taken as a result of the content moderation process. For example, the level of intrusion and significance of the impact is likely to be higher where content is judged to be

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<sup>920</sup> See, for example: [UK GDPR guidance and resources](#) and [Online safety and data protection](#) [accessed 4 November 2024]

<sup>921</sup> GNI response to May 2024 Consultation, p.13.

<sup>922</sup> Alongside our December 2024 Statement, we published guidance on content communicated 'publicly' and 'privately' under the Online Safety Act. That guidance recognises that whether content is communicated 'publicly' or 'privately' for the purposes of the Act will not necessarily align with whether that content engages users' (or other individuals') rights to privacy under Article 8 of the ECHR. For example, it is possible that users might have a right to privacy under Article 8 of the ECHR in relation to content which is communicated 'publicly' for the purposes of the Act. Conversely, users may not have a right to privacy under Article 8 of the ECHR in relation to content which is nevertheless communicated 'privately' for the purposes of the Act.

harmful or “harmful content proxy” and therefore would lead to a provider needing to take a form of appropriate action.

- 14.148 The privacy implications of these measures are particularly relevant in the case of end-to-end encrypted services, since users of the services may expect that the contents of their communications will only be visible to the recipient. However, we consider that applying the measure in the way we have recommended it to services represents the minimum possible interference to secure the safety of children. The purpose of the Act is to make the use of regulated internet services (including end-to-end encrypted services) safer for users in the UK, with a higher standard of protection for children than for adults. It is in this context that the proportionality of this measure must be considered and in which a balance must be achieved between keeping children safe from harmful content and upholding the right to privacy. These measures do not recommend the provider should allow access by any third party. We therefore consider that any interference with privacy rights stemming from this measure, in relation to the recommendation for providers of end-to-end encrypted services to make judgements about harmful content and take actions on such content, where technically feasible (and proportionate for access controls for PC), is proportionate.
- 14.149 We recognise that depending on how service providers decide to implement these measures, it could result in a greater or lesser interference with users’ right to respect for their private and family life, in terms of their ability to communicate privately with others. However, we consider that any such interference is a consequence of the duties in the Act which necessarily require providers to review content in order to identify whether it is harmful to children. Furthermore, as noted above, it remains open to service providers in the exercise of their own rights to freedom of expression to decide what forms of content to allow on their service, who they allow to access that content, and what forms of personal data they consider they need to gather to enforce their content policies (including whether they choose as a matter of their own decision to proactively scan for such content), so long as they comply with the Act and the requirements of data protection legislation. Providers are also required by the Act to have particular regard to users’ privacy rights when deciding on and implementing safety measures.<sup>923</sup>
- 14.150 We have also included specific references in this measure to the privacy safeguards provided by other measures which apply to certain providers operating a content moderation function. For example, the measures on enabling users to complain if action has been taken against content on the basis that it is content that is harmful to children as well as the measures outlined below on internal content policies, performance targets, resourcing and providing training and materials, will act as additional safeguards for privacy rights.<sup>924</sup> We consider this clarifies the protections afforded to individuals by the Codes and how this measure seeks to minimise the interference with individuals’ privacy rights.
- 14.151 Overall and taking the benefits to children into consideration, we consider that any interference with privacy rights from these measures is proportionate, in line with the legitimate aims of the provider’s duties under the Act to protect children from harm.

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<sup>923</sup> Set out in section 22 of the Act in relation to user-to-user services.

<sup>924</sup> See Measures PCU C3-C8, PCU D1-D2, PCU D8 or PCU D9, and PCU D10.

## Who this measure applies to

### Our proposals

- 14.152 In our May 2024 Consultation, we proposed that this measure should apply to providers of all user-to-user services likely to be accessed by children. We considered that this measure (now PCU C1 and PCU C2) captured the minimum steps to ensure a basic level of content moderation that would be proportionate for providers of all user-to-user services to comply with the children's safety duties.

### Our decision

- 14.153 We did not receive any feedback to our proposal to apply this measure to all providers of user-to-user services likely to be accessed by children. However, we have now divided the measure that we proposed at consultation into two separate measures, to reflect a clarification on who should implement these measures.

#### PCU C1: Measure on reviewing and assessing content

- 14.154 All providers are required by the Act to have a complaints-handling process and to take appropriate action in response to relevant kinds of complaints. The Act requires that, at a minimum, providers should be equipped to consider content that has been flagged to them by complaints under the Act, or which has come to their attention because of measures we have recommended. Identifying content harmful to children will benefit users as it allows providers to understand harms on their services and is a necessary step to taking appropriate action on such content.
- 14.155 We consider that reviewing and assessing content is crucial to enable providers to understand the types of content that is present on their services and can help promote compliance with other measures, such as the Governance and Accountability measure on tracking signals of new and emerging harm (see PCU A5). This is the case for all providers, including those for which it is not currently technically feasible to take content level action on identified harmful content. We consider that having an understanding of the type of content and risks to children on the service would be beneficial and necessary in this regard.
- 14.156 We therefore consider that the measure on reviewing content and determining whether it is harmful to children or harmful content proxy is proportionate for all providers of user-to-user services likely to be accessed by children.

#### PCU C2: Measure on taking swift action on content

- 14.157 This measure recommends that providers have proportionate systems and processes designed to swiftly take appropriate action to prevent (for PPC) and protect (for PC and NDC) children from encountering content that is harmful to children of which they are aware, but does not specify in detail how this should be done. The impact on service providers is mitigated by the flexibility of this measure, as we are not being prescriptive as to how service providers implement content moderation systems and processes. This will allow service providers to implement cost-effective processes that are proportionate to their contexts. The moderation costs to a provider of a small, low risk service that receives very few or no user reports are expected to be minimal.
- 14.158 As we explained in paragraphs 14.39 above, our evidence suggests that providers of a very limited set of user-to-user services in scope of the Act are configured in such a way that it is currently not technically feasible for them to take content level action on content identified

as harmful to children.<sup>925</sup> In these cases, we expect service providers to implement access controls when it is technically feasible and, for PC, proportionate. The Act states that we must have regard to the principle that the measures in the Codes must be proportionate and technically feasible.<sup>926</sup> As such, although this measure applies to all providers of all user-to-user services likely to be accessed by children, the text of the measure itself makes clear that we do not expect service providers to take action on content identified as harmful to children under this measure where it is not technically feasible (or, in the case of PC for access controls, proportionate) to do so. We have created additional routes for compliance to allow these service providers to meet their obligations to protect children. These providers should make and keep a written record in an easily understandable form of how technical feasibility and/or proportionality has been assessed and the reasons for concluding that it is not currently technically feasible (or, in the case of access controls for PC, proportionate) to take content level actions or access controls.<sup>927</sup>

- 14.159 Providers who can currently take action on content that is identified as harmful to children and who seek to amend their technical architecture to make it infeasible to do so will also need to meet the statutory requirement for a new children's risk assessment before they make significant changes to the service. This includes any change which would result in it no longer being technically feasible to take content level action. This is in line with the duties under the Act and the Children's Risk Assessment Guidance for Service Providers.<sup>928</sup> The provider will need to be able to transparently explain to Ofcom the nature of the risks arising from this decision and the plans for mitigating these risks, specifically for children.

## Measure PCU C3: Setting internal content policies

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### Introduction

- 14.160 In our May 2024 Consultation, we proposed that providers should set internal content moderation policies that establish rules, standards and guidelines about how content that is harmful to children is to be dealt with on the service and how policies should be operationalised and enforced.<sup>929</sup> In setting these policies, we proposed that service providers should have regard to the findings of their risk assessments and any evidence of emerging harms on the service.
- 14.161 We proposed this measure should apply to providers of user-to-user services likely to be accessed by children that are large<sup>930</sup> and/or multi-risk<sup>931</sup> for content harmful to children.

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<sup>925</sup> We set out examples of appropriate actions that providers can take on identified PPC in paragraph 14.41 and PC and NDC in paragraph 14.50 of this section.

<sup>926</sup> Paragraphs 1 and 2 of Schedule 4 to the Act.

<sup>927</sup> This record should be dated when made and on each occasion that it is updated.

<sup>928</sup> In particular, see section 11(4) of the Act and the section on 'Making a significant change to your service' in the Children's Risk Assessment Guidance.

<sup>929</sup> In our May 2024 Consultation, we referred to this measure as CM2 or PCU B2. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C3 throughout.

<sup>930</sup> By large services, we mean those with more than seven million active monthly UK users.

<sup>931</sup> By multi risk services, we mean those that have identified a medium or high risk of harm to children arising from two or more specific kinds of content that is harmful to children in their children's risk assessment.

14.162 Some stakeholders expressed support for this measure.<sup>932</sup> Some stakeholders raised concerns, including about the publication of internal content policies,<sup>933</sup> what should be included in internal content policies,<sup>934</sup> and who the measure applies to.<sup>935</sup>

## Our decision

14.163 Having considered stakeholder feedback and following further consideration of the measure, we have decided to make the following changes:

- We have specified that, in having regard to the findings of their children’s risk assessment in setting internal content policies, service providers should also consider any findings relating to the risk of harm to children in different age groups on their service.
- In setting and recording internal content policies, providers should have processes in place “for updating” these policies in response to evidence of new and increasing harm on the service (as tracked in accordance with the Governance and Accountability measure PCU A5 explained in Section 11). This is to clarify that, to comply with this measure, providers are not expected to update their internal content policies every time they receive evidence of new and increasing harm to children on their services. We consider that updating policies may not be necessary if the harm for which there was new evidence was already adequately addressed by the provider’s policies. Providers should therefore have processes in place for updating policies where appropriate.

14.164 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU C3.

## How this measure works

14.165 Providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children should set and record (but are not required to publish) internal content policies.

14.166 A provider’s policies should include rules, standards and guidelines around:

- how content that is harmful to children is to be dealt with on the service, including whether or not any kinds of content that is harmful to children are or are not allowed on the service; and
- how policies should be operationalised and enforced.

14.167 In setting and recording internal content policies, providers should:

- have regard to the findings of their children’s risk assessments, including findings that relate to the risk of harm to children in different age groups on their service; and

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<sup>932</sup> Meta response to May 2024 Consultation, p.21; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.59-60; Ukie response to May 2024 Consultation, p.12.

<sup>933</sup> Big Brother Watch response to May 2024 Consultation, p37; We note that Electronic Frontier Foundation made a similar point in response to the November 2023 Consultation, p.9.

<sup>934</sup> VAWG Sector Experts response to May 2024 Consultation, p.12.

<sup>935</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, pp.18-19; Dean.J response to May 2024 Consultation, pp.14-15; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.59-60.

- have processes in place for updating these policies in response to evidence of new and increasing harm on the service (as tracked in accordance with our Governance and Accountability measure PCS A5).<sup>936</sup>

14.168 We would expect service providers that have identified a medium or high risk of content harmful to children on their service to cover these harms in more detail in their internal policies.

## How this measure protects children

14.169 There are two types of content policies – external and internal. External content policies are set out in publicly available documents aimed at users of the service, providing an overview of a service’s rules about what content is and is not prohibited. These normally form part of a service’s public facing terms of service.<sup>937</sup> Internal content policies are usually more detailed versions of external content policies which set out rules, standards or guidelines, including on what content is and is not prohibited and how policies should be enforced.

14.170 We consider that setting internal content policies is an important step to establishing an effective content moderation system. We received support for the measure in responses to our November 2023 and May 2024 Consultations,<sup>938</sup> and several providers have stated publicly that content moderation policies play an important role in keeping users safe online.<sup>939</sup>

14.171 There is a strong argument that internal content policies establish clear guidelines for applying rules in a consistent, accurate and timely way. This is particularly beneficial for providers that need to moderate diverse types of content at scale. Clear internal content policies will allow individuals working in moderation to make quicker and more accurate decisions than they otherwise would. This will increase the speed with which harmful content is identified and appropriately dealt with. It will also reduce risk of action being taken in error against content which is not harmful. We consider that the recommendation to have clear internal content policies will therefore deliver significant benefits.

14.172 We also consider there to be significant benefits to providers having regard to their children’s risk assessments when setting and recording their policies, as is recommended by this measure. It is reasonable to infer that the data gathered from risk assessments about the challenges providers face, would enable them to make better decisions about what to include in their internal content moderation policies (tailored to the specific needs of their

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<sup>936</sup> We set out the Governance and Accountability measures in Section 11.

<sup>937</sup> We set out the measures on Terms of Service and Publicly Available Statements in Section 12.

<sup>938</sup> Born Free Foundation response to November 2023 Consultation, p.5; Cats Protection response to November 2023 Consultation, p.10; Global Partners Digital response to November 2023 Consultation, p.13; Meta response to November 2023 Consultation, p.22; Spotify response to November 2023 Consultation, p.4; Ukie response to May 2024 Consultation, p.12. In response to the 2023 Protection of Children Call for Evidence (2023 CFE), several civil society organisations also recommended that providers establish and enforce comprehensive internal content moderation policies. Carnegie response to 2023 CFE; Samaritans response to 2023 CFE; Samaritans, 2023. [Online Harms guidelines](#) [accessed 24 November 2024].

<sup>939</sup> YouTube, 2019. [The Four Rs of Responsibility, Part 1: Removing harmful content](#). [accessed 25 November 2024]. Meta, 2020. [Facebook’s response to Australian Government Consultation on a new Online Safety Act](#). [accessed 25 November 2024]; TikTok, 2020. [Creating Policies for Tomorrow’s Content Platforms](#). [accessed 25 November 2024]; Mid Size Platform Group, 2022. [Mid-Sized Platform Group – Online Safety Bill Recommendations](#). [accessed 25 November 2024]; Twitter, no date. [The Twitter Rules](#). [accessed 25 November 2024].

services). We would also expect service providers that have identified a medium or high risk of content harmful to children on their service to cover these harms in more detail in their internal policies.

- 14.173 The Act requires that providers take steps to keep their children’s risk assessments up to date and carry out a further children’s risk assessment before making a “significant change” to any aspect of their service, relating to the impacts of the proposed change.<sup>940</sup> Providers may update their internal content policies in response to the potential increases in risks of certain harms created by these changes. This will promote timely, safety-focused risk management. We encourage providers to have processes in place to ensure their internal content policies remain relevant to the risks on the service.
- 14.174 We also consider that there are significant benefits of providers having processes in place for updating internal content policies in response to evidence of new or increasing harm on services. Having systems and processes in place to ensure policies are updated should improve the quality of these policies. By extension, this should improve the performance of providers’ content moderation systems and better protect users from harm.
- 14.175 We recognise that, in some cases, providers may be able to take other actions to protect users in response to evidence of new and increasing harms on their services that do not require them to update their internal content policies; the measure is drafted to account for this.

## Stakeholder feedback and our response

### What should be included in internal content policies

#### Our proposals

- 14.176 In our May 2024 Consultation, we proposed that in setting their internal content policies, providers should have regard to the findings of their risk assessments and evidence of emerging harm on the service.

#### Summary of responses

- 14.177 The VAWG Sector Experts response noted that the measure does not refer to the importance of gender-sensitive moderation policies, and argued that without such policies, there is a risk of providers overlooking or downplaying gender-based harm in content moderation efforts.<sup>941</sup>
- 14.178 Meta argued that providers should be able to retain flexibility in developing policies.<sup>942</sup>

#### Our decision

- 14.179 Having considered this stakeholder feedback, we have decided that we should not be more prescriptive at this time about providers’ internal content policies, including how they

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<sup>940</sup> See section 11(3)-(4) of the Act. Our Children’s Risk Assessment Guidance recommends that children’s risk assessments are reviewed on at least an annual basis. Service providers must also update their risk assessment if Ofcom makes a significant change to a Children’s Risk Profile, and before making a significant change to any aspect of their service’s design or operation. See Children’s Risk Assessment Guidance.

<sup>941</sup> VAWG Sector Experts response to May 2024 Consultation, p.12. We note that Glitch made the same argument in response to the November 2023 Consultation, p.6.

<sup>942</sup> Meta response to May 2024 Consultation, p.21.

address gender in their policies.<sup>943</sup> We consider that our recommendation that providers have regard to their risk assessment will ensure that content policies are appropriately gender-sensitive. For example, where a provider's risk assessment identifies a material risk of online gender-based harms to children on the service (such as hate and abuse content which could manifest as online misogyny), we would expect its policies to be formed in such a way as to secure the effective moderation of such kinds of harmful content.

- 14.180 In February 2025, we published draft guidance for providers on 'a safer life online for women and girls', which providers may wish to refer to.<sup>944</sup> As part of our proposed good practice steps relating to governance and accountability processes, we proposed that providers could set internal content policies designed to tackle forms of online gender-based harm that are prevalent on their services. This could include defining and prohibiting certain forms of gendered harms, such as non-consensual sexualisation (see Action 1). We also proposed good practice steps relating to conducting risk assessments that focus on harms to women and girls (see Action 2).
- 14.181 In response to Meta's feedback, our view is that the measure gives providers flexibility to develop their internal content policies. Having regard to the findings of their risk assessment and evidence of emerging harm will help providers ensure that their internal policies are tailored to the individual risks and needs of their service.

## Publication of internal content policies

### Our proposals

- 14.182 In our May 2024 Consultation, we proposed that internal content policies need not be published because doing so may help users to evade content moderation.

### Stakeholder feedback

- 14.183 Big Brother Watch expressed concern about our position, arguing that services' rules should be transparent and accessible.<sup>945</sup> In contrast, Snap Inc., in response to the November 2023 Consultation, agreed with our proposal.<sup>946</sup>

### Our decision

- 14.184 We have not changed this measure in light of this stakeholder feedback. We do not, as part of this measure, recommend that internal content policies should be published, as evidence suggests that this may risk helping users to evade content moderation.<sup>947</sup> However, providers are required to explain in their terms of service in a clear and accessible way the steps they are taking to prevent children from encountering each kind of PPC and protect them from each kind of PC and NDC, as reflected in Measures PCU G1 and PCU G3 (see further Section 12 on Terms and Statements). We consider that this will help ensure that providers' policies for dealing with content harmful to children are transparent and accessible to their users.

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<sup>943</sup> VAWG Sector Experts response to May 2024 Consultation, p.12. We note that Glitch made the same argument in response to the November 2023 Consultation, p.6.

<sup>944</sup> Ofcom, 2025. [A safer life online for women and girls](#). We will publish a Statement explaining our decisions on the guidance, alongside the guidance itself. We expect this to be by the end of 2025.

<sup>945</sup> Big Brother Watch response to May 2024 Consultation, p38. We note that Electronic Frontier Foundation made a similar point in response to the November 2023 Consultation, p.9

<sup>946</sup> Snap Inc. response to November 2023 Consultation, p.10.

<sup>947</sup> Alan Turing Institute, 2021. [Understanding online hate: VSP Regulation and the broader context](#). p.90. [accessed 24 November 2024].

## Impacts on service providers

### Our position at consultation

- 14.185 In our May 2024 Consultation, we explained that this measure allows providers flexibility to decide the form of their policies and how they are implemented. We explained that costs were therefore likely to vary between providers. For a provider of a smaller user-to-user service, we estimated that developing such a policy could cost approximately £3,000 to £7,000, based upon our standard wage assumptions.<sup>948</sup>
- 14.186 Larger services may require more complex content policies, as the way in which harm can materialise is likely to be more varied on such services and the governance requirements needed to implement the policies are also likely to be more complex. Costs for providers of such services could reach the tens of thousands of pounds or more. In addition, there may be some small ongoing costs to providers of all user-to-user services to ensure these policies remain up to date over time (for example, to take into account emerging harms).
- 14.187 Some providers will also be in scope of the related measure in the Illegal Content Codes.<sup>949</sup> There may be some overlap between the measures, but these may be limited given the different nature of illegal content and content harmful to children.
- 14.188 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression and freedom of association

#### Summary of responses

- 14.189 As noted in paragraph 14.183, Big Brother Watch argued that services' rules should be transparent and accessible.<sup>950</sup>

#### Our final rights assessment

- 14.190 In our May 2024 Consultation, we considered that any interference by this measure on the rights to freedom of expression and association would be proportionate.
- 14.191 We consider that this measure has the potential to interfere with users' and service providers' rights to freedom of expression for the reasons set out in relation to Measures PCU C1 and PCU C2 since it would inform providers' content moderation decisions made according to that measure.
- 14.192 In addition, this measure has the potential to interfere with users' rights to freedom of expression or association if internal content moderation policies define the content in scope of these policies more widely than is necessary to comply with the Act. However, nothing in this measure requires or encourages providers to do this. As a matter of their own right to freedom of expression, providers are entitled to consider and decide what content they want to allow on their service, so long as they comply with the Act.
- 14.193 We consider this measure may also have positive impacts on rights to freedom of expression and freedom of association. While we note the comments from Big Brother Watch, internal content moderation policies can set out a level of detail that may not be

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<sup>948</sup> A full explanation of our cost estimates for this measure can be found in May 2024 Consultation, paragraphs 16.99-16.106.

<sup>949</sup> See paragraphs 2.115-2.161 in our December 2024 Statement for a full explanation of the measure.

<sup>950</sup> Big Brother Watch response to May 2024 Consultation, p.38.

practical to set out in external facing policies, providing individuals working in content moderation with greater clarity on the type of content that is PPC, PC and NDC, resulting in a higher degree of content being identified appropriately. Where a provider deals with large volumes of content, the process of considering these matters in advance and preparing a policy would tend to improve internal scrutiny, and improve the consistency and predictability of decisions, in a way which we consider would also tend to protect rights. We therefore consider that this measure will act as a safeguard for rights to freedom of expression and have noted this in Measure PCU C1 and PCU C2.

- 14.194 Having considered stakeholder responses and changes made to the measure, we consider that any interference by this measure with users' and service providers' rights to freedom of expression and association is limited and proportionate to the benefits of protecting children from harm.

## **Privacy and data protection**

### **Our final rights assessment**

- 14.195 In our May 2024 Consultation, we considered any interference with privacy rights from this measure to be relatively limited and proportionate. We did not receive stakeholder feedback in relation to this measure regarding privacy or data protection rights.
- 14.196 We remain of the view that any interference with privacy rights (which underpin the data protection rights of individuals) from this measure is relatively limited and proportionate. We consider that this measure has the potential to interfere with rights to privacy to the extent that a service provider's internal policies describe or define content relevant to their safety duties by reference to information in relation to which a user would have a reasonable expectation of privacy, or by reference to personal data. Providers are required to comply with applicable data protection laws including when implementing safety measures.<sup>951</sup> However, where service providers are likely to be dealing with large volumes of content, the process of considering these matters in advance and preparing a policy would be likely to improve internal scrutiny, and improve the consistency and predictability of decisions, in a way which we consider would also be likely to protect users' privacy and which will help to further secure that any processing of personal information is appropriate. We therefore consider that this measure will act as a safeguard for privacy rights and have noted this in Measure PCU C1 and PCU C2.
- 14.197 Having considered stakeholder responses and the changes made to the measure, we remain of the view that any interference by this measure with the privacy and data protection rights of users is relatively limited and proportionate to the benefits from protecting children from harm.

## **Who this measure applies to**

### **Our position at consultation**

- 14.198 In our May 2024 Consultation, we proposed that this measure (and Measures PCU C4 to PCU C8) should apply to providers of user-to-user services likely to be accessed by children that are large and/or multi risk for content harmful to children.

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<sup>951</sup> In determining what this requires of them, they should have regard to any relevant guidance from the ICO.

## Stakeholder feedback

- 14.199 Several stakeholders argued that some or all of measures PCU C3 to PCU C8 should apply to all service providers<sup>952</sup> or to providers of single risk services.<sup>953</sup>
- 14.200 In response to our November 2023 Consultation, the Online Safety Act (OSA) Network suggested that there was no evidence underpinning Ofcom's assessment that services which are small and low risk are unlikely to face large volumes of content they need to assess.<sup>954</sup>

## Our decision

- 14.201 We have considered this stakeholder feedback and have decided not to make changes to who the measure applies to.
- 14.202 Since the considerations for who this measure should apply to are similar to the considerations for measures PCU C4 to PCU C8, we have considered, and set out our response to, this feedback for all of these measures together.
- 14.203 User-to-user services likely to be accessed by children that are multi-risk for content harmful to children pose multiple significant risks of harm to children. The benefits of applying this measure, and each of measures PCU C4 to PCU C8, to such services are likely to be significant. This is because these measures should lead to more effective content moderation systems which will mitigate the risk of harm to children by making it less likely they will encounter harmful content. There will be costs to implementing these measures, and for some of these measures the costs could be significant. The costs of implementing these measures are likely to scale with the number and level of risks to some extent, and therefore where the costs are greater the benefits of the measures will also be more significant. We therefore consider it proportionate to apply these measures to providers of user-to-user services likely to be accessed by children that are multi-risk for content harmful to children, including smaller services.<sup>955</sup>
- 14.204 We also consider that applying this measure, and measures PCU C4 to PCU C8, to providers of large services that are low risk or single-risk for content harmful to children is proportionate. The nature and prevalence of content which is harmful to children can change over time. Having effective content moderation in place will help ensure that, if there were to be an increased risk of harm to children on such services, this would be dealt with quickly. This would reduce the resulting harm, which on a large service would have the

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<sup>952</sup> C3P response to May 2024 Consultation, pp.21-22; Dean. J response to May 2024 Consultation, p.14; Molly Rose Foundation response to May 2024 Consultation, p.41; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.59-60; UKSIC response to May 2024 Consultation, p.36. We note that several stakeholders also made similar points in response to equivalent measures proposed in the November 2023 Consultation. Barnardo's response to November 2023 Consultation, p.15; Board of Deputies of British Jews response to November 2023 Consultation, p.3; BT response to November 2023 Consultation, p.2; C3P response to November 2023 Consultation, p.15; [3<].

<sup>953</sup> C3P response to May 2024 Consultation, pp.18-19. We note several stakeholders also made similar points in response to equivalent measures proposed in the November 2023 Consultation. Barnardo's response to November 2023 Consultation, p.15; NSPCC response to November 2023 Consultation, p.20; VerifyMy response to November 2023 Consultation, p.6; Yoti response to November 2023 Consultation, p.18.

<sup>954</sup> OSA Network response to November 2023 Consultation, p.44.

<sup>955</sup> For further details of our reasoning, see the May 2024 Consultation (paragraph 16.107 for measure PCU C3, paragraphs 16.131-16.132 for measure PCU C4, paragraphs 16.168-16.169 for measure PCU C5, paragraph 16.200 for measure PCU C6, paragraph 16.245 for measure PCU C7 and paragraphs 16.278-16.279 for measure PCU C8).

potential to affect a large number of children. Providers of large services are also likely to have sufficient resources to implement these measures. We therefore consider it proportionate to apply these measures to providers of large user-to-user services that are low risk or single-risk for content harmful to children.<sup>956</sup>

- 14.205 We have considered stakeholder feedback on applying these measures to all user-to-user service providers, or to all single-risk user-to-user service providers. We consider that the benefits of this measure, and also measures PCU C4 to PCU C8, are likely to be materially lower for providers of smaller services that are low risk for all types of content harmful to children because such services will not need to review very much (if any) of this type of content. We consider that PCU C1 and PCU C2 would provide adequate protection for children from harmful content on such small low risk services. In response to the OSA Network’s argument about there being no evidence to suggest small and low risk services are unlikely to face large volumes of content they need to assess, we consider that any service that did receive a large volume of this type of content to moderate would likely be medium or high risk.
- 14.206 As set out in Section 10, we recognise that some of measures PCU C3 to PCU C8 may potentially have benefits for some single-risk services; however, we have decided not to extend these measures to single risk services at this stage. We will continue to collect evidence and information about the impact of these measures before considering this further.
- 14.207 We are therefore recommending that this measure (as well as each of Measures PCU C4 to PCU C8) applies to providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children.

## Measure PCU C4: Performance targets

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### Introduction

- 14.208 In our May 2024 Consultation, we proposed that service providers should set performance targets for their content moderation function and measure whether they are achieving them.<sup>957</sup> We proposed that, at a minimum, providers’ performance targets should include targets for the time that a provider takes to review or take action on content harmful to children and targets relating to the accuracy of content moderation decisions. We proposed that this measure should apply to providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children.
- 14.209 We received feedback from a wide variety of stakeholders on this measure. The ICO was broadly supportive of our proposal.<sup>958</sup> A number of stakeholder expressed concerns about

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<sup>956</sup> For further details of our reasoning, see the May 2024 Consultation (paragraph 16.108 for measure PCU C3, paragraphs 16.131-16.132 for measure PCU C4, paragraph 16.170 for measure PCU C5, paragraph 16.200 for measure PCU C6, paragraph 16.246 for measure PCU C7 and paragraphs 16.278-16.279 for measure PCU C8).

<sup>956</sup> Online Dating and Discovery Association response to November 2023 Consultation, p.2.

<sup>957</sup> In our May 2024 Consultation, we referred to this measure as CM3 or PCU B3. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C4 throughout.

<sup>958</sup> ICO response to May 2024 Consultation, p.10.

various aspects of the measure, including the flexibility of the measure,<sup>959</sup> determining provider compliance,<sup>960</sup> the practical applicability of time targets,<sup>961</sup> the part of the process for which time targets should be set,<sup>962</sup> and the balance between moderating content quickly and accurately.<sup>963</sup> Some stakeholders also expressed concern about how this measure applies to content prohibited in terms of service,<sup>964</sup> the use of performance targets<sup>965</sup> and unintended incentives created by them,<sup>966</sup> how this measure interacts with other measures,<sup>967</sup> privacy rights<sup>968</sup> and who this measure applies to.<sup>969</sup>

## Our decision

14.210 Having considered stakeholder feedback, we have decided to make the following changes to the measure:

- We have clarified that providers should set performance targets for the time period for taking relevant content moderation action. This is the time it takes a provider to review, assess and take action to prevent and protect children from encountering harmful content, from when it has reason to suspect that content may be harmful. We have made this change having considered stakeholder feedback about the part of the content moderation process time targets should be set for.
- The measure sets out that providers may set performance targets either for harmful content or (if they make judgements against their own terms of service) harmful content proxy.<sup>970</sup> This is to give providers the choice to set performance targets for content that is harmful or content that violates their terms of service, in a way that is consistent with PCU C1 and PCU C2. We have made this change having considered stakeholder feedback about how this measure applies to content prohibited in terms of service.
- We have made a change to the measure to clarify that where it is not currently technically feasible for providers to take content level action on harmful content, or it is not technically feasible (or, in the case of PC, proportionate) to apply access controls, we do not expect them to set performance targets for the time period for taking relevant content moderation action. However, we continue to recommend in this measure that such providers set targets for the accuracy of decision-making.

14.211 Following further consideration of this measure, we have also made the following change:

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<sup>959</sup> Google response to May 2024 Consultation, p.26; Mid Size Platform Group response to May 2024 Consultation, p.10; Pinterest response to May 2024 Consultation, p.15; Center for Data Innovation response to November 2023 Consultation, p.10; Google response to November 2023 Consultation, p.35; Pinterest response to November 2023 Consultation, p.7.

<sup>960</sup> Microsoft response to November 2023 Consultation, p.10.

<sup>961</sup> techUK response to November 2023 Consultation, p.8.

<sup>962</sup> Google response to November 2023 Consultation, pp.36-37.

<sup>963</sup> Are, C. response to November 2023 Consultation, p.7; Centre for Competition Policy response to November 2023 Consultation, p.19.

<sup>964</sup> Google response to November 2023 Consultation, p.35; [X<].

<sup>965</sup> Pinterest response to May 2024 Consultation, p.15.

<sup>966</sup> Meta response to May 2024 Consultation, pp.21-22; Pinterest response to May 2024 Consultation, p.15.

<sup>967</sup> Meta response to May 2024 Consultation, p.21.

<sup>968</sup> ICO response to May 2024 Consultation, p.10.

<sup>969</sup> C3P response to May 2024 Consultation pp.18-19; Dean, J. response to May 2024 Consultation, p.14; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.59-60.

<sup>970</sup> See paragraph 14.25 of this section for further detail on the meaning of "harmful content proxy".

- We have specified that providers should balance the need to take relevant moderation action swiftly with the importance of making accurate moderation decisions. These words replace the term “desirability” which we used in our May 2024 Consultation. This is to clarify that we expect providers to balance speed and accuracy when setting appropriate performance targets for their services.

14.212 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU C4.

## How this measure works

14.213 Providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children should set performance targets for their content moderation functions and track whether they are meeting these. At a minimum, performance targets should cover at least:

- targets for the time period for taking relevant content moderation action from the point at which they have reason to suspect content is harmful;<sup>971</sup> and
- targets relating to the accuracy of such content moderation decisions.

14.214 In setting targets, providers should balance the need to take relevant moderation action swiftly with the importance of making accurate moderation decisions.

## How this measure protects children

14.215 Performance targets provide a means for providers to quantify the effectiveness of their content moderation efforts. Monitoring compliance with performance targets helps providers evaluate the performance of content moderation systems and processes. As explained above, having effective content moderation systems can lead to a reduction in the likelihood of children encountering harmful content and an increase in their safety online.

14.216 We understand that many services set performance targets for the operation of their content moderation functions and to measure whether they are achieving these targets.<sup>972</sup>

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<sup>971</sup> Relevant content moderation action means the steps outlined in the measures PCU C1 on reviewing and assessing content and any appropriate action taken in response to that content under PCU C2. As set out above in PCU C2, it is not currently technically feasible (or in the case of access controls for PC, proportionate) for a relatively small minority of service providers to take any appropriate action (including taking content level action or applying access controls) in relation to identified harmful content. Where this is the case, we do not expect providers to set performance targets for the time period for taking relevant content moderation action.

<sup>972</sup> In response to the [2022 Illegal Harms Call for Evidence](#) (2022 CFE), OnlyFans told us that all content is triaged by automated technologies within two minutes of an attempted upload and reviewed by human moderators in the pre-check team, and that all content that passes this initial review is then also reviewed by a human content moderator within 24 hours of being posted onto the platform. Source: OnlyFans response to 2022 CFE. Twitch told us its time target for responding to live video content is within 10 minutes of receiving a report, and the median time taken to respond to such content has consistently been within that target. Ofcom/Twitch meeting, 23 March 2023. In H1 2024, it responded to 76% of reports within that time. Twitch, 2024. [H1 2024 Transparency Report](#). [accessed 25 November 2025]. Via stakeholder engagement, a large gaming service told us its target response time is 3 hours max for high priority content, and 24 hours max for user reports and appeals. [§<]. TikTok records its removal rate within 24 hours. TikTok, 2023. [Community Guidelines Enforcement Report](#). [accessed 25 November 2024]. Snapchat records 'Turnaround Time' and publishes the median time for various platform violations. Snapchat, 2023. [Transparency Report Glossary](#). [accessed 24 November 2024].

## Stakeholder feedback and our response

### The flexibility of the measure and potential unintended consequences of performance targets

#### Our proposals

14.217 In our May 2024 Consultation, we proposed that providers should, at a minimum, include targets relating to time and accuracy, however we did not specify the performance targets outcomes that should be set.

#### Summary of responses

- 14.218 Several stakeholders argued that providers should have the flexibility to set their own performance targets, and that we should not recommend specific types of targets.<sup>973</sup> Some providers shared evidence about targets they already use and consider to be more effective than those listed in our proposed measure, including targets related to reducing the number of users exposed to harm.<sup>974</sup> For example, Google described Violative View Rate (VVR) as its “North Star” for content moderation on YouTube.<sup>975</sup>
- 14.219 In contrast, in response to our November 2023 Consultation, several stakeholders argued that the measure should be more prescriptive. Suggestions included that we recommend consistent performance metrics that providers should use to allow cross-industry comparison,<sup>976</sup> that we set expectations on what performance targets should be on different types of services,<sup>977</sup> and that we recommend the outcomes performance targets should achieve.<sup>978</sup> Some stakeholders raised concerns about providers skewing metrics to optimise the appearance of their performance if given the flexibility to set their own performance targets.<sup>979</sup> The New Zealand Classification Office specifically made suggestions about types of performance targets providers should not use (for example, the amount of content removed).<sup>980</sup>
- 14.220 In response to our May 2024 Consultation, two stakeholders highlighted the possible unintended consequences of performance targets. Pinterest suggested that they can “create perverse incentives” for providers to “over-enforce their policies” so as to be seen to act quickly or have higher accuracy rates, “instead of engaging in careful review of nuanced content”.<sup>981</sup> Similarly, Meta suggested that performance targets had “the real potential to create a blunt solution with unintended consequences and/or incentives” and that they could “reduce the efficacy of report/flagging handling”.<sup>982</sup> Meta also emphasised that asking providers to set a specific response time, even if just in target form, does not

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<sup>973</sup> Google response to May 2024 Consultation, p.26; Mid Size Platform Group response to May 2024 Consultation, p.10; Pinterest response to May 2024 Consultation, p.15; Center for Data Innovation response to November 2023 Consultation, p.10; Google response to November 2023 Consultation, p.35; Pinterest response to November 2023 Consultation, p.7.

<sup>974</sup> Google response to November 2023 Consultation, p.35; Pinterest response to May 2024 Consultation, p.14; Pinterest response to November 2023 Consultation, p.7.

<sup>975</sup> Google response to November 2023 Consultation, p.35.

<sup>976</sup> Institute for Strategic Dialogue response to November 2023 Consultation, p.9.

<sup>977</sup> Refuge response to November 2023 Consultation, p.12.

<sup>978</sup> 5Rights Foundation response to November 2023 Consultation, p.21.

<sup>979</sup> 5Rights Foundation response to November 2023 Consultation, p.21; Institute for Strategic Dialogue response to November 2023 Consultation, p.9.

<sup>980</sup> New Zealand Classification Office response to November 2023 Consultation, p.7.

<sup>981</sup> Pinterest response to May 2024 Consultation, p.15.

<sup>982</sup> Meta response to May 2024 Consultation pp.21-22.

account for the complexity of at-scale content moderation systems which aim to prioritise the review of a variety of types of content against a range of factors such as virality and severity. Meta suggested that this measure therefore conflicts with the measure on preparing and applying a prioritisation policy.<sup>983</sup>

- 14.221 In response to our November 2023 Consultation, the Online Dating and Discovery Association said performance targets for content moderation for a team of one to three people would look very different from those for a large service provider with a trust and safety department.<sup>984</sup>

#### **Our decision**

- 14.222 Having considered stakeholder feedback, we have decided not to change the measure.
- 14.223 We understand concerns that time targets may have unintended consequences, including resulting in providers over-enforcing their policies. We consider the risk of over-moderating content is mitigated by the flexibility of this measure which allows providers to set their own targets. There are significant benefits to having targets relating to time and accuracy and we remain of the view that it is necessary and proportionate to recommend that services set some targets. Children will be better protected from harmful content if decisions about content are made quickly. There are also significant benefits from providers setting targets for accuracy, including reducing the likelihood of providers making inaccurate moderation decisions. Providers should, at a minimum, set and record their performance against these targets.
- 14.224 We consider that the risk outlined by Pinterest – that accuracy targets on content moderation create an incentive for providers to reject valid appeals – is mitigated by Measure PCU D8 which recommends that providers set and monitor their performance for the determination of relevant complaints which are content appeals against performance targets.<sup>985</sup> We recommend that these targets should include targets for the accuracy of decision-making.
- 14.225 We have considered views from stakeholders that we should be more prescriptive. We recognise the concern from some stakeholders that providers will set targets which they can easily meet but do not adequately address the harm. We are concerned that being more prescriptive at this early stage in the regulatory regime could have significant unintended consequences and may make users less safe. This could be the case if it turned out that the targets we set were not appropriate to address the risks of harmful content on certain services that could be in scope of this measure, including if the targets resulted in an inappropriate balance between speed and accuracy. We do not consider a one-size-fits-all approach to be appropriate due to the wide range of services this measure applies to and the difference in content moderation systems on those services, and do not currently have enough evidence to specify precisely what kinds of targets should be set on different types of services. We also consider that providers need the flexibility to adjust performance targets to suit the needs of their services and adjust them over time as circumstances for their services change.
- 14.226 We have considered stakeholder feedback which suggested that this measure conflicts with the prioritisation measure, but we disagree. We consider this measure gives providers the

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<sup>983</sup> Meta response to May 2024 Consultation, p.21.

<sup>984</sup> Online Dating and Discovery Association response to November 2023 Consultation, p.2.

<sup>985</sup> See Section 16 for further detail.

flexibility to set performance targets at a level which allows them to prioritise content for review as appropriate for their services.

- 14.227 Regarding the Online Dating and Discovery Association’s feedback, we agree that the nature of these performance targets could look different for different services and we do not consider that this is an issue, provided that they set and record targets in line with the measure.

## How we determine that a provider has complied with the measure

### Summary of responses

- 14.228 In response to our November 2023 Consultation, Microsoft requested clarification about how we would determine when a provider had failed to set satisfactory performance targets, and the factors, data, or documents we would expect a provider to cite when setting targets.<sup>986</sup>

### Our decision

- 14.229 Having considered Microsoft’s feedback, we do not consider it necessary to be more prescriptive about the process which providers should adopt when setting targets. Providers should balance the need to take relevant content moderation actions swiftly with the importance of making accurate moderation decisions. We intend to allow flexibility as to the precise process they adopt in doing this.

## Concerns on the practical applicability of time targets

### Our proposals

- 14.230 In our May 2024 Consultation, we proposed that providers should be allowed the flexibility to determine how best to balance speed and accuracy targets in the context of their own services.

### Summary of responses

- 14.231 Some stakeholders questioned the applicability of time-based performance targets to different types of content. [X] and techUK raised concerns that timelines to make moderation decisions may vary depending on the type of content involved.<sup>987</sup> Meta argued that asking providers to set specific response times for the moderation of content does not account for the nuance in assessing cases with differing levels of complexity. It argued that even when violating content is part of the same ‘category’ of violation, no two violations are the same, making it impractical to set single turnaround times for a moderation system as a whole.<sup>988</sup> Mid Size Platform Group argued that performance targets “risk oversimplifying the moderation process”.<sup>989</sup>

### Our decision

- 14.232 We have considered this feedback and have decided not to change the measure. We agree with stakeholders that different types of content may require different review timelines. The measure accounts for this by giving providers the flexibility to set different time targets for different content as appropriate for their service.

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<sup>986</sup> Microsoft response to November 2023 Consultation, p.10.

<sup>987</sup> [X]; techUK response to November 2023 Consultation, p.8.

<sup>988</sup> Meta response to May 2024 Consultation, pp.21-22. We note that Meta made a similar point in response to the November 2023 Consultation, p.22.

<sup>989</sup> Mid Size Platform Group response to May 2024 Consultation, pp.9-10.

## The part of the process that time targets should be set for

### Our proposals

- 14.233 In our May 2024 Consultation, we proposed that providers should set performance targets for their content moderation functions.

### Summary of responses

- 14.234 In response to our November 2023 Consultation, Google requested clarification of what stage of the content moderation process providers are recommended to set time targets for. It suggested that the measure could be interpreted to be recommending providers to set time targets for all illegal content, even if it had not been reported.<sup>990</sup> It raised concerns that this would imply we are recommending providers undertake general monitoring.<sup>991</sup>

### Our decision

- 14.235 We have considered this feedback and decided to make a change to the measure to clarify our expectations. We note Google's concerns that this measure, as drafted in our November 2023 Consultation and in our May 2024 Consultation, could be interpreted as recommending that providers set performance targets which require them to proactively identify content. We consider that this feedback is equally relevant in the context of content harmful to children. We did not intend to imply that providers set targets to proactively identify content for review. We have therefore changed the measure to be clear that providers should set time targets from the point at which they have reason to suspect content is harmful.<sup>992</sup>

## Balancing the desirability of moderating content quickly as well as accurately

### Our proposals

- 14.236 In our May 2024 Consultation, we proposed that providers should balance speed and accuracy in setting performance targets.

### Summary of responses

- 14.237 In response to our November 2023 Consultation, an individual and the Centre for Competition Policy expressed support for our recommendation that providers balance the desirability of taking illegal content down swiftly with the desirability of making accurate moderation decisions.<sup>993</sup>
- 14.238 The Open Rights Group argued that we did not provide enough guidance on what this balance should look like, and that providers are incentivised to prioritise speed.<sup>994</sup>
- 14.239 Pinterest suggested that performance targets for making decisions quickly as well as accurately can be in tension with each other, particularly where a small number of edge cases can skew average turnaround times due to the additional analysis required to make an accurate decision.<sup>995</sup> Snap Inc. suggested that the correct balance between the

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<sup>990</sup> Google response to November 2023 Consultation, pp.36-37.

<sup>991</sup> Google response to November 2023 Consultation, pp.36-37.

<sup>992</sup> We explain some of the ways in which a provider may come to suspect that content is harmful to children in paragraph 14.35 of this section.

<sup>993</sup> Are, C. response to November 2023 Consultation, p.7; Centre for Competition Policy response to November 2023 Consultation, p.19.

<sup>994</sup> Open Rights Group response to November 2023 Consultation, p.2.

<sup>995</sup> Pinterest response to May 2024 Consultation, p. 15. We note that Pinterest made a similar point in response to the November 2023 Consultation, p.7.

timeliness and accuracy of decision-making can change in response to external events, new risks and the evolution of a service and its user base. It therefore suggested the importance of quality assuring performance targets to ensure they remain effective.<sup>996</sup>

- 14.240 Meta and the Centre for Competition Policy requested more information on how we define accuracy in the measure. They suggested that information about complaints, and whether they were successfully appealed, might be part of this definition.<sup>997</sup>

#### **Our decision**

- 14.241 We have considered stakeholder feedback relating to balancing speed and accuracy and have decided to make changes to clarify the measure. We have replaced the word “desirability” with the words “need” and “importance” to clarify that we expect providers to consider both speed and accuracy in their content moderation system.
- 14.242 We note the risk raised by some stakeholders that providers having a disproportionate focus on speed of content removal, or other moderation action, could lead to a decrease in accuracy. However, we consider that this risk is mitigated by our recommendation that providers also set targets for the accuracy of decision-making and balance the need to take relevant content moderation action swiftly against the importance of making accurate moderation decisions. We consider that the tension between time and accuracy highlighted by Pinterest is a beneficial feature of this measure and incentivises providers to strike a balance between these factors, which makes their performance targets most effective at protecting users on their service.<sup>998</sup>
- 14.243 We do not consider that it is necessary for us to provide further guidance on how providers should achieve this balance when setting performance targets.<sup>999</sup> Providers will be best placed to choose how to balance these factors in a way that is suitable for their services. However, we would expect providers to be able to justify why they have set the performance targets that they choose, including how they have balanced the need for speed and accuracy when making this decision and why the targets they set are reasonable.
- 14.244 We have concluded that it is not necessary to be more prescriptive about accuracy of decision-making in the measure.<sup>1000</sup> We consider that providers are best placed to set appropriate performance targets for accuracy based on what is most suitable for their services, including the extent to which they use information about complaints and appeals.

### **Separate targets for illegal or harmful content and content prohibited in terms of service**

#### **Our proposals**

- 14.245 In our May 2024 Consultation, we proposed that providers should set targets for the time it takes to take action on harmful content and the accuracy of decision-making.

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<sup>996</sup> Snap Inc. response to November 2023 Consultation, p.10.

<sup>997</sup> Centre for Competition Policy response to November 2023 Consultation, p.16; Meta response to November 2023 Consultation, pp.22-23.

<sup>998</sup> Pinterest response May 2024 Consultation, p.15. We note that Pinterest made a similar point in response to the November 2023 Consultation, p.7.

<sup>999</sup> Open Rights Group response to November 2023 Consultation, p.2.

<sup>1000</sup> Centre for Competition Policy response to November 2023 Consultation, p.16; Meta response to November 2023 Consultation, p.23.

## Summary of responses

- 14.246 In response to our November 2023 Consultation, Google raised concerns that the measure requires providers to produce separate performance targets for moderating illegal content and content that breached providers' terms of service.<sup>1001</sup> Match Group similarly cautioned against setting requirements that may incentivise providers to set a higher threshold for content to be taken down, based on illegality rather than if it was just deemed harmful by a provider.<sup>1002</sup>

## Our decision

- 14.247 In light of stakeholder feedback, we have made a change to the measure to give providers flexibility to set performance targets for harmful content or harmful content proxy.<sup>1003</sup> We agree with Google's comment that the drafting of the measure proposed in our November 2023 Consultation could be understood as requiring providers to set separate performance targets for illegal content and content that was in breach of providers' terms of service. We also agree with the point made by Match Group about the risk of unintended consequences occurring from setting targets for illegal content rather than more general harms prohibited on the service. We consider that this feedback is equally relevant in the context of content harmful to children.
- 14.248 Requiring providers to set separate performance targets for harmful content only and not allowing them to set targets for violations of their terms of service was not the original intent behind this measure, nor would it be compatible with the change we have made to time targets. We have therefore changed the measure to give providers flexibility to set performance targets for harmful content or harmful content proxy.

## Using performance targets to measure effectiveness of moderation systems

### Our proposals

- 14.249 In our May 2024 Consultation, we set out that where providers explicitly set targets and measure performance against them, they are more likely to be able to optimise the design of their moderation functions to achieve the goals underlying the targets than they would if they did not set targets.

## Summary of responses

- 14.250 Pinterest argued against targets being used to determine the overall effectiveness of content moderation.<sup>1004</sup> Pinterest argued that, in particular, turnaround time should not be treated as a determinative factor in whether providers' content moderation systems are effective.<sup>1005</sup>
- 14.251 Mid Size Platform Group argued that it would be unfair to compare providers on the basis of their performance against targets for top-down moderation because of the differing approaches to moderation models and resourcing across the sector.<sup>1006</sup>

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<sup>1001</sup> Google response to November 2023 Consultation, p.35.

<sup>1002</sup> Match Group response to November 2023 Consultation, pp. 9-10.

<sup>1003</sup> We refer to "harmful content proxy" as a short hand for "content harmful to children proxy". See paragraph 1.25 for further details.

<sup>1004</sup> Pinterest response to May 2024 Consultation, p.15.

<sup>1005</sup> Pinterest response to November 2023 Consultation p.6.

<sup>1006</sup> Mid Size Platform Group response to May 2024 Consultation, pp.9-10.

## Our decision

14.252 Having considered this stakeholder feedback, we have decided not to change the measure. We remain of the view that there are benefits to providers setting targets and monitoring their performance against them. Monitoring performance against targets over time gives providers data about how their content moderation systems and processes are performing and allows them to make changes to their systems to better protect users based on this data. We agree with Pinterest that turnaround time should not be treated as the sole factor in determining whether providers' content moderation systems are effective. For this reason, we have set out that providers set targets that balance the timeliness and accuracy of decision-making.

## Impacts on service providers

### Our proposals

- 14.253 In our May 2024 Consultation, we explained that the flexibility of the measure means that costs are likely to vary widely between service providers. For a provider of a smaller service, we estimated that the costs of building a simple system to implement this measure could be in the region of £8,000 to £16,000, based on our standard salary assumptions.<sup>1007</sup> Alternatively, a service provider might opt to licence a third-party ticketing system at a relatively low cost. Such solutions are available from around £50 per month per staff user.
- 14.254 For providers of large services, or those with a medium or high risks for many kinds of content harmful to children, the number and complexity of both metrics themselves and of associated data management processes may be significantly greater, thus entailing higher costs. For providers of such services, one-off costs could run from the tens to hundreds of thousands of pounds depending on the service design and volume of reports, which is likely to be linked to service size and number of risks. There would also be ongoing costs including to measure performance against these metrics, as well as data storage costs. To assess the accuracy of content moderation decisions, providers of such services are likely to need to take a sample of those decisions and re-assess them.
- 14.255 The types of metrics and the systems or processes used to track against targets are likely to be similar, and where monitoring of performance against these metrics is automated, there may also be substantial cost overlaps.
- 14.256 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights impact

### Freedom of expression and freedom of association

#### Summary of responses

- 14.257 [§].<sup>1008</sup> Big Brother Watch expressed concern that any type of time target would pressure services to remove content at pace and rush decisions. It argued that the risk of enforcement will lead service providers to prioritise removal over accuracy.<sup>1009</sup>

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<sup>1007</sup> For further explanation of our cost estimates, see paragraphs 16.124-16.130 of Volume 5 of our May 2024 Consultation.

<sup>1008</sup> [§].

<sup>1009</sup> Big Brother Watch response to May 2024 Consultation, pp.38-39.

## Our final rights assessment

- 14.258 In our May 2024 Consultation, we considered that any interference with users' and service providers' rights to freedom of expression and association arising from this measure would be relatively limited and proportionate.
- 14.259 While we note the comments from [§] and Big Brother Watch, this measure includes the recommendation that service providers set performance targets for accuracy. This should mean that both speed and accuracy are considered by service providers, resulting in greater transparency and consistency in content moderation systems. We consider this would potentially have a positive impact on users' rights to freedom of expression. In applying content moderation systems that efficiently and accurately identify and address content harmful to children online, services will be made safer for children. This could also have a positive impact on children's rights to freedom of expression and freedom of association as they would be able to engage with communities and content online more safely. There could be further positive impacts on adult users' rights, as content can be shared appropriately with the result that freedom of expression is preserved. We have therefore listed this measure as providing a safeguard for rights to freedom of expression for measures PCU C1 and PCU C2.
- 14.260 We recognise the risk that setting time-based performance targets could lead to a focus on speed rather than accuracy and that this could result in incorrect content moderation decisions and providers taking action on too much content, potentially interfering with users' rights to freedom of expression. We also note that the risk of enforcement may lead service providers to prioritise removal over accuracy. However, we consider that these risks are mitigated by the measure, which recommends that providers balance the need to take swift action against the importance of accuracy. We consider that this reduces the risks to freedom of expression that may arise with more prescriptive time targets for taking action against content harmful to children and where the service is not required to consider accuracy.
- 14.261 Additionally, as noted in the Rights sub-section for Measures PCU C1 and PCU C2, see paragraphs 14.121-14.151, we consider that providers also have incentives to limit the amount of content that is wrongly actioned. Measure PCU D10 on appropriate action on content appeals also act as a safeguard for freedom of expression.<sup>1010</sup>
- 14.262 The flexibility of the measure also means that providers have scope to set different performance targets for different circumstances – for example, where there is nuance involved with content moderation decisions – to ensure that accuracy is balanced appropriately against speed of decision-making.
- 14.263 Having considered changes made to the measure and stakeholder feedback received in response to the consultations, we remain of the view that any interference with users' and service providers' rights to freedom of expression and association by this measure is relatively limited and proportionate to the benefits from protecting children from harm.

## Privacy and data protection

### Summary of responses

- 14.264 The ICO suggested that, when providers are balancing the desirability of taking harmful content down swiftly against the desirability of making accurate moderation decisions, the

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<sup>1010</sup> See Section 16 for more detail.

measure should include reference to requirements in data protection law to ensure personal information is accurate.<sup>1011</sup>

#### Our final rights assessment

- 14.265 In our May 2024 Consultation, we considered that any interference with users' privacy rights by this measure would likely be relatively limited and proportionate.
- 14.266 We note the risk that setting time-based performance targets can lead to a focus on speed rather than accuracy. This could interfere with users' right to privacy since it may lead to the creation of inaccurate personal data. Therefore, we have designed this measure so that services will need to balance the speed of decisions made with the degree of accuracy, which we consider will mitigate the risk of undue interference with users' privacy rights.
- 14.267 Additionally, providers processing users' personal data will still need to comply with applicable data protection legislation, including in relation to the accuracy of personal data. We consider the measure to be compatible with data protection requirements. However, we do not consider that it would be appropriate for us to duplicate data protection requirements on the face of the measure in the Codes, as suggested by the ICO, because this is our legal instrument.
- 14.268 Having considered feedback from stakeholders and the changes made to the measure, we remain of the view that any interference with users' privacy or data protection rights by this measure is relatively limited and proportionate to the benefits from protecting children from harm.

#### Who this measure applies to

- 14.269 This measure applies to providers of user-to user services likely to be accessed by children that are large and/or multi-risk for content harmful to children.<sup>1012</sup> Please see paragraphs 14.203-14.206 above for a full explanation of Ofcom's reasons for this decision.

## Measure PCU C5: Prioritisation

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### Introduction

- 14.270 In our May 2024 Consultation, we proposed that providers should set and apply a policy for the prioritisation of content for review, and, when setting this policy, have regard to the virality of content, potential severity of content and the likelihood that content is PPC, PC, or NDC, including whether it has been flagged by a trusted flagger.<sup>1013</sup> We proposed that this measure should apply to providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children.
- 14.271 We received feedback from a wide variety of stakeholders on this measure. Some stakeholders had concerns about the flexibility of the measure.<sup>1014</sup> Some stakeholders

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<sup>1011</sup> ICO response to May 2024 Consultation, p.11.

<sup>1012</sup> However, the text of the recommendation itself makes it clear that we do not expect providers to set targets for the time period for taking relevant content moderation action where it is not currently technically feasible to take appropriate moderation action on content in line with PCU C2.

<sup>1013</sup> In our May 2024 Consultation, we referred to this measure as CM4 or PCU B4. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C5 throughout.

<sup>1014</sup> Google response to May 2024 Consultation, p.26; Meta response to May 2024 Consultation, p.22; TikTok response to May 2024 Consultation, p.5. We note that Google (p.37), Meta (p.24) and Spotify (p.6) made similar points in response to the November 2023 Consultation.

argued against prioritising content based on virality<sup>1015</sup> and others raised concerns about content being flagged by trusted flaggers.<sup>1016</sup>

## Our decision

- 14.272 We have decided not to make any changes to the measure in response to this stakeholder feedback.
- 14.273 However, further consideration of the measure since consultation has prompted us to make one change. We have removed the word “virality” as we understand that this word has different meanings for different service providers. Instead, we have said that “providers should have regard to the desirability of minimising the number of UK child users encountering a particular item of harmful content”.
- 14.274 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU C5.

## How this measure works

- 14.275 Providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children should prepare and apply a policy for the prioritisation of content for review, having regard to:
- the desirability of minimising the circumstances in which the number of UK children encounter a particular item of harmful content;
  - the severity of potential harm to UK children if they encounter the harmful content on the service; and
  - the likelihood that content is PPC, PC, or NDC, including whether it has been flagged by a trusted flagger.
- 14.276 Providers should have regard to the desirability of minimising the number of UK children encountering a particular item of harmful content by considering the degree to which online content has the potential to reach a large number of users, or the number of users who have already encountered the content (indicated, for example, by the number of shares, likes or views on a piece of content).
- 14.277 Providers should also have regard to the severity of potential harm to children if they encounter harmful content. This includes whether the content is suspected to be PPC, PC or NDC. Providers should also take into account the findings of their risk assessment.
- 14.278 Providers should also have regard to the likelihood that content is PPC, PC or NDC, including whether it has been flagged by a trusted flagger.<sup>1017</sup>

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<sup>1015</sup> Snap Inc. response to November 2023 Consultation; p.11; Ukie response to May 2024 Consultation, p.40. We note that Ukie made a similar point in response to the November 2023 Consultation, p.16. Alliance to Counter Crime Online response to November 2023 Consultation, p.4; Refuge response to November 2023 Consultation, p.12.

<sup>1016</sup> Big Brother Watch response to May 2024 Consultation, p.40; Meta response to November 2023 Consultation, p.24.

<sup>1017</sup> Trusted flaggers are any entity for which the provider has established a separate process for the purposes of reporting content which may include content harmful to children, based on the entity’s expertise. For example, this could include individuals, NGOs, mental health organisations and other entities that have demonstrated accuracy and reliability in flagging content.

## How this measure protects children

- 14.279 We consider that where a service provider adopts a prioritisation policy it is likely to result in higher quality decisions about what content to prioritise for review, as opposed to reviewing complaints in a chronological order. Providers with large-scale content moderation do not typically review content in chronological order but consider a range of factors, including: the virality of the content, its severity, and the context of it becoming known to the provider (for example, whether or not as a consequence of a user report or other complaint).<sup>1018</sup>
- 14.280 This measure will be effective in addressing risks to children because prioritisation decisions can have a material impact on the extent of the harm content causes to users. For example, if a provider chose to review a series of relatively minor pieces of harmful content which were not viewed by many (or any) children before it reviewed a piece of extremely harmful content that was viewed by a large number of children, this decision could result in significant harm. A prioritisation policy can therefore contribute materially to the safety of children online, as it helps to ensure that services focus their content moderation resources on addressing content that is more likely to cause severe harm and to affect many children.

## Stakeholder feedback and our response

### The flexibility of the measure

#### Our proposals

- 14.281 In our May 2024 Consultation, we considered that where a service provider adopts a prioritisation policy which considers the factors listed in paragraph 14.275 (as well as other factors they identify as relevant), it is likely to result in higher quality decisions about what content to prioritise for review, as opposed to reviewing complaints in chronological order. We explained trade-offs may be unavoidable in a context of finite moderation capacity but considered that providers are best placed to make these decisions based on their individual needs.

#### Summary of responses

- 14.282 Several providers argued that they should have the flexibility to design their prioritisation policies in a way that is most appropriate for their service, including deciding which factors to have regard to.<sup>1019</sup>

#### Our decision

- 14.283 Having considered stakeholder feedback, we have decided not to make any changes to the measure in response to their comments, as we consider it gives providers appropriate flexibility. The measure is not prescriptive and does not mandate a fixed prioritisation

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<sup>1018</sup> Ofcom, 2019. [Use of AI in Content Moderation](#). [accessed 25 November 2024]; Meta, 2020. [How We Review Content](#). [accessed 25 November 2024] Meta, 2022. [How Meta Prioritises Content for Review](#). [accessed 25 November 2024]. TikTok says it recently started refining their approach to better prioritise accuracy, minimise views of violative content, and remove egregious content quickly. TikTok says it has upgraded the systems that route content for review, to better incorporate a video's expected reach (based on an account's following) when determining whether to remove it, escalate for human review, or take a different course of action. TikTok, 2023. [Evolving our approach to content enforcement](#). [accessed 25 November 2024].

<sup>1019</sup> Google response to May 2024 Consultation, p.6; Meta response to May 2024 Consultation, p.22; TikTok response to May 2024 Consultation, p.5. We note that Google (p.37), Meta (p.24) and Spotify (p.6) made similar points in response to the November 2023 Consultation.

process, but we consider it is important that providers have regard to the factors listed in the measure when setting their prioritisation policies. It is for providers to determine how they should have regard to these factors when setting their prioritisation policies, rather than in every prioritisation decision they make.

## Concerns about the practical applicability of the measure

### Our proposals

14.284 In our May 2024 Consultation, we recommended that providers consider a range of factors in setting up their prioritisation policies.

### Summary of responses

14.285 In response to our November 2023 Consultation, Mega said that it is impossible to assess content for the factors listed in the measure, and prioritise content for review having regard to such factors, without reviewing the content first.<sup>1020</sup>

### Our decision

14.286 We have decided not to change the measure in response to Mega's feedback. In our May 2024 Consultation, we outlined the systems and processes that some service providers currently use for prioritisation.<sup>1021</sup> We know from this that it is practical for providers of some services to design a policy that prioritises content for review based on the factors listed in the measure without fully reviewing individual pieces of content.

14.287 Providers will differ in what they will be able to understand about content before they have looked at it. For example, some providers ask complainants to categorise their complaints. Such providers would be able to write a policy which, for example, prioritises complaints about suicide and self-harm over a complaint about spam.

14.288 It may not be appropriate for all providers to incorporate all the factors listed in the measure into their prioritisation policies for a variety of reasons. However, all providers should still consider the factors listed in the measure when designing their prioritisation policies.

## Virality of content

### Our proposals

14.289 In our May 2024 Consultation, we recommended that in setting their prioritisation policies, providers should have regard to virality.<sup>1022</sup> If harmful content reaches (or has the potential to reach) a higher number of children than is typical within a given timeframe, it has the potential to cause significant harm. We therefore considered that providers for whom this factor is relevant would achieve better outcomes for children if they had regard to this factor.

### Summary of responses

14.290 The Association for UK Interactive Entertainment (Ukie) and Snap Inc. said that content was not likely to go viral on their services. They commented on whether it is appropriate for

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<sup>1020</sup> Mega response to November 2023 Consultation, p.5.

<sup>1021</sup> See paragraphs 16.139-16.140 of Volume 5 of our May 2024 Consultation.

<sup>1022</sup> We have removed the term 'virality' from the measure. Providers should have regard to the desirability of minimising the number of UK child users encountering a particular item of harmful content.

providers to consider virality as a factor in setting their prioritisation policies varies between different service types.<sup>1023</sup>

- 14.291 Big Brother Watch argued that “virality of a piece of content should not automatically mean that it should be subject to a higher level of scrutiny”.<sup>1024</sup> In relation to the equivalent measure proposed in our November 2023 Consultation, Refuge and the Alliance for Countering Crime Online argued against content being prioritised based on virality above other harm-based factors.<sup>1025</sup>

### Our decision

- 14.292 Having considered this stakeholder feedback, we have decided to clarify the wording of the measure. We remain of the view that providers should have appropriate regard to the desirability of minimising the number of UK child users encountering a particular item of harmful content (which we described in our May 2024 Consultation as ‘virality’). This should have important benefits for child safety.
- 14.293 Providers should have regard to the desirability of minimising the number of UK child users encountering a particular item of harmful content in setting up their prioritisation policies, alongside the other factors listed in the measure, rather than necessarily making every prioritisation decision based on this. We consider that providers should have the flexibility to determine that some of the factors are less relevant (or not relevant at all) in light of their risk assessments and the nature of their services. We are aware that considering the desirability of minimising the number of UK child users encountering a particular item of harmful content is not relevant to all types of content and, therefore, providers may not be able to make every prioritisation decision based on it.<sup>1026</sup> We consider that this addresses the points made by Snap Inc. and Ukie about factors listed in this measure being more or less appropriate for different types of services.<sup>1027</sup>
- 1.257 We note Refuge and the Alliance for Countering Crime Online’s arguments that it is important to balance the desirability of minimising the number of UK child users encountering a particular item of harmful content alongside other factors, as setting a policy for prioritisation based on this factor alone may mean other harms are missed.<sup>1028</sup> We consider our recommendation that providers have regard to the other factors listed in the measure alongside the factor relating to minimising the number of users encountering a particular item of harmful content will mitigate this risk.

## Severity of content

### Our proposals

- 14.294 In our May 2024 Consultation, we proposed that, in setting up their prioritisation policies, providers should have regard to the severity of potential harm to children from

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<sup>1023</sup> Snap Inc. response to November 2023 Consultation; p.11; Ukie response to May 2024 Consultation, p.40. We note that Ukie made a similar point in response to the November 2023 Consultation, p.16.

<sup>1024</sup> Big Brother Watch response to May 2024 Consultation, p.40.

<sup>1025</sup> Alliance to Counter Crime Online response to November 2023 Consultation, p.4; Refuge response to November 2023 Consultation, p.12.

<sup>1026</sup> Ukie response to May 2024 Consultation, p.40. We note that Ukie (p.16) and Snap Inc. (p.11) made a similar point in response to the November 2023 Consultation.

<sup>1027</sup> Ukie response to May 2024 Consultation, p.40. We note that Ukie (p.16) and Snap Inc. (p.16) made a similar response to the November 2023 Consultation.

<sup>1028</sup> Alliance to Counter Crime Online response to November 2023 Consultation, p.4; Refuge response to November 2023 Consultation, p.12.

encountering harmful content. This includes considering whether the content is suspected to be PPC, PC, or NDC and taking into account the service’s children’s risk assessment.

- 14.295 When considering the potential harm to children, we proposed that providers should have regard to the duties set out in the Act to use proportionate systems and processes designed to prevent children of any age from encountering PPC, and protect children in age groups judged to be at risk of harm from encountering PC and NDC. We considered that the fact that the Act seeks to prevent children of any age from encountering forms of PPC suggests that providers may consider generally giving a higher priority for review to content that they have reasonable grounds to suspect may be PPC (compared to PC and NDC).
- 14.296 We set out that there may be degrees of severity that need to be considered even within certain categories of harmful content.<sup>1029</sup> Some types of harmful content may have the capacity to result in more severe harm to children than others, such as those that have a degree of immediate direct harm compared to those that do not.<sup>1030</sup> For example, the immediacy of livestreamed PPC, such as suicide or self-harm content, may require real-time moderation or moderation that is faster than non-livestreamed content. We therefore considered that it may be appropriate to prioritise these.
- 14.297 We also proposed that providers’ prioritisation decisions for content harmful to children would need to be made alongside the consideration of prioritisation for illegal content.<sup>1031</sup> In deciding how to prioritise the review of their content, providers should consider the impact that encountering harmful content is likely to have on children and that one of the core objectives of the Act is to ensure that children are offered a higher standard of protection than other users in line with their specific vulnerabilities, regardless of whether it is illegal content, PPC, PC or NDC.

#### Summary of responses

- 14.298 The Northern Ireland Commissioner for Children and Young People (NICCY) expressed support for including severity as a factor in providers’ prioritisation policies and argued that “priority should be given to the potential severity of content, irrespective of size of audience and how fast it could spread”.<sup>1032</sup>

#### Our decision

- 14.299 We have considered this stakeholder response and have decided not to make changes to the measure in light of it. We agree with NICCY that severity is an important factor for providers to have regard to in setting up prioritisation policies.<sup>1033</sup> However, we do not consider that providers must necessarily have regard to it in every case and we do not recommend that providers have greater regard to severity over other factors. We maintain our position that it is relevant for providers to consider how they prioritise content harmful to children alongside illegal content and how they prioritise content within the categories of PPC, PC and NDC, with severity of harm being one relevant factor. However, the measure is not prescriptive as to how providers should do this.

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<sup>1029</sup> Ofcom and the Alan Turing Institute, 2021. Understanding online hate: VSP Regulation and the broader context. [accessed 25 August 2023].

<sup>1030</sup> Meta, 2020. How We Review Content. [accessed 4 March 2024].

<sup>1031</sup> For more detail about the related measure in the Illegal Content Codes, see paragraph 2.300 of our December 2024 Statement.

<sup>1032</sup> NICCY response to May 2024 Consultation, p.32.

<sup>1033</sup> NICCY response to May 2024 Consultation, p.32.

14.300 We recognise that the level of information that providers have on the severity of a piece of content before they have looked at it will differ across providers. Some providers may be able to correlate signals surrounding a complaint or a piece of content with a likelihood of severe harm. In our Recommender Systems measures (see Section 17), we explain that relevant available information should be used to determine whether content should be given a low degree of prominence or excluded from recommender feeds. This information may also inform service providers about the potential severity of harm of a piece of content. It would be appropriate for providers to apply this knowledge to their prioritisation policies and processes. If a provider chose to use proactive technology to detect content for review, and the automated tools it used could detect aspects of content which are associated with very severe harm, it would also be appropriate to take this into account in its prioritisation processes.

## Trusted flaggers

### Our proposals

- 14.301 In our May 2024 Consultation, we recognised that in setting up their prioritisation policies, providers should have regard to the likelihood that content is harmful to children, including whether it has been reported by a trusted flagger.
- 14.302 Trusted flaggers can provide valuable insights into the nature of content and its potential harm. We considered that the fact that a complaint comes from a trusted flagger, or another expert body, is relevant for determining what priority to give it, as such complaints are more likely to be accurate based on the trusted flagger's assessment of harm.
- 14.303 User reports and complaints are likely to be the first way in which some providers may find out about harmful content, and complaints are already commonly used to help prioritise content for review.<sup>1034</sup> However, we recognised that users may report content for various reasons, some of which may not be about content that is harmful to children. This means that content being reported may not be a perfect indicator of harmful content. Therefore, content flagged in this way may not be the most reliable source to enable providers to accurately identify content likely to be PPC, PC, or NDC for prioritisation.

### Summary of responses

- 14.304 Big Brother Watch raised concerns that flags from trusted flaggers may not necessarily be more accurate than other signals or flags.<sup>1035</sup>
- 14.305 In relation to the equivalent measure proposed in our November 2023 Consultation, Meta raised concerns about its practical ability to prioritise reports flagged by trusted flaggers against other types of reports. It stated that on its service, reports from trusted flaggers are processed in separate dedicated channels that do not operate in tandem with general content moderation systems.<sup>1036</sup>

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<sup>1034</sup> For example, Twitch prioritise user reports based on the classification of the report and the severity of the reported behaviour Twitch, 2023. H1 2023 NetzDG [Transparency Report](#). [accessed 4 March 2024].

<sup>1035</sup> Big Brother Watch response to May 2024 Consultation, p.40. We note that Big Brother Watch made a similar response to the November 2023 Consultation, p.4. Similar feedback was also raised in response to the November 2023 Consultation by BILETA (p.6) and Are, C. (p.7).

<sup>1036</sup> Meta response to November 2023 Consultation, p.24.

## Our decision

- 14.306 We have considered stakeholder feedback, including Big Brother Watch's concerns that there could be cases in which trusted flaggers reports are not accurate and have decided not to change the measure. Providers should factor in the reliability of their trusted flaggers when they consider the weight to put on their complaints in prioritisation processes. By definition, we expect that reports from trusted flaggers are generally more likely to be reliable than reports from people who are not trusted flaggers, but that does not mean they are always correct.
- 14.307 We do not expect providers to prioritise the reports of trusted flaggers if they do not have confidence that their reports will be accurate (although we would expect a provider to carefully consider why such an entity was considered a trusted flagger). However, any content reported in this way should still be considered as part of the provider's content moderation function and should be reviewed to determine whether it breaches the services terms of services (whether it is harmful content proxy) or if it is PPC, PC, or NDC.
- 14.308 A provider could also set up its policy for the prioritisation of content flagged by trusted flaggers in a variety of ways, including having a team to review this content that is separate from the team it uses to review other content flagged in (for example) user reports.

## Other factors providers should have regard to in this measure

### Our proposals

- 14.309 In our May 2024 Consultation, we considered the importance and relevance of each of the prioritisation criteria covered by the measure.
- 14.310 We considered that where a service provider adopts a prioritisation policy with regard to the desirability of minimising the circumstances in which the number of UK child users encounter a particular item of harmful content, the severity of content and the likelihood that content is PPC, PC, or NDC, it is likely to result in higher quality decisions about what content to prioritise for review.

### Summary of responses

- 14.311 In relation to the equivalent measure proposed in our November 2023 Consultation, some stakeholders suggested additional factors to those listed in the measure.<sup>1037</sup>

### Our decision

- 14.312 Having considered the feedback provided in response to our November 2023 Consultation, we have decided not to include any of the additional factors that stakeholders suggested providers should have regard to in setting their prioritisation policies.<sup>1038</sup> Recommending

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<sup>1037</sup> These included harms to children and the estimated age of users/depicted persons (Alliance to Counter Crime Online, p.4; Refuge, p.12); chance of death or serious bodily harm (Alliance to Counter Crime Online, p.4); domestic abuse and online violence against women and girls (Refuge, p.12); privately sent content (International Justice Mission's Center to End Online Sexual Exploitation of Children, p.13.); the amount of times content is being saved, shared, and commented on (Molly Rose Foundation, p.36); and signals of hidden coercion among users, including abuse of platform features like downvotes, mentions and replies (UCL Gender and Tech, p.8). We did not receive any additional suggestions in stakeholder responses to our May 2024 Consultation but have taken into account the above responses given the similarity between this measure and the equivalent measure in our Illegal Harms Code of Practice (ICU C5).

<sup>1038</sup> Alliance to Counter Crime Online response to November 2023 Consultation, p.4, 12; International Justice Mission's Center to End Online Sexual Exploitation of Children response to November 2023 Consultation, p.13;

that providers have regard to a particular harm (and therefore implying this harm to be of greater importance than others) in setting policies for the prioritisation of content could give rise to a significant risk of unintended consequences, such as deprioritising more prevalent harms. However, service providers have the flexibility to consider other factors for prioritisation as appropriate for their service, and to make different types of prioritisation decisions for different types of content

## Impacts on service providers

### Our proposals

- 14.313 In our May 2024 Consultation, we estimated that creating a simple prioritisation policy for a small service provider with two risks and a limited quantity of content to review could cost between £4,000 and £7,000 based on our standard salary assumptions.<sup>1039</sup> However, for a provider of a larger and more complex service with a greater number of risks and many different metrics indicating the virality, severity, and suspected type of content, costs could be substantially higher than this, potentially reaching tens of thousands of pounds or more.
- 14.314 There may be ongoing costs with applying the policy depending on whether the process is a mainly manual or automated process. There are also likely to be some smaller ongoing costs in ensuring that the prioritisation policy remains reflected in system design and in reviewing it when appropriate. These costs are mitigated by the measure not specifying exactly how services should prioritise content, giving them flexibility in what they do.
- 14.315 For providers of services in scope of this measure that are also in scope of the related measure in the Illegal Content Codes, there may be some overlaps between the two measures and that the estimated direct costs to these services of implementing this proposed measure would be reduced as a result.<sup>1040</sup>
- 14.316 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression and freedom of association

#### Summary of responses

- 14.317 Big Brother Watch expressed concern that the recommendation to prioritise trusted flaggers threatens human rights and “enables extra-legal executive censorship”.<sup>1041</sup>

#### Our final rights assessment

- 14.318 In our May 2024 Consultation, we considered that this measure would not have any specific adverse impacts on users’ or services’ rights to freedom of expression or association.
- 14.319 Having considered feedback from stakeholders and the changes made to the measure, we remain of the view that this measure would not cause any specific adverse impact on users’ or services’ rights to freedom of expression or association and that any impact on such

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Molly Rose Foundation response to November 2023 Consultation, p.36; Refuge response to November 2023 Consultation; UCL Gender and Tech response to November 2023 Consultation, p.8.

<sup>1039</sup> For further explanation of our cost estimate, see paragraphs 16.160-16.167 of Volume 5 of our May 2024 Consultation.

<sup>1040</sup> See our December 2024 Statement pp.62-63.

<sup>1041</sup> Big Brother Watch response to May 2024 Consultation, p43.

rights from this measure is limited and proportionate to the benefits from protecting children from harm.

- 14.320 In relation to the comments from Big Brother Watch, we also do not consider that reports from trusted flaggers will have any additional impact on the rights of users when compared to other reports about content.<sup>1042</sup> The measure may have a positive impact on children's right to freedom of expression, since it recommends that harm to children should be a factor in service providers' decision-making. This would mean that children would be able to engage with communities and content online more safely.

## Privacy and data protection

### Our final rights assessment

- 14.321 In our May 2024 Consultation, we considered that there would not be any privacy impact from this measure beyond those already considered in connection with Measures PCU C1, PCU C2 and PCU C3. We did not receive stakeholder feedback regarding the privacy or data protection impacts of this measure. We consider that setting and applying a prioritisation policy would only interfere with users' privacy or personal data rights, beyond those already considered for Measures PCU C1, PCU C2 and PCU C3, to the extent that it involved a further use of private information or processing of personal data by the provider concerned. However, any such extra processing would need to be carried out in compliance with applicable privacy and data protection laws.
- 14.322 We remain of the view that any interference of this measure with privacy and data protection rights is limited and proportionate where providers comply with data protection laws.

### Who this measure applies to

- 14.323 This measure applies to providers of user-to user services likely to be accessed by children that are large and/or multi-risk for content harmful to children. Please see paragraphs 14.203-14.206 for a full explanation of our reasons for this decision.

## Measure PCU C6: Resourcing

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### Introduction

- 14.324 In our May 2024 Consultation, we proposed that service providers should ensure their content moderation teams are resourced to give effect to their internal content policies and performance targets.<sup>1043</sup> We proposed that when doing this, providers should have regard to at least the following:
- the propensity for external events to lead to a significant increase in demand for content moderation; and
  - the particular language needs of their child user base, as identified in their children's risk assessments.

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<sup>1042</sup> Big Brother Watch response to May 2024 Consultation, pp.41-42.

<sup>1043</sup> In our May 2024 Consultation, we referred to this measure as CM5 or PCU B5. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C6 throughout.

- 14.325 We proposed that this measure should apply to providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children.
- 14.326 Several stakeholders expressed support specifically for this measure.<sup>1044</sup> However, some services raised concerns about our inclusion of ‘external events’ in the measure,<sup>1045</sup> while others suggested that the recommendation relating to content moderation for different languages should go further.<sup>1046</sup>

## Our decision

- 14.327 We have considered this feedback from stakeholders and have decided not to make changes to the measure in response to their comments. However, having considered the measure further since consultation, we have decided to make the following change to the wording of the measure so that it aligns better with the Children’s Risk Assessment Guidance.
- 14.328 We have clarified that providers should have regard to resourcing for the particular language needs of their “United Kingdom user base” rather than their “child user base”. This change reflects the fact the Children’s Risk Assessment Guidance refers to “UK users” rather than “child users”, since a provider may not have enough information to assess the language needs of children on their service. Providers should therefore have regard to the language needs of all their UK users, rather than only the language needs of the children using their service.
- 14.329 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU C6.

## How this measure works

- 14.330 Providers of user-to-user services likely to be accessed by children that are large and/or multi-risk for content harmful to children should ensure their content moderation functions are resourced so as to give effect to their internal content policies and performance targets. When determining how to resource their content moderation functions, providers should have regard to at least:
- the propensity for external events to lead to a significant increase in demand for content moderation on the service; and
  - the particular language needs of their UK user base, as identified in their children’s risk assessment.
- 14.331 Providers should consider the potential for sudden significant increases in harmful content when determining how to resource their content moderation functions. Information obtained from services’ risk assessments, tracking evidence of new kinds of content that is

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<sup>1044</sup> Meta response to May 2024 Consultation, p.23; Northern Ireland Commissioner for Children and Young People response to May 2024 Consultation, p.32; Mencap response to November 2023 Consultation, p.8; Meta response to November 2023 Consultation, p.24; NSPCC response to November 2023 Consultation, p.21; Open Rights Group response to November 2023 Consultation, p.2.

<sup>1045</sup> Meta response to May 2024 Consultation, p.23. We note that Meta made a similar point in response to the November 2023 Consultation, p.25; OSA Network response to November 2023 Consultation, p.97; Snap Inc. response to November 2023 Consultation, p.11.

<sup>1046</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.9; BILETA response to November 2023 Consultation, p.6.

harmful to children and other relevant sources of information could be used to understand where and when spikes in demand for content moderation may occur.<sup>1047</sup>

- 14.332 Providers should also consider the particular language needs of their UK user base as identified in their children’s risk assessments. This means that, if a large proportion of a provider’s UK user base is likely to use certain languages when using the service, then the content moderation function should be equipped to moderate content in those languages accordingly. We expect that providers should be prepared to adapt the resourcing of their moderation functions as the languages used by their UK user base changes over time.

## How this measure protects children

- 14.333 We consider that this measure will be effective in addressing risks to children. This is because providers will be able to make more accurate and timely decisions about whether content is harmful and, where applicable, whether appropriate action should be taken on it, when moderation functions are well-resourced. Ofcom’s research suggests that, all other things being equal, a provider may be able to reduce the ‘turnaround time’ between content being uploaded, reviewed and actioned by being well-resourced (for example by hiring more moderators). This reduces the length of time that potentially harmful or violative content is accessible to children on the service.<sup>1048</sup> We set out in our Children’s Register that limited resourcing, time pressures, and large or fluctuating volumes of content for moderation can contribute to increased risk on a service.<sup>1049</sup>

## Stakeholder feedback and our response

### External events

#### Our proposals

- 14.334 In our May 2024 Consultation, we considered it would be beneficial for service providers to anticipate potential spikes in demand for content moderation due to external events and adjust their resourcing accordingly. Evidence suggests that service providers need to build flexibility into their content moderation functions and have the capability to scale them up or down at short notice for them to be effective.<sup>1050</sup>
- 14.335 A study which analysed the content of messages shared on a forum found significant increases in posting frequency following reports of celebrity deaths by suicide.<sup>1051</sup> Linguistic analysis also highlighted increases in negative emotion and uncertainty, as well as lower lexical density, in the messages. These characteristics are all associated with emotional vulnerability. Evidence also suggests that suicide or self-harm content that is based on real events and challenges is likely to have a particularly detrimental impact on vulnerable users,

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<sup>1047</sup> In Section 11, we set out our reasons for proposing that user-to-user services that are multi risk for content harmful to children and large low risk user-to-user services should track evidence of new kinds of content that is harmful to children on the service, and unusual increases in particular kinds of harmful content.

<sup>1048</sup> Ofcom, 2023. [Content moderation in user-to-user online services](#). p.26.

<sup>1049</sup> See Section 13 of the Children’s Register.

<sup>1050</sup> In response to the 2022 CFE, BSR (Business for Social Responsibility) stressed the importance of services “investing in the capability to scaleup/scale-down on short notice to respond to crisis events that can result in sudden spikes in illegal content”. Source: BSR response to 2022 CFE.

<sup>1051</sup> Kumar, M., Dredze, M., Coppersmith, G., & De Choudhury, M. 2015. [Detecting Changes in Suicide Content Manifested in Social Media Following Celebrity Suicides](#). HT ACM Conference on Hypertext and social media. September 2015. National Library of Medicine. [accessed 24 April 2024].

including children.<sup>1052</sup> This all suggests that it is important for providers to consider how their content moderation systems deal with spikes in content that is harmful to children which are brought about by external events, such as a celebrity deaths by suicide.

### Summary of responses

- 14.336 Stakeholders raised concerns about our approach to external events in this measure.
- 14.337 Although Snap Inc. and Meta both agreed that it was possible for providers to have strategies in place to respond to external events, they emphasised that some events were unpredictable and may require more tailored, ad hoc responses.<sup>1053</sup> Meta said that “not every eventuality can be planned for, and some situations may require additional ad hoc measures that will take time to implement”.<sup>1054</sup>
- 14.338 The OSA Network raised concerns that our reference to external events in the measure did not include unexpected events like terrorism.<sup>1055</sup>

### Our decision

- 14.339 We have considered this stakeholder feedback and have decided not to change the measure proposed in the May 2024 Consultation. We consider that the term “external events” is sufficiently broad to encompass both expected and unexpected events. By way of example only, expected events might include planning around major sporting events (where a provider’s risk assessment might highlight the potential for an increase in hate and abuse content). Unexpected events might include incidents such as the Southport attack, which was followed by a rise in anti-Muslim and anti-migrant online hate. For example, research found that on X, the use of anti-Muslim slurs more than doubled in the ten days after the Southport attack, with over 40,000 posts containing one or more of these terms.<sup>1056</sup>

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<sup>1052</sup> Though this challenge refers to a specific event, it shows that suicide or self-harm content based on real events is likely to have a particularly detrimental impact on vulnerable users. The study reviews the content of the posts about the challenge and suggests even where people are posting ‘positive messages’ (such as criticism of the challenge), the posts could contribute to social contagion and normalisation. Therefore, even where content is not directly promoting suicide or self-harm, there can still be a detrimental impact on vulnerable users. Khasawneh, A., et al. 2020. ‘[Examining the self-harm and suicide contagion effects of the Blue Whale Challenge on YouTube and Twitter: Qualitative Study](#)’, JMIR Mental Health, 7(6). [accessed 4 March 2024].

<sup>1053</sup> Meta response to May 2024 Consultation, p.23. We note that Meta made a similar point in response to the November 2023 Consultation, p.25; Snap Inc. response to November 2023 Consultation, p.11.

<sup>1054</sup> Meta response to May 2024 Consultation, p.23.

<sup>1055</sup> OSA Network response to November 2023 Consultation, p.97.

<sup>1056</sup> For example, a report by the Alan Turing Institute that tracked abuse of Premier League football players on Twitter during the 2021–22 Premier League season, found that hate speech peaked following major events. The Alan Turing Institute, 2022. [Tracking abuse on Twitter against football players in the 2021 – 22 Premier League Season](#). [accessed 25 November 2024]. Additionally, following the start of the 2023 Israel-Gaza war, providers of user-to-user services and other organisations reported an increase in harmful content online, including that which encourages hate and incites violence and graphic violent videos and images. Amnesty International, 2023. [Global: Social media companies must step up crisis response on Israel Palestine as online hate and censorship proliferate](#). 27 October 2023. [accessed 25 November 2024]. Scott, M., [Graphic videos of Hamas attacks spread on X](#). Politico, 9 October 2023. [accessed 25 November 2024]. Meta Oversight Board, 2023. [Hostages Kidnapped from Israel](#). [accessed 25 November 2024]. Meta Oversight Board, 2023. [Al-Shifa Hospital](#). [accessed 25 November 2024]. We are aware that some providers adjusted their content moderation capabilities in response to an increase in hate content following the start of the 2023 Israel-Gaza war. TikTok, 2023. [Our continued actions to protect the TikTok community during the Israel-Hamas war](#). [accessed 25

- 14.340 We consider that there are important benefits for children’s safety from providers having regard to potential spikes in demand driven by all types of external events, including unexpected events, when resourcing their content moderation functions. In instances where the provider may need to deal with sudden significant increases in harmful content or unexpected harmful events, redeploying resources to do so may draw resources away from another part of the system. Service providers that have contingency plans in place to ensure that harmful content across the system is dealt with efficiently are more likely to be effective in protecting users from harm in these instances. We consider this will also be the case where external events need individualised responses that could be difficult to plan for in advance in terms of resourcing.

## Language expertise and resources

### Our proposals

- 14.341 Given the large number of languages that are spoken in the UK and the fact that some services may target specific communities of language speakers, content that has the potential to cause harm to UK users may be posted in multiple languages. We therefore proposed in the May 2024 Consultation that providers consider the language capabilities that may be required to review potentially harmful content that could affect children in the UK on their services and resource their systems accordingly.
- 14.342 In our May 2024 Consultation, we explained that we were aware that several service providers already consider the language in which content is posted and ensure they have the language expertise within their moderation systems to deal with such content (using both human and automated methods to do so).<sup>1057</sup>

### Summary of responses

- 14.343 While some stakeholders supported our proposal, others suggested it should go further.
- 14.344 Several stakeholders supported our recommendation that in resourcing their content moderation functions, providers should have regard to the language needs of their user base.<sup>1058</sup> The NSPCC cited research which noted how limited numbers of staff who understand local language and cultural references resulted in challenges in tackling disinformation on X.<sup>1059</sup>
- 14.345 Meta agreed that providers should have regard to the language needs of their UK user bases in resourcing their content moderation functions, while also highlighting the complexity of this process. It shared that it uses content moderation teams that provide

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November 2024]. Meta, 2023. [Meta’s Ongoing Efforts Regarding the Israel-Hamas War](#). [accessed 25 November 2024]. Institute for Strategic Dialogue and CASM Technology, 2024. [Evidencing a rise in anti-Muslim and anti-migrant online hate following the Southport attack](#). [accessed 18 February 2025] We note that this research is on illegal content, but we can infer this could be the same impact for PPC/PC content.

<sup>1057</sup> “The social media companies said they moderated content or provided fact-checks in many languages: more than 70 languages for TikTok, and more than 60 for Meta, which owns Facebook. YouTube said it had more than 20,000 people reviewing and removing misinformation, including in languages such as Mandarin and Spanish; TikTok said it had thousands. The companies declined to say how many employees were doing work in languages other than English. Hsu, T., [Misinformation Swirls in Non-English Languages Ahead of Midterms](#). The New York Times, 12 October. 2022. [accessed 3 August 2023]. See May 2024 Consultation, paragraph 16.179 for further evidence on language expertise.

<sup>1058</sup> NICCY response to May 2024 Consultation p.33; Centre for Competition Policy response to November 2023 Consultation, p.17; NSPCC response to November 2023 Consultation, p.21; Snap Inc. response to November 2023 Consultation, p.11.

<sup>1059</sup> NSPCC response to November 2023 Consultation, p.21.

global coverage, whose resource can be redeployed to different countries during surges in need for moderation in particular languages.<sup>1060</sup>

- 14.346 Some stakeholders argued that the recommendation for resourcing content moderation for different languages should be more prescriptive. Conscious Advertising Network argued that we should mandate providers moderate in all languages spoken in the UK, not just English.<sup>1061</sup> In response to the equivalent measure in our November 2023 Consultation, the British and Irish Law, Education, and Technology Association (BILETA) suggested that moderation staff should not only be able to speak relevant languages fluently but be familiar with “prejudicial terminology”.<sup>1062</sup> Ofcom’s Advisory Committee for Wales suggested that we should consider languages other than English and highlighted the risk that lesser used languages can be used to bypass content moderation measures.<sup>1063</sup>
- 14.347 While not in direct reference to this measure, some stakeholders also made more general comments about the need for people working in moderation to have an understanding of the language of content they moderate.<sup>1064</sup>

#### **Our decision**

- 14.348 We have considered stakeholder feedback and have decided not to make changes to the measure.
- 14.349 We recognise the importance of providers accounting for the language needs of their users when resourcing their content moderation functions. If providers fail to consider their users’ language needs adequately, this may cause harmful content to remain accessible to children for longer. Evidence suggests that many providers do not currently have sufficient language expertise in place to deal with the variety of languages, nuances within languages, or cultural references on their services, which can lead to content moderation systems failing to identify harmful content.<sup>1065</sup>
- 14.350 However, we do not consider it would be appropriate at this stage for our recommendation on language resourcing to be more prescriptive than we proposed in the May 2024 Consultation. This is because the variety of services of in scope of this measure means a standardised approach is unlikely to be effective. The language expertise required is likely to differ from service to service based on a number of factors, including user base, content type, and functionality. There are likely to be trade-offs for providers to consider, particularly in relation to languages spoken less widely in the UK, as the value of having content moderated by a fluent speaker of the language may or may not be greater than the

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<sup>1060</sup> Meta response to May 2024 Consultation, p.23. We note that Meta made a similar point in response to the November 2023 Consultation, p.25.

<sup>1061</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.9.

<sup>1062</sup> BILETA response to November 2023 Consultation, p.6.

<sup>1063</sup> Ofcom’s Advisory Committee for Wales response to May 2024 Consultation, p.2.

<sup>1064</sup> NICCY response to May 2024 Consultation, p.32; BILETA response to November 2023 Consultation, p.6; Electronic Frontier Foundation response to November 2023 Consultation, p.10; Open Rights Group response to November 2023 Consultation, p.2.

<sup>1065</sup> AACJ, 2022. [Fake News and the Growing Power of Asian American Voters: What this Means for 2022 Midterm Elections](#). [accessed 25 November 2024]; State of the Internet’s Languages, 2022. [State of the Internet’s Languages Report](#). [accessed 25 November 2024]; Global Partners Digital, 2022. [Marginalised Languages and the Content Moderation Challenge](#). [accessed 25 November 2024]; Oversight Board, 2022. [Oversight Board Annual Report 2021](#). [accessed 25 November 2024]; AI4Dignity, 2021. [Artificial Intelligence, Extreme Speech, and the Challenges of Online Content Moderation](#). [accessed 25 November 2024]

value of having it moderated by someone with an understanding of the UK. For this reason, we have not made recommendations regarding the exact language expertise and resourcing providers should have in place.

- 14.351 We also consider that the measures on training individuals working in moderation and on providing materials to volunteers (PCU C7 and C8) should ensure providers address any gaps in moderators' understanding beyond language (such as a lack of understanding of prejudicial terminology).

## The representation of women and girls in moderation teams

### Summary of responses

- 14.352 The VAWG Sector Experts outlined that diverse representation, including gender diversity, in moderation teams can help identify and address gender-specific issues more effectively, particularly if they are nuanced.<sup>1066</sup>

### Our decision

- 14.353 We have considered this stakeholder feedback and have decided not to make changes to the measure. At this stage, we consider that allowing providers flexibility about how to resource their moderation teams will bring greater benefits for children's online safety.
- 14.354 This is because the diverse range of services in scope of the measure will pose different risks to children, including different levels of risk relating to gender-specific issues. Providers therefore need flexibility to determine the most appropriate way to resource their content moderation teams in a way that best equips them to tackle the risks prevalent on their services. If findings from their risk assessments identify gender-specific issues, then as set out in the measure on training individuals working in moderation (see PCU C7), providers would need to train their teams to account for any gaps in moderators' knowledge of these issues.
- 14.355 Although we are not specifying the gender makeup of content moderation teams, our draft guidance for providers on 'a safer life online for women and girls' proposes that having specifically trained moderators to review reports of high-risk and highly contextual gender-based harms is good practice.<sup>1067</sup>

## Impacts on service providers

### Our proposals

- 14.356 In our May 2024 Consultation, we set out that the total ongoing cost of resourcing services' content moderation functions in line with this measure was likely to be substantial, particularly for providers of larger and higher-risk services with large volumes of relevant content to moderate. While many services have some level of resource allocated to content moderation, a higher level of resources may be required to fully give effect to the policies and targets set out in Measures PCU C3, PCU C4 and PCU C5.
- 14.357 We expect that the level of resource required to implement the measure will vary by size of service. It will also vary based on the policies developed, and the nature and volume of harmful content present on a service. In general, we would expect costs to be higher for providers of larger services, because they will tend to have a higher volume of content to

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<sup>1066</sup> VAWG Sector Experts response to May 2024 Consultation, p.12.

<sup>1067</sup> See the Consultation on draft Guidance: A Safer Life Online for Women and Girls, p.58. Service providers should consult the guidance once published, we expect this to be before the end of 2025.

review and therefore require more resource. At the same time, economies of scale are likely to mean that providers of many smaller services face a higher moderation cost per user than large services. Service providers have the flexibility to decide on the level and types of resource required to meet this measure and to determine the extent to which this may entail additional resource and cost.

- 14.358 For providers of services likely to be accessed by children that are also in scope of the related measure in the Illegal Content Codes, we consider that there may be some limited overlaps between the two measures.<sup>1068</sup> For example, it is possible the same resources could be used to review both suspected illegal content and content harmful to children which may lower the cost and limit additional resource.

### Summary of responses

- 14.359 In response to the equivalent measure in the Illegal Content Codes, which we consulted on in our November 2023 Consultation, Refuge argued that outsourced content moderation resource should be included in our recommendations.<sup>1069</sup> 5Rights Foundation argued that our cost assumptions for human moderation resource do not take into account the outsourcing of these roles to other countries, in which salaries can be lower.<sup>1070</sup>
- 14.360 We did not receive stakeholder feedback on outsourced moderation costs in response to our May 2024 Consultation.

### Our decision

- 14.361 We have considered this feedback and decided not to change our assessment of the impacts of this measure on service providers. We have already considered inclusion of outsourced content moderation in the measure and note that content moderation costs may be lower where roles are outsourced to other countries.
- 14.362 We did not receive any other stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression, freedom of association, privacy and data protection

#### Our final rights assessment

- 14.363 In our May 2024 Consultation, we considered that this measure would not have any specific adverse impacts on users' rights to freedom of expression or association, nor any such impact on users' rights to privacy, beyond those considered in relation to Measure PCU C1, PCU C2 and PCU C3. We did not receive stakeholder feedback regarding the rights impact of this measure.
- 14.364 This measure is part of a package of measures relating to content moderation for content harmful to children, including Measure PCU C1, PCU C2 and PCU C3, for which we have assessed the rights impacts in the relevant sections. We do not consider that the measure will have any additional negative impact on users' rights. Appropriately resourcing content moderation is likely to have positive impacts on users' rights, and safeguard those rights, because mistakes are less likely and because the result should be that users, especially

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<sup>1068</sup> For more detail about the related measure in the Illegal Content Codes, see paragraphs 2.342-2.395 of our December 2024 Statement.

<sup>1069</sup> Refuge response to November 2023 Consultation, p.12.

<sup>1070</sup> 5Rights Foundation response to November 2023 Consultation, p.20.

children, feel safer using the service. We have therefore listed this measure as providing a safeguard for rights to freedom of expression and privacy for measures PCU C1 and PCU C2. We remain of the view that there would be no additional interference with users' rights to freedom of expression or association or data protection or privacy, or to service providers' rights to freedom of expression by this measure and that this measure is proportionate to the benefits of protecting children from harm.

### Who this measure applies to

14.365 This measure applies to providers of all user-to user services likely to be accessed by children that are large and/or multi risk for content harmful to children. Please see paragraphs 14.203-14.206 above for a full explanation of our reasons for this decision

## Measure PCU C7: Provision of training and materials to individuals working in content moderation (non-volunteers)

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### Introduction

- 14.366 In our May 2024 Consultation, we proposed that providers should provide people working in content moderation with training and materials to enable them to identify and take action on harmful content in accordance with their internal content policies and to meet their performance targets.<sup>1071</sup> Our proposal expressly excluded volunteer moderators (see PCU C8). We proposed that this measure should apply to providers of user-to-user services likely to be accessed by children that are large and/or multi risk for content harmful to children.
- 14.367 Several stakeholders expressed support specifically for this measure.<sup>1072</sup> Many stakeholders commented on what training should include,<sup>1073</sup> and how frequently training should be provided.<sup>1074</sup>

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<sup>1071</sup> In our May 2024 Consultation, we referred to this measure as CM6 or PCU B6. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C7 throughout.

<sup>1072</sup> Meta response to May 2024 Consultation, p.23; Samaritans response to May 2024 Consultation, p.8; Association of British Insurers response to November 2023 Consultation, p.3; Born Free Foundation response to November 2023 Consultation, p.5; Cats Protection response to November 2023 Consultation, p.10; GNI response to November 2023 Consultation, p.8; Mencap response to November 2023 Consultation, p.8; Meta response to November 2023 Consultation, p.25; Open Rights Group response to November 2023 Consultation, p.2; Snap Inc. response to November 2023 Consultation, p.12; [§<]. While not directly referencing this measure, in response to the November 2023 Consultation, Four Paws said that training is essential for enabling moderators to identify and take down harmful content to protect users (p.13).

<sup>1073</sup> Scottish Government response to May 2024 Consultation, p.14; 5Rights Foundation response to November 2023 Consultation, p.21; C3P response to November 2023 Consultation, p.32; Global Partners Digital response to November 2023 Consultation, p.13; Samaritans response to November 2023 Consultation, p.3; Refuge response to November 2023 Consultation, p.12. See the December 2024 Statement (p.77) for a full discussion.

<sup>1074</sup> C3P response to November 2023 Consultation, pp.15-16; Global Partners Digital response to November 2023 Consultation, p.13.

## Our decision

- 14.368 Having considered stakeholder feedback, we have decided not to make any changes to the measure in response to their comments. However, further consideration of the measure since consultation has prompted us to make the following changes:
- The measure recommends that providers should provide training and materials to “individuals working in content moderation” that “enable them to fulfil their role in moderating content” instead of to “enable them to moderate content”.
  - It also now explains that this is applicable “including in relation to” PCU C1, PCU C2 and PCU C3 (rather than “in accordance with” those measures).
- 14.369 We have made these changes to acknowledge that individuals working in moderation could have roles in the wider ecosystem of content moderation and may not be directly moderating content themselves.
- 14.370 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU C7.

## How this measure works

- 14.371 Providers of user-to-user services likely to be accessed by children that are large and/or multi risk for content harmful to children should ensure individuals working in moderating content present on parts of the services that are accessible to children<sup>1075</sup> (who are not volunteers) receive training and materials. These training and materials should enable individuals working in content moderation (who are not volunteers) to fulfil their roles in moderating content in relation to (i) reviewing, assessing, and taking swift action on content (PCU C1 and PCU C2) and (ii) their internal content policies (PCU C3).
- 14.372 When training individuals working in content moderation, providers should:
- ensure they have had regard to at least their children’s risk assessment and evidence of new and increasing harm on the service (in accordance with measure PCU A5); and
  - ensure that where they identify a gap in the understanding of individuals working in content moderation in relation to a specific kind of content harmful to children, they provide training and materials to remedy this.
- 14.373 As part of our Governance and Accountability measures set out in Section 11, we set out that providers should track new and unusual increases in content harmful to children including kinds of PPC, PC, any NDC which has been identified in services’ most recent risk assessment, or harmful content proxy.<sup>1076</sup> This is one of the main sources of information about how content harmful to children manifests, and it is crucial that providers use this to keep their content moderation training and supporting materials up to date.
- 14.374 In addition to training, providers should also provide materials to individuals working in content moderation to enable them to fulfil their roles.
- 14.375 By way of example only, specific materials provided to content moderators may include the content rules, standards or guidelines that providers should set under the measure on

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<sup>1075</sup> The children’s safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

<sup>1076</sup> See Measure PCU A5 in Governance and Accountability (Section 11)

internal content policies, as well as any other associated materials. They may also include examples, visuals of the review interface (the tool or interface moderation staff will use to carry out their role) or definitions and explanations relating to specific parts of the provider's policy or enforcement guidelines.<sup>1077</sup>

- 14.376 Due to the diversity of staff who could be working in moderation, training should be provided in relation to the measures on reviewing, assessing and taking action on content, and in relation to the measure on internal content policies to allow them to fulfil their roles. These roles may not be restricted to directly moderating content. This includes but is not limited to: individuals working on processing appeals, trust and safety staff, quality assurance and compliance staff, subject matter experts, lawyers and other legal staff, risk management staff, operations staff, engineers and developers.

## How this measure protects children

- 14.377 We consider that this measure will be effective at addressing risks to children because individuals working in content moderation who have been trained on how to identify harmful content or harmful content proxy, are more likely to be equipped with the knowledge and skills to do so effectively (in comparison with untrained individuals).<sup>1078</sup> They will be better able to make accurate decisions about whether content is harmful to children or violative of a provider's terms of service (depending on how providers choose to review suspected harmful content as outlined in measure PCU C1 and PCU C2). We consider that this measure will deliver important benefits, both by reducing the amount of harmful content that children encounter after review and helping to safeguard freedom of expression by limiting unnecessary action taken on non-harmful content.
- 14.378 This view is reinforced by the support we received for the measure in response to the May 2024 and November 2023 Consultations, as well as stakeholders' feedback on the importance of moderator training in response to the 2023 Protection of Children Call for Evidence (2023 CFE) and the 2022 Illegal Harms Call for Evidence (2022 CFE).<sup>1079 1080</sup> The importance of training is also supported by broader academic and civil society literature and research.<sup>1081</sup>
- 14.379 Many providers already train their staff to identify and take action against content harmful to children and illegal content. They also provide supporting materials to assist in this process.<sup>1082</sup>

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<sup>1077</sup> Trust & Safety Professional Association, no date. [Setting Up A Content Moderator for Success](#). [accessed 25 November 2024].

<sup>1078</sup> Content that is reviewed and assessed, and determined to be in breach of a provider's terms of service is referred to as 'harmful content proxy', which is shorthand for 'content that is harmful to children proxy'.

<sup>1079</sup> 5Rights Foundation response to 2023 CFE; Refuge response to 2023 CFE; Glitch response to 2023 CFE; Global Partners Digital response to 2023 CFE; SWGfL response to 2023 CFE; Samaritans response to 2023 CFE.

<sup>1080</sup> 5Rights Foundation response to 2022 CFE; Carnegie UK response to 2022 CFE; CCDH response to 2022 CFE; Refuge response to 2022 CFE; Glitch response to 2022 CFE; Global Partners Digital response to 2022 CFE; NSPCC response to 2022 CFE.

<sup>1081</sup> Ofcom, 2019. [Use of AI in Online Content Moderation](#). [accessed 25 November 2024]; The Alan Turing Institute, 2021. Understanding online hate: VSP Regulation and the broader context. [accessed 25 November 2024].

<sup>1082</sup> Morgan Lewis, 2023. [Emerging Market Trend: An Overview of Content Moderation Outsourcing](#). [accessed 25 September 2023]; NYU Stern Center for Business and Human Rights, 2020. [Who Moderates the Social Media Giants? A Call to End Outsourcing](#). [accessed 25 September 2023]

## Stakeholder feedback and our response

### What training should include

#### Our proposals

- 14.380 In our May 2024 Consultation, we considered that service providers are best placed to determine what is appropriate for their services in terms of the detail of their training and materials. We proposed that when preparing and delivering content moderation training and materials, providers should have regard to their risk assessments and information pertaining to signals of emerging harm. They should also have regard to gaps in individuals' understanding of specific harms which may need remedying in order for them to fulfil their roles effectively.

#### Summary of responses

- 14.381 Several stakeholders suggested the measure should be more prescriptive about the content of training and materials.
- 14.382 The Scottish Government recommended specific training on violence against women and girls.<sup>1083</sup> We note that several stakeholders also recommended specific harms training in response to our November 2023 Consultation.<sup>1084</sup>
- 14.383 In response to our November 2023 Consultation, Refuge suggested that the measure should be more prescriptive about the substance and delivery of training and materials, including recommending we set out specific harms that should be covered.<sup>1085</sup> Other stakeholders commented on the specific skills and qualifications people working in moderation should have.<sup>1086</sup> Several suggested that people working in moderation should be able to interpret the cultural, political, and social context, as well as the language of content.<sup>1087</sup>
- 14.384 Two stakeholders said that people working in moderation should receive training on a service's terms of service or content policies and how to implement them.<sup>1088</sup> Meta specifically argued that training should be proportionate to achieve its purpose, and that if people working in moderation aim to review content for violation of content policies, they should receive training on such policies.<sup>1089</sup>

#### Our decision

- 14.385 Having considered this stakeholder feedback, we have decided not to make changes to the measure in light of it. Given the variety of services in scope of the measure, we remain of

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<sup>1083</sup> Scottish Government response to May 2024 Consultation, p.15.

<sup>1084</sup> 5Rights Foundation response to November 2023 Consultation, p.21; C3P response to November 2023 Consultation, p.32; Global Partners Digital response to November 2023 Consultation, p.13; Refuge response to November 2023 Consultation, p.12; Samaritans response to November 2023 Consultation, p.3. See our December 2024 Statement (p.77) for a full discussion.

<sup>1085</sup> Refuge response to November 2023 Consultation, p.12.

<sup>1086</sup> SPRITE+ (School of Journalism, Media and Communication, University of Sheffield) response to November 2023 Consultation, p.24; Open Rights Group response to November 2023 Consultation, p.2.

<sup>1087</sup> BILETA response to November 2023 Consultation, p.10; Electronic Frontier Foundation response to November 2023 Consultation, p.10; Open Rights Group response to November 2023 Consultation, p.2.

<sup>1088</sup> Meta response to May 2024 Consultation, p.24; Global Partners Digital response to November 2023 Consultation, p.13; We note that Meta made a similar point in response to the November 2023 Consultation, p.25.

<sup>1089</sup> Meta response to May 2024 Consultation, p.24. We note that Meta made a similar point in response to the November 2023 Consultation, p.25.

the view that providers are best placed to determine what is appropriate for their services in terms of the detail of their training and materials. This is likely to vary depending on a number of factors, such as the type of service, the risks it poses, the type of content being moderated, and the local laws and regulations of the region where the service operates.

- 14.386 We acknowledge that there may be occasions where harms-specific training and materials can be helpful for individuals working on content moderation, particularly where harms are unique, complex, novel, particularly serious (such as self-harm), or particularly prevalent on a service (and so require more in-depth understanding).<sup>1090</sup> However, we consider providers best placed to judge which harms to include in training and materials. Where providers train individuals on specific harms, they may wish to consult the Children’s Register, Guidance on Content Harmful to Children or our recently published draft guidance for providers on ‘a safer life online for women and girls’.<sup>1091</sup> We consider that the benefits of this measure will be enhanced where providers offer training tailored to the risks identified on their service and remedy gaps in moderators’ understanding of specific harms where they are identified.
- 14.387 Without training and materials on the relevant harms, individuals working in content moderation may lack the understanding of a specific type of content to be able to correctly review and assess it. They may also incorrectly identify content as harmful. We consider that this component of the measure provides important protections against both the under-moderation and over-moderation of content. This is beneficial because it helps protect children from harm, as well as potentially reducing any interference with their rights to freedom of expression.
- 14.388 We consider that providers are best placed to determine what skills or qualifications their moderation teams should have. We address the points made around language skills in the measure on resourcing content moderation (PCU C6). We note stakeholders’ comments about the importance of individuals working in moderation having an understanding of the cultural, social, and political context of content in order to moderate it effectively.<sup>1092</sup> When moderators need to understand the context of specific harms to do their job effectively, the provider should provide training and materials to address any gaps in their understanding.
- 14.389 We acknowledge stakeholder comments on individuals receiving training on content policies.<sup>1093</sup> As outlined in PCU C1 and PCU C2, service providers have the option to review and assess whether content is “harmful content proxy” if they are satisfied that their terms of service prohibit PPC, PC, and NDC. They should take appropriate action when such content is identified.<sup>1094</sup> If providers assess content in this way, they may choose to provide

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<sup>1090</sup> This article identified that one of the barriers to moderating self-harm content was “vagueness within the guidelines”. Moderators of online forums said moderation was made easier when all staff had ‘the same understanding of the guidelines’ to keep forums “safe and providing consistency”. Perowne, R. and Gutman, L.M. (2022) [‘Barriers and enablers to the moderation of self-harm content for a young person’s online forum’](#), Journal of Mental Health, pp.1-9.

<sup>1091</sup> See our Consultation on draft Guidance: A Safer Life Online for Women and Girls.

<sup>1092</sup> BILETA response to November 2023 Consultation, p.10; Electronic Frontier Foundation response to November 2023 Consultation, p.10; Open Rights Group response to November 2023 Consultation, p.2.

<sup>1093</sup> Meta response to May 2024 Consultation, p.24; Global Partners Digital response to November 2023 Consultation, p.13. We note that Meta made a similar point in response to the November 2023 Consultation, p.25.

<sup>1094</sup> We discuss harmful content proxy in PCU C1 and PCU C2 in the sub-section entitled ‘How this measure works’.

training on applying those terms of service when moderating content to secure compliance with the children's safety duties.

## Who delivers training

### Our proposals

- 14.390 In our May 2024 Consultation, we recognised that providers may choose to carry out the training in a number of ways, for instance by giving it directly themselves, through external trainers, and/or via e-learning. We considered that service providers are best placed at present to determine what is appropriate for their services in terms of the detail of their training.

### Summary of responses

- 14.391 Some civil society stakeholders suggested that providers should collaborate with those with expertise on specific harms to deliver training.<sup>1095</sup>

### Our decision

- 14.392 Having considered stakeholder feedback, we have decided not to be prescriptive about whether service providers should collaborate with external experts to develop and deliver their training. Whether it is beneficial for providers to use external expertise on harms to deliver training will depend on the harms on a service and how they manifest, as well as on the level of internal expertise within the service. Where providers lack internal expertise on a specific harm, it may be beneficial to draw on third party or external expertise to develop training. However, providers are best placed to determine what is appropriate for their services, and the specific harms that may manifest on them.

## Frequency of training

### Our proposals

- 14.393 In our May 2024 Consultation, we did not consider that it would be appropriate to specify in Codes how often materials should be revised, or training should be re-delivered. However, we considered that relevant individuals involved in moderation who are trained regularly would have up-to-date knowledge of content moderation policies and the systems they are using to carry out their job.
- 14.394 We noted that although providers did not tell us exactly how often they train staff involved in moderation, several respondents, including Roblox and X, said that they trained their staff regularly.<sup>1096</sup>

### Summary of responses

- 14.395 Meta said that it has found it helpful to train and test its review teams after their initial training.<sup>1097</sup>
- 14.396 In response to our November 2023 Consultation, Global Partners Digital and the Canadian Centre for Child Protection (C3P) suggested that people working in moderation should

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<sup>1095</sup> Samaritan's response to May 2024 Consultation, p.8; Refuge response to November 2023 Consultation, p.12; We note that Samaritans made a similar point in response to the November Consultation, p.5. We note that Blue Cross made a similar point in response to the August 2024 Consultation on Animal Cruelty, p.6.

<sup>1096</sup> Roblox response to 2022 CFE; X (formerly known as Twitter) response to 2023 CFE.

<sup>1097</sup> Meta response to May 2024 Consultation, p.24. We note that Meta made a similar response to the November 2023 Consultation, p.26.

receive ongoing training on any changes made to content policies.<sup>1098</sup> Furthermore, C3P said that there must be ongoing training provided to update trainees on evolving tactics offenders use to harm children.<sup>1099</sup>

### Our decision

14.397 Having considered stakeholder responses from our May 2024 Consultation and our November 2023 Consultation on the benefits of regularly updating training and materials, we have decided not to specify how frequently this should be. This is because we have found no set best practice on how often training or supporting materials should be refreshed. Therefore, we do not consider that it would be appropriate to specify how often materials should be revised, or training should be repeated. We consider that, in order to enable moderators to moderate content in accordance with the measures on reviewing, assessing, and actioning content swiftly, a provider should refresh training and materials following any major changes to policies or processes relating to content moderation of suspected content harmful to children or harmful content proxy. Similarly, a provider would not be acting in accordance with this measure if it failed to give training and materials to remedy gaps in the understanding of individuals working in content moderation relating to a specific kind of harm.

## Impacts on service providers

### Our position at consultation

- 14.398 In our May 2024 Consultation, we explained that service providers would incur two main types of costs when implementing this measure. First, the costs of developing the training material, both upfront costs and ongoing costs of keeping this updated. The second is the cost of delivering the training to moderators. We estimated that the costs of providing training for one new content moderator could be between £3,000 and £18,000, while the costs for training a new software engineer<sup>1100</sup> could be between £5,000 and £28,000.<sup>1101</sup> In addition to these costs of training new content moderators and software engineers, there will be some ongoing costs for refresher training and for training in new harms emerging on services. We expect the annual costs of these to be lower.
- 14.399 In general, we would expect the costs of this measure to vary with the potential benefits. All else being equal, providers of smaller or less risky services will tend to have less content to review and smaller content moderation teams, which would lower training costs. Providers of services with higher risks or more content to review are likely to have more content moderators to train, potentially incurring higher costs.
- 14.400 For providers of services likely to be accessed by children who are also in scope of the related measure in the Illegal Content Codes, there may be some limited cost synergies between the two measures.<sup>1102</sup>

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<sup>1098</sup> C3P response to November 2023 Consultation, pp.15-16; Global Partners Digital response to the November 2023 Consultation, p.13.

<sup>1099</sup> C3P response to November 2023 Consultation, p.16.

<sup>1100</sup> We would expect that only ICT colleagues directly involved in operationalising content moderation systems would need to do this training.

<sup>1101</sup> For further explanation of our cost estimates, see May 2024 Consultation, paragraphs 16.235-16.243. Note that in May 2024 Consultation we stated in error that this figure excluded the 22% uplift that we have assumed elsewhere for non-wage labour costs – the uplift is included in these costs.

<sup>1102</sup> For further explanation of this, see May 2024 Consultation, paragraphs 16.240 – 16.241.

## Summary of responses

- 14.401 In response to our November 2023 Consultation, Snap Inc. argued that our estimated costs for the measure omitted the costs of providers giving real-time guidance and support to moderators.<sup>1103</sup>

## Our decision

- 14.402 We have considered this stakeholder feedback and decided to maintain our assessment of the impact of the measure on service providers. In response to Snap Inc.'s comments, we accept that providers whose content moderators require a high level of real-time guidance and support may face higher costs than those outlined. This will tend to indicate that these services are higher risk and have more complex content moderation requirements. The benefits from the training are also likely to be higher in such cases. We said in our May 2024 Consultation that providers of services with higher risks and/or more content to review were likely to face higher costs.
- 14.403 We did not receive any other stakeholder feedback on the costs of this specific measure beyond that received from Snap Inc. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression, freedom of association, privacy and data protection

#### Our final rights assessment

- 14.404 In our May 2024 Consultation, we considered that this measure, which is part of a package of measures relating to content moderation for content harmful to children, including PCU C1, PCU C2 and PCU C3, would not have any specific adverse impacts on users' rights to freedom of expression or association, nor any such impact on users' rights to privacy.
- 14.405 We did not receive stakeholder feedback regarding the rights impact of this measure, and we remain of the view that this measure does not lead to any additional interference with users' rights to freedom of expression or association, data protection or privacy or service providers' rights to freedom of expression. To the extent there is any interference with those rights, we consider this is proportionate to the benefits of protecting children from harm.
- 14.406 Appropriately training individuals working in content moderation is likely to have significant positive impacts on users' rights, because mistakes are less likely, and moderators will understand their privacy and data protection obligations, where relevant. To the extent that it helps to reduce harm on the service and make users, including children, feel safer, this could also positively impact on their human rights. We have therefore listed this measure as providing a safeguard for rights to freedom of expression and privacy for measures PCS C1 and PCS C2.

## Who this measure applies to

- 14.407 This measure applies to providers of user-to user services likely to be accessed by children that are large and/or multi risk for content harmful to children. Please see paragraphs 14.203-14.206 for a full explanation of our reasons for this decision

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<sup>1103</sup> Snap Inc. response to November 2023 Consultation, p.12.

## Measure PCU C8: Provision of materials to volunteers

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### Introduction

- 14.408 In our May 2024 Consultation, we proposed that volunteer moderators should have access to materials to enable them to moderate content.<sup>1104</sup> We proposed that this measure should apply to providers of user-to-user services likely to be accessed by children that are large and/or multi risk for content harmful to children.
- 14.409 Several stakeholders expressed support specifically for this measure.<sup>1105</sup> Some stakeholders expressed concerns about a large-scale reliance on volunteers<sup>1106</sup> and a lack of vetting for volunteer moderators.<sup>1107</sup>

### Our decision

- 14.410 Having considered stakeholder feedback, we have decided not to make any changes in response to these comments. However, further consideration of the measure since consultation has prompted us to make some changes to the measure as follows:
- The measure recommends that providers must provide materials to volunteers in its content moderation function that enable them to “fulfil their role in moderating content” instead of “to moderate content”.
  - It also explains that this is applicable “including in relation to” the measures on reviewing, assessing and swiftly actioning content and their internal content policies rather than “in accordance with” those measures (PCU C1, C2 and C3). These changes are to acknowledge that content moderation volunteers could have roles in the wider ecosystem of content moderation and may not be directly moderating content themselves.
- 14.411 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU C8.

### How this measure works

- 14.412 Providers of user-to-user services likely to be accessed by children that are large and/or multi risk for content harmful to children, using volunteers in moderating content present on parts of the services that are accessible to children,<sup>1108</sup> should ensure that these volunteers have access to materials that enable them to fulfil their roles in moderating content, including in relation to the measures on reviewing and taking action on content

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<sup>1104</sup> In our May 2024 Consultation, we referred to this measure as CM7 or PCU B7. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU C8 throughout.

<sup>1105</sup> C3P response to May 2024 Consultation, p.22; CELCIS response to May 2024 Consultation, p.13; Kooth Digital Health response to May 2024 Consultation, p.11; Meta response to May 2024 Consultation, p.24; National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) response to May 2024 Consultation, p.16; Nexus response to May 2024 Consultation, p.15; NSPCC response to May 2024 Consultation, p.52; Office of the Children's Commissioner for England response to May 2024 Consultation, p.60; Scottish Government response to May 2024 Consultation, p.14;.

<sup>1106</sup> Meta response to May 2024 Consultation, p. 24; NSPCC response to May 2024 Consultation, pp.50-52.

<sup>1107</sup> Name withheld 3 response to May 2024 Consultation, p.9; REPHRAIN response to May 2024 Consultation, p.16.

<sup>1108</sup> The child safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

(see PCU C1 and PCU C2) and on internal content policies (see PCU C3). In doing so, the provider should ensure that:

- it has regard to at least (i) its risk assessment and (ii) evidence of new and increasing harm on the service (as tracked in accordance with Governance and Accountability Measure PCU A5); and
- where it identifies a gap in such volunteers' understanding of a specific kind of content harmful to children, it provides materials to remedy this.

## How this measure protects children

- 14.413 We consider that this measure will be effective at addressing risks to children, as providing volunteers with materials will help them review content and take swift action on it, where appropriate.<sup>1109</sup> Volunteers are more likely to carry out their roles effectively if they have access to appropriate materials. We are aware that many services currently use volunteer moderators to moderate content and that on these services, volunteer moderators often perform the significant proportion of moderation action.<sup>1110</sup> In order to enable volunteer moderators to carry out their roles, providers that use volunteer moderation as a form of content moderation should ensure that volunteer moderators have access to materials that enable them to fulfil their role. We consider that the benefits of this measure would be strengthened where providers ensure that where there are any major changes to policies or processes relating to content moderation relevant to volunteers, they are provided with new or updated materials.
- 14.414 This should support volunteer moderators to be able to identify and take action on content harmful to children in line with Measures PCU C1, PCU C2 and PCU C3 and, in turn, prevent and protect children from encountering harmful content online.
- 14.415 Evidence shows that harmful content manifests in different communities and groups that children are likely to access, and that children are present on services that employ volunteer moderators.<sup>1111</sup> We consider that providing materials to volunteers could mitigate the risk that children encounter harmful content in these groups and communities. At the same time, it would allow children to continue to participate more safely in communities that might appeal to them and from which they might benefit.

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<sup>1109</sup> In accordance with the measures PCU C1 and PCU C2, on reviewing, assessing, and actioning content.

<sup>1110</sup> For example, Reddit's 2022 Transparency report shows that 58% of content removed from Reddit was actioned by volunteer moderators. The total volume of removals by moderators in 2022 increased by 4.7% compared to 2021. We note that not all content actioned by volunteer moderators may be harmful, content may be violative of community rules. For example, not concerning the topic of the community. Reddit, 2022. Transparency Report. [accessed 4 March 2024]; Nextdoor's 2022 Transparency Report shows that volunteer moderators reviewed 92% of all reported content. [Nextdoor 2022 Transparency Report](#).

<sup>1111</sup> Different research sources tracking children's use of these platforms include Ofcom's [VSP](#), [Online Experiences](#) and [Media Literacy](#) trackers, with the latter showing that: 8% of 3-17 year old children use Twitch, 4% use Reddit, 9% use Discord and 46% of 3-17 year old children use Snapchat; see Ofcom, 2023 [Children and Parents: Media Use and Attitudes](#) (data tables here, table 31). Note: Snapchat allows moderators to be appointed for shared stories.

## Stakeholder feedback and our response

### Concerns about using volunteer moderation

#### Our proposals

- 14.416 In our May 2024 Consultation, we explained that we would not expect the providers in scope of this measure to rely on volunteer moderation alone.

#### Summary of responses

- 14.417 Two stakeholders raised concerns about providers relying on volunteer moderators. Meta and WhatsApp recommended against a large-scale reliance on volunteer moderators to tackle potential harmful content.<sup>1112</sup>
- 14.418 One individual stakeholder expressed specific concern about a service that uses volunteer moderation, saying that “there is not enough moderation, the moderators are not trained properly, and moderators themselves can be complicit in posting violent content”.<sup>1113</sup>

#### Our decision

- 14.419 We have considered this stakeholder feedback, and have decided not to make changes to this measure in light of it, as the measure does not encourage a large-scale reliance on volunteer moderators to tackle harmful content.<sup>1114</sup> As we noted in our May 2024 Consultation, we do not expect that the vast majority of providers to which the measure applies will rely on volunteer moderation alone, due to the size of their services and the varying degree of risk for different kinds of harmful content. We expect that in the majority of cases volunteer moderators will form one part of a provider’s overall moderation system.
- 14.420 A provider’s content moderation system should be configured in a way that enables the provider to moderate content suspected to be harmful, regardless of whether the user who posts it is a volunteer moderator. For example, users should be able to report this content, in line with our Reporting and Complaints measures set out in Section 16 which recommend that service providers allow users to easily report content.

### Training materials for volunteer moderators

#### Our proposals

- 14.421 In our May 2024 Consultation, we proposed that providers should provide materials for their volunteer moderators that are relevant to the service and updated as necessary. We were not prescriptive about the form these materials should take, leaving scope and flexibility for providers to tailor these resources according to their individual needs, so long as the contents of the resources enable volunteer moderators to fulfil their role in moderating content in accordance with Measures PCU C1, PCU C2 and PCU C3.

#### Summary of responses

- 14.422 The NSPCC argued that training materials alone are not sufficient for services which are primarily moderated by volunteers and recommended that provisions for volunteer moderators are strengthened.<sup>1115</sup>

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<sup>1112</sup> Meta response to May 2024 Consultation, p.24.

<sup>1113</sup> Anonymous 2, sent via Daniel Zeichner, MP response to May 2024 Consultation, p.1

<sup>1114</sup> Meta response to May 2024 Consultation, p.24.

<sup>1115</sup> NSPCC response to May 2024 Consultation, pp.50-51.

14.423 Meta argued that volunteers should “undergo extensive training and be provided with training materials”.<sup>1116</sup>

#### **Our decision**

14.424 We have considered stakeholder feedback and have decided not to change this measure, beyond the points of clarification noted at paragraph 14.411. Many providers use volunteers to help them moderate content. For some providers, this can involve large numbers of such volunteers. Given this, and the costs of training per content moderator, we have decided not to take forward the suggestion that content moderation volunteers should be provided with training in addition to materials. This is due to the significant costs of this suggestion.<sup>1117</sup> We also considered the additional burden on service providers of logging and recording training completed by volunteers, and the practical difficulties of ensuring that volunteers complete certain actions, which may not be feasible given that these individuals are not contracted to the provider.

14.425 However, providers of services that primarily rely on volunteer moderation to moderate content would not be considered to be appropriately resourced if they are unable to review, assess and take action on content harmful to children in line with measures PCU C1, PCU C2 and PCU C3.

### **Lack of vetting for volunteer moderators**

#### **Our proposals**

14.426 In our May 2024 Consultation, we recognised that providers may have less oversight and influence over volunteer moderators who are not employees or contracted staff because they may not have written contracts in place.

14.427 We considered that all providers should ensure they comply with data protection laws and consider relevant guidance from the ICO in order to reduce the likelihood of inaccurate personal data and ensure fairness in the processing of that personal data.<sup>1118</sup>

#### **Summary of responses**

14.428 Two stakeholders expressed concern about the lack of vetting for volunteer moderators.<sup>1119</sup> One individual showed particular concern that moderators would force their worldview on users and would be able to access other people’s data and violate their privacy.<sup>1120</sup>

#### **Our decision**

14.429 We have considered this stakeholder feedback and have decided not to make changes to the measure in light of it. We do not consider it appropriate to provide guidance on the selection criteria for moderators as it is normally specific communities who choose volunteers to moderate the community, rather than the provider. We consider that where volunteers take appropriate action against content this should be in accordance with either (i) the terms of service a provider has set or (ii) community rules that explain how harmful content should be identified and addressed in order to fulfil their roles in moderating

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<sup>1116</sup> Meta response to May 2024 Consultation, p.24.

<sup>1117</sup> Meta response to May 2024 Consultation, p.24; NSPCC response to May 2024 Consultation, pp.52-53.

<sup>1118</sup> See from the ICO: [Children’s Code guidance and resources](#); [A guide to the data protection principles](#); and [Content moderation and data protection](#). [accessed 24 April 2024].

<sup>1119</sup> Name withheld 3 response to May 2024 Consultation, p.9; REPHRAIN response to May 2024 Consultation, p.16.

<sup>1120</sup> Name withheld 3 response to May 2024 Consultation, p.9.

content, including in relation to the measures on reviewing and taking action on content (see PCU C1 and PCU C2) and on internal content policies (see PCU C3). Providers should ensure that all such terms or rules comply with relevant data protection laws.

## Impacts on service providers

### Our position at consultation

- 14.430 In our May 2024 Consultation, we explained that in order to implement this measure, service providers would incur an initial cost of creating or providing materials. This could be done internally (if relevant expertise is available) or externally. We expect that the majority of service providers within scope of this measure will also be within scope of PCU C7 (provision of training for paid moderators) and could therefore build on or adapt the materials developed for that measure. There may be small additional costs associated with this (for example adapting the format of the materials so that they can be accessed online rather than in person, making the materials searchable, or adjusting the level of detail so that the materials are relevant for the role of a volunteer moderator on that particular service). However, we did not anticipate that these costs were likely to exceed a few thousand pounds.
- 14.431 Costs may be higher for providers that rely solely on content moderation volunteers and do not have relevant existing materials developed for individuals working in moderation. However, we consider that the costs for these providers will be considerably less than the cost estimates for providing training to paid content moderators outlined in PCU C7 as these figures also include wage costs for moderators while receiving the training, which would not be incurred for volunteer moderators. There will also be an ongoing cost of updating the materials to ensure that they remain relevant.

### Our decision

- 14.432 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression, freedom of association, privacy and data protection

#### Our final rights assessment

- 14.433 In our May 2024 Consultation, we considered that this measure, which is part of a package of measures relating to content moderation for content harmful to children for which we have assessed the rights impacts above, including PCU C1, PCU C2 and PCU C3, would not have any specific adverse impacts on users' rights to freedom of expression or association, nor any such impact on users' rights to privacy.
- 14.434 We did not receive stakeholder feedback regarding the rights impact of this measure and remain of the view that this measure would not lead to additional interference with users' rights to freedom of expression or association, data protection or privacy, and service providers' rights to freedom of expression.
- 14.435 This measure is part of a package of measures relating to content moderation for content harmful to children for which we have assessed the rights impacts above. We do not consider that this measure will have any additional negative impact on users' rights.
- 14.436 Providing appropriate materials to content moderation volunteers in a provider's content moderation function is likely to have significant positive impacts on users' rights, because mistakes are less likely, and moderators will understand their privacy and data protection

obligations, where relevant. To the extent that it helps to reduce harm on the service and make users, including children, feel safer, this could also have a positive impact on their human rights. We have therefore listed this measure as providing a safeguard for rights to freedom of expression and privacy for measures PCS C1 and PCS C2.

- 14.437 Overall, we consider this measure to be proportionate to the benefits of protecting children from harm.

#### **Who this measure applies to**

- 14.438 This measure applies to providers of user-to user services likely to be accessed by children that are large and/or multi risk for content harmful to children. Please see paragraphs 14.203-14.206 for a full explanation of our reasons for this decision.

# 15. Search Moderation

## What is this section about?

In this section we set out the Search Moderation measures for providers of search services.

Search moderation is used by providers to review search content and, where relevant, take action to minimise the risk of harmful content being presented to children in search results. Providers also use it to address other harms, including illegal content and content that does not comply with their content policies in their publicly available statements (which we call “harmful content proxy”).

Effective moderation functions are fundamental to ensuring that service providers can take appropriate action to protect children when they become aware of harmful content present in search results.

Many of these measures are broadly equivalent to the measures in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), adjusted to cover content harmful to children.

## What decisions have we made?

Number in the Codes	Recommended measure	Who should implement this <sup>1121</sup>
PCS C1	Have moderation systems and processes in place to review, assess and take appropriate action on content that is harmful to children	Providers of all search services
PCS C2	Filter out primary priority content for users determined to be children	Providers of large general search services
PCS C3	Set internal content policies	<ul style="list-style-type: none"> <li>Providers of search services that are multi-risk for content harmful to children</li> <li>Providers of large general search services</li> </ul>
PCS C4	Set and record performance targets	
PCS C5	Prepare and apply a policy for the prioritisation of content for review	
PCS C6	Resource the search moderation function to give effect to PCS C3 and PCS C4	
PCS C7	Provide training and materials to individuals working in moderation (non-volunteers)	

## Why have we made these decisions?

These measures will ensure all search providers have processes in place to take appropriate moderation action on harmful content and that providers of large general search services, or

<sup>1121</sup> These measures relate to providers of search services likely to be accessed by children.

multi-risk<sup>1122</sup> search services, are equipped to moderate harmful content at scale. In particular, our ‘safe search’ measure (PCS C2) for providers of large general search services aims to achieve higher protections for users determined to be children by setting out that certain types of harmful content are filtered out of their search results and that this setting cannot be switched off. In this way, these measures will reduce the likelihood that children encounter harmful content on search services, improving safety for children online.

## Introduction

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- 15.1 Search moderation is used by providers to review content and where relevant, take action to minimise the risk of harm to users<sup>1123</sup> from content that is illegal, harmful to children, or that does not comply with the content policies in their publicly available statements (which we call “harmful content proxy”).
- 15.2 In Section 12 of the Children’s Register of Risks (the Children’s Register), we set out evidence indicating that, in the absence of appropriately designed and operated search moderation systems, children are more likely to encounter harmful content on search services.
- 15.3 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation) we proposed seven Search Moderation measures. These aimed to enable providers to make appropriate decisions about when content is harmful to children and take appropriate action to minimise the risk of harm to children from encountering this content.
- 15.4 In this section we discuss the feedback we received on our proposals and the measures we have decided to confirm.

## What are providers of regulated search services’ obligations regarding search moderation?

- 15.5 The Online Safety Act 2023 (the Act) requires search service providers likely to be accessed by children to take steps to: i) minimise the risk of children encountering search content that is harmful to them and ii) to effectively mitigate and manage the risks and impact of harm to children from that search content.<sup>1124</sup> They also have duties to allow reports from users and affected persons on search content that is harmful to children and to operate a complaints procedure which allows relevant complaints to be made and provides for appropriate action to be taken in response.<sup>1125</sup>
- 15.6 While the Act does not expressly require search service providers to have a proportionate moderation function, compliance with these duties would be very difficult without a

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<sup>1122</sup> A service is multi-risk if it is medium or high risk of two or more specific kinds of content that is harmful to children.

<sup>1123</sup> For brevity, in this section we refer to ‘users’ rather than ‘United Kingdom users’. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act)

<sup>1124</sup> Section 29(2) and (3) of the Act.

<sup>1125</sup> Sections 31 and 32 of the Act. We set out measures for taking appropriate action in response to relevant complaints (including appeals) in Measures PCU D7-14 and PCS D7-14 in Section 16.

process for determining how providers should action on harmful search content and for implementing that decision swiftly. We are calling this function “search moderation”.<sup>1126</sup>

15.7 Under the Act, “search content” includes any content that may be encountered in or via search results. Content is to be treated as “encountered via” search results where it is accessed by interacting directly with search results (for example, by clicking on them). It does not include content encountered via subsequent interactions.<sup>1127</sup>

15.8 We also note that the Act requires providers of certain user-to-user services to use highly effective age assurance to prevent children from encountering primary priority content (PPC), but that this is not the case for providers of search services. We explain when we consider providers should treat a user as a child for the purposes of applying protections under PCS C1 at paragraphs 15.59-15.62 and under PCS C2 at paragraphs 15.197-15.198.

## Interaction with Illegal Harms

15.9 In our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), we set out seven measures relating to the moderation of illegal search content. Measures ICS C1 to ICS C7 in our December 2024 Statement are broadly equivalent to Measures PCS C1 to PCS C7 set out in this section in relation to content harmful to children. We expect that providers in scope of both the illegal content and children’s safety duties will design search moderation systems and processes that can address both illegal and harmful content.

## Summary of stakeholder feedback on our approach proposed at consultation

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### Our approach to developing the measures

#### Our proposals

15.10 In our May 2024 Consultation, we considered different approaches to developing our Search Moderation measures. Our provisional view was there is no one-size-fits-all approach to moderation across the sector and that we should not take an overly prescriptive approach that specifies in detail how services should configure their moderation systems or the outcomes these systems should achieve.

#### Summary of responses

15.11 We received minimal feedback<sup>1128</sup> specific to our consideration of different approaches to designing our Search Moderation measures. The exception to this was the Office of the Children’s Commissioner for England who called for minimum outcome standards for

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<sup>1126</sup> Our Search Moderation measures are recommended largely for the purpose of complying with section 29(3) of the Act but have the ancillary benefit of also enabling providers to comply with section 29(2). In accordance with section 30(4) of the Act, the measures have therefore been framed as applicable to content that is harmful to children where the risk of harm is presented by the nature of the content (rather than the fact of its dissemination).

<sup>1127</sup> Section 57(2) and (5) of the Act.

<sup>1128</sup> See paragraphs 15.33-15.35 where we set out what children told us.

measures PCS C3 to PCS C7 to ensure children are afforded the highest level of protection on search services.<sup>1129</sup>

- 15.12 In our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation), we proposed a similar approach to designing the Illegal Content measures. We received broadly supportive feedback, particularly in response to our position that there is no one-size-fits all approach to search moderation.<sup>1130</sup>
- 15.13 Overall, civil society and public sector stakeholders were supportive of our proposed Search Moderation measures. However, in some areas they thought the measures could be strengthened to provide greater protection for children. Similarly, service providers were supportive of some aspects of our proposals, though several raised concerns relating to the scope and the technical requirements of PCS C1 and PCS C2. We outline measure specific feedback and our response at paragraphs 15.73-15.185 and 15.207-15.281.

## Our decision

- 15.14 We have decided to maintain our overall approach to designing the Search Moderation measures as proposed in our May 2024 Consultation, but with some changes to specific measures in response to stakeholder feedback. We have made these changes to better account for the range of services in scope of the measures and the pace at which the search service industry is developing. We outline and discuss relevant feedback which led to these changes under each measure below.
- 15.15 We do not consider it appropriate to take a more prescriptive approach to search moderation than we previously proposed, such as setting minimum standards. We recognise that systems and processes for search moderation may differ across service providers and that search providers may use a range of techniques to moderate content. This is particularly the case for content harmful to children, where moderation techniques may differ over time and/or where a particular type of content may be prohibited for all users or only for children.
- 15.16 We have therefore decided to maintain our proposed approach (with changes to specific measures) of requiring providers to operate search moderation systems without specifying in detail how these systems should be designed and operated. As we discuss in detail in Section 9, where appropriate, we provide clarity around certain outcomes these systems should achieve and the factors providers should have regard to when designing and operating them.

## Generative artificial intelligence

### Our proposals

- 15.17 In our May 2024 Consultation, we asked for evidence from stakeholders about the technical feasibility of applying our proposed measures to search services that use generative artificial intelligence (GenAI). This may include where search services have integrated GenAI into their functionalities or where standalone GenAI services perform search functions and meet the definition of “search service” for the purposes of the Act. We also asked about which (if any) additional Search Moderation measures might be applicable in this context.

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<sup>1129</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.60.

<sup>1130</sup> Paragraph 3.14 of Volume 2 of our [December 2024 Statement on Protecting People from Harms Online](#) (December 2024 Statement).

## Summary of responses

- 15.18 Microsoft noted the need for distinct measures to address potential risks to children that might arise from the use of GenAI. It noted that while search moderation may help ensure that high-quality and authoritative content is surfaced through GenAI features, such features also benefit from safety by design and responsible AI measures. Microsoft provided some examples of what these measures could include and welcomed the opportunity to discuss additional guidance in this area.<sup>1131</sup>
- 15.19 The National Society for the Prevention of Cruelty to Children (NSPCC) noted that many of the risks posed by GenAI relate to the exacerbation of existing harms to children already covered by the Act.<sup>1132</sup> Furthermore, the NSPCC asserted that providers should only integrate GenAI functionalities into search functions if they are able to comply with the proposed measures, as it is critical to ensure GenAI is not rapidly rolled out across search services in a way that puts children at risk. The NSPCC suggested that it is both technically feasible and highly desirable for providers to apply these measures to GenAI functionalities. It provided suggestions for additional measures to tackle the risk of harm from GenAI, including the use of proactive search moderation techniques.<sup>1133</sup>

## Our decision

- 15.20 For the avoidance of doubt, where a service using GenAI technology meets the definition of “search service” for the purpose of the Act, it may be in scope of the Search Moderation measures.<sup>1134</sup> This includes both search services that integrate GenAI into their functionalities and standalone GenAI services that perform search functions and meet the definition of “search service” under the Act.
- 15.21 We have made a change to what we recommend as ‘appropriate moderation action’ in measure PCS C1. Our change ensures our moderation measures recognise the circumstances where search service providers, such as those that use GenAI, may remove content that is harmful to children instead of implementing our measures because such actions are not relevant or feasible.<sup>1135</sup>
- 15.22 We have not otherwise made changes to our search moderation recommendations to address the growing use of GenAI by regulated search services. Due to feedback set out above, and the flexibility with which we have designed our search moderation measures, we consider it will be technically feasible for search service providers to implement our measures in a way that is compatible with the ongoing development and use of GenAI on regulated search services.
- 15.23 Further, as this is an area of rapid technological development, we will continue to keep under review the extent to which the measures are suitable for the different types of

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<sup>1131</sup> Microsoft response to May 2024 Consultation, p.13.

<sup>1132</sup> National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, p.15.

<sup>1133</sup> NSPCC response to May 2024 Consultation, p.53.

<sup>1134</sup> For more information see ‘Who this measure applies to’ for each recommended measure, PCS C1 paragraphs 15.1792-15.183; PCS C2 paragraphs 15.275-15.281; PCS C3 paragraphs 15.305-15.313; PCS C4 paragraph 15.350; PCS C5 paragraph 15.375; PCS C6 paragraphs 15.391-15.392; PCS C7 paragraph 15.429.

<sup>1135</sup> We have clarified in the Codes drafting of PCS C1 that, where the moderation outcomes we recommend providers achieve are not relevant or feasible for certain search services providers, they may remove content harmful to children and still be considered to have taken ‘appropriate moderation action’. See paragraphs 15.135 – 15.141 for more information about this clarification.

search services that use GenAI. See Section 9 for our response to additional feedback relating to GenAI and detail on future Codes work.

## Downstream general search services

### Our proposals

- 15.24 In our May 2024 Consultation, we recognised that in some circumstances, the downstream entity involved in a downstream general search service<sup>1136</sup> may not be in control of the operations of the search engine. As such, we stated our expectation that the upstream entity that provides the index would be the provider of the search service. However, we also recognised that there may be circumstances in which the downstream entity does exercise control. In those circumstances, the downstream entity would be the provider.<sup>1137</sup>

### Summary of responses

- 15.25 A stakeholder argued that they should be deemed low risk, not multi-risk, because a multi-risk classification would lead to a disproportionate and unnecessary compliance burden. This is because downstream providers may have more limited control over the content that is surfaced to users and the search index syndicated from the upstream entity forms part of a separate regulated search service that is subject to the safety duties in the Act.<sup>1138</sup>

### Our decision

- 15.26 We have considered this feedback and do not agree with [X] that downstream search services should automatically be classified as low risk, despite the fact that they may use a syndicated search index and ranking system that forms part of a separate regulated search service.
- 15.27 We recognise that a downstream general search service may have limited control over search content that is surfaced to users on its service. This will usually depend on the terms of any syndication arrangements entered into with upstream entities to display content that is hosted at URLs indexed by that upstream entity. We also recognise that in some instances, safety measures applied by the upstream entity may have an impact on the risk profile of the downstream service.
- 15.28 However, each entity participating in a downstream search service arrangement may make varied operational, design or contractual decisions that change the risk profile of the downstream search service concerned. We therefore consider it inappropriate to automatically treat all search services that incorporate the index and ranking system of another regulated search service as low risk. The risk level of a service is determined by the degree and scale of risk users may face when using that service. It should be determined on a case-by-case basis by undertaking risk assessments that are kept up to date. It follows that a suitable and sufficient risk assessment in respect of a downstream general search service would consider how any safety measures applied by the upstream entity – or the downstream entity – may have an impact on the risk profile of the downstream service.

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<sup>1136</sup> ‘Downstream general search services’ are a subset of ‘general search services’, which provide access to content from across the web and are distinct in that they obtain their search index from other general search services and may supplement this with additional information and features.

<sup>1137</sup> See Volume 3 of our May 2024 Consultation, footnote 1490, p.360.

<sup>1138</sup> [X].

- 15.29 We acknowledge that the complexities associated with the downstream search business model may make it more difficult to determine which entity is the ‘provider’ of the downstream general search service. This may therefore make it difficult to determine which entity is responsible for undertaking risk assessments and complying with relevant safety duties under the Act.
- 15.30 As set out in our December 2024 Statement, we consider it is for the entities involved in the downstream arrangement to determine how many distinct search services are being offered to users, and who the ‘provider’ is for each of these services.<sup>1139</sup> This is because these entities will be best placed to consider the specific contractual and technical arrangements underpinning the relevant service(s), and therefore determine the entity that has “control over the operations of the search engine”.<sup>1140</sup>
- 15.31 The provider of a downstream general search service will remain legally responsible for ensuring compliance with all safety duties. However, we understand it may be necessary to delegate some of the operational tasks relevant to these duties to the other entity involved in the syndication arrangement where the other entity is better placed to ensure a particular measure (or equivalent system or process) is implemented effectively.
- 15.32 Ultimately, if entities involved in a downstream general search service arrangement fail to agree on who the ‘provider’ of the service is and make arrangements to ensure compliance with the Act, each risks being the entity that we determine to be the ‘provider’. They therefore also risk being held liable for breaches of the duties under the Act in any resulting enforcement action.

## What children told us

- 15.33 In our deliberative engagement with children, we found that they generally supported systems to prevent children from encountering harmful content on search services. In particular, children viewed the removal of harmful content from search results as a way to create a safer online environment and to improve children’s experiences on search services by reducing irrelevant results and providing more age-appropriate information.<sup>1141</sup>
- 15.34 Children raised concerns about the proposed blurring and downranking of content on search services. Many questioned why content considered harmful would not be removed entirely. Children expressed doubts about whether downranking would prevent them from accessing harmful content, noting they could encounter it eventually through continued scrolling. Participants across different age groups indicated that blurring content could increase curiosity and lead to attempts to access it.
- 15.35 Some children had prior experience with safe search settings, whether enforced on school devices, requested by parents, or chosen personally. Children generally expressed positive views towards safe search settings, emphasising that children should be protected from harmful content. Some felt that parents, rather than search service providers, should determine these settings, although they acknowledged that parents might not always make the best online safety decisions.

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<sup>1139</sup> See paragraph 1.179 onwards in ‘Our approach to developing Codes measures’ of our December 2024 Statement.

<sup>1140</sup> Section 226(4) of the Act states: “The provider of a search service is to be treated as being the entity that has control over the operations of the search engine (and that entity alone).”

<sup>1141</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

# Measure PCS C1: Have a search moderation function designed to review, assess and take appropriate moderation action on content that is harmful to children

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## Introduction

- 15.36 In our May 2024 Consultation, we proposed a measure for all providers of search services likely to be accessed by children to:
- a) either downrank and/or blur all identified PPC; and
  - b) consider whether to downrank and/or blur or take no action on identified primary content that is harmful to children (PC) and non-designated content that is harmful to children (NDC).<sup>1142</sup>
- 15.37 We recommended that these actions be applied for all users, other than those the provider has reasonable grounds to believe are adult users.
- 15.38 Several stakeholders supported our proposals.<sup>1143</sup> Others commented on areas such as our approach to determining which users are adults, the specified technical actions of downranking and blurring, and factors relevant to appropriate moderation action.<sup>1144</sup>
- 15.39 We have also considered consistency with the equivalent Search Moderation measures in the Illegal Content Codes of Practice (Illegal Content Codes) and our Content Moderation measures for providers of user-to-user services discussed in Section 14.

## Our decision

- 15.40 Having considered stakeholders' feedback, we have decided to make the below changes.
- 15.41 We have decided to give search service providers flexibility over the technical actions they may take on content identified as content harmful to children. Providers should have systems and processes designed to take "appropriate moderation action" that results in one or more of the following outcomes:
- the search content is given a lower priority in the overall ranking of search results (such as by downranking content). We have clarified that this outcome does not require content harmful to children to always rank lower than other search content in search results and have set out circumstances where this is not possible in response to a given search request; and/or
  - where the content is image-based (which includes photographs, videos or other visual content), the view of that content should be blurred, distorted or obscured. Any action taken to achieve these outcomes would mean that the visual elements of the search content could not be clearly seen by users, but the content itself can still be included in search results.

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<sup>1142</sup> In our [May 2024 Consultation](#), we referred to this measure as SM1A and SM1B or PCS B1. For ease and to align with our Protection of Children Codes, we will refer to this measure as PCS C1 throughout.

<sup>1143</sup> Centre for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation, p.13; Nexus response to May 2024 Consultation, p.16; Welsh Government response to May 2024 Consultation, p.11.

<sup>1144</sup> Google response to May 2024 Consultation, p.28; Inkbunny response to May 2024 Consultation, p.8; NSPCC response to May 2024 Consultation, p.52; xHamster response to May 2024 Consultation, p.14.

- 15.42 We have also made the following clarifications with regards to “appropriate moderation action”:
- We have clarified that where PPC is image-based, search providers should, in all cases, take moderation action that results in the visual elements of that content being at least blurred, distorted or obscured when included in search results. Where the provider considers it appropriate, providers may choose to also take action that results in the content being given a lower priority in the overall ranking of search results. We define “image-based search content” as including both image- and video-based content.
  - We have clarified that where the above outcomes (i.e. blurring, distorting or obscuring, and/or lowering priority) are not relevant or feasible given the particular design or operation of a search service (for example, in the case of vertical search services or search services that use GenAI), appropriate moderation action would include action that results in content harmful to children no longer appearing in search results.
- 15.43 We have also made a number of clarificatory changes regarding the factors for determining appropriate moderation action:
- We have clarified that providers should have regard to specific factors when designing the particular aspects of the search moderation function relating to what appropriate moderation action (if any) to take (including the extent to which search content is given a lower priority in the overall ranking of search results).
  - We have specified that search providers should have regard to the prevalence of content that is harmful to children hosted at the URL or in the database where the search content is stored, as the previous drafting could have been perceived as being broader than this.
  - We have clarified that by “severity of harmfulness”, we mean the severity of potential harm to UK children if they encounter content that is harmful to children on the service.
  - We have specified that providers should have regard to the findings of the service’s children’s risk assessment as to the risk of harm to children in different age groups from particular kinds of PC and NDC.
- 15.44 Following further consideration of the measure since our May 2024 Consultation, we have also made the following clarificatory changes:
- We have clarified that the provider’s search moderation function should include systems and processes designed to enable the provider to “review and assess” search content that the provider has reason to suspect may be harmful to children, before taking appropriate moderation action to clarify our policy position in our May 2024 Consultation<sup>1145</sup> in line with a change made to the equivalent measure in the Illegal Content Codes.
  - We have clarified that if the provider is satisfied that the publicly available statement covers the relevant kinds of PPC, PC or NDC, it does not need to make a harmful content judgement and may instead assess content against content categories in its publicly available statement. We have defined content harmful to children identified in this way as “content that is harmful to children proxy”, which comprises “primary

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<sup>1145</sup> As set out in paragraph 17.87 of our May 2024 Consultation.

priority content proxy”, “priority content proxy” and “non-designated content proxy”. We refer to these terms in shorthand in this chapter as “harmful content proxy” and where relevant, “PPC proxy”, “PC proxy” and “NDC proxy”.

- We have clarified that providers should target the moderation actions at all users, other than those the provider has “determined” (rather than “believe”) on reasonable grounds to be adult users”. We have clarified that information coming exclusively from self-declaration is not sufficient for a service to determine a user is an adult.
- We have included a new provision to clarify that providers may choose to implement the recommendations of PCS C1, in particular the appropriate moderation actions for all PPC, PC and PC, through any existing functionality that allows moderation actions to be applied by default (for example, a safe search function), including where the default setting may be changed. We have decided to include this in Codes to reflect our policy position in our May 2024 Consultation and to provide regulatory certainty to search providers.
- Finally, we have included additional references to privacy safeguards in this measure to clarify how privacy rights are protected by the measures.

15.45 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C1.

## How this measure works

15.46 Service providers in scope of this measure should have a search moderation function designed to review, assess and take appropriate moderation action in relation to search content the provider has reason to suspect may be harmful to children to help minimise the risk of children encountering it.

15.47 We set out different approaches in PCS C1 to taking appropriate moderation action on PPC compared to PC and NDC.

## Identifying PPC, PC, NDC and harmful content proxy

15.48 When a provider has reason to suspect that search content may be harmful to children, the provider should either:

- make a judgement as to whether individual pieces of search content should be classified as content that is harmful to children; or
- assess the search content against the types of content identified in the publicly available statement as being subject to appropriate moderation action. The provider may do this where it is satisfied that the types of content included in the publicly available statement are broad enough to cover the suspected types of content harmful to children. Where a provider assesses search content in this way, the content identified would be either “PPC proxy”, “PC proxy” or “NDC proxy” (collectively, “harmful content proxy”).

15.49 We also consider it may be appropriate for a search moderation system to adopt an approach that combines these two processes.

15.50 Providers may be alerted to content that may be harmful to children in a variety of ways and we have chosen to give providers flexibility to employ whatever means they consider most appropriate. This may include a complaint by a UK user or affected person, a report from a trusted flagger, or via search moderation by a human or automated technology.

- 15.51 We recognise that some providers may also use some proactive technologies to detect certain types of content at scale, and we encourage them to continue with this. We are not specifically recommending the use of proactive technology as part of the measure.

### **Taking appropriate action in relation to PPC, PC, NDC and harmful content proxy**

- 15.52 Under this measure, providers should take appropriate moderation action when they become aware of content that is harmful to children (or harmful content proxy) on their services. Appropriate action should result in one (or both) of the following outcomes (as relevant) on child-accessible parts of the service:<sup>1146</sup>
- Image-based content is blurred, distorted or obscured – while content would still be returned in search results, action taken to blur, distort or obscure search content is intended to ensure that the visual elements are less immediately visible to users.
  - Content is given a lower priority in the overall ranking of search results – this can reduce the likelihood of children coming across links to harmful content and being exposed to harm.
- 15.53 Where the outcomes specified above are not relevant or feasible given the particular design or operation of a search service,<sup>1147</sup> appropriate moderation action includes action that results in content no longer appearing in search results.
- 15.54 As outlined in paragraph 15.48, providers should take the appropriate moderation action recommended for PPC and PC/NDC on PPC proxy, PC proxy and NDC proxy, where a provider chooses to identify content harmful to children by reference to its publicly available statement.

### **Measure PCS C1 in relation to PPC**

- 15.55 Once service providers become aware of any PPC and/or PPC proxy, they should take any technical action they consider to be appropriate that results in the following on child-accessible parts of the service:
- PPC and/or PPC proxy being given a lower priority in the overall ranking of search results; and/or
  - image-based PPC and/or PPC proxy being blurred, distorted or obscured when included in search results.
- 15.56 At a minimum, image-based PPC should be blurred, distorted or obscured, but providers may also choose to lower the priority of that content in the overall ranking of search results to offer stronger protection where they consider this appropriate in the circumstances.
- 15.57 If the provider has an existing functionality, such as a safe search setting, which allows moderation actions to be applied by default for users of the service, it may use this functionality to implement the appropriate moderation actions recommended under this measure, including where that default setting may be changed by users.

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<sup>1146</sup> The children's safety duties in section 29 of the Act only apply to such parts of the services as it is possible for children to access – see section 30(5).

<sup>1147</sup> The feasibility condition will be met where the recommended outcomes are not feasible because of the way in which search results are presented to users, and the relevance condition will be met where the type of harmful content identified by the provider falls outside the scope of search content for which the service is designed to enable users to search. See PCS C1.8.

## Measure PCS C1 in relation to PC and NDC

15.58 Once service providers become aware of any PC and/or NDC<sup>1148</sup> (or PC or NDC proxy), they should decide whether to take action. If the provider decides to take action, the action could result in one or both of the following on child-accessible parts of the service:

- PC and NDC (including PC and NDC proxy) being given a lower priority in the overall ranking of search results; and/or
- image-based PC and NDC (including PC and NDC proxy) being blurred, distorted or obscured when included in search results.

## Which users the moderation actions should apply to

15.59 A provider should apply the appropriate moderation action to all users of its service, except those users which the provider has reasonable grounds to determine are adults.

15.60 Reasonable grounds should be based on information that service providers have about a user's age. This could include, but is not limited to, what the service provider already knows about a user's age through the use of highly effective age assurance.<sup>1149</sup> For the purposes of this measure, service providers should not use information coming exclusively from self-declaration to determine that a user is an adult.

15.61 If a provider does not have reasonable grounds to determine a user is an adult, it is possible that the user could be a child. Therefore, any moderation actions taken in accordance with Measure PCS C1 should be applied to that user.

15.62 Subject to these recommendations, to ensure that children in the UK are protected in line with the Act's requirements, service providers may:

- limit their search moderation approach to UK users only, if they have a way of identifying them;
- apply their search moderation approach to all users globally; or
- apply their search moderation approach to a particular subset of users globally, including at a minimum all UK child users.

## Factors relevant to the determination of appropriate action

15.63 When designing the aspects of their search moderation function relating to what appropriate moderation action to take, providers should consider the following factors:

- the prevalence of PPC, PC and NDC hosted at the URL or in the database at which the search content concerned is present;
- the interests of users (both children and adults) in receiving any content that is not harmful to children that would be affected by the action taken;
- the severity of potential harm to UK children if they encounter identified PPC, PC or NDC; and

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<sup>1148</sup> This measure only applies in relation to NDC which has been identified as low, medium or high risk in the most recent children's risk assessment of the service and which is harmful by its nature, in accordance with sections 30(2) and (4) of the Act.

<sup>1149</sup> This may include the deployment of highly effective age assurance on a user-to-user service which is provided by the search service provider, in line with the Highly Effective Age Assurance (HEAA) Guidance for Part 3 Services.

- the risk of harm to children in different age groups from particular kinds of PC and NDC as assessed in the provider's most recent children's risk assessment for the service.

- 15.64 As part of their Children's Risk Assessment, all providers of search services likely to be accessed by children should assess the risk of children encountering each kind of harmful content on their service and consider this risk for children in different age groups. We consider this information is also relevant for providers to consider when designing the aspects of their search moderation function relating to the appropriate moderation action to take against identified PC and NDC.<sup>1150</sup>
- 15.65 These factors are also relevant to considering the extent to which search content is given a lower priority (if applicable) and, in the case of PC and NDC, whether any moderation action should be taken at all.
- 15.66 Under this measure, providers should consider these factors when designing relevant aspects of their search moderation function, and this should assist them in balancing the risks of harm from content against users' right to freedom of expression. However, this is not a prescriptive list and it is open to providers to take other factors into account.
- 15.67 While it is not necessary as part of this measure, a provider may also choose to have regard to the factors in the context of making individual search moderation decisions.

## How this measure protects children

- 15.68 We consider that this measure will be effective in addressing risks to children as we know that children can be exposed to harmful content online by accessing content through search services.
- 15.69 This includes content which encourages, promotes or provides instructions for primary priority harms such as suicide, self-harm, eating disorders<sup>1151</sup> and pornography.<sup>1152</sup> This content can appear in search results and be accessed by children, rank highly in search results, and appear in visual form in image search.
- 15.70 Research suggests that both adults and children see value in blurring image-based content because it adds friction to direct interaction with certain kinds of disturbing content.<sup>1153</sup> It may also benefit children who accidentally enter search terms relating to harmful content.
- 15.71 Evidence indicates that the first page of search results is the most accessible to users.<sup>1154</sup>  
<sup>1155</sup> As set out in Section 12 of the Children's Register, we also know that content that encourages, promotes or provides instructions for suicide, self-harm and eating disorders can rank highly in returned search results, increasing the likelihood of children's exposure to harmful content of this nature. By extension, this suggests that when a service provider

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<sup>1150</sup> In PCS C3, we set out that large and multi-risk service providers should have regard to the findings of their risk assessment when setting internal content policies. This would include how they assess risks to children in different age groups.

<sup>1151</sup> Ofcom. (2024). [One Click Away: A Study on the Prevalence of Non-Suicidal Self Injury, Suicide, and Eating Disorder Content Accessible by Search Engines](#), p.4. [accessed 18 February 2025].

<sup>1152</sup> Office of the Children's Commissioner for England. (2023). ['A lot of it is actually just abuse'. Young people and pornography](#), p.7.[accessed 18 February 2025].

<sup>1153</sup> Ofcom, 2023, [User attitudes to On-Platform interventions](#) [accessed 8 April 2025].

<sup>1154</sup> Note that some search services have replaced 'pages' with a continuous scroll-like function.

<sup>1155</sup> Beus, J, 2020. [Why \(almost\) everything you knew about Google CTR is no longer valid](#). [accessed 26 March 2025].

lowers the priority of content that is harmful to children, the content will be harder for users to find. This minimises the risk of a child encountering that content, in line with the children’s safety duties.

- 15.72 While alternative actions that result in the content no longer appearing in search results may be more effective at eliminating the risk to children, we consider that specifically recommending this outcome would not generally be justified on proportionality or freedom of expression grounds in circumstances where the moderation actions will be applied for all users of a service and where the content is not illegal.<sup>1156</sup> Nonetheless, we consider that the appropriate moderation actions will contribute to reducing the risk of children encountering and being harmed by said content, compared to the alternative where this content remains easily discoverable via search results.

## Stakeholder feedback and our response

### Determining which users are adults

#### Our proposals

- 15.73 In our May 2024 Consultation, we proposed that moderation action taken by providers under Measure PCS C1 should apply to all users unless the service has reasonable grounds to believe the user to be an adult. We explained that “reasonable grounds” should be based on information that service providers have or infer about a user’s age, and that this could include, but is not limited to, highly effective age assurance.

#### Summary of responses

- 15.74 In response to our May 2024 Consultation, Inkbunny stated that moderation action under PCS C1 in respect of PPC should only be applied when there is a reason to believe that a child is viewing it and should not be applied to adult users. It argued that this would otherwise constitute censorship of pornographic content.<sup>1157</sup> We received similar feedback about determining which users are children for Measure PCS C2, which we discuss in paragraphs 15.213-15.224.

#### Our decision

- 15.75 After considering this stakeholder feedback, we have decided to confirm that moderation action in line with PCS C1 should be applied to all users, other than those that a provider has determined to be adults based on reasonable grounds.
- 15.76 While we are not prescriptive about how service providers should make determinations, we have decided to make several changes to clarify that we expect providers to apply a higher threshold for determining whether a user is an adult. In addition to referring to “determinations” rather than “belief”, the measure now makes clear that information coming exclusively from self-declaration would not constitute reasonable grounds on which to make the determination that a user is an adult. This is because our evidence indicates that self-declaration alone provides a low degree of certainty about the

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<sup>1156</sup> Whilst we remain of the view that it is not proportionate to recommend that providers take moderation action that removes content more broadly, we have decided to recognise the conditions under which some search service providers may do so in the Code drafting for PCS C1. We also note it remains open for search service providers to ensure that certain types of content do not appear in their search results as a matter of commercial choice. See paragraphs 15.135-15.141 for more information.

<sup>1157</sup> Inkbunny response to May 2024 Consultation, p.8.

age of users.<sup>1158</sup> This is also in line with the definition of age assurance in the Act.<sup>1159</sup> We are therefore concerned that reliance on self-declaration alone would present too great a risk of children self-declaring to be adults, with the result that they will not receive any protections under PCS C1 or PCS C2. We note that our position on self-declaration under PCS C2 is different, which we explain in detail in paragraph 15.217.

- 15.77 We acknowledge that this approach means, in practice, that the moderation outcomes under this measure will continue to have an impact on some adult users where a provider is not able to determine that they are an adult to the relevant standard. We address the concerns raised by Inkbunny in our assessment on the impact of this measure on freedom of expression, as set out in paragraphs 15.158-15.168.
- 15.78 We have made these changes also for consistency with our approach to age assurance as outlined in Section 13.

## Taking appropriate moderation action

### Our proposals

- 15.79 In our May 2024 Consultation, we recommended downranking as one of the appropriate actions that can be applied to content that is harmful to children. We stated that downranking content involves altering the ranking to ensure that a particular piece of content appears lower in the search results and is therefore less discoverable to users.

### Summary of responses

- 15.80 Google argued there was a lack of clarity in the use of the term “downranking”, given that the same page might rank differently depending on the associated search query input by users (particularly if comparing the results of general queries to navigational queries).<sup>1160</sup>  
<sup>1161</sup>
- 15.81 Google requested that we clarify the definition of “downranking” to give service providers the flexibility to alter their ranking algorithms only where they think it is possible or appropriate – or alternatively, only in cases of general queries rather than navigational queries.<sup>1162</sup>

### Our decision

- 15.82 After considering stakeholder feedback, we have decided to remove specific reference to the technical actions of “downranking” and “blurring”, to instead set out the outcomes that a moderation action should achieve (see paragraphs 15.52-15.54). We consider this ensures that providers moderate harmful content in a way that achieves meaningful protections for children while providing greater flexibility for the range of services in scope, and the changes services may make over time to their moderation systems.

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<sup>1158</sup> Ofcom’s latest user age research estimates that 34% of 8–12-year-olds with their own profile on at least one online service e.g. social media have a user age of at least 16+. Ofcom, [Children’s User Age Wave 3](#) (August 2024) [accessed 8 April 2025].

<sup>1159</sup> Section 230(4) of the Act makes clear that requiring “a user to self-declare their age (without more)” is not to be regarded as a form of age assurance.

<sup>1160</sup> By ‘navigational query’ we refer to a search query that is targeted to finding a particular page or site and for which there is one obvious result or very limited relevant results. By ‘general query’ we refer to a search query that is broad and for which there may be many possible results.

<sup>1161</sup> Google response to May 2024 Consultation, p.28.

<sup>1162</sup> Google provided similar feedback in response to the equivalent moderation measure proposed in our November 2023 Consultation. Google response to November 2023 Consultation, p.39.

- 15.83 While we continue to consider downranking to be an appropriate technical action to minimise the risk of children encountering PPC, PC and NDC, we accept that it may not be suitable for all services in all circumstances. We accept that the term “downranking” may raise uncertainties around what service providers should achieve, considering that the impact of this action may vary depending on the search query and any other ranking signals that may have been applied to the search content.
- 15.84 We understand many general search providers operate their services using complex ranking systems that consider a wide range of factors – such as accuracy, authoritativeness or usability – when determining how to prioritise relevant search content in search results. We recognise that ranking the most relevant results first is also a necessary aspect of search providers’ operations. We also recognise that this has an impact on the availability and/or accessibility of certain search content available on or via a search service, including search content that may later be found to be PPC, PC, or NDC.
- 15.85 Due to this, we have also made a change to clarify that action taken to lower the priority of search content in the overall ranking of search results does not require the search content to rank lower than other search content in every possible scenario. We have made this change because we consider that there are scenarios where it would not be practical to achieve this outcome because:
- only search content that is harmful to children is relevant to a search request; or
  - given the specificity of the search request, search content that is content harmful to children is reasonably considered to be most relevant.
- 15.86 We have similarly changed the wording in the measure relating to “blurring” so that it now recommends that providers should take action that results in image-based content being blurred, distorted or obscured. This is because we consider that there are a range of appropriate technical actions, not limited to those that result in “blurring”, that providers may take to ensure that the visual elements of search content is not immediately visible to users when presented in search results (see paragraphs 15.52-15.54).
- 15.87 We have decided to change the measure so that providers should, in all cases, at least obscure image- and video-based PPC (under PCS C1 in relation to PPC) although if they consider it appropriate, they may choose to also give this content a lower priority in the overall ranking of search results. We have made this change in response to feedback about the reduced effectiveness of downranking when users input a ‘navigational query’. Evidence set out in Section 12 of the Children’s Register shows that image- and video-based search results are more likely to contain content that is harmful to children than standard text and/or URL search results.
- 15.88 We consider it is appropriate to allow providers to choose whether to blur, distort or obscure image-based PC and NDC (or PC and NDC proxy) when identified, and what action to take, as evidence relating to harm caused to children by encountering PC and NDC on search services is still limited. We consider that this approach strikes a balance between protecting children and not unduly limiting freedom of expression. We set out our differentiated approach to PPC, PC and NDC at paragraphs 15.128-15.132.

## Taking appropriate moderation action on content hosted by adult service providers which do not employ age assurance

### Our proposals

- 15.89 In our May 2024 Consultation, we proposed that under Measure PCS C1, all PPC of which the provider is aware should be “downranked” or “blurred”. We did not include any specific indications regarding URLs of adult service providers that do not employ age assurance.
- 15.90 We set out in our May 2024 Consultation that where services that host pornographic content are deploying highly effective age assurance to secure that children are not normally able to access pornographic content on the service (for example, by putting in place an age check requirement on the domain page, and no pornographic content is visible prior to the completion of the age check), there would be no need to downrank any link to that webpage.<sup>1163</sup>

### Summary of responses

- 15.91 xHamster argued that search services can be harmful to children if the search functionality allows adult content to be displayed. Particularly, it raised that search services should at least have systems that do not redirect users to websites that do not comply with the law, such as by demoting (or completely removing) search results from adult sites that do not have age assurance in place.<sup>1164</sup>

### Our decision

- 15.92 We have not changed our Search Moderation measures in response to xHamster’s concerns about the risk of harm from websites that do not properly implement Ofcom’s measures on age assurance. This is because we consider PCS C1, as designed in combination with PCS C2, will address the risk of harm to children from adult content displayed in search results, or which is accessible via search results.
- 15.93 Furthermore, we do not consider it proportionate to recommend that search providers take compliance with relevant age assurance duties in Part 5 and/or Part 3 of the Act into account when implementing either PCS C1 or PCS C2. It would be challenging, and in some cases not technically feasible, for providers of search services to establish the extent to which age assurance is being implemented on an adult site (including if any age assurance process meets the standard of highly effective age assurance). We also consider it inappropriate to recommend providers develop the capabilities to assess adult sites’ age assurance processes, as, ultimately, it is for Ofcom to consider industry compliance with Part 5 and/or Part 3 of the Act and to take enforcement action where appropriate.
- 15.94 We note that as long as the search service provider does not identify search content derived from an adult site as “pornographic content”, it does not need to take “appropriate moderation action” in respect of this search content. This may be the case in circumstances where the implementation of highly effective age assurance and/or other interventions, prevent an adult site’s pornographic content being displayed “in search results” or being accessible “via search results” (for example, if the landing page has an effective age gate).

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<sup>1163</sup> See paragraph 17.94(a) of the May 2024 Consultation.

<sup>1164</sup> xHamster response to May 2024 Consultation, p.14.

## Use of existing ranking systems

### Our proposals

- 15.95 In our May 2024 Consultation, we proposed that content that is harmful to children identified by the provider should be “downranked” and/or “blurred”. We did not make a recommendation for how service providers should operate their systems and processes in order to “downrank” or “blur” content that is harmful to children.

### Summary of responses

- 15.96 In follow-up engagement, Google provided further information about its approach to its overall ranking system to provide higher quality and safer experiences for users. It stated that it is often easier and more effective to identify sources of helpful or authoritative content and promote this content in search results, than it is to identify and then downrank or filter out harmful content, as this may then just be replaced by more harmful content. Google asked us to reconsider whether our proposals under PCS C1 and PCS C2 provided adequate flexibility to account for the way it operates its systems. We address this feedback as it relates to PCS C2 at paragraphs 15.244-15.254. <sup>1165</sup>
- 15.97 In addition, in providing its feedback on our recommendations regarding downranking, [X]. <sup>1166</sup>

### Our decision

- 15.98 We have considered this feedback and have decided not to make changes to the measure.
- 15.99 Measure PCS C1 to take appropriate moderation action only applies once a provider has identified a piece of content to be harmful to children (or harmful content proxy). We therefore consider it is possible for service providers to implement PCS C1 while continuing to use their systems to make commercial determinations about how search content should be generally ranked in search results, including any decisions to promote higher quality content.
- 15.100 This means we are not setting out how search providers should make commercial ranking decisions beyond what is required to meet the duties in the Act to minimise the risk of children encountering harmful content. In this way, we ensure we are not inadvertently causing a search provider’s entire ranking operations to be brought within the scope of the appeal duties under the Act (see section 32 of the Act).
- 15.101 Regarding [X], we note that those duties only apply to search content that has been given a lower priority in, or removed from search results on the basis that it has been identified as a type of content that is harmful to children and on which moderation action has been taken in compliance with the provider’s safety duties. Other ranking activities undertaken by search providers to operate their service which result in search content being given lower priority in search results would not engage a right of appeal for an interested person (such as UK-based website or database operators) in line with the provider’s complaints duties in section 32 of the Act. We also discuss this in the measures on content appeals in Section 16.
- 15.102 We also note that a provider may choose to take alternative measures instead of this measure to meet their duties under the Act. Where a provider chooses to do so, it will need

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<sup>1165</sup> Meeting with Google on 3 October 2024.

<sup>1166</sup> [X]

to consider how these alternative measures affect its ability to comply with any other duties it has under the Act, such as the complaints duties.

## Factors relevant to the determination of appropriate action

### Our proposals

15.103 In our May 2024 Consultation, we proposed that service providers have regard to the following factors to determine the extent to which they take appropriate moderation action under this measure. We set these out as:

- the prevalence of PPC, PC and NDC hosted by the person responsible for the website or database concerned;
- the interests of all users (including children, but particularly adult users) in receiving any content that is not harmful to children that would be affected by the action taken; and
- the severity of harmfulness of the identified PPC, PC and NDC.

### Summary of responses

15.104 Google suggested that providers should be allowed to take appropriate moderation action without having to assess the factors listed in the measure proposed in our May 2024 Consultation. Google also suggested that the listed factors should not be prescriptively set out. It suggested the following changes:

- the provider may have regard to the listed factors as relevant; or
- the provider should have regard to the listed factors and the volume and nature of non-harmful material that would be affected.<sup>1167</sup>

15.105 Google also provided this feedback in response to our November 2023 Consultation.<sup>1168</sup> It added that general search services are not able to determine “prevalence” of illegal content, based on the understanding that “prevalence” is relevant to the presence of illegal content at the broader website or domain. This is because Google does not host the site and does not record metrics like violative view rates.<sup>1169</sup>

15.106 Microsoft noted that it would be challenging to assess the relevant factors for determining appropriate action at scale, as a provider may not have the context required to judge the potential severity of harm from content on a third-party website (for instance, bullying and abuse). It said that this challenge will be exacerbated for NDC.<sup>1170</sup>

15.107 The NSPCC acknowledged our rationale for not being more prescriptive in this measure but suggested that we should monitor the implementation of this measure and assess how providers are measuring severity to ensure these measures are implemented robustly.<sup>1171</sup>

### Our decision

15.108 Having considered this feedback, we have decided to make some clarificatory changes to the measure.

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<sup>1167</sup> Google response to May 2024 Consultation, p.29.

<sup>1168</sup> Google response to November 2023 Consultation, p.40.

<sup>1169</sup> Google response to November 2023 Consultation, p.38.

<sup>1170</sup> Microsoft response to May 2024 Consultation, p.13.

<sup>1171</sup> NSPCC response to May 2024 Consultation, pp.52-53.

- 15.109 We understand that the feedback from Google and Microsoft relates primarily to the potential challenge of moderating at scale if we were to recommend that the factors set out in this Measure PCS C1 be considered in the context of every moderation decision. We have therefore changed the measure to clarify that a search service provider should have regard to these factors when designing aspects of its search moderation function relating to what appropriate moderation to take. This means that providers would not have to demonstrate that this has been done for each individual decision.
- 15.110 While the measure sets out that providers should consider these factors, they retain flexibility in whether they use them. It may not be appropriate for all providers to incorporate all the factors listed in the measure in the design of their search moderation function.
- 15.111 We recognise Google’s concerns about determining the prevalence of harm, and whether this applies at the broader website or domain level. To address this feedback, we have clarified that search providers are only expected to assess the prevalence of harmful content hosted at the specific URL or in the database where the search content is present, which we consider they can reasonably be expected to assess.
- 15.112 We have decided to change “severity of harmfulness of the identified PPC, PC and NDC” to “severity of potential harm to UK child users if they encounter identified PPC, PC and NDC” for consistency with language used in the measure on prioritisation (PCS C5), as we consider it is a clearer articulation of this factor for service providers. This reflects the changes made to the equivalent Illegal Harms measure.
- 15.113 We have decided to include an additional factor in relation to the findings of the service’s most recent children’s risk assessment as to the risk of harm to children in different age groups which is relevant to the moderation of PC and NDC. We discuss this in the next sub-section ‘Age groups’.
- 15.114 In response to the NSPCC’s feedback on monitoring the consistent implementation of the measure, we suggest that service providers refer to the requirements set out in Section 11. In addition, we have various tools at our disposal to ensure providers comply with their duties in the Act and implement measures effectively. See Section 3 for further discussion of these tools.

## Age groups

### Our proposals

- 15.115 In our May 2024 Consultation, we did not make any proposals about moderation action for children in different age groups. This was because we had limited evidence for different impacts of encountering harmful content on different age groups of children.

### Summary of responses

- 15.116 As discussed in Section 9, we received stakeholder feedback in response to our overall approach to the Codes calling for different measures for different age groups of children. We also received feedback in response to our Content Moderation measures, suggesting we should recommend providers moderate content differently for different age groups of

children in recognition of their evolving capacities.<sup>1172</sup> We consider this feedback is also relevant to our Search Moderation measures.

- 15.117 As we discuss in Section 14, some of the children we spoke to in our deliberative engagement expressed concern that protecting children from all harmful content could leave them less prepared to handle such material when they encounter it later.<sup>1173</sup> These children proposed gradually introducing age-restricted content based on maturity levels, rather than having a single age threshold.
- 15.118 Speaking generally about our proposed measures, some children spoke about how over-16s and ‘mentally mature’ children might feel restricted by these proposed measures. They recognised there were developmental differences between younger and older children. However, some children expressed a preference for measures to be applied consistently to reduce the possibility of children feeling excluded based on peers (e.g. of similar ages) having access to different kinds of content.
- 15.119 We also received feedback and new evidence from stakeholders on the rights and capacities of older children, which is set out in the Children’s Register along with our final position on risks to children in older age groups.<sup>1174</sup> Stakeholders suggested that older children, while still at risk of harm, should be granted more independence and access to content online given the skills, legal and practical independence gained by children by this age.<sup>1175</sup> As a result, as set out in the Children’s Register, we have reassessed evidence of the risks to children in the oldest recommended age group, reflecting a greater degree of nuance in the rights and abilities of 16-17-year-olds to navigate challenging content.<sup>1176</sup>

#### **Our decision**

- 15.120 We have considered this stakeholder feedback, as well as broader feedback and evidence we received on children’s capacities at different ages.
- 15.121 We have decided to update this measure to set out that providers should consider the risk of harm to children in different age groups from particular kinds of PC and NDC as one of the factors to take into account when designing the aspects of their search moderation function relating to what (if any) appropriate action to take for PC and NDC (or PC and NDC proxy). When doing so, providers should refer to the relevant findings of their children’s risk assessment.
- 15.122 The evidence identified in Section 17 of the Children’s Register suggests that children in all age groups are at risk of harm from all kinds of PC and NDC. We therefore consider that it would be highly unlikely for a provider to be able to conclude there is no risk of harm to any age group of children in its children’s risk assessment.
- 15.123 Where a provider identifies in its children’s risk assessment that children in certain age groups are at a greater risk of harm from PC or NDC, it is likely to be appropriate to take stronger moderation actions to minimise the risk of those children encountering PC or NDC.

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<sup>1172</sup> 5Rights Foundation response to May 2024 Consultation, p.13; Kooth Digital Health response to May 2024 Consultation, p.4.

<sup>1173</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>1174</sup> See Section 4 of Volume 2.

<sup>1175</sup> 5Rights Foundation response to May 2024 Consultation, p.5.; Children and Young People’s Commissioner Scotland response to May 2024 Consultation, p.8; Common Sense Media response to May 2024 Consultation, pp.3-4.

<sup>1176</sup> See Section 17 of [the Children’s Register](#).

For example, for children under 16, providers may choose to take appropriate moderation action (noting that this measure does not recommend that action is taken for PC and NDC in all cases) by both obscuring and lowering the priority of this content in search results.

- 15.124 For the avoidance of doubt, the inclusion of this factor does not require or expect providers to target different moderation actions at different age groups of children where they do not have any appropriate means to determine the age range of users. In those cases, we would expect providers to err on the side of caution when designing the relevant part of their moderation function, bearing in mind that children, including those in age groups that are particularly vulnerable to harm from the relevant kind of content, may be able to encounter it. We set out our position in respect of highly effective age assurance in paragraphs 15.213 - 15.224.

## Different moderation action for PPC, PC and NDC

### Our proposals

- 15.125 In our May 2024 Consultation, we recommended a different approach for PPC and for PC and NDC under PCS C1.<sup>1177</sup> This was based on the evidence available at that time with respect to the risk factors around search services and the extent of harm for each content type.<sup>1178</sup> This evidence clearly showed that content such as self-injury, suicide, and eating disorders can appear high up in returned search results or ranking, increasing the likelihood of users, particularly children, being exposed to harmful content,<sup>1179</sup> and that pornography is easily accessible through search services.<sup>1180</sup> Evidence of children's experience of PC- and NDC- related harms on search services was limited at the time of consultation.

### Summary of responses

- 15.126 The Molly Rose Foundation stated that our approach to PC was unsatisfactory, noting our recommendation that it should be up to search providers to decide whether to take action on PC or NDC. It stated that this is in contrast with the statutory requirement to ensure children receive a higher standard of protection than adults.<sup>1181</sup>
- 15.127 On the other hand, Microsoft supported the proposed differentiated approach, recognising that enabling providers to decide how to take action on PC should result in better targeted responses, preserving access to information.<sup>1182</sup>

### Our decision

- 15.128 Having considered this stakeholder feedback, we have decided to maintain our position to give service providers discretion in deciding whether and how to take appropriate moderation action on PC and NDC. For PPC we recommend moderation action in all cases.
- 15.129 We recognise that where PC and NDC exists online, search services pose a risk to children from encountering that content and suffering harm as a result. However, while we have

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<sup>1177</sup> See paragraphs 17.47-17.52 of the May 2024 Consultation.

<sup>1178</sup> This was set out at Section 7.10 of the May 2024 Consultation.

<sup>1179</sup> The study was conducted with safe search settings switched off. Ofcom, 2024. One Click Away: A Study on the Prevalence of Non-Suicidal Self Injury, Suicide, and Eating Disorder Content Accessible by Search Engines. [accessed 18 February 2025].

<sup>1180</sup> Office of the Children's Commissioner, 2023. A lot of it is actually just abuse [accessed 26 March 2025].

<sup>1181</sup> Molly Rose Foundation response to May 2024 Consultation, p.43.

<sup>1182</sup> Microsoft response to May 2024 Consultation, p.13.

evidence of harm occurring to children on search services from PPC, evidence relating to harm caused to children by encountering PC and NDC on search services remains limited.

- 15.130 We are of the view that the factors described in paragraphs 15.63-15.64 will allow providers to design their search moderation functions in such a way that leads to sufficient protection for children, including in relation to search content where the prevalence and severity of potential harm to children associated with certain types of content (PC and NDC included) is particularly high.
- 15.131 In doing so, large general search and/or multi-risk search service providers will also be supported by our requirements in PCS C3. Under our internal content policies measure, in-scope service providers should have regard to the findings of their children's risk assessments in setting their content policies, which should set out how search content that is harmful to children is to be addressed once on the service. We explain this in more detail in paragraphs 15.289 - 15.290.
- 15.132 We consider that our approach will result in better, targeted outcomes and therefore support the right to access information, as suggested by Microsoft. This is because it allows search providers to make informed assessments on appropriate moderation action based on both prevalence and severity of harm and the findings of their risk assessments, and therefore of the risk of harm to children at the time they are completed.

## **Appropriate moderation action for vertical search services and search services that use GenAI**

### **Our proposals**

- 15.133 In our May 2024 Consultation, we recommended that Measure PCS C1 apply to providers of all search services likely to be accessed by children, including providers of vertical search services to the extent that content harmful to children may be encountered by children on or via those services. Given the nature of these services, we concluded that providers of vertical services might have fewer moderation systems in place to take action on PPC, PC and NDC.<sup>1183</sup>

### **Summary of responses**

- 15.134 Skyscanner and Mid Size Platform Group noted that recommending providers "downrank" content identified as harmful to children does not reflect the fundamentally different way in which vertical search services operate compared to general search services.<sup>1184</sup>

### **Our decision**

- 15.135 We have decided to change Measure PCS C1 to clarify the circumstances in which providers could take action that results in content harmful to children no longer appearing in search results, rather than taking action to give content a lower priority and/or blur, distort or obscure it in search results.)
- 15.136 In response to Skyscanner and Mid Size Platform Group's feedback we acknowledge that 'downranking' content harmful to children may not be reflective of how vertical search services operate. For example, providers of vertical search services can design their service

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<sup>1183</sup> See paragraph 17.57 of the May 2024 Consultation.

<sup>1184</sup> Mid Size Platform Group response to May 2024 Consultation, p.10; Skyscanner response to May 2024 Consultation, p.14. Mid Size Platform Group and Skyscanner provided similar feedback to our November 2023 Consultation. Mid Size Platform Group response to November 2023 Consultation, p.8.; Skyscanner response to November 2023 Consultation, p.17.

to only enable users to search for specific topics or products unrelated to categories of content that are harmful to children. We understand that where a provider of such a service identified content harmful to children it would remove this content on the basis that it is out of scope of the service.

- 15.137 Whilst the stakeholder feedback we received related to the relevance of ‘downranking’ for vertical search services, following further consideration we understand that there may be other types of search services for which the recommended outcomes may not be relevant or technically feasible given the way search results are presented, or the service is designed.
- 15.138 This may include, for example, general search services that are limited to certain topics that would (similarly to vertical search services) remove any content identified as harmful to children on the basis that it is out of scope of the services. It may also include providers of search services that use GenAI<sup>1185</sup> to generate summaries of the search results produced by the search engine, instead of presenting a ranked list of search content (such as links to live website and/or snippets of text from a website). Search service providers using GenAI may take action that results in content harmful to children no longer appearing in GenAI summaries, as we recognise that taking action to lower the priority of, or blur, obscure or distort, content may not be relevant or feasible for the way these summaries present search results to users.
- 15.139 We remain of the view that it is not proportionate to more broadly recommend that providers to remove harmful content under this measure.<sup>1186</sup> However, we consider it appropriate to recognise the conditions under which providers may do so in the Code (set out at paragraph 15.140). This is to provide greater regulatory certainty for those providers that wish to meet the safe harbour of PCS C1, but for which our recommended outcomes are not relevant or feasible given the particular design or operation of their service.
- 15.140 We have clarified in the Code drafting that appropriate moderation action includes any action that results in content harmful to children no longer appearing in search results where a provider meets either of the following conditions:<sup>1187</sup>
- actions that result in the content being given a lower priority or being blurred, distorted or obscured, are not feasible because of the way in which search results are presented to users; or
  - the type of content that is harmful to children identified falls outside the scope of search content for which the service is designed to enable users to search.
- 15.141 Whilst we have set out the conditions under which appropriate moderation action would include removing content under PCS C1, we note it remains open to providers to take steps to ensure that certain types of content do not appear in their search results as a matter of commercial choice and in the exercise of their own right to freedom of expression.

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<sup>1185</sup> This may include GenAI services that meet the definition of a ‘search service’ under the Act, or providers of search services that incorporate GenAI functionalities.

<sup>1186</sup> See paragraphs 15.72 and 15.162.

<sup>1187</sup> See PCS C1.5 (appropriate moderation action for PPC) and PCS C1.6 (appropriate moderation action for PC and NDC). The feasibility and relevance conditions are set out in PCS C1.8.

## Applicability of PCS C1 to downstream general search services

### Our proposals

- 15.142 We proposed to apply this measure to providers of all search services, including downstream general search services.

### Summary of responses

- 15.143 A stakeholder asserted it would be neither proportionate nor feasible for downstream search services to be subject to search moderation obligations.<sup>1188</sup>

### Our decision

- 15.144 We have considered this feedback and have decided not to make changes to the measure.
- 15.145 We do not consider that it would be appropriate to carve out downstream general search services from this measure on the basis that the downstream entity may not control relevant moderation systems and processes.<sup>1189</sup> The inherent complexities of a downstream general search service arrangement do not negate the regulatory duties under the Act, which apply to providers of all regulated search services. We set out our approach to how entities involved in a downstream search service arrangement are expected to determine who the provider of the downstream search service is and manage compliance with the regulatory duties under the Act at paragraphs 15.26-15.32.

## Impacts on service providers

### Our position at Consultation

- 15.146 In our May 2024 Consultation, we explained that to implement measure PCS C1, services will incur costs from assessing suspected harmful content and taking action to address identified harmful content.
- 15.147 For providers of smaller services with low risks and few complaints about search results that are harmful to children, we expected that the costs of assessing content should be minimal. Such providers may be able to assess and consider what action to take in relation to content on a case-by-case basis when it is flagged or identified for review. The costs to providers of larger services and services posing significant risks to children could be significant. Such providers may identify a high volume of suspected harmful content and the moderation systems and process to review this content may require substantial resources.
- 15.148 In addition, we said that providers would incur costs associated with adapting their ranking algorithms to negatively weight content where they assess that moderation action is to be taken on content harmful to children. We also said that providers will incur costs of building a system to blur images or videos containing content harmful to children from search results if they already do not have such a system in place.
- 15.149 For a provider of a smaller search service without such systems in place, we estimated that it could take approximately three to four weeks of software engineering time, with an equivalent amount of non-engineering time, for each of these changes (downranking and blurring). We expected the one-off direct implementation costs for each system could be

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<sup>1188</sup> [X].

<sup>1189</sup> [X]. In its advertising market study, the Competition and Markets Authority (CMA) said none of the contracts it had looked at allowed the downstream general search service to re-rank the search results they received from Google or Bing. Source: Competition and Markets Authority (CMA), 2020. [Online platforms and digital advertising: Market study final report](#). [accessed 22 September 2023].

around £7,000 to £18,000. We expected that there would be additional incremental costs to maintain the systems and keep them up to date. Assuming an annual maintenance cost of 25% of the implementation cost, this could be £2,000 to £4,500 per annum for each system; the cost of developing both systems would be double.

- 15.150 We said costs may be higher for providers of large services where we understood that significant review, coordination, and governance processes may need to be followed to implement changes of this kind.
- 15.151 We also considered that there would most likely be minimal costs associated with designing and implementing the ability for users to turn off their settings should a provider choose to implement this measure through their safe search function.
- 15.152 We recognised that many providers may already have systems in place to moderate search content. To the extent these systems meet the requirements of this measure, this would reduce providers' costs.<sup>1190</sup>

### **Our decision**

- 15.153 We did not receive stakeholder feedback on our estimates of the costs of downranking and blurring. Our estimates of the costs of each of these two actions is therefore unchanged.
- 15.154 We have changed the measure so that providers displaying image-based PPC take action that results in the view of that content being blurred, distorted or obscured, in addition to retaining the option to give a lower priority to PPC (whether that content is image-based or not). The costs for services that can show image-based PPC could therefore be higher if they take action to both blur, distort or obscure, and give lower priority to content. For providers of smaller search service without such systems in place, we expect the one-off direct implementation costs for both systems could be around £14,000 to £36,000, with corresponding increases in annual maintenance costs; double what we assess at consultation.<sup>1191</sup> Our assessment of costs for services that do not show image- and video-based PPC content are unchanged.
- 15.155 For vertical search services, as discussed in paragraphs 15.135-15.141, we have changed the measure to recognise the circumstances in which it may only be appropriate for a search service to take action that results in harmful content no longer appearing in search results. This means that providers of vertical search services are able to implement the measure without having to develop systems to lower content in priority or to blur, distort or obscure image-based content, and thus without incurring the corresponding costs discussed in paragraph 15.154. However, they will have to incur the costs needed to review and assess suspected harmful content and to delete such content, where needed, if they choose to take this path.

## **Rights**

### **Freedom of expression**

- 15.156 As explained in Section 2, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. Article 10 is a qualified right

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<sup>1190</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.100-17.108 on pp. 186-187 in our May 2024 Consultation.

<sup>1191</sup> See Annex 3 for more information on our assessed labour costs.

and we must exercise our duties under the Act in a way that does not restrict this right unless satisfied that is necessary and proportionate to do so.<sup>1192</sup>

### Summary of responses

15.157 As outlined in paragraph 15.74, Inkbunny argued that this measure could constitute censorship of pornographic content.<sup>1193</sup>

### Our final rights assessment

15.158 In our May 2024 Consultation, we said that there is a substantial public interest in the aims pursued by this measure, the protection of children’s health and morals, public safety and the protection of the rights of others (namely children). While we acknowledged the potentially significant interference with the right to freedom of expression, we assessed that this would be proportionate in light of the clear benefits to children from this measure, which we considered to be in line with the legitimate aims of the Act.

15.159 Having considered stakeholder feedback and the changes made to the measure, we remain of the view that any interference with the rights to freedom of expression of users, website or database operators<sup>1194</sup> and providers would be proportionate. We acknowledge that the moderation actions taken by providers will impact the ease with which all users access PPC, PC and/or NDC (including adults, except where a provider has reasonable grounds to determine users are adults), and that this content is legal. The measure may result in an interference with the rights of users to search for and access content, and with the rights of website or database operators and the rights of providers to make information available on their service.

15.160 We recognise that the clarifications we have made in respect of what constitutes “reasonable grounds” to determine users are adults and specifying that self-declaration alone would not be sufficient, may lead to additional adults being affected the moderation actions applied in line with this measure. We note Inkbunny’s concerns regarding the impact on pornographic content for adults. We are mindful that search services are a common way for adult users to seek out this type of content online and therefore recognise that this measure could constitute an interference with the rights of adult users, and with the rights of website or database operators.

15.161 However, the duty for service providers to minimise the risk of children encountering content harmful to children is a requirement of the Act and not of this measure. We consider that the measure is designed to minimise the potential interference with freedom of expression. The measure does not involve providers taking moderation action against content of which they are not aware, or against any content which they do not judge to be harmful to children (or harmful content proxy).

15.162 The moderation outcomes recommended would not result in the content no longer appearing in search results and would only affect the precise URL at which the content is hosted. Users will still be able to search for and access this content, but will face additional frictions in doing so. An exception to this will be where a provider meets one of the

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<sup>1192</sup> A qualified right is a right that can be restricted in certain circumstances to balance the rights of the individual with the needs of another, or of the wider community.

<sup>1193</sup> Inkbunny response to May 2024 Consultation, p.8.

<sup>1194</sup> In section 227(7) of the Act, this group is referred to as ‘interested persons’ where they are based in the United Kingdom. However, our rights assessments consider the rights of website and database operators more broadly, irrespective of where they are based.

relevance and feasibility conditions (for example, vertical search services or GenAI search services), for which appropriate moderation action would include action that results in content no longer appearing in search results, however we consider this proportionate given the nature of these services. Additionally, providers retain discretion as to whether to take moderation action in relation to PC and NDC. The factors that we recommend (outlined in paragraphs 15.63-15.64) are intended to enable providers to balance the overall risk of content against freedom of expression rights of users and website or database operators.

- 15.163 Subject to the requirements of PCS C2 set out in paragraphs 15.195-15.204, the potential impact of this measure may be further mitigated where a provider chooses to use existing safe search functions to implement with this measure (as explained in paragraph 15.57), as users may be able to change the default settings that implement the frictions recommended by this measure.
- 15.164 We acknowledge that there is a risk of error in search moderation, for example where a provider makes an incorrect harmful content judgement, and that there may be difficulties in assessing whether content should be classified as harmful (such as content promoting healthy behaviours on sensitive topics like self-harm and eating disorders).<sup>1195</sup> Interference with freedom of expression may also arise in relation to the most highly protected forms of speech, such as religious expression<sup>1196</sup> or political speech, and in relation to kinds of content that the Act seeks to protect.<sup>1197</sup>
- 15.165 However, we note that the definitions of PPC, PC and NDC are statutory. Providers have incentives to limit the amount of incorrect harmful content judgements to meet their users' expectations and to avoid the costs of dealing with appeals.<sup>1198</sup> The measures on content appeals PCS D8 - PCS D10 explained in Section 16 also act as a safeguard for freedom of expression.
- 15.166 We note that a greater interference with users' rights could arise if the service provider defined the kinds of content that will be subject to moderation action more widely than is necessary to comply with the Act, or chose to apply moderation actions for all users. However, it remains open to service providers as a commercial choice (and in the exercise of their own right to freedom of expression) to decide what forms of content to moderate and for which users, so long as they comply with the Act.
- 15.167 Finally, we note that this measure sets out other measures which help to safeguard users' freedom of expression, in particular other Search Moderation measures (where applicable), and further Reporting and Complaints measures set out in Section 16 on the policies and processes for reporting and complaints. We explain how these other measures help to safeguard users' freedom of expression in the rights assessments for those measures.

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<sup>1195</sup> Big Brother Watch response to May 2024 Consultation, p.34; Microsoft response to May 2024 Consultation, p.12.

<sup>1196</sup> Which could affect users' rights to religion or belief under Article 9.

<sup>1197</sup> Such as content of democratic importance and journalistic content. See the duties set out in sections 17 and 19 of the Act. We note that while content on the website of a recognised news publisher may inadvertently be affected by the implementation of this measure, the definition of 'search content' in section 57 of the Act expressly excludes such content and so any impacts on that type of content is not a requirement of this measure.

<sup>1198</sup> We encourage providers to have regard to our [Guidance on Content Harmful to Children](#), which may assist them in correctly determining whether content should be classified a certain way. This has been prepared with careful regard to human rights, including rights to freedom of expression.

Additionally, in accordance with the principles of the Act<sup>1199</sup> and our duties under the Human Rights Act 1998,<sup>1200</sup> we will have regard to the importance of freedom of expression when making any decisions about enforcement in relation to this measure, which acts as an additional safeguard for these rights.

- 15.168 Overall, and taking the significant benefits to children into consideration, we conclude that any interference with the right to freedom of expression of users, website or database operators and service providers is proportionate to the legitimate aim of protecting children from harm.

#### **Privacy and data protection**

- 15.169 As explained in Section 2, Article 8 of the ECHR confers the right to respect for an individual's private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply and the protection of personal data is of fundamental importance to an individual's enjoyment of their rights under Article 8.

#### **Our final rights assessment**

- 15.170 In our May 2024 Consultation, we considered that any interference with privacy rights associated with this measure, where providers comply with relevant data protection laws, was likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act. We considered any such interference was therefore proportionate. We did not receive stakeholder feedback regarding the privacy or data protection impacts of this measure.
- 15.171 Having considered changes made to the measure, we remain of the view that any interference with privacy and data protection rights associated with this measure would be proportionate.
- 15.172 Search providers will generally not need to process users' personal data in order to identify or take action on content harmful to children, as search content will not, by its nature, contain information about any users of the service. This is because search content is either available via search results or is made available for publication by a vertical search service under a relevant arrangement with the content provider.
- 15.173 However, we acknowledge that the implementation of this measure more broadly will likely involve the processing of personal data. The extent of this will depend on how much personal data providers choose to process in doing so. The process of moderation is likely to include the processing of personal data in the handling of user complaints about suspected harmful content. Additional processing of personal data will also be involved if a service provider decides to implement the recommended moderation actions through an existing safe search setting, or if the provider chooses to rely on information that gives them reasonable grounds to determine a user is an adult in order to avoid targeting actions at those users.
- 15.174 We note that our change to include the age groups of children as a factor relevant to determining what appropriate action to take in relation to PC and NDC may involve additional processing of personal data, for example, if the provider chose to target different

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<sup>1199</sup> In particular, see section 1(3)(b).

<sup>1200</sup> Section 6.

moderation actions at children in different age groups. However, it is not a requirement of the measure for providers to do so, or to employ any particular systems or processes to determine the precise age or age range of users.

- 15.175 We do not consider there to be any additional impacts on the right to privacy provided service providers comply with data protection law. Moreover, the duty for providers of search services to take appropriate moderation action in respect of content harmful to children in order to minimise the risk of children encountering it is a requirement of the Act, and not of this measure. We are giving service providers flexibility as to precisely how they implement this measure and do not specify that they should obtain or retain any specific types of personal data about users or other individuals as part of their moderation processes. Providers have this flexibility, so long as they comply with the Act<sup>1201</sup> and the requirements of data protection legislation, including applying appropriate safeguards to protect the rights of both children (who may require special consideration) and adults.
- 15.176 We consider that service providers can implement this measure in a way which minimises the amount of personal data which may be processed or retained so that it is no more than needed to give effect to their moderation processes. Providers should familiarise themselves with applicable data protection legislation and relevant guidance from the Information Commissioner's Office (ICO) to understand how to comply with the UK data protection regime in processing users' and other individuals' personal data for the purposes of these measures.<sup>1202</sup>
- 15.177 In line with the changes made to the Illegal Content Search Moderation measures,<sup>1203</sup> we have also updated this measure to include specific references to the privacy safeguards provided by other measures to provide further clarity as to how this measure seeks to minimise the impact on individuals' privacy rights. For example, the measures on enabling an interested person (such as a website or database operator) to complain if action has been taken against content on the basis that it is content harmful to children, as well as our measures on internal content policies, performance targets, resourcing and providing training and materials, will act as additional safeguards for privacy rights.<sup>1204</sup>
- 15.178 Overall and taking the benefits to children into consideration, we consider that any interference with privacy and data protection rights by this measure is proportionate to the legitimate aim of protecting children from harm, where providers comply with data protection laws.

## Who this measure applies to

### Our position at Consultation

- 15.179 In our May 2024 Consultation, we proposed that Measure PCS C1 should apply to all providers of search services likely to be accessed by children.

### Summary of responses

- 15.180 In paragraph 15.134, we discussed feedback relating to the applicability of Measure PCS C1 to providers of 1) vertical search services; 2) services that have integrated GenAI into their

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<sup>1201</sup> In addition to the safety duties, providers are also required by the section 33 of the Act to have particular regard to users' privacy rights when deciding on and implementing safety measures.

<sup>1202</sup> See, for example: UK GDPR guidance and resources and Online safety and data protection.

<sup>1203</sup> See paragraph 3.112 of Volume 2 of our December 2024 Statement.

<sup>1204</sup> See Measures PCS C3, PCS C4, PCS C6, PCU C7, PCS D1, PCS D2, PCS D7 or PCS D8, and PCS D9.

functionalities, as well as providers of standalone GenAI services that meet the definition of “search service” for the purposes of the Act; and 3) downstream general search services.

### **Our decision**

- 15.181 We confirm our decision to apply Measure PCS C1 to all providers of search services. We consider these measures are the minimum that providers of search services likely to be accessed by children should do to meet their children’s safety duties in the Act and protect children from PPC, PC and NDC that may be encountered on or via search services.
- 15.182 We consider that the cost of taking appropriate action is likely to scale with a provider’s level of risk, and, therefore, also scale with the benefits of the measure. We recognise that given the changes we have made to the measure, service providers that return image- and video-based content in response to search queries will incur higher costs than under the proposals in our May 2024 Consultation. This is because such providers will now need to have in place (and develop if they have not done so already) systems to blur, distort or obscure such content when it is included in search results. As discussed in paragraph 15.56, recommending that this content to be blurred, distorted or obscured, rather than merely given lower priority, will lead to material improvement in protections for children. Because of this benefit, we consider that strengthening this measure so that all image-based content be blurred, distorted or obscured is proportionate.
- 15.183 For providers of large general search services and search services which are multi-risk for content harmful to children of all sizes (which may include vertical search services), we consider that Measure PCS C1 alone would be insufficient. Such services operate in a more complex risk environment; we consider it proportionate to further specify how they should design their policies, processes, frameworks and resources to moderate content effectively. We have decided to recommend a package of further Search Moderation measures for providers of such services. As explained further in paragraphs 15.307-15.313, PCS C3 to PCS C7 apply to providers of large general search services and multi-risk search services, and additionally PCS C2 also applies to large general search service providers.

## **Other considerations**

### **Harmful content proxy**

- 15.184 In our May 2024 Consultation, we stated that when identifying kinds of content and making content judgements, providers may use the categories of content defined in their publicly available statement, which should be at least as broad as those defined in the Act. This was not included in the Code drafting.
- 15.185 We have decided to include this in the Code drafting of this measure to provide more clarity for service providers. As mentioned in paragraph 15.48, we now state that a provider could comply with the measure by assessing search content that it suspects to be harmful to children against its publicly available statement, where the provider is satisfied that they prohibit the relevant type of content harmful to children. This broadly aligns with changes made to the equivalent measure in the Illegal Content Codes. When a provider determines that search content is in breach of such a publicly available statement this would be either “PPC proxy”, “PC proxy” or “NDC proxy” as relevant (together, “harmful content proxy”).<sup>1205</sup> In practice, this means that where a provider identifies “PPC proxy”, it should take the

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<sup>1205</sup> See paragraph 15.48.

recommended appropriate moderation actions for PPC. Similarly, where a provider identifies “PC proxy” or “NDC proxy”, it should take the recommended appropriate moderation actions for PPC and NDC.

## Measure PCS C2: Filter out PPC for users determined to be children

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### Introduction

15.186 In our May 2024 Consultation, we proposed that providers of large general search services should:

- apply a default setting for all users believed to be children which filters out search content identified as PPC from search results; and
- take steps to ensure that this default setting cannot be switched off by users believed to be children. <sup>1206</sup>

15.187 We set out that providers of general search services in scope could implement this measure through any existing safe search functionality in place.

15.188 In response to our May 2024 Consultation, stakeholders stated their support for this measure. <sup>1207</sup> Some agreed with our recommendation that children should not be able to turn the setting off. <sup>1208</sup>

15.189 Stakeholders also raised several areas of concern. These included concerns relating to protections for children, information relevant to understanding whether a user is a child, and ways to improve safe search. We outline these stakeholder concerns in more detail in paragraphs 15.207-15.258.

### Our decision

15.190 Having considered stakeholder feedback, we have decided to make the following clarificatory change:

- Instead of applying the measure to “users believed to be a child”, we have decided to clarify that service providers should filter out PPC for “users the provider has determined to be child users”.

15.191 We are clarifying that users can be determined to be children by any existing means the provider employs to determine the age or age range of users. We provide further clarity about the standard we expect providers to apply when determining that a user is a child for the purposes of this measure (see paragraphs 15.213-15.224).

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<sup>1206</sup> In our May 2024 Consultation, we referred to this measure as SM2 or PCS B2. For ease and to align with the Protection of Children Codes, we will refer to this measure as PCS C2 throughout.

<sup>1207</sup> Nexus response to May 2024 Consultation, p.16; Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.32; NSPCC response to May 2024 Consultation, p.52; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.62; Scottish Government response to May 2024 Consultation, p.15.

<sup>1208</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.22; CELCIS response to May 2024 Consultation, p.14; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.62; NICCY response to May 2024 Consultation, p.32.

- 15.192 This approach is in line with our safer default settings measure to restrict the visibility of children's accounts (ICU F1) as set out in our December 2024 Statement.
- 15.193 Following further consideration of the measure since our May 2024 Consultation, we have made several other clarificatory changes:
- In line with changes made to PCS C1, we have clarified that “PPC proxy” should also be filtered out of search results for users determined to be children under this measure;
  - Instead of referring to a “default setting” applied to filter out PPC for users believed to be children under this measure, the measure now refers to “any functionality which allows moderation actions to be applied by default”.
- 15.194 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C2.

## How this measure works

- 15.195 Service providers in scope of this measure should ensure that, on child-accessible parts of the service,<sup>1209</sup> all PPC and PPC proxy of which they are aware does not appear in the search results of any user determined to be a child.
- 15.196 While we refer to this as a ‘safe search setting’ in this section (to reflect current industry practice), providers can choose to implement this measure by any means or functionality that achieves the outcome of the measure.
- 15.197 Where the provider achieves the outcome of the measure via a functionality that applies the moderation action by default for users (such as an existing safe search functionality), they should ensure users determined to be children are unable to change the setting to switch off the protections.
- 15.198 The measure does not prescribe how a provider may determine that a user is a child. A provider could make this determination by any existing means to determine the age or age range of a particular user of the service, which may be comprised of one or more of the following:
- any process designed to estimate the age or age range of users;
  - any process designed to verify the exact age of users; and/or
  - a process which requires a user to self-declare their age.

## Identifying PPC

- 15.199 Measures PCS C1 and PCS C2 are intended to work together. We expect that for this measure, providers of a large general search service would use the same systems and processes that they put in place to review, assess and take action on content under Measure PCS C1 (see paragraph 15.46).
- 15.200 Providers should implement this measure in addition to taking the appropriate moderation actions outlined in PCS C1 for PPC, as applicable.<sup>1210</sup>

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<sup>1209</sup> The children's safety duties in section 29 of the Act only apply to such parts of the services as it is possible for children to access – see section 30(5).

<sup>1210</sup> Appropriate moderation action for PPC under PCS C1 will apply to users who are not determined to be children (as PCS C2 should apply to users determined to be children), and who also are not determined on reasonable grounds to be adults (see further the discussion in paragraphs 15.60-15.61 above).

- 15.201 While we understand that the primary tool used by providers of large general search services to operate safe search is automated detection and content classifiers, we are currently not recommending that providers develop any new, or extend existing, automated detection technologies.
- 15.202 It is open to providers to identify content through any appropriate means used on their service, such as:
- Reviewing content flagged through user reporting and complaints channels. This may be the primary means by which providers identify suicide, self-harm and eating disorder content for the purposes of this measure; or
  - Employing automated technologies, including existing technologies that underpin their safe search functions, particularly for the identification of pornographic content.
- 15.203 In line with PCS C1, when a provider suspects that content may be PPC, it may assess it either by using categories of content defined in its publicly available statement (where these are broad enough to cover relevant forms of PPC) or by using the categories defined in the Act (referencing the Guidance on Content Harmful to Children). It will be for providers to decide how to identify and label content as PPC.
- 15.204 For the avoidance of doubt, we would expect providers of large general search services to apply both Measure PCS C1 and Measure PCS C2 when they identify PPC or PPC proxy, as well as Measure PCS C1 when they identify PC or NDC (or PC or NDC proxy).

## How this measure protects children

- 15.205 We are aware that many providers of general search services have ‘safe search’ features that reduce the discoverability of certain kinds of content. These safety settings are often applied by default for some users (for instance, users that have a supervised account, or users that have an institutional account in an educational institution or a corporate account in a workplace).<sup>1211</sup> However, the application of these safety settings by default is not a consistent practice across search services, and providers generally allow users to change these settings (either by switching them off or increasing/decreasing the level of protection).<sup>1212</sup>
- 15.206 This measure will protect children by ensuring that PPC is consistently filtered out from the search results of users determined to be children. We consider filtering to be a particularly effective action that will ensure that filtered content is not returned in search results. Therefore, the measure will prevent users determined to be children accessing PPC. In addition, by locking-on the safe search setting for users determined to be children, providers will significantly reduce the risk of children being exposed to PPC.

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<sup>1211</sup> Google, no date. [Filter or blur explicit results with SafeSearch](#) [accessed 25 March 2025].

<sup>1212</sup> Google, no date. Filter or blur explicit results with SafeSearch. Microsoft Bing, no date. [Search Settings](#). [accessed 25 March 2025].

## Stakeholder feedback and our response

### Determining when a user is a child

#### Our proposals

- 15.207 In our May 2024 Consultation, we proposed that where a provider believes a user to be a child, a default setting should be applied which will filter out PPC from all search results and that the provider should ensure this setting cannot be switched off for those users.
- 15.208 We proposed that providers apply this measure specifically to users believed to be children. We referred to “users believed to be a child” rather than “child users” or “children” to account for the range of methods that may be deployed across different search services. We stated that providers should use any existing means it has in place to profile users, not just highly effective age assurance.<sup>1213</sup> Our position at consultation was based on our knowledge of service providers’ current safe search practices and capabilities.

#### Summary of responses

- 15.209 The Molly Rose Foundation objected to our approach of not recommending age assurance to search services. The Molly Rose Foundation also criticised our approach to “a user believed to be a child”, arguing that we do not provide an assessment of what proportion of children may be correctly identified through this approach. It noted that this will mean that where a user is not believed to be a child, providers may take less action on PPC, despite the fact that the behavioural and content indicators used to infer the age of children may not be accurate.<sup>1214</sup>
- 15.210 The National Crime Agency (NCA) also suggested that Ofcom should provide more information as to when and how a service is expected to assess whether a user is a child.<sup>1215</sup>
- 15.211 xHamster raised that search services should have age assurance processes to address the risk of harm to children from adult content displayed in search results.<sup>1216</sup>
- 15.212 On the other hand, Big Brother Watch supported our approach of not recommending age assurance for search service providers.<sup>1217</sup>

#### Our decision

- 15.213 Having considered this feedback, we have decided to make a clarificatory change to the measure.
- 15.214 While highly effective age assurance is the most robust and accurate means by which providers can determine the age of users, we consider that it would not be proportionate to recommend the use of highly effective age assurance in our Search Moderation measures to directly target moderation actions at children.

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<sup>1213</sup> We intended this as personal data that is collected by the service provider to get an indication of a user’s age, and subject to relevant data protection requirements for data minimisation and purpose limitation. Vol. 5 paras 17.119-17.122, May 2024 Consultation.

<sup>1214</sup> Molly Rose Foundation response to May 2024 Consultation, pp.42-43.

<sup>1215</sup> National Crime Agency (NCA) response to May 2024 Consultation, p.10.

<sup>1216</sup> xHamster response to May 2024 Consultation, p.14.

<sup>1217</sup> Big Brother Watch response to May 2024 Consultation, p.22.

- 15.215 As explained in our May 2024 Consultation, the Act does not require providers of search services to use age assurance technologies to comply with the children’s safety duties.<sup>1218</sup> In addition, we consider that recommending every user undergoes an age check to use a search service could have disproportionate impacts given how search services typically operate. For example, it may have a disproportionate impact on privacy and freedom of expression of users, as noted by Big Brother Watch, and could risk fundamentally changing the business model of search services, which typically allow users to search without having a user account.<sup>1219</sup>
- 15.216 We also consider it is important to allow providers flexibility about how to determine which users are children. This will encourage providers to continue leveraging their existing safe search practices and to innovate and develop these capabilities.
- 15.217 We recognise that there are risks associated with this approach, including the risk that children could bypass the protections afforded by this measure by self-declaring as adults. We acknowledge the risk highlighted by the Molly Rose Foundation that methods used to infer the age of children may not be accurate. These limitations may result in children not being protected under this measure, but in those circumstances children would still benefit from the protections from PPC outlined under PCS C1.<sup>1220</sup>
- 15.218 We have considered stakeholders’ concerns about the lack of clarity about how providers should determine whether users are children for PCS C2. In response to this stakeholder feedback, we have decided to provide further clarity about the standard we expect providers to apply when determining that a user is a child for the purposes of this measure.
- 15.219 This has been informed by information we have gathered from in-scope service providers to better understand current practices relating to how large general search services form the belief that a user is a child. This confirmed that current practice involves a safe search setting being applied when children disclose their age either through self-declaration or through age-inferencing methods.<sup>1221</sup> Google also stated that their age inferencing methods have a very high accuracy rate in understanding the age of users based on internal testing.<sup>1222</sup>
- 15.220 We now clarify explicitly that for PCS C2, service providers may employ any existing means to determine the age or age range of a particular user of the service, which may be comprised of one or more of the following:
- any process designed to estimate the age or age range of users;
  - any process designed to verify the exact age of users; and/or
  - any process which requires a user to self-declare their age.<sup>1223</sup>

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<sup>1218</sup> See section 12(4) (for user-to-user services) which does not have an equivalent in section 29 of the Act (for search services).

<sup>1219</sup> See paragraph 17.88 of the May 2024 Consultation.

<sup>1220</sup> They may also result in adult users being incorrectly identified as children – we respond to this in paragraph 15.226.

<sup>1221</sup> Google response to Ofcom follow-up questions after 11 September meeting on Child safety, 17 October 2024.

<sup>1222</sup> Google response to Ofcom follow-up questions on age assurance, 6 November 2024.

<sup>1223</sup> For reference: under section 230 of the Act, “age verification” is defined as any measure designed to verify the exact age of users of a regulated service; and “age estimation” is defined as any measure designed to estimate the age or age-range of users of a regulated service.

- 15.221 For this measure, PCS C2, self-declaration would mean a user identifying themselves as a child. We think that self-declaration by a user that they are a child is a strong indication that the user is, in fact, a child, with limited incentives for adults to declare to be a child. For this reason, providers could rely on self-declaration of age to determine if a user is a child for the purpose of PCS C2.
- 15.222 This differs from our position on self-declaration under PCS C1. In this case, self-declaration presents a risk of a child bypassing protections and is not a reliable way to determine if a user is an adult. We therefore consider that self-declaration alone is not sufficient to remove the baseline protections under PCS C1 (see further the reasons outlined in ‘Our decision’ for ‘Determining which users are adults’).
- 15.223 Beyond this, we recognise that our approach to PCS C2 also presents a risk of adult users being incorrectly determined to be children, such that PPC is filtered out in line with this measure. However, we note that adult users will have recourse to strengthened processes to appeal this decision, which we set out in detail in Section 16. This is also outlined in more detail under ‘Filtering protections for logged-out users’ in paragraphs 15.229-15.233.
- 15.224 Overall, we consider this approach to determining the age of users for this measure to be proportionate as it strikes an appropriate balance between minimising the risk of children accessing PPC and the rights of adult users to access information.

## Filtering protections for logged-out users

### Our proposals

- 15.225 In our May 2024 Consultation, we set out that users that are believed to be children should not be able to turn off the default safety setting that filters out PPC, and that service providers should take steps to ensure this setting cannot be turned off.

### Summary of responses

- 15.226 Google stated that it is disproportionate to recommend that a logged-out user believed to be a child should not be able to turn off their safe search settings. It noted that adult users may be incorrectly understood to be a child due to difficulties in estimating the age of logged-out users, many of which are over 18. Google noted that in order to change the settings, these users would have to verify their age through methods such as a selfie or a government ID, which would introduce unnecessary friction and constitute a disproportionate interference with users’ rights to access information.<sup>1224</sup>
- 15.227 Google therefore suggested that logged-out users should have the option to turn the safety setting off. It said this would provide an appropriate balance between ensuring user safety and safeguarding the freedom of expression rights of adults in particular.<sup>1225</sup>
- 15.228 Big Brother Watch expressed concern that this measure would need users to be positively proven to be adults to access an unfiltered search experience, and that this might entail profiling or tracking users to understand their ages.<sup>1226</sup> Open Rights Group were concerned that a filtered search experience is problematic. This is because accessing search services without having to log in is a privacy benefit.<sup>1227</sup>

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<sup>1224</sup> Google written follow up to response to May 2024 consultation, 11 December 2024, P.4.

<sup>1225</sup> Google response to May 2024 Consultation, p.27; [38]

<sup>1226</sup> Big Brother Watch response to May 2024 Consultation, p.45.

<sup>1227</sup> Open Rights Group response to May 2024 Consultation, p.10.

## Our decision

- 15.229 We have considered stakeholder feedback but have decided not to change the measure. On balance, we have decided users determined to be a child should be prevented from switching off protections (such as by changing safe search settings), as we proposed in our May 2024 Consultation, whether they are logged in or logged out users. As set out in our rights assessment in paragraph 15.267, we consider the impact on adults who are incorrectly believed to be children is justified in pursuing the legitimate aims of the Act and this measure in protecting children from PPC.
- 15.230 Where the provider of a search service has no information about the age of a user, this measure does not state that they should filter out PPC or PPC proxy. It is therefore not the case, as Big Brother Watch suggested, that this measure means users generally have to prove they are adults to access unfiltered search results
- 15.231 We acknowledge Google's concern that preventing users determined to be children from changing any default setting applied could affect adults' access to content if they have been mistakenly determined to be children. One stakeholder understands a significant proportion of the users who engage with search services are logged out,<sup>1228</sup> and that search services are sometimes able to infer the age of their logged-out users. [§<].<sup>1229</sup>
- 15.232 Ofcom research demonstrated that while defaults can be effective at encouraging safer behaviour online among children, some children chose to change the default setting. This suggests that defaults may not always be sufficient to protect children online.<sup>1230</sup> Therefore, we remain concerned that giving logged-out users determined to be children the option to change the default setting creates a risk that these children may do so and would no longer benefit from the protections this measure is designed to ensure. We will continue to research how different default settings and design features can be effective to protect children, including in the context of protecting children from grooming and other harms.
- 15.233 Where service providers are unable to determine a user to be a child for the purposes of PCS C2, protections will still be applied to those children via PCS C1 (as explained in paragraph 15.217).

## The safe search recommendation is too prescriptive

### Our proposals

- 15.234 In our May 2024 Consultation, we stated that providers of large general search services in scope of this measure may choose to implement this measure through their existing safe search settings.
- 15.235 We recommended filtering out PPC as we considered that this would provide the safest search experience for children. We provisionally considered that when targeted at users believed to be children, filtering would be proportionate.
- 15.236 We recognised that current applications of safe search do not extend to all types of PPC and tend to focus on filtering or blurring of pornographic content. As such, we acknowledged

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<sup>1228</sup> Google Response to Ofcom follow-up questions after 11 September meeting on Child safety, 17 October 2024.

<sup>1229</sup> [§<].

<sup>1230</sup> Ofcom, 2025. Testing user controls with children.

that providers of in-scope services would need to expand the current scope of their safe search functionality to include all forms of PPC.<sup>1231</sup>

- 15.237 Further, we acknowledged that there can be challenges in identifying content which encourages, promotes or provides instructions for suicide, self-harm or eating disorders, which can be nuanced and context-dependent. For these reasons, we proposed not to specifically recommend that providers use automated tools to identify PPC for the purposes of this measure at this stage, particularly in relation to suicide, self-harm and eating disorder content due to lack of evidence.<sup>1232</sup>

### Summary of responses

- 15.238 Google expressed concern that this measure was too prescriptive, because it prefers to remove or downrank content deemed to be harmful for all users, rather than just children.<sup>1233</sup> Relatedly, it argued that the recommendations in this measure extend beyond the relevant duty in the Act to “minimise the risk of”, rather than “prevent”, children encountering PPC.<sup>1234</sup>
- 15.239 Google also suggested that ranking protections, as outlined in PCS C1, result in more effective outcomes as opposed to the filtering out of PPC, as they allow service providers to strike an appropriate balance between protecting users from harmful content and access to information.<sup>1235</sup>
- 15.240 Google also explained that filtering, as it currently operates on their service, is most appropriate for pornography (which can be readily identified by classifiers) unlike other types of PPC which are incredibly difficult to accurately detect at scale.<sup>1236</sup>
- 15.241 For this reason, Google argued that the requirement to filter self-harm, suicide and eating disorder content from search results could inadvertently restrict users from accessing helpful information. It suggested that this could be particularly harmful if that user is in a time of crisis and unable to access such resources.<sup>1237</sup> On a similar note, the NSPCC and Scottish Government stated their support for this measure, but added that providers should ensure that children’s access to legitimate and helpful resources is not restricted.<sup>1238</sup>
- 15.242 Microsoft agreed with our decision to not recommend specific automated technologies in the Protection of Children Codes, given the risk this could result in the suppression of relevant information or content that is not harmful to children.<sup>1239</sup>

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<sup>1231</sup> See paragraph 17.131 of the May 2024 Consultation.

<sup>1232</sup> At paragraph 17.161 of our May 2024 Consultation, we also made a broader point about not recommending proactive technology for our Search Moderation measures. This is because we would require additional evidence of how accurately and effectively it could be used to identify PPC, PC and NDC in search content before proceeding with a specific proactive technology recommendation. See paragraph 17.161 of our May 2024 Consultation.

<sup>1233</sup> ‘Deep-dive’ Meeting with Google 3 October 2024.

<sup>1234</sup> Google written follow up to response to May 2024 consultation, 11 December 2024.

<sup>1235</sup> Google written follow up to response to May 2024 consultation, 11 December 2024.

<sup>1236</sup> Meeting with Google 3 October 2024, Google written follow up to response to May 2024 consultation, 11 December 2024.

<sup>1237</sup> Google written follow up to response to May 2024 consultation, 11 December 2024.

<sup>1238</sup> NSPCC response to May 2024 Consultation, p.52; Scottish Government response to May 2024 Consultation, p. 15.

<sup>1239</sup> Microsoft response to May 2024 Consultation, p.12.

- 15.243 Finally, the Integrity Institute suggested it would be more effective to create broader incentives for companies to minimise harms, rather than mandating a specific design practice such as a safe search setting.<sup>1240</sup>

## **Our decision**

### **Prescriptiveness of content identification**

- 15.244 We have considered stakeholders' feedback and have decided not to make changes to the measure. We acknowledge feedback from Google and Microsoft that it would be difficult to extend existing content classifier systems, which are effective at identifying pornographic content, to other types of PPC. We also acknowledge responses from other stakeholders that services should ensure safe and legitimate content is not restricted. We have understood stakeholders' feedback to relate to proactive identification of content that is suspected to be PPC.
- 15.245 For the avoidance of doubt, this measure does not rely on automated detection at scale. This measure does not include a separate provision relating to the review and assessment of content it suspects may be PPC, beyond the approach set out in Measure PCS C1. As explained at paragraphs 15.199-15.204, it is open to services to identify PPC for the purposes of this measure through any appropriate means used on their service, such as existing automated technologies that underpin their safe search functions, or by reviewing content identified by user reporting and complaints channels if they consider this to be more appropriate.
- 15.246 We are not recommending the use of proactive technology to detect PPC or PPC proxy as part of this measure given the limited evidence available on the use of these technologies by search service providers. We also acknowledge that there can be challenges in identifying content that encourages, promotes or provides instructions for suicide, self-harm or eating disorders (in line with the Act's definition of PPC), as this can be nuanced and context dependent. Where providers of search services currently deploy proactive technology to detect content harmful to children, we encourage them to continue to do so.
- 15.247 We also note that to recommend the use of proactive technology to comply with the measures, we would have to comply with the requirements of Schedule 4 to the Act in this regard.<sup>1241</sup>
- 15.248 For these reasons, we have decided to confirm our approach as set out in our May 2024 Consultation to not include that search services undertake proactive detection of content that is potentially PPC as part of this measure. Given that providers retain flexibility to identify PPC through whatever means they consider most appropriate, we maintain that it is proportionate for this measure to apply to all categories of PPC, including pornographic content as well as content encouraging, promoting, or providing instructions for suicide, self-harm or eating disorders.

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<sup>1240</sup> The Integrity Institute did acknowledge that implementing safe search could be beneficial if companies have high confidence and low error rate in identifying children. Integrity Institute response to May 2024 Consultation, p.15.

<sup>1241</sup> In particular, Schedule 4 paragraph 13 of the Act sets out constraints on our powers to recommend a measure describing the use of proactive technology as a way (or one of the ways) of complying with duties under the Act.

## Prescriptiveness of filtering

- 15.249 Having considered stakeholders' feedback, we have decided to maintain our approach to the filtering of PPC in measure PCS C2.
- 15.250 We consider that, when targeted only at users determined to be children and restricted to the search services with the greatest reach, filtering of identified PPC or PPC proxy is a proportionate action to include under PCS C2 and is in line with the duties in the Act.
- 15.251 Whilst we agree with Google that ranking protections offer important benefits for child users (see paragraphs 15.68-15.72 for further information), we consider that setting out both broader ranking protections and targeted filtering protections provides the appropriate balance between raising protections for children and protecting freedom of expression on large general search services. Large general search services have the greatest reach and, based on current evidence, present the greatest risk of harm from PPC.<sup>1242</sup> We consider, including targeted filtering in the manner described above, most appropriately manages the residual risk of harm to known children from PPC that would otherwise remain available on large general search services after protections have been applied per PCS C1, whilst also minimising the impact on adult users.
- 15.252 As set out in our rights assessment in paragraphs 15.264-15.265, we consider the impact on freedom of expression associated with filtering PPC is justified in pursuing the legitimate aims of the Act.
- 15.253 Further, whilst we expect providers will implement this measure by building on existing safe search systems, providers of in-scope search services have flexibility to use any means appropriate to filter identified PPC or PPC proxy from the search results of those users determined to be a child. We believe this flexibility further ensures the prescriptiveness of including filtering of content under this measure is proportionate.<sup>1243</sup>
- 15.254 In response to feedback provided by the Integrity Institute, we acknowledge the benefits of creating broader incentives for companies to minimise harm, and of allowing providers flexibility to implement protections that are most effective for their services. However, in preparing the measures, we have a duty to ensure that the measures are sufficiently clear, and at a sufficiently detailed level, that providers understand what those measures entail in practice.<sup>1244</sup> As such, this necessarily involves including a degree of detail about what the measures involve. See Section 9 for further discussion of this topic.

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<sup>1242</sup> We have evidence that shows a particular risk of children being exposed to PPC through major search services, including pornography, and content relating to suicide, self-harm and eating disorders. See Section 12 of the Children's Register for more information.

<sup>1243</sup> Many general search services have so-called 'safe search' features that reduce the discoverability of certain kinds of content. These safety settings often offer different tiers of protection (such as off, moderate, and high). Both Google Search and Microsoft Bing operate a three-tiered approach to their safe search settings, with the highest setting filtering out explicit adult content. Both services use the highest setting by default for child accounts and provide a functionality (usually via a parental or family link setting) to lock this default so it cannot be turned off. Google, no date. Filter or blur explicit results with SafeSearch. Microsoft Bing, no date. Search Settings.

<sup>1244</sup> Paragraph 2(b), Schedule 4 of the Act.

## Extending this measure to PC

### Our proposals

- 15.255 In our May 2024 Consultation, we proposed that a safe search setting would only include PPC. At the time, we were aware that some search provider's safe search settings included some types of PC, such as violent content.<sup>1245</sup> However, we did not consider it would be proportionate to treat all PC in the same way that we propose to treat PPC, as we did not have enough evidence of children's experience of PC on search services to justify the costs.<sup>1246</sup>

### Summary of responses

- 15.256 The Canadian Centre for Child Protection (C3P) suggested that safe search be extended to PC to keep children safe.<sup>1247</sup>

### Our decision

- 15.257 Having considered this feedback, we have decided not to extend this measure to include filtering PC out of search results. Our evidence for children's experience of PC-related harms on search services continues to be limited, which means that the benefits of doing extending the measure to PC are uncertain. Further, providers would incur additional costs to cover PC, and there is a risk of potentially significant unintended impacts on children's and adults' rights.
- 15.258 As our evidence base grows, we may consider extending these measures to PC in future versions of the Codes. Where existing safe search practices cover categories of PC outlined in the Act, we encourage providers to continue doing so.

## Impacts on service providers

- 15.259 In our May 2024 Consultation, we explained that the one-off direct implementation costs to build systems to filter out PPC, for providers who do not already have such systems in place, could be around £7,000 to £18,000, with an annual maintenance cost of £2,000 to £4,500. There may be additional costs where providers of large services employ significant review, coordination, and governance processes in relation to changes of this kind. Indicatively, providers would also incur one-off costs around £58,000 to £170,000 to develop settings enabling the provision of different search experiences to different users if they do not already have this capability. Annual maintenance costs to maintain these settings could be £14,000 to £43,000. We also noted that while this measure entails that service providers treat users believed to be children a specific way, it does not entail that service providers take any additional action such as age assurance to determine which users are children. The costs for some service providers may be lower where they already have part, or all, of the proposed measure in place to protect children.<sup>1248</sup>
- 15.260 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on services is therefore unchanged.<sup>1249</sup>

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<sup>1245</sup> Google, no date. Filter or blur explicit results with SafeSearch.

<sup>1246</sup> Section 12 of the Children's Register.

<sup>1247</sup> C3P response to May 2024 Consultation, p.22.

<sup>1248</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.154 - 17.160 in our 2024 May Consultation.

<sup>1249</sup> See Annex 3 for more information on our assessed labour costs.

## Rights

### Freedom of expression

#### Summary of responses

- 15.261 As outlined in paragraphs 15.226-15.227, Google highlighted the risk of logged-out adult users being mistakenly determined to be children. It suggested that those logged-out users should have the option to turn the default setting off in order to balance user safety with users' rights to access information.<sup>1250</sup>

#### Our final rights assessment

- 15.262 In our May 2024 Consultation, we considered that any interference by this measure with rights to freedom of expression was likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act and was therefore proportionate.
- 15.263 As explained in paragraph 15.199, this measure does not itself recommend the review and assessment of content and does not recommend filtering of any content which providers do not judge to be PPC in line with the definitions in the Act. We recognise the need to ensure accurate identification of PPC (and limitations of existing content classifier systems in doing so, as raised by stakeholders and summarised in paragraphs 15.244-15.245). We have discussed the rights impacts connected to the identification of PPC for the purposes of this measure and safeguards provided by our other measures in paragraphs 15.159-15.167 in relation to Measure PCS C1, and we do not repeat these here.
- 15.264 In addition to the impacts identified in relation to Measure PCS C1, we recognise that this measure constitutes a potentially significant interference with the rights of users to freedom of expression, as it recommends the filtering out of PPC for users determined to be a child in a way that cannot be disabled. In practice, the act of filtering would mean that users determined to be children (which could erroneously include adult users) will no longer be able to encounter PPC via the service, and may also affect any non-harmful content hosted at the same URL. Filtering would therefore also impact the freedom of expression rights of website or database operators and service providers.
- 15.265 However, the duty for providers to minimise the risk of children encountering PPC is a requirement of the Act and not of this measure. We consider this measure is designed so as to minimise the potential interference with rights to freedom of expression. The measure only involves providers filtering out PPC of which providers are aware and the actions are narrowly targeted at users determined to be children using any existing means employed on the service. We also consider the potential interference caused by filtering under this measure to be justified given our current evidence of the risk associated with PPC on large general search services, as set out in paragraphs 15.68-15.72. We also note that filtering will not impact the underlying search index, meaning that it will still be possible for users (other than those impacted by this measure) to access the content.
- 15.266 We recognise Google's concerns regarding the rights of adult users who are incorrectly determined to be children. However, we consider the protections for children afforded by this measure to be significant. It pursues the legitimate aim of protecting children's health and morals by ensuring that children are not able to encounter pornographic content and

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<sup>1250</sup> Google response to May 2024 Consultation, p.27.

content which encourages, promotes, or provides instructions for suicide, self-harm and eating disorders that has been identified by the service provider.

- 15.267 As outlined in paragraph 15.265, we have sought to mitigate the potential impact on adults by narrowly targeting this more restrictive moderation action at users determined to be children and we consider any residual risk of interference with the freedom of expression rights of adults incorrectly determined to be children to be justified in pursuing the legitimate aims of the Act. In addition, this impact is mitigated by the complaints duties in the Act, as providers have a duty to accept complaints from and provide redress to users who have been unable to access content as a result of this measure because of an incorrect assessment of the user's age. For this reason, we have strengthened our Reporting and Complaints measures on appropriate action for age assessment appeals for search providers (see Section 16). We have listed those measures (PCS D11 and PCS D12), along with measures on content appeals (PCS D8-D10), as safeguards for freedom of expression. We also list the Search Moderation measures on internal content policies, performance targets, resourcing and providing training and materials, as additional safeguards for freedom of expression.
- 15.268 Having considered stakeholder responses and changes made to the measure, we remain of the view that any interference by this measure with rights to freedom of expression of users, website or database operators and providers is proportionate to the legitimate aim of protecting children from harm.

## Privacy and data protection

### Summary of responses

- 15.269 As outlined at paragraph 15.228, Big Brother Watch raised concerns that this measure, might entail profiling or tracking users to understand their ages,<sup>1251</sup> and Open Rights Group referenced the privacy benefits of accessing search services without having to log in.<sup>1252</sup>

### Our final rights assessment

- 15.270 In our May 2024 Consultation, we considered the impact of this measure on privacy and data protection and provisionally concluded that we did not consider that this proposed measure would amount to an interference with privacy rights under Article 8 ECHR where providers comply with relevant data protection laws.
- 15.271 We have discussed the potential impacts concerning the review and assessment of content in relation to Measure PCS C1 in paragraphs 15.172-15.173, and we do not repeat these here. While we have not made any specific recommendations in respect of the use of highly effective age assurance, we have recommended that providers use any existing means to determine the age or age range of a particular user of the service, which need not amount to highly effective age assurance. Reliance on any such tool in the implementation of this measure may involve the processing of personal data. The nature and extent of any such processing will depend on the precise tool employed, which may include self-declaration on sign-up or user profiling technologies. These tools would be needed to determine that a user is a child in the first instance, and later to disable the default setting at such a time as the provider believes the user is no longer a child.

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<sup>1251</sup> Big Brother Watch response to May 2024 Consultation, p.45.

<sup>1252</sup> Open Rights Group response to May 2024 Consultation, p.10.

- 15.272 We recognise the concerns raised by Big Brother Watch and Open Rights Group with regard to the technologies that may be used to determine that a user is a child, or the processes a user may be required to go through to demonstrate that they are not a child following an incorrect age assessment. However, this measure does not state that providers should process any personal data they would not already be processing through whatever existing means they use to determine the age of users. The measure also does not recommend any specific tracking or profiling of users for this purpose. We would expect that any processing of personal data would comply with relevant data protection legislation, including the safeguards noted in paragraph 15.175. As noted in relation to PCS C1, providers should familiarise themselves with applicable data protection legislation and relevant guidance from the ICO.<sup>1253</sup>
- 15.273 We also consider that the measures on internal content policies, performance targets, resourcing and providing training and materials, as well as the measures on enabling an interested person (such as a website or database operator) to complain if action has been taken against content on the basis that it is content that is harmful to children, will act as additional safeguards for privacy rights and we have therefore set this out in this measure.
- 15.274 Having considered stakeholder responses and changes made to the measure, we remain of the view that any interference by this measure with the privacy and data protection rights of users and service providers is proportionate to the legitimate aim of protecting children from harm.

## Who this measure applies to

### Our position at Consultation

- 15.275 In our May 2024 Consultation, we proposed that Measure PCS C2 should apply to all providers of large general search services likely to be accessed by children.

### Summary of responses

- 15.276 The Office of the Children's Commissioner for England suggested that Measures PCS C2 to PCS C7 should be applied to providers of all search services regardless of their size or risk profiles.<sup>1254</sup>
- 15.277 [§].<sup>1255</sup>

### Our decision

- 15.278 We have considered this feedback and have decided not to change our position on the providers this measure applies to. We remain of the view this measure should apply to providers of large general search services likely to be accessed by children.
- 15.279 While we agree with Google that size does not necessarily equate to risk level, we consider this measure can have important benefits for children on general search services that are large. The large child user base on large general search services means that this measure will likely protect a substantial number of children. Furthermore, we are of the view that

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<sup>1253</sup> See, for example: [UK GDPR guidance and resources](#) and [Online safety and data protection](#).

<sup>1254</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.60. Note that this feedback is applicable for measures PCS C3 to PCS C7. While we address the feedback in our discussion of 'Who this measure applies to' for measures PCS C3 to PCS C7, for the sake of brevity we do not repeat it within 'Stakeholder feedback' for these measures.

<sup>1255</sup> [§].

providers of such services are likely to have the capacity to implement the measure based on how they currently operate (see paragraphs 15.197-15.198).

- 15.280 We have decided not to extend this measure to smaller general search services. The benefits are likely to be substantially lower due to the lower reach of smaller services and the fewer children affected. We recognise that having this measure only for large general search services could lead to the displacement of some children from large general search services to other services not within the scope of this measure. However, we do not have the evidence to assess the likelihood and likely magnitude of any such displacement.
- 15.281 We are aware that some smaller services already have a tiered approach to safe search for some content and have filtering functionalities and systems to lower the position of content that is harmful to children in the overall ranking of search results. We do not know whether the costs are such that it would always be proportionate to apply this measure for smaller services. Children will remain protected on smaller general search services which are in scope of Measure PCS C1. Smaller search providers can choose to implement any action taken in line with that measure via their existing 'safe search' infrastructure if they consider this appropriate.

## Measure PCS C3: Set internal content policies

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### Introduction

- 15.282 In our May 2024 Consultation, we proposed to recommend that providers of large general search services and search services that are multi-risk for content harmful to children should set internal content policies that establish rules, standards, and guidelines about what search content is subject to moderation action; and how policies should be operationalised and enforced.<sup>1256</sup>
- 15.283 In setting these policies, we proposed that service providers should consider their most recent children's risk assessments along with evidence of new and increasing harms related to content that is harmful to children.
- 15.284 We received stakeholder feedback in relation to the rights impacts of this measure, and in relation to which services this measure applies to. We did not receive stakeholder responses addressing how this measure works or its benefits and effectiveness.

### Our decision

- 15.285 Having considered the measure further since our May 2024 Consultation, we have decided to make some clarificatory changes to this measure:
- Rather than setting out that internal content policies should explain "how content that is harmful to children is to be dealt with on the service", we now state that service providers should set internal policies on "what search content should be actioned" in line with the moderation actions set out in PCS C1 and C2. We consider that this framing provides greater specificity and ensures that this measure captures the range of outcomes set out under PCS C1 and PCS C2.

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<sup>1256</sup> In our May 2024 Consultation, we referred to this measure as SM3 or PCS B3. For ease and to align with the Protection of Children Codes, we will refer to this measure as PCS C3 throughout.

- The measure now states that internal content policies should be drafted in a such way that appropriate moderation action is taken in accordance with PCS C1 and where applicable, that PPC is filtered out in accordance with PCS C2. This wording aligns with the framing of the counterpart Measure ICS C2 in the Illegal Content Codes.
- We have also specified that, in having regard to the findings of their children’s risk assessment in setting internal content policies, service providers should also consider any findings relating to the risk of harm to children in different age groups in so far as relevant.

15.286 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C3.

## How this measure works

- 15.287 Service providers in scope of this measure should set and record internal policies outlining rules, standards, and guidelines on what search content will be subject to moderation action, as well as explaining how policies should be operationalised and enforced.
- 15.288 These should be drafted in such a way that ensures search service providers take appropriate moderation action in line with Measure PCS C1 and take the steps to filter out PPC in line with Measure PCS C2 (if applicable).
- 15.289 In setting and recording internal content policies, the measure specifies that providers should have regard to their children’s risk assessment, including in so far as relevant, findings that relate to the risk of harm to children in different age groups on their service.
- 15.290 The Act requires that providers keep their children’s risk assessments up to date and carry out a further children’s risk assessment before making a “significant change” to any aspect of their service.<sup>1257</sup> Service providers should conduct a review of their children’s risk assessments at least annually. Providers should also update their search moderation policies if they identify potential increases in risks of certain harms as a result of making significant changes to the service, or if they identify any such increased risks when they update their risk assessment for any other reason.
- 15.291 Service providers should have processes in place for updating their internal content policies in response to new and increasing harm on the service. They are not expected to update their policies every time they receive evidence. Instead, they should have processes in place to update their internal content policies where appropriate (as set out in Section 11). Providers may take other actions to protect users in response to evidence of new and increasing harms on their services that does not require them to update their internal content policies.

## How this measure protects children

- 15.292 We consider that setting internal content policies is an important step to establishing an effective search moderation system. These policies can establish clear guidelines for applying rules in a consistent, accurate and timely way. This will increase the speed with which harmful content is identified and appropriately dealt with. It will also reduce the risk of actions being taken in error against content which is not harmful.

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<sup>1257</sup> See section 28(4) of the Online Safety Act 2023.

- 15.293 We consider there to be significant benefits in stipulating that providers have regard to their children’s risk assessments when setting and recording their policies. Data gathered from risk assessments about the challenges that providers face would enable them to make better decisions about what to include in their internal search moderation policies.
- 15.294 We consider that there are significant benefits of providers having processes in place for updating internal search moderation policies in response to evidence of new or increasing harm on services. Having systems and processes in place to ensure policies are updated should improve the quality of these policies. By extension, this should improve the performance of providers’ search moderation systems and better protect children from harm.

## Stakeholder feedback and our response

### Impacts on service providers

- 15.295 In our May 2024 Consultation, we said that service providers that do not already have suitable internal content policies in place will incur the costs of developing such policies. However, this measure gives providers the flexibility to take an approach proportionate to the risks they carry. We estimated that for a provider of a smaller search service developing policies might entail one-off costs in the thousands of pounds and could potentially be between £3,000 to £7,000. For providers of larger and riskier services, these costs will likely be higher and could reach the tens of thousands of pounds or more. In addition, there may be some small ongoing costs for all providers to ensure these policies remain up to date over time (for example, to take into account emerging harms).<sup>1258</sup>
- 15.296 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on services is therefore unchanged.

### Rights

#### Freedom of expression

##### Summary of responses

- 15.297 Big Brother Watch argued that Measures PCS C3-6 are unnecessary and have “worrying implications for users’ rights” to freedom of expression.<sup>1259</sup> It referred to similar feedback raised in response to the equivalent Content Moderation measures for user-to-user services.<sup>1260</sup>

##### Our final rights assessment

- 15.298 In our May 2024 Consultation, we provisionally concluded that the implementation of this measure would tend to improve both internal scrutiny and the consistency and predictability of decisions. We considered that this would also tend to protect rights to freedom of expression and offer more effective protections for children.
- 15.299 We recognise that this measure has the potential to interfere with rights to freedom of expression of users, website or database operators and providers for the reasons set out in relation to Measures PCS C1 and PCS C2, since the provider’s internal content policies would inform decisions made in accordance with those measures. The potential

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<sup>1258</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.181-17.185 in our May 2024 Consultation.

<sup>1259</sup> Big Brother Watch response to May 2024 Consultation, p.45.

<sup>1260</sup> Big Brother Watch response to May 2024 Consultation, pp.37-38.

interference may be greater where providers define the content in scope of these policies more widely than is necessary to comply with the Act. However, while we note the comments from Big Brother Watch, nothing in PCS C3 requires or encourages providers to do this. As outlined in our assessment of the freedom of expression impacts of PCS C1 in paragraph 15.166, providers are entitled to decide what search content they want to provide access to on or via their service, in line with their own rights to freedom of expression, so long as they comply with the Act.

- 15.300 We remain of the view set out in the May 2024 Consultation that this measure may also have positive impacts on the right to freedom of expression of users and website or database operators, as internal search moderation policies can provide moderators with greater clarity on the type of content that is PPC, PC and NDC.<sup>1261</sup> This can result in a higher degree of search content being identified appropriately and consistently across large volumes of content. We therefore consider that this measure will act as a safeguard for rights to freedom of expression and have noted this in Measure PCS C1 and PCS C2.
- 15.301 Having considered stakeholder responses and changes made to the measure, we consider that any interference by this measure with the rights to freedom of expression of users, website or database operators and providers is limited and proportionate to the legitimate aim of protecting children from harm.

## **Privacy and data protection**

### **Our final rights assessment**

- 15.302 In our May 2024 Consultation, we provisionally concluded that this measure is likely to constitute the minimum degree of interference with the right to privacy required to secure that service providers fulfil their children's safety duties under the Act. We did not receive stakeholder feedback regarding the privacy and data protection impact of this measure.
- 15.303 We do not expect this measure to result in any additional interference with the right to privacy beyond that identified in our assessment of PCS C1 and PCS C2, and on the basis that providers will comply with relevant data protection legislation.<sup>1262</sup> Any description of content in an internal content policy is likely to refer to search content that is generally available for presentation to users by operation of the underlying search engine. This means it would not, by its nature, contain information in relation to which an individual is likely to have a reasonable expectation of privacy. The consistency and predictability that a policy may achieve in a provider's search moderation practices will also help to secure that any processing of personal information is appropriate. We therefore consider that this measure will act as a safeguard for privacy rights and have noted this in Measure PCS C1 and PCS C2.
- 15.304 Having considered stakeholder responses and the changes made to the measure, we remain of the view that any interference by this measure with the privacy and data protection rights of individuals is relatively limited and proportionate to the legitimate aim of protecting children from harm.

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<sup>1261</sup> Paragraph 17.178 of our May 2024 Consultation.

<sup>1262</sup> In determining what this requires of them, providers should have regard to any relevant guidance from the ICO. See: ICO, UK GDPR guidance and resources and Online safety and data protection.

## Who this measure applies to

### Our position at Consultation

15.305 In our May 2024 Consultation, we proposed that Measure PCS C3 (and each of measures PCS C4 to PCS C7) should apply to providers of all services likely to be accessed by children that are large general search services and/or multi-risk search services for content harmful to children.

### Summary of responses

15.306 Both the Office of the Children’s Commissioner for England and C3P stated that this measure, along with measures PCS C4-7, should be extended to providers of all search services regardless of size and risk.<sup>1263</sup>

### Our decision

15.307 We have considered this stakeholder feedback and have decided not to change the measure. As the considerations for who this measure should apply to are similar to those for measures PCS C4-7, we consider this feedback for all of these measures together in paragraphs 15.307 - 15.313.

15.308 Search services that are multi-risk for content harmful to children pose significant risks of harm to children. The benefits of applying this measure and measures PCS C4-7 to such services are likely to be significant. This is because these measures should lead to more effective search moderation systems, mitigating the risk of harm to users. There will be costs to implementing these measures, and for some of these measures the costs could be significant. The costs of implementing these measures are likely to scale with the number and level of risks to some extent, and therefore will scale with the benefits of the measures. We consider it proportionate to apply these measures to providers of all services likely to be accessed by children that are large general search and/or multi-risk for content harmful to children.<sup>1264</sup>

15.309 Large general search services typically have characteristics that would make them multi-risk. These services tend to be widely used by children as well as adults, and they are designed to facilitate access to wide-ranging content, which may include large volumes of different kinds of harmful content.<sup>1265</sup>

15.310 The benefits of extending each of PCS C3-7 to providers of large general search services that are not multi-risk for search content harmful to children will be smaller. This is because the scope to reduce harm will be more limited. Nonetheless, as set out in Section 10, we consider that applying these measures to providers of such services is proportionate. These services are likely to have many children accessing them. Furthermore, the nature and prevalence of search content harmful to children can change over time. Having good search moderation in place will help ensure that, if there were to be an increased risk of harm to

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<sup>1263</sup> C3P response to May 2024 Consultation, p.22; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.60.

<sup>1264</sup> For further details of our reasoning, see our 2024 May Consultation (paragraphs 17.186-17.192 for Measure PCS C3, paragraphs 17.214-17.218 for Measure PCS C4, paragraphs 17.233-17.237 for Measure PCS C5, paragraphs 17.122-17.127 on pp. 215-216 for Measure PCS C6, and paragraphs 17.153-17.158 on p.220 for Measure PCS C7).

<sup>1265</sup> As set out in our [Children’s Risk Assessment Guidance for Service Providers](#), the outcome of service risk assessments is likely to depend on factors including the service’s reach among children and the nature of content on the service. See Section 12 of the Children’s Register for more information.

children on such services, this would be dealt with quickly. Providers of large general search services are also likely to have sufficient resources to implement these measures.

- 15.311 Our analysis suggests that the benefits of each of PCS C3-7 would be substantially smaller for vertical search services which are inherently less likely to present a significant risk of children encountering PPC, PC and NDC.<sup>1266</sup> We have therefore decided not to extend these measures to providers of vertical search services, unless they are multi-risk for content harmful to children.
- 15.312 We consider that the benefits of each of measures PCS C3-7 are likely to be substantially lower for providers of smaller services that are low or negligible risk for all types of content harmful to children because providers such services will not need to review very much (if any) of this type of content. We consider that Measure PCS C1 would provide adequate protection on such services. As set out in Section 10, we recognise some of measures PCS C3-7 may potentially have benefits for providers of some single-risk services; however, we decided not to extend these measures to single risk services at this stage. We will continue to collect evidence and information about the impact of these measures before considering this further.
- 15.313 We have therefore decided that this measure (as well as each of measures PCS C4-7) should apply to providers of all services likely to be accessed by children that are large general search and/or multi-risk for content harmful to children.

## Measure PCS C4: Have performance targets

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### Introduction

- 15.314 In our May 2024 Consultation, we proposed that providers of large general search services and services that are multi-risk for content harmful for children should:
- set performance targets for their search moderation functions, covering at least time and accuracy; and
  - effectively track performance in moderation against their set targets.<sup>1267</sup>
- 15.315 Some stakeholders disagreed with our proposal as they argued it was not technically feasible, while others stated that it may have unintended consequences. We also received cross-measure feedback for measures PCS C3-7, which has been addressed at paragraphs 15.307 - 15.313 in Measure PCS C3. We also received feedback on the corresponding measure in the November 2023 Consultation which we consider to be relevant for PCS C4 as well.

### Our decision

- 15.316 In response to stakeholder feedback, and to align with our December 2024 Statement, we have made changes to this measure:
- Regarding the “time that harmful PPC, PC and NDC remains on the service before it is actioned”, we have clarified that the time period should begin when a provider first has reason to suspect a given piece of search content may be harmful to children and

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<sup>1266</sup> See Section 12 of the Children’s Register.

<sup>1267</sup> In our May 2024 Consultation, we referred to this measure as SM4 or PCS B4. For ease and to align with the Protection of Children Codes, we will refer to this measure as PCS C4 throughout.

should end when the content has been taken action on in line with Measure PCS C1 and/or PCS C2 (as applicable).

- We have clarified that in the case of PC and NDC, content will be “actioned” when the provider has either taken appropriate moderation action or has decided not to take any such action in accordance with the recommendations in Measure PCS C1 for PC and NDC.
- We also clarified that content will be “actioned” when moderation action is taken in respect of harmful content proxy in line with Measures PCS C1 and PCS C2.
- Instead of the balancing the “desirability” of speed and accuracy, we now say that providers should balance the “need” to ensure that content harmful to children is taken action on swiftly against the “importance” of making accurate moderation decisions.

15.317 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C4.

## How this measure works

15.318 Service providers in scope of this measure should set performance targets. At a minimum, performance targets should cover:

- The time between the point when providers first suspect that search content may be harmful to children and the point when moderation action is taken in line with PCS C1 and/or PCS C2 (as applicable to the service); and
- The accuracy of decisions made regarding whether search content is harmful to children.

15.319 For PC and NDC, if a provider decides to take no moderation action, this would still be considered as an action for the purposes of this measure.

15.320 In setting its targets, the provider should balance the importance of making accurate moderation decisions with the need to take appropriate moderation action swiftly in relation to content that is harmful to children.

15.321 We specify in our resourcing measure, PCS C6, at paragraph 15.380 that providers should resource their search moderation functions to give effect to their performance targets. We consider that these two measures together will ensure that search moderation functions are sufficiently resourced to meet performance targets.

## How this measure protects children

15.322 Performance targets provide a quantitative target for the effectiveness of search moderation efforts. Monitoring compliance with performance targets helps providers evaluate the performance of search moderation systems and processes. This evaluation process can be used to improve systems and processes and prevent content that is harmful to children being accessed by children.

15.323 We consider that the tension between speed of moderation actions and the accuracy of moderation actions is a beneficial feature of this measure. It incentivises providers to strike a balance between these factors, making their performance targets more effective at protecting users on their service.

15.324 In Section 14, we explain that some providers of user-to-user services currently set performance targets for the operation of their content moderation functions. We are not aware of performance targets used by providers of large general search services or search services that are multi-risk regarding the median time to act on content.<sup>1268</sup> Nevertheless, we consider it is feasible for search service providers to put such targets in place. We consider that these targets will improve the effectiveness of their moderation processes.

## Stakeholder feedback and our response

### Effectiveness of time- and accuracy-based targets

#### Our proposals

15.325 In our May 2024 Consultation, we proposed that providers should, at a minimum, include targets relating to time and accuracy, however we did not prescribe the specific performance targets that providers should set.

#### Summary of responses

15.326 Conscious Advertising Network, with Dr. Karen Middleton argued that Ofcom should set more prescriptive performance targets for search moderation functions. They suggested that these targets could include accuracy rates, response time, false positive/negative rates, user feedback, transparency and reporting. They argued that setting more specific targets could drive improvements and reduce children's exposure to harmful content.<sup>1269</sup>

#### Our decision

15.327 Having considered this stakeholder feedback, we have decided not to change the measure. We have concluded that it would be disproportionate for us to set out an exhaustive list of performance targets a provider should include, or to define exactly what accuracy or time targets providers should aim to meet. This is because we consider that providers are best placed to set appropriate performance targets for accuracy and time based on what is most suitable for their services. This includes the extent to which they use additional information sources to inform such targets, such as complaints and appeals data or the additional sources suggested by stakeholders.

15.328 However, we consider that time and accuracy targets are not only desirable but an essential component of an effective search moderation system. We have clarified the wording of the measure to say that instead of the balancing the "desirability" of speed and accuracy, providers should balance the "need" to ensure that content harmful to children is taken action on swiftly against the "importance" of making accurate moderation decisions. We also clarify that providers should set their performance targets in a way that pursues both speed and accuracy of moderation and does not solely pursue one of these factors to the detriment of the other. This change aligns the measure with the corresponding measure in the Illegal Content Codes (ICS C3).

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<sup>1268</sup> Google noted that reporting mechanisms on its search service are designed to allow users to provide information for Google to quickly assess and act where necessary. Microsoft tracks accuracy metrics to monitor moderation effectiveness on Bing. Google response to 2022 Call for Evidence: First phase of online safety regulation, p.21; Microsoft. (2024). [Bing EU Digital Services Act Transparency Report](#). [accessed 24 March 2025].

<sup>1269</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, pp.26-27.

- 15.329 While there are important benefits to services setting both time and accuracy-based targets, we recognise that there may also be other targets that a provider considers particularly relevant. It would be open to providers to set and record those additional targets also, provided they include time and accuracy targets as a minimum. We would expect a provider to be able to justify why it has set the performance targets it has, including why the targets in question are reasonable and how it has balanced the need for speed and accuracy when making this decision.

## Targets for the time taken to action search content that is harmful to children

### Summary of responses

- 15.330 Google expressed concern that it would be difficult to identify the point in time at which content is “on the service” before a complaint is processed, as content may be indexed but never served to a user in response to a query.<sup>1270</sup>
- 15.331 Google noted that a performance target related to the time taken to process complaints becomes particularly challenging when it applies to “downranking”, as it is difficult to specify to what extent and why a result is “downranked”, as it could occur for non-associated reasons, including changes to its ranking algorithm.<sup>1271</sup>

### Our decision

- 15.332 Regarding Google’s concerns, we acknowledge that there is no onus on search providers to proactively assess websites for harmful content and therefore it can be difficult to determine when content may appear to be “on the service”. We also recognise that the conclusion of some moderation actions, such as blurring, distorting or obscuring, or actions that result in content being given a lower priority in the overall ranking of search results, may only occur in response to individual user requests.
- 15.333 In line with our position in our December 2024 Statement, we are clarifying that the time threshold should begin when a provider first has reason to suspect a given piece of search content may be harmful to children and should end when moderation action is taken in line with Measure PCS C1 and/or PCS C2, rather than at the conclusion of that specific technical action following a user query.
- 15.334 This change to the framing of the time target is consistent with the measure’s aim of encouraging timely moderation to improve protections for users. It also makes the measure more consistent with Measure PCS C1 (in which we shift focus to moderation outcomes rather than prescribing the precise technical actions of downranking).

## Separate targets for content that violates community guidelines and content that is harmful to children

### Summary of responses

- 15.335 Google expressed concern that this measure (and the equivalent Content Moderation measure, PCU C4), by requiring providers to set time- and accuracy-based performance targets for content that is harmful to children, could require it to maintain separate metrics for content that violates its community guidelines. It noted this may lead to its existing processes and mechanisms being less effective. Google pointed out that our

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<sup>1270</sup> Google response to May 2024 Consultation, pp.27-28.

<sup>1271</sup> Google response to May 2024 Consultation, p.28. Google provided similar feedback in response to our November 2023 Consultation. Google response to November 2023 Consultation, p.40.

recommendation should take into account the variety of different metrics used across services in scope.<sup>1272</sup>

### Our decision

- 15.336 In light of this stakeholder feedback, we have changed the measure to give providers flexibility to set performance targets for content harmful to children or harmful content proxy identified by assessing content against the provider's publicly available statement, as explained in relation to PCS C1 at paragraph 15.48.
- 15.337 It was not the original intent behind this measure to state that providers should set separate performance targets for harmful content only and to not allow them to set targets for harmful content proxy. This would also not be compatible with the change we have made to time targets to expressly include action being taken in respect of harmful content proxy. We have therefore changed the measure to give providers flexibility to set performance targets for harmful content and/or harmful content proxy.

### Impacts on service providers

- 15.338 In our May 2024 Consultation, we said that a service provider that does not currently have performance metrics and targets in place to implement this measure would incur one-off costs to design and set these up. The provider would also incur ongoing costs to track actual performance against established targets. Given the flexibility we offer over how to implement PCS C4, these costs are likely to vary widely between services. A simple bespoke system could cost between £8,000 to £16,000, while off-the-shelf key performance indicator (KPI) tracking solutions are available from around £50 a month per moderator. On the other hand, the costs of designing and implementing more complex systems may run into the tens to hundreds of thousands of pounds.
- 15.339 We also explained that there would also be ongoing costs that are likely to vary greatly depending on the characteristics of a service. The one-off costs associated with this measure will be lower for providers of services that are also in scope of the equivalent measure in the Illegal Content Codes, as there may be some overlaps between the two measures.<sup>1273</sup> Costs of implementing this measure may also be lower for providers of some services, particularly larger ones, that may already have processes or metrics in place which at least partly address what this measure is designed to achieve.<sup>1274</sup>
- 15.340 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.<sup>1275</sup>

## Rights

### Freedom of expression

#### Summary of responses

- 15.341 We received feedback in relation to the equivalent user-to-user measure (PCU C4), which we consider relevant to this measure. The Mid Size Platform Group argued that having to set performance targets could incentivise platforms to over-moderate content, which could

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<sup>1272</sup> Google response to May 2024 Consultation, p.26. Google provided similar feedback in response to our November 2023 Consultation. Google response to November 2023 Consultation, p.35.

<sup>1273</sup> See Section 3 of Volume 2 of our December 2024 Statement.

<sup>1274</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.208-17.213 in our May 2024 Consultation.

<sup>1275</sup> See Annex 3 for more information on our assessed labour costs.

stifle free expression rather than addressing the root causes of harmful content online.<sup>1276</sup> Big Brother Watch expressed concern that any type of time target would pressure services to remove content at pace and rush decisions. It argued that the risk of enforcement will lead service providers to prioritise removal over accuracy.<sup>1277</sup> More broadly, Big Brother Watch argued that Measures PCS C3-6 are unnecessary and have “worrying implications for users’ rights” to freedom of expression.<sup>1278</sup>

#### Our final rights assessment

- 15.342 In our May 2024 Consultation, we noted that this measure should be seen as part of a package of measures relating to search moderation for content harmful to children, including PCS C1, PCS C2 and PCS C3. We considered that service providers effectively tracking their performance against targets in accordance with this measure, particularly those relating to accuracy, acts as a safeguard for users’ rights to freedom of expression and we noted this in the draft Code.
- 15.343 We have not identified any specific additional adverse impacts associated with this measure on the right to freedom of expression of users, website or database operators, or service providers (beyond those identified in relation to Measures PCS C1, PCS C2 and PCS C3).
- 15.344 We recognise the risk that setting speed-based performance targets could lead to a focus on speed rather than accuracy. We note feedback from the Mid Size Platform Group and Big Brother Watch that this could result in incorrect search moderation decisions and search providers taking moderation action on too much content. However, we consider this risk is mitigated by the flexibility of this measure, which recommends that services set performance targets for both speed and accuracy, and that these two aims be balanced. We do not recommend specific time targets and offer flexibility to providers in setting targets that appropriately balance these two aims. This should result in greater transparency and consistency in search moderation systems.
- 15.345 We consider this measure would potentially have a positive impact on the rights to freedom of expression for users and website or database operators. Efficiently and accurately identifying and moderating content harmful to children will mean that search content is less likely to be inaccurately identified as harmful and will enable children to engage with content online more safely. We have therefore listed this measure as providing a safeguard for rights to freedom of expression for Measures PCS C1 and PCS C2.
- 15.346 For these reasons and those set out in paragraphs 15.158 - 15.168, paragraphs 15.262 - 15.268 and paragraphs 15.298 - 15.301 in relation to respectively Measures PCS C1, PCS C2 and PCS C3, we consider that any interference with the right of freedom of expression by this measure is relatively limited and proportionate to the benefits from protecting children from harm.

#### Privacy and data protection

##### Our final rights assessment

- 15.347 In our May 2024 Consultation, we concluded that we did not expect this measure would result in any interference with any individual’s rights to privacy, nor that it would involve any additional processing of users’ personal data, beyond what may already be required for

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<sup>1276</sup> Mid Size Platform Group response to May 2024 Consultation, p.10.

<sup>1277</sup> Big Brother Watch response to May 2024 Consultation, pp.38-39.

<sup>1278</sup> Big Brother Watch response to May 2024 Consultation, p.45.

the purposes of Measures PCS C1 and PCS C2. We did not receive stakeholder feedback regarding the privacy and data protection impact of this measure.

- 15.348 We acknowledge the risk that setting speed-based performance targets could interfere with the right to privacy of users and other individuals, since a focus on speed over accuracy may lead to the creation of inaccurate personal data. Our recommendation that providers balance the speed of decisions made with the degree of accuracy will mitigate this risk. We have therefore listed this measure as providing a safeguard for privacy rights for measures PCS C1 and PCS C2. Additionally, providers processing personal data will still need to comply with applicable data protection legislation, including in relation to the accuracy of personal data.<sup>1279</sup> We consider the measure to be compatible with data protection requirements. However, we do not consider that it would be appropriate for us to duplicate data protection requirements on the face of the measure in the Codes, because this is our legal instrument.
- 15.349 For these reasons and those set out in paragraphs 15.170 - 15.178, paragraphs 15.270 - 15.274 and paragraphs 15.302 - 15.304 in relation to respectively Measures PCS C1, PCS C2 and PCS C3, we consider that any interference with privacy or data protection rights by this measure is relatively limited and proportionate to the benefits of protecting children from harm.

### Who this measure applies to

- 15.350 This measure applies to providers of search services likely to be accessed by children that are large general search and/or multi-risk for content harmful to children. See paragraphs 15.307 - 15.313 above for a full explanation of Ofcom's reasons for this decision.

## Measure PCS C5: Have a policy for the prioritisation of content for review

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### Introduction

- 15.351 In our May 2024 Consultation, we proposed that providers of large general search services, and multi-risk search services likely to be accessed by children, should develop and apply policies on the prioritisation of content for review.<sup>1280</sup>
- 15.352 We stated that prioritising higher severity search content would help search services minimise harm to users, including children, as such content is likely to pose a more immediate direct harm to the user.<sup>1281</sup> This was supported by research suggesting that systems can be designed to prioritise content according to factors such as the seriousness of the suspected harm or the likelihood that the item will be confirmed as violative,<sup>1282</sup> which could be applied to PPC, PC and NDC.

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<sup>1279</sup> In determining what this requires of them, providers should have regard to any relevant guidance from the ICO. For example, see: ICO, UK GDPR guidance and resources and Online safety and data protection [accessed 4 November 2024]

<sup>1280</sup> In our May 2024 Consultation, we referred to this measure as SM5 or PCS B5. For ease and to align with the Protection of Children Codes, we will refer to this measure as PCS C5 throughout.

<sup>1281</sup> See paragraph 17.226 (b) in our May 2024 Consultation.

<sup>1282</sup> Ofcom, 2023. [Content moderation in user-to-user online services](#). [accessed 24 March 2025].

- 15.353 We received feedback from one stakeholder, arguing that we should provide more flexibility for service providers to implement prioritisation frameworks. We also received cross-measure feedback for Measures PCS C3-7, which has been addressed at paragraphs 15.307 - 15.313 in Measure PCS C3.

## Our decision

- 15.354 Having considered this measure further since our May 2024 Consultation, we have decided to make one clarification, replacing “how frequently search requests for the search content are made” with “how frequently the search content is returned in response to search requests”. This approach aligns with that taken in our December 2024 Statement.
- 15.355 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C5.

## How this measure works

- 15.356 Service providers in scope of this measure should prepare and apply a policy on prioritising search content for review. In setting the policy, the provider should have regard to at least the following factors:
- how frequently the search content is returned in response to search requests;
  - the severity of potential harm to UK children if they encounter the harmful content on the service, including whether the content is suspected to be PPC, PC or NDC, and taking into account the children’s risk assessment of the service; and
  - the likelihood that the search content is content that is harmful to children, including whether it has been reported by a trusted flagger.<sup>1283</sup>
- 15.357 It is not our expectation that providers consider each individual factor in the context of every prioritisation decision. Instead, the measure makes clear that these factors should be considered in setting the prioritisation policy itself.

## How this measure protects children

- 15.358 We consider that, where a service provider adopts a prioritisation framework, it is likely to result in higher quality decisions about what content to prioritise for review, as opposed to reviewing complaints in a chronological order. Prioritisation decisions can have a material impact on the amount of harm a piece of content causes to users. For example, if a provider chose to review a series of relatively minor pieces of harmful content which were not viewed by many (or any) children before it reviewed a piece of extremely harmful content that was viewed by many children, this decision could result in a delay to an appropriate moderation action being taken. This delay could lead to the content being accessed for longer and could cause significant harm to children.
- 15.359 Given the size of their search indexes, providers of large general search services may need to deal with huge volumes of reports regarding URLs containing potentially harmful content. Service providers identifying risks of multiple harms may similarly have to respond

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<sup>1283</sup> Trusted flaggers are any entity for which the provider has established a separate process for the purposes of reporting content which may include content harmful to children, based on the entity’s expertise. For example, this could include individuals, NGOs, mental health organisations and other entities that have demonstrated accuracy and reliability in flagging content.

to high volumes of reports of harmful content. This means providers face difficult decisions about how to prioritise search content for review. Having a policy that considers relevant factors should result in better decisions about what search content to prioritise for review. Therefore, an effective prioritisation policy can contribute materially to the safety of children online, as it helps to ensure that services focus their moderation resources on addressing search content that is more likely to cause severe harm.

## Stakeholder feedback and our response

### Trusted flaggers

#### Our proposals

- 15.360 As explained in our May 2024 Consultation, while we have not recommended the use of trusted flaggers in this iteration of the Codes, we proposed that where trusted flaggers are used, and providers receive reports from trusted flaggers relating to PPC and PC, they prioritise such content for review as it could lead to higher quality and more accurate search moderation.

#### Summary of responses

- 15.361 In response to our proposed Content Moderation measures for user-to-user services, Big Brother Watch raised concerns that reports from trusted flaggers may not necessarily be more accurate.<sup>1284</sup> We consider this feedback equally applicable to this Search Moderation measure so have taken it into account.

#### Our decision

- 15.362 We have decided not to change this measure in response to this stakeholder feedback. Service providers should have regard to the likelihood that the search content is content that is harmful to children, including whether it has been reported by a trusted flagger, as set out in our May 2024 Consultation.
- 15.363 In response to concerns from Big Brother Watch, as we state in Section 14, it is for providers to factor in the reliability of their trusted flaggers when they consider the weight to put on their complaints in the prioritisation processes.
- 15.364 We do not expect providers to prioritise the reports of trusted flaggers if they do not have confidence that their reports will be accurate. However, any content reported in this way should still be considered as part of the search moderation function of the provider to determine whether it breaches the services terms of services or if it is PPC, PC, or NDC.

### When prioritisation factors should be considered

#### Our proposal

- 15.365 In our May 2024 Consultation, we proposed that large general search services, and search services likely to be accessed by children that are multi-risk for content harmful to children, should have regard to, at least, the factors listed in paragraphs 17.222 when setting a policy on the prioritisation of search content for review.

#### Summary of responses

- 15.366 In response to our November 2023 Consultation, Google requested clarity on whether the prioritisation factors should be considered for each instance of moderation or when

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<sup>1284</sup> Big Brother Watch response to May 2024 Consultation, p.40.

designing their prioritisation policies. Google stated that our proposed measure would be onerous to implement in practice were the expectation to be that the prioritisation factors be considered in every instance of moderation.<sup>1285</sup>

### **Our decision**

15.367 We confirm that it is not our expectation that providers consider each individual factor in the context of every prioritisation decision, where it is not relevant to do so. Instead, these factors should be considered in setting the prioritisation policy itself. This aligns with the clarification made in respect of the counterpart measure in our December 2024 Statement.

### **Impacts on service providers**

15.368 In our May 2024 Consultation, we explained that services which do not currently have prioritisation frameworks would incur one-off costs to design and set this up. We estimated that it may cost approximately between £4,000 to £7,000 to set up a relatively simple prioritisation framework. For providers of larger and more complex services with a multitude of different metrics, this could cost potentially tens of thousands of pounds or more. There are also likely to be some smaller ongoing costs. The costs to implement this measure are mitigated at least to some extent by the flexibility provided to service providers in what they do. Further, the costs of implementing this measure may be somewhat lower for service providers that are also in scope of the equivalent measure in the Illegal Content Codes (ICS C4), as there may be some overlaps between the two measures.<sup>1286</sup>

15.369 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on services is therefore unchanged.<sup>1287</sup>

## **Rights**

### **Freedom of expression**

#### **Summary of responses**

15.370 We received feedback from Big Brother Watch, arguing that measures PCS C3-6 are unnecessary and have “worrying implications for users’ rights” to freedom of expression.<sup>1288</sup>

#### **Our final rights assessment**

15.371 In our May 2024 Consultation, we did not identify any specific additional adverse impacts on the rights to freedom of expression of users, website or database operators or service providers, beyond those discussed in relation to the broader package of measures relating to search moderation (including Measures PCS C1 and PCS C2).

15.372 We remain of the view that setting and applying a policy for the prioritisation of search content for review would not, in itself, have any specific adverse impacts on the right to freedom of expression. While we note the comments from Big Brother Watch, we consider this measure may have a positive impact on the right to freedom of expression because the recommendation means that harm to children would be a factor in service providers’

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<sup>1285</sup> Google response to November 2023 Consultation, p.39.

<sup>1286</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.229 - 17.232 in our 2024 May Consultation.

<sup>1287</sup> See Annex 3 for more information on our assessed labour costs.

<sup>1288</sup> Big Brother Watch response to May 2024 Consultation, p.45.

decision-making, allowing children to engage with communities and content online more safely.

- 15.373 For these reasons and those set out in paragraphs 15.158 - 15.168, paragraphs 15.262 - 15.268 and paragraphs 15.298 - 15.301 in relation to respectively Measures PCS C1, PCS C2 and PCS C3, we consider potential interference with the freedom of expression rights of users, website or database operators or service providers is limited and proportionate to the benefits from protecting children from harm.

## Privacy and data protection

### Our final rights assessment

- 15.374 In our May 2024 Consultation, we concluded that we had also not identified any specific additional adverse impacts on the privacy and data protection rights of individuals, beyond those discussed in relation to the broader package of Search Moderation measures. We remain of this view. We note that any extra processing of personal data in the implementation of this measure would need to be carried out in compliance with applicable privacy and data protection laws.<sup>1289</sup> For these reasons and those set out in paragraphs 15.170 - 15.178, paragraphs 15.270 - 15.274 and paragraphs 15.302 - 15.304 in relation to respectively Measures PCS C1, PCS C2 and PCS C3, we consider that any interference is therefore limited and proportionate where providers comply with data protection laws.

### Who this measure applies to

- 15.375 This measure applies to providers of search services likely to be accessed by children that are large general search and/or multi-risk for content harmful to children. See paragraphs 15.307 - 15.313 above for a full explanation of Ofcom's reasons for this decision.

## Measure PCS C6: Ensure search moderation teams are appropriately resourced

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### Introduction

- 15.376 In our May 2024 Consultation, we proposed that service providers should ensure their search moderation teams are resourced to give effect to their internal content policies and performance targets.<sup>1290</sup> We considered that providers should have regard to the language needs of their child user base, and meeting spikes in demand for search moderation driven by external events, when deciding how to resource their search moderation function. We proposed that this measure should apply to providers of large general search services and search services that are multi-risk for content harmful to children.
- 15.377 We received feedback regarding the rights impacts of this measure. We address this feedback at paragraphs 15.389-15.390. We also received cross-measure feedback, which we address at paragraphs 15.307-15.313 above.

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<sup>1289</sup> In determining what this requires of them, providers should have regard to any relevant guidance from the ICO. For example, see: ICO, UK GDPR guidance and resources and Online safety and data protection.

<sup>1290</sup> In our May 2024 Consultation, we referred to this measure as SM6 or PCS B6. For ease and to align with the Protection of Children Codes, we will refer to this measure as PCS C6 throughout.

## Our decision

- 15.378 Having considered this measure further since our May 2024 Consultation, we have decided to make one clarification to the drafting of this measure. The Children’s Risk Assessment Guidance for Service Providers (Children’s Risk Assessment Guidance) refers to “UK users” rather than “child users”, as a provider may not have enough information about the language needs of the child user base of their service. We have clarified that providers should have regard to resourcing for the particular language needs of their “United Kingdom user base” rather than their “child user base” to better align with the Children’s Risk Assessment Guidance.
- 15.379 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C6.

## How this measure works

- 15.380 Service providers in scope of this measure should ensure their search moderation functions are resourced so as to give effect to their internal content policies and performance targets. We consider that in doing so, service providers should have regard to at least:
- The propensity for external events to lead to a significant increase in demand for content moderation on the service; and
  - Resourcing for the particular language needs of their UK user base, as identified in their children’s risk assessment.
- 15.381 Providers should consider the potential for sudden significant increases in harmful content when determining how to resource their search moderation functions. Information obtained from services’ risk assessments, evidence of new kinds of content that is harmful to children and other relevant sources of information, could be used to understand where and when spikes in demand for search moderation may occur.<sup>1291</sup>
- 15.382 Providers should also consider the particular language needs of their UK user base as identified in their children’s risk assessment. This means that if a large proportion of their UK user base is likely to use the service in certain languages, then the search moderation function should be equipped to moderate content in those languages accordingly. We expect providers to be prepared to adapt to changing prevalence in languages across their UK user bases.

## How this measure protects children

- 15.383 Similar to the Content Moderation measures explained in Section 14, we consider that when moderation functions are well-resourced, this results in providers making more accurate and timely decisions about whether search content is harmful, and, where applicable, whether it should be subject to moderation action. In Section 13 of the Children’s Register, we explain that limited resourcing, time pressures, and large or fluctuating volumes of content requiring moderation can contribute to increased risk on a service.

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<sup>1291</sup> In Section 11 we set out our reasons for proposing that all user-to-user services that are multi-risk for content harmful to children and all large low-risk user-to-user services should track evidence of new kinds of content that is harmful to children on the service, and unusual increases in particular kinds of harmful content (Measure PCS A5).

- 15.384 In instances where systems may need to deal with sudden significant increases in content that is harmful to children or unexpected harm events, redeploying resources to do so may draw resources away from another part of the system. For example, a service provider which operates both user-to-user and search services might move resource from its search moderation team to its content moderation team for the user-to-user service. We consider that it is beneficial for search service providers to consider the potential for sudden significant increases in harmful content when determining how to resource their search moderation functions.
- 15.385 We also consider that setting performance objectives in relation to time and accuracy of a search moderation function, in line with our recommendation in Measure PCS C4, will not protect users unless the provider has sufficient resources and deploys them effectively. We therefore conclude that adequately resourcing search moderation functions to meet performance targets will bring significant benefits to users.

## Stakeholder feedback and our response

### Impacts on service providers

- 15.386 In our May 2024 Consultation, we explained that we would expect the total ongoing cost of resourcing services' search moderation functions under this measure to be significant, particularly for providers of larger and riskier services with large volumes of relevant search content to moderate. While many services would in any case have some level of resource allocated to search moderation, a higher level of resources may be required for this measure. For service providers that are also in scope of the equivalent measure in the Illegal Content codes, there may be some limited overlaps between the two measures. We said it is ultimately for providers to consider the level and types of resource required to meet PCS C6, and to what extent this may entail additional resource and cost.<sup>1292</sup>
- 15.387 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.<sup>1293</sup>

### Rights

#### Freedom of expression, privacy and data protection

##### Summary of responses

- 15.388 We received feedback from Big Brother Watch, which argued that Measures PCS C3-6 are unnecessary and have "worrying implications for users' rights" to freedom of expression.<sup>1294</sup>

##### Our final rights assessment

- 15.389 In our May 2024 Consultation, we noted that this measure should be seen as part of a package of measures relating to search moderation for content harmful to children. We considered that this measure would not have any specific adverse impacts on the rights to freedom of expression of users, website or database operators, or service providers, or on rights to privacy of individuals, beyond those discussed in relation Measures PCS C1 and PCS C2.

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<sup>1292</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.256 - 17.261 in our 2024 May Consultation.

<sup>1293</sup> See Annex 3 for more information on our assessed labour costs.

<sup>1294</sup> Big Brother Watch response to May 2024 Consultation, p.45.

15.390 We remain of the view that this measure will not have any additional negative impact, in addition to the freedom of expression and privacy rights impacts set out in paragraphs 15.158 - 15.178, paragraphs 15.262 - 15.274 and paragraphs 15.298 - 15.304 in relation to Measures PCS C1, PCS C2, and PCS C3, which we also consider to be relevant. While we have considered Big Brother Watch’s feedback, we consider that appropriately resourcing search moderation is likely to have positive impacts on these rights and safeguard them, as mistakes are less likely. This should result in users, especially children, feeling safer using the service. We have therefore listed this measure as providing a safeguard for rights to freedom of expression and privacy for measures PCS C1 and PCS C2.

### Who this measure applies to

15.391 This measure applies to providers of all services likely to be accessed by children that are large general search and/or multi-risk for content harmful to children. See paragraphs 15.310-15.313 above for a full explanation of Ofcom’s reasons for this decision.

- We note that providers of all search services should ensure that they have adequate resources to enable them to implement Measure PCS C1, related to moderating PPC, PC and NDC. This applies to all service providers and not only those to whom Measure PCS C6 applies. Providers of smaller and lower risk services have more flexibility as to how they ensure they have adequate resources to implement Measure PCS C1.

## Other considerations

### Service’s user base

15.392 In our draft Codes of Practice in our May 2024 Consultation, we stated that service providers should have regard to “the particular needs of its child user base as identified in the children’s risk assessment of the service, in relation to languages”.<sup>1295</sup>

15.393 We did not receive any stakeholder feedback in relation to this aspect of the measure. However, having considered the measure further since consultation, we have decided to make a change to this measure so that it aligns better with the Children’s Risk Assessment Guidance. We have clarified that providers should have regard to resourcing for the particular language needs of their “United Kingdom user base” rather than their “child user base”. This change reflects the fact the Children’s Risk Assessment Guidance refers to “UK users” rather than “child users”, since a provider may not have enough information to assess the language needs of children on their service. Providers should therefore have regard to the language needs of all their UK users, rather than only the language needs of the children using their service.

15.394 This clarification is in line with a change made for our equivalent measure for user-to-user services (PCU C6).

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<sup>1295</sup> Our May 2024 Consultation referred to ‘United Kingdom user base’ – however, our draft Codes of Practice referred to ‘child user base’.

## Measure PCS C7: Provide training and materials to individuals working in search moderation (non-volunteers)

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### Introduction

- 15.395 In our May 2024 Consultation, we proposed that service providers should ensure people working in search moderation receive training and materials to enable them to identify and take moderation action on content that is harmful to children in accordance with the provider’s internal content policies and to meet its performance targets.<sup>1296</sup> We proposed that this measure should apply to providers of all search services likely to be accessed by children that are multi-risk for content harmful to children, regardless of size.
- 15.396 In response to our May 2024 Consultation, we received feedback regarding which providers this measure applies to. We did not receive any other feedback relating to how this measure works or its benefits and effectiveness. However, we received feedback for the corresponding measure in our November 2023 Consultation, and we consider this feedback to be relevant here as well.
- 15.397 We also received feedback on our equivalent measure for user-to-user services (PCU C7) which we consider to be relevant here. This feedback relates to individuals working in search moderation functions, training materials, and frequency of training.

### Our decision

- 15.398 After considering stakeholder feedback, we have made the following changes:
- The measure now sets out that providers must provide training and materials to “individuals working in search moderation” that “enable them to fulfil their role in moderating search content” instead of “to enable them to moderate”.
  - The measure also now explains that this is applicable “including in relation to” (rather than “in accordance with”) the measures on reviewing, assessing and taking appropriate moderation action (Measure PCS C2), filtering of PPC for child users (Measure PCS C2) and internal content policies (Measure PCS C3).
- 15.399 We have made these changes to acknowledge that individuals working in moderation could have roles in the wider ecosystem of content moderation and may not be directly moderating content themselves.
- 15.400 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS C7.

### How this measure works

- 15.401 Service providers in scope of this measure should ensure that individuals working in search moderation receive training and materials that enable them to fulfil their role in moderating search content.

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<sup>1296</sup> In our May 2024 Consultation, we referred to this measure as SM7 or PCS B7. For ease and to align with the Protection of Children Codes, we will refer to this measure as PCS C7 throughout.

- 15.402 The measure applies to all individuals working in search moderation. We expect that the people working in search moderation will include moderators employed or contracted by providers. It could also include others involved in the wider search moderation ecosystem, such as: trust and safety staff; quality assurance and compliance staff; subject matter experts; lawyers and other legal staff; risk management staff; operations staff; engineers; and developers.
- 15.403 We are not aware of any search providers that currently employ volunteers to support their moderation functions. For this reason, this measure does not cover the training of volunteers working on content moderation functions. If we become aware of evidence of voluntary moderation on search services, we will consider whether it is appropriate to adjust this measure to reflect the specific needs of volunteers.

## Training

- 15.404 When training individuals working in search moderation, a provider should ensure that:
- it has regard to the most recent children's risk assessment of the service and information pertaining to the tracking of signals of new and emerging content that is harmful to children (in accordance with Measure PCS A5); and
  - where the provider identifies a gap in the understanding of individuals working in search moderation in relation to a specific kind of content that is harmful to children, it gives training and materials to remedy this.
- 15.405 In Section 11, Measure PCU A5 states that providers should track new and unusual increases in content harmful to children including kinds of PPC and PC, any NDC which has been identified in the service providers' most recent risk assessment, or harmful content proxy. This is one of the main sources of information about how content harmful to children manifests, and it is crucial that providers use this to keep their search moderation training and supporting materials up to date.

## Materials

- 15.406 Providers should supply materials to individuals working in moderation to enable them to fulfil their functions as set out in the other measures in this section.
- 15.407 We consider that training materials could include definitions and explanations around specific parts of internal content policies, enforcement guidelines, and examples and visuals of the tools or interface moderation staff will use to carry out their job.
- 15.408 We do not consider it necessary to stipulate how training materials should be developed or updated, or how training should be delivered. We consider that providers are best placed to determine what training and materials are appropriate for their respective services and teams, provided they adapt as necessary by having regard to the considerations outlined in this measure.

## How this measure protects children

- 15.409 In line with our approach to our equivalent Content Moderation measure, PCU C7, which we explain in Section 14, we consider that this measure will be effective in addressing risks to children because individuals working in search moderation who have been trained on how to identify harmful content or harmful content proxy are more likely to be equipped with the knowledge to effectively and accurately moderate search content. We consider that this measure will deliver important benefits both by reducing the amount of harmful

content that children encounter and by helping to safeguard freedom of expression by limiting unnecessary action on non-harmful content.

- 15.410 Many service providers already train their staff to identify and take moderation action against content harmful to children and illegal content. They also provide supporting materials to assist in this process.<sup>1297</sup>

## Stakeholder feedback and our response

### Having regard to risk assessments and remedying gaps in understanding

#### Our proposals

- 15.411 In our May 2024 Consultation, we did not propose to recommend harms-specific training. However, we explained that there may be instances where staff do not have the appropriate or sufficient understanding of specific harms to enable them to effectively minimise the risk of children encountering content that is harmful to them.
- 15.412 We considered that training and materials should be informed by the most recent children's risk assessment. We also considered that if training and materials are given to moderators where a service provider has identified a gap in moderators' understanding of a specific harm, and where they deem there to be a specific risk, this should improve outcomes for children.

#### Summary of responses

- 15.413 In response to our November 2023 Consultation, Samaritans argued that providers should ensure moderation staff understand the nuance around self-harm and suicide language.<sup>1298</sup> Glitch argued that training for moderation teams needed to adequately address the intersectional nature of online harm as well as cultural sensitivity.<sup>1299</sup> We consider this feedback to be relevant for this measure as well.

#### Our decision

- 15.414 Having considered these stakeholders' feedback, we have decided not to make changes to the measure. As noted in relation to Measure PCS C3, risk assessments should form the basis of the internal content policies of a service and can highlight changes in the volume of content harmful to children. In Section 11, under Measure PCS A5, providers should track signals of new and increasing harm. This is a crucial source of information that should be used to inform moderator training alongside the regard to risk assessments.
- 15.415 While we consider that harms-specific training and materials may help moderators to identify and take moderation action on search content that is harmful to children, we do not consider that it is appropriate to be prescriptive about the specific harms that people are trained in. We consider that if providers have regard to the findings of their children's risk assessments, this will ensure that providers are focusing their training on the areas of harm most relevant to their users.
- 15.416 The measure includes a requirement that providers remedy any identified gaps in the understanding of individuals working in search moderation in relation to specific types of

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<sup>1297</sup> Morgan Lewis, 2023. [Emerging Market Trend: An Overview of Content Moderation Outsourcing](#). [accessed 24 March 2025]; [NYU Stern Center for Business and Human Rights, 2020. Who Moderates the Social Media Giants? A Call to End Outsourcing](#). [accessed 24 March 2025]

<sup>1298</sup> Samaritans response to November 2023 Consultation, p.3.

<sup>1299</sup> Glitch response to November 2023 Consultation, p.7.

harm. This should enable providers to provide targeted training on areas where it is required to ensure the protection of children from harmful content.

## Frequency of training

### Our proposals

15.417 In our May 2024 Consultation, we did not propose to recommend how training materials should be developed or updated, or how training should be delivered.

### Summary of responses

15.418 In response to our November 2023 Consultation, some stakeholders noted the benefits of regularly updating training for individuals working in content moderation.<sup>1300</sup> We consider that these responses are also relevant for this measure.

### Our decision

15.419 We have considered this feedback and have decided not to change the measure. While we acknowledge the benefits of regularly updating training, we do not consider it appropriate to be prescriptive about how often training materials should be updated or how often training should be delivered.

15.420 We consider service providers to be best placed to determine what is appropriate to respond to the specific needs and risks of their service and staff functions. Therefore, we do not consider that it would be appropriate to specify how often materials should be revised, or how frequently training should be repeated.

15.421 We would consider that a provider would not be enabling its moderators to moderate content in accordance with the other Search Moderation measures, if it failed to refresh training and materials following any major changes to search moderation policies or processes. Similarly, a provider would not be acting in accordance with this measure if it failed to give training and materials to remedy gaps in the understanding of individuals working in search moderation relating to a specific harm.

## Impacts on service providers

15.422 In our May 2024 Consultation, we explained that implementing this measure would incur two main types of costs for a service provider – costs to develop the training material and costs to deliver the training to moderators. We estimated that the costs to provide training for one new content moderator could be between about £3,000 and £18,000, while that for a new software engineer could be between about £5,000 and £28,000.<sup>1301</sup> There would also be some smaller ongoing costs for refresher training and training in new harms on the services. Many providers already provide some form of training for their content moderators and, to the extent this is sufficient to cover the requirements of this measure, they would not have to incur these costs. There may be some limited overlaps with the equivalent measure in the Illegal Content Codes, and the costs for this measure are also

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<sup>1300</sup> C3P response to November 2023 Consultation, p.16; Global Partners Digital response to November 2023 Consultation, p.13; Meta Platforms Inc. response to November 2023 Consultation, p.26. We also consider these responses under measure PCU C7 in Section 14.

<sup>1301</sup> We would expect that only ICT colleagues directly involved in operationalising search moderation systems would need to do this training.

mitigated by the fact that it allows each service the flexibility to choose an approach that is cost-effective and proportionate for its context.<sup>1302</sup>

- 15.423 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on services is therefore unchanged.<sup>1303</sup>

## Rights

### Freedom of expression, privacy and data protection

#### Our final rights assessment

- 15.424 In our May 2024 Consultation, we noted that that this measure should be seen as part of a package of measures relating to search moderation for content harmful to children. We provisionally considered that this measure would not have any specific adverse impacts on the rights to freedom of expression of users, website or database operators, or service providers, or on rights to privacy of individuals, beyond those discussed in relation Measures PCS C1 and PCS C2.
- 15.425 We did not receive stakeholder feedback regarding the rights impact of this measure.
- 15.426 We remain of the view that this measure will not have any additional negative impact, in addition to the freedom of expression and privacy rights set out in paragraphs 15.158 - 15.178, paragraphs 15.262 - 15.274 and paragraphs 15.298 - 15.304 in relation to Measures PCS C1, PCS C2, and PCS C3 which we also consider to be relevant.
- 15.427 Appropriately training individuals working in search moderation is likely to have significant positive impacts on the rights of users, website or database operators, and service providers, because mistakes are less likely, and moderators will better understand their privacy and data protection obligations, where relevant. To the extent that it helps to reduce harm on the service and make users, including children, feel safer, this could also have a positive impact on their human rights. We have therefore listed this measure as providing a safeguard for rights to freedom of expression and privacy for measures PCS C1 and PCS C2.

### Who this measure applies to

- 15.428 This measure applies to providers of search services likely to be accessed by children that are large general search and/or multi-risk for content harmful to children. See paragraphs 15.310 - 15.313 above for a full explanation of Ofcom's reasons for this decision.

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<sup>1302</sup> For a fuller description of our assessment of the impact on services, see paragraphs 17.144-17.152 in our 2024 May Consultation. Note that in our May 2024 consultation we stated in error that this figure excluded the 22% uplift that we have assumed elsewhere for non-wage labour costs – the uplift is included in these costs.

<sup>1303</sup> See Annex 3 for more information on our assessed labour costs.

# 16. User reporting and complaints

## What is this section about?

In this section we set out the measures for reporting and complaints.

Reporting and complaints processes allow users – including children – to make service providers aware of harmful content on their services. They also enable users to seek recourse where action by a service provider may have been erroneous, such as where content has been mistakenly removed or restricted. Complaints processes provide important signals to service providers about the content on their services and the safety of their users. Processes that are easy to use, easy to find, and easy to access are therefore very important for ensuring the safety of users online.

The measures are broadly equivalent to the measures in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), adjusted to cover content harmful to children.

## What decisions have we made?

Number in the Codes	Recommended measure	Who should implement this <sup>1304</sup>
PCU D1 PCS D1	Have complaints processes which enable people to make relevant complaints for service providers likely to be accessed by children	Providers of all user-to-user and all search services
PCU D2 PCS D2	Have easy to access and use, and transparent complaints systems	Providers of all user-to-user and all search services
PCU D3	Provide information prior to the submission of a complaint	<ul style="list-style-type: none"> <li>Providers of user-to-user services that are medium or high risk for any type of content harmful to children</li> <li>Providers of large user-to-user services</li> </ul>
PCU D4-6 PCS D4-6	Acknowledge receipt of complaints with indicative timeframe and information on resolution	<ul style="list-style-type: none"> <li>Providers of user-to-user or search services that are medium or high risk for any type of content harmful to children</li> <li>Providers of large user-to-user services</li> <li>Providers of large general search services</li> </ul>

<sup>1304</sup> These measures relate to providers of services likely to be accessed by children.

PCU D7-14 PCS D7-14	Take appropriate action in response to relevant complaints	Providers of all user-to-user and all search services. <sup>1305</sup>
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### Why have we made these decisions?

These measures will work together to ensure service providers have effective complaints processes in place. This will help them to take steps to protect children from encountering harmful content and improve any systems they use to detect harmful content. The measures will ensure complaints processes are more accessible, providers' safety systems can work as intended, and that resources are focused on services being made safer for children.

## Introduction

- 16.1 Reporting and complaints processes allow users – including children – to make service providers aware of harmful content on their service, and to alert them when content has been mistakenly removed or restricted. They help ensure service providers are accountable and play an important role in protecting children online and protecting users' rights.
- 16.2 While many service providers currently have reporting tools or complaints processes in place, evidence suggests that children face barriers to using them, resulting in them being underused. This can be for a number of reasons, including:
- Our evidence indicates that some children are discouraged from reporting because they do not have a clear understanding of how to make a complaint.<sup>1306</sup>
  - Even where children do know how to complain, complaints processes can be too burdensome or can involve too many steps. They can also be complicated and difficult to understand. This means children have an initial negative experience when they try to report content, which discourages them from reporting again.<sup>1307</sup>
  - Some providers are not sufficiently transparent about how their complaints processes work, leading to a lack of trust that they will take action in response to complaints.
  - Some children avoid reporting due to a concern that the person they made a complaint about may find out.<sup>1308</sup>
- 16.3 Complaints processes provide important signals to service providers about the content on their services and the safety of their users. They are often a vital line of communication for users to raise safety concerns about content suspected to be harmful on a service. Processes that are easy to use, easy to find, and easy to access are therefore very important for ensuring the safety of users, including children, online.

<sup>1305</sup> For certain complaints, we make different recommendations for some service providers based on their size and risk level. See the Measures PCU D6-14 and PCS D7-14 for more detail.

<sup>1306</sup> Ofcom, 2024. [Experiences of children encountering online content promoting eating disorders, self-harm and suicide](#) [accessed 8 April 2025]. Ofcom's 2024 Children's Media Literacy Survey also found that 36% of 13-17s who go online said that they knew how to use a reporting or flagging function' (See Children's Online Knowledge and Understanding Data tables).

<sup>1307</sup> Ofcom, 2024. [Understanding Pathways to Online Violent Content Among Children](#) [accessed 8 April 2025].

<sup>1308</sup> Ofcom, 2024. [Key attributes and experiences of cyberbullying among children in the UK](#); Ofcom, 2024 [accessed 8 April 2025]. Understanding Pathways to Online Violent Content Among Children; Ofcom, 2024. [Children's attitudes to reporting content online](#) [accessed 8 April 2025].

- 16.4 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation) we proposed five measures to improve reporting and complaints processes to create safer online experiences for children. This section sets out a summary of the stakeholder feedback we received in response to our proposals and the decisions we have made.
- 16.5 For the purposes of this section, ‘relevant complaints’ refer to ‘relevant complaints for providers of user-to-user and search services likely to be accessed by children’.

### What are the requirements in the Online Safety Act 2023?

- 16.6 The Online Safety Act 2023 (the Act) places duties on all service providers regarding the design and operation of complaints processes. It includes duties for providers of user-to-user services (sections 20 and 21) and for providers of search services (sections 31 and 32).
- 16.7 Service providers are required to process different complaints depending on whether they operate a user-to-user service or a search service.<sup>1309</sup> We refer to these as ‘relevant complaints’. These are:
- Complaints by users<sup>1310</sup> and affected persons<sup>1311</sup> about content that is harmful to children, including search content, that is present on a part of the service that children can access. User reports are considered to be a type of complaint which are usually submitted through a reporting tool.
  - Complaints by users and affected persons if they consider that the provider is not complying with the safety duties to protect children or duties relating to content reporting.
  - Appeals by users whose content may have been incorrectly identified as being content harmful to children, leading to it being removed or access to it restricted.
  - Appeals by users who have received a warning or whose accounts have been suspended, banned or otherwise restricted for generating, uploading, or sharing content that the service provider considers to be content harmful to children.

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<sup>1309</sup> See sections 21(2)(a), 21(5), 32(2)(a) and 32(5) of the Act which set out the types of ‘relevant complaints’ in relation to user-to-user and search services that are likely to be accessed by children. There are also duties relating to enabling users and affected persons to report content that is harmful to children, as set out in sections 20 and 31 of the Act. We do not consider these duties separately because in effect this type of report is also a type of complaint. Sections 22 and 33 of the Act provide for complaints about failing to comply with the duty to have regard to the right to freedom of expression and the right to privacy: these are covered under the Illegal Content Codes of Practice, including insofar as relevant to the children’s safety duties (see in particular Measures PCU D12 and PCS D11), and therefore we have not covered these separately in the Protection of Children Codes.

<sup>1310</sup> ‘User’ is interpreted in accordance with sections 8(3)(b) and 25(1)(c) of the Act. Users do not have to be registered to use a service. See section 227(2) of the Act. For brevity, in this section we refer to ‘users’ rather than ‘United Kingdom users’. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>1311</sup> An affected person means a person, other than a user of the service in question, who is in the UK and is (a) the subject of the content, (b) a member of a class or group of people with a certain characteristic targeted by the content; (c) a parent of, or other adult with responsibility for, a child who is the user of the service or is the subject of the content; or (d) an adult providing assistance in using the service to another adult who requires such assistance, where that other adult is a user of the service or is a subject of the content. See sections 20(5) and 21(8), 31(5) and 32(6) of the Act.

- Complaints by a user who is unable to access content because measures used to comply with the safety duties protecting children have resulted in an incorrect assessment of the user's age.
  - Appeals by an interested person,<sup>1312</sup> a website owner whose website or database may have been incorrectly identified as containing content harmful to children, leading to it no longer appearing in search results or being given a lower priority in search results.
- 16.8 The Reporting and Complaints measures will help service providers likely to be accessed by children meet their duties relating to reporting and complaints. The measures will also help providers meet their safety duties to protect children by reducing friction in reporting processes for users (including children) and clarifying how service providers should receive and action relevant complaints.
- 16.9 We encourage service providers to regularly and systematically incorporate the findings from their risk assessments when considering how best to implement the measures. This will help ensure that complaints processes are designed to meet the specific requirements of a service's UK user base and to address the kinds of content harmful to children that a service provider has assessed are present on its service.

## Interaction with Illegal Harms

- 16.10 In our May 2024 Consultation, we proposed including two further Reporting and Complaints measures in addition to those proposed in the November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation). Following stakeholder feedback, we have confirmed the inclusion of these two new measures in both the Illegal Content Codes and the Protection of Children Codes:
- PCU D3: Service providers should provide an explanation of whether the service notifies users when their content has been complained about and, if so, what information the notification includes.<sup>1313</sup>
  - PCU D5 and PCS D5: Service providers should provide an acknowledgement of each complaint and explanation of what actions the provider may take.<sup>1314</sup>
- 16.11 In response to stakeholder feedback, the Illegal Content Codes also included an additional measure for service providers to allow complainants to choose to opt out of communication from the provider after they have submitted a complaint.<sup>1315</sup> Having received similar feedback to our May 2024 Consultation, we have included this measure in the Protection of Children Codes (PCU D6 and PCS D6). Therefore, in the sub-sections related to these measures we have considered feedback we received on our November 2023 Consultation where relevant.
- 16.12 Section 6 of our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement) details the relevant Reporting and Complaints measures about

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<sup>1312</sup> The Act defines an interested person in relation to a search service as "a person that is responsible for a website or database capable of being searched by the search engine, provided that (a) in the case of an individual, the individual is in the United Kingdom; (b) in the case of an entity, the entity is incorporated or formed under the law of any part of the United Kingdom". See section 227(7) of the Act.

<sup>1313</sup> This measure was referred to as UR2 (e) in our [May 2024 Consultation](#).

<sup>1314</sup> This measure was referred to as UR3 (b) in our May 2024 Consultation.

<sup>1315</sup> Measure ICU D6 in the Illegal Content Codes.

illegal content.<sup>1316</sup> The measures outlined in this section are additional duties for providers of services likely to be accessed by children.

- 16.13 Service providers in scope of both the Illegal Content Codes and Protection of Children Codes may choose to either use the same reporting and complaints processes to fulfil the measures in both sets of Codes, or design separate reporting and complaints processes for each set of duties. Where services operate a single complaints process, children, parents, carers, and other complainants may use this to complain about suspected illegal content and suspected content harmful to children as defined in the Act, as well as other issues falling outside the scope of the safety duties for service providers likely to be accessed by children. We have taken this into account when assessing the impact of Reporting and Complaints measures for inclusion in the Codes.

## Summary of stakeholder feedback on our approach proposed at consultation

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- 16.14 Many stakeholders supported the package of proposed Reporting and Complaints measures that we consulted on.<sup>1317</sup> Some stakeholders pointed to evidence which further demonstrated barriers to children reporting specific categories of content, including suicide and self-harm content, which can be under-reported. The Canadian Centre for Child Protection (C3P) asked if user profiles, specific users, and specific posts would be contained within the definition of content that users may make a complaint about.<sup>1318</sup> In paragraph 16.7 we detail the relevant complaints that the reporting and complaints measures apply to.
- 16.15 Mid Size Platform Group suggested that the measures were overly prescriptive and said that they should be outcome-focused rather than service-design orientated to allow service providers flexibility.<sup>1319</sup> Other stakeholders suggested the measures should go further than the current proposals by, for example, recommending a dedicated reporting channel or complaints contact for children.<sup>1320</sup> Some stakeholders misunderstood the policy intention

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<sup>1316</sup> Our [December 2024 Statement on Protecting People from Illegal Harms Online](#) (December 2024 Statement)

<sup>1317</sup> Age Check Certification Scheme response to May 2024 Consultation on Protecting Children from Harms Online (our May 2024 Consultation), p.39; Association of Police and Crime Commissioners response to May 2024 Consultation, p.11; Centre for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation, p.15; Children and Young People's Commissioner Scotland response to May 2024 Consultation, p.10; [redacted]; [redacted]; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.6; Greater Manchester Combined Authority response to May 2024 Consultation, p.6; Internet Matters response to May 2024 Consultation, p.13; Kooth Digital Health response to May 2024 Consultation, p.12; Mega Limited response to May 2024 Consultation, pp.18-19; [redacted]; National Association of Head Teachers (NAHT) response to May 2024 Consultation, p.16; National Crime Agency (NCA) response to May 2024 Consultation, p.12; Nexus response to May 2024 Consultation, p.17; Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.34; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, pp.53-58; Parenting Focus response to May 2024 Consultation, p.29; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.63-65; [redacted]; Scottish Government response to May 2024 Consultation, p.16; Welsh Government response to May 2024 Consultation, p.12.

<sup>1318</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.25.

<sup>1319</sup> Mid Size Platform Group response to May 2024 Consultation, p.11.

<sup>1320</sup> Pinterest response to May 2024 Consultation, p.17; Scottish Government response to May 2024 Consultation, p.16.

of certain measures, such as the extent to which we expect service providers to restore content following a successful appeal.<sup>1321</sup> This feedback is discussed in the individual measure sub-sections that follow.

## What children told us

- 16.16 As part of our consultation process, we engaged with children on our draft Reporting and Complaints measures relating to enabling complaints, making complaints processes more accessible, and increasing the transparency of information shared with complainants.<sup>1322</sup>
- 16.17 The children we spoke to were generally supportive of the measures and felt it was important to be able to report content and make complaints when using online services. However, they raised some concerns about how, currently, they felt reporting content often had a limited impact on their online experiences. As a result, they expressed some uncertainty over the impact of the measures. Some children said they had used reporting features but noted they did not see action taken as a result and were not made aware of any outcomes from their report.
- 16.18 Where complaints had led to tangible action from a service, this had increased trust in (and understanding of) complaints processes. Children also expressed a desire for clear and transparent communication about the next steps after reporting or complaining. They said that receiving updates enhanced their trust in a service and that knowing the potential outcome of their reports helped alleviate confusion or frustration. Children were open to receiving information on reporting and complaints processes if it was concise, written in accessible language, and not presented through repetitive notifications. Children also noted there may be circumstances in which receiving further information about a report or complaint may not be welcome, if they had taken these actions based on a distressing experience, and did not want to be distressed any further.

## Measure PCU D1 and PCS D1: Enabling complaints

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### Introduction

- 16.19 In our May 2024 Consultation, we proposed that providers of all user-to-user services and all search services likely to be accessed by children should have complaints processes that enable UK users, affected persons and (for search services where relevant) interested persons to make relevant complaints as defined in the Act.<sup>1323</sup> The steps set out in this measure are the minimum necessary for providers to comply with this duty.
- 16.20 We received feedback from a range of stakeholders. They were largely supportive of this measure and recognised the importance of easy-to-use reporting systems for children.<sup>1324</sup>

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<sup>1321</sup> Google response to May 2024 Consultation, pp.29-30; Snap Inc. response to May 2024 Consultation, pp.28-29; The Association for UK Interactive Entertainment (Ukie) response to May 2024 Consultation, p.46.

<sup>1322</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals. Children viewed adapted versions of the measures for accessibility reasons.

<sup>1323</sup> In our May 2024 Consultation, we referred to this measure as UR1 or PCU C1 and PCS C1. For ease, and to align with the Protection of Children Codes, we will refer to the measure as PCU D1 and PCS D1 throughout.

<sup>1324</sup> Association of Police and Crime Commissioners response to May 2024 Consultation, p.11; CELCIS response to May 2024 Consultation, p.15; Children and Young People's Commissioner Scotland response to May 2024, p.10; FSB response to May 2024 Consultation, p.6; Nexus response to May 2024 Consultation, p.17; NICCY

## Our decision

- 16.21 Having considered stakeholder feedback, we have decided to confirm this measure as proposed in our May 2024 Consultation.
- 16.22 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and the Protection of Children Code of Practice for search services and it is referred to as PCU D1 and PCS D1 respectively.

## How this measure works

- 16.23 Providers of all user-to-user and all search services likely to be accessed by children should provide a means for people to submit relevant kinds of complaints:<sup>1325</sup>
- All users and affected persons must be able to make relevant complaints, regardless of whether they are registered with the service or logged into the service.
  - Service providers only need to accept relevant complaints from users, affected persons, and interested persons in the UK. As complaints from users outside the UK are out of scope, service providers either need to be able to recognise complainants in the UK or handle all complaints as though they were from complainants in the UK.
  - Service providers may want to inform users and interested persons<sup>1326</sup> when they are entitled to appeal any action taken on their content, account, or website. They may want to establish a way to differentiate appeals from other types of relevant complaints.
  - Interested persons also have a right to make certain kinds of complaints, such as if their content no longer appears or is given a lower priority in search results after being considered content harmful to children. Providers of search services may also want to create a way to differentiate interested persons from other complainants.

## How this measure protects children

- 16.24 This measure will contribute to the Act's overall aim of protecting children from harm online. Providing users with a route to make reports and complaints helps providers better detect content considered to be harmful to children, paving the route to a safer online environment for children.

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response to May 2024 Consultation, p.17; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.63-64; Welsh Government response to May 2024 Consultation, p.12.

<sup>1325</sup> 'Relevant complaints' means complaints that must be allowed by services likely to be accessed by children. See sections 21(2)(a), 21(5), 32(2)(a) and 32(5) of the Act. 'Relevant complaints' are further explained in paragraph 16.7.

<sup>1326</sup> Owners of websites capable of being searched by a search engine are referred to as 'interested persons' under the Act.

## Stakeholder feedback and our response

### Reporting categories

#### Our proposals

- 16.25 In our May 2024 Consultation, we explained that we considered proposing standardised categories of content that providers should present to users when complaining. However, we were of the view that providers were best placed to determine these categories.

#### Summary of responses

- 16.26 C3P suggested we reconsider our decision not to recommend standardised reporting categories for service providers, and that we should work with industry to move towards building a standard user reporting mechanism, menu, and language.<sup>1327</sup>

#### Our decision

- 16.27 Having considered stakeholder feedback, we have decided not to make changes to this measure at this time. While we recognise that there may be some benefits to including reporting categories, we consider that no single recommended approach would be suitable for all service providers due to variations in the size, user base, risk profile, and nature of services captured by this measure. Additionally, stipulating a set list of reporting categories may make it harder for providers to adapt these categories to changes in the online environment, and could lead to less effective reporting overall if a provider chooses to only apply the minimum prescribed categories rather than those most relevant to its service.
- 16.28 While we are not mandating standard reporting categories or processes, service providers will need to enable complainants to submit relevant complaints and address them in line with the measure outlined in this section. Providers may wish to use reporting categories if it helps them to differentiate between relevant complaints and take appropriate action in response to them, as required by the Act and as set out in the measure.
- 16.29 As we gather evidence on how service providers are complying with their duties under the Act, we may revisit the question of whether reporting categories may be useful. For example, Ofcom is required to produce a report under section 160 of the Act on our assessment of providers' reporting and complaints procedures, including any recommendations to improve users' experiences or outcomes of complaints. We envisage this report might potentially include insights into the benefits of reporting categories, among other topics.

### How service providers manage children's reports

#### Our proposals

- 16.30 Under 'Further measures considered' in our May 2024 Consultation, we noted reasons why we were not proposing dedicated reporting channels for complaints about content harmful to children.<sup>1328</sup> Additionally, we did not propose any measures related to human review of relevant complaints about content harmful to children.

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<sup>1327</sup> C3P response to May 2024 Consultation, p.24.

<sup>1328</sup> May 2024 Consultation, 18.311 (c), p.282.

## Summary of responses

- 16.31 Several stakeholders raised that reports and complaints from children should be “prioritised for human review” and dealt with in an expedited manner.<sup>1329</sup> The Scottish Government suggested that it would be helpful for online service providers to have a dedicated complaints contact and proposed that human analysts should respond to complaints by children and young people.<sup>1330</sup>
- 16.32 Pinterest argued that dedicated reporting channels for children would be costly and considered it would be more efficient for service providers to ensure reporting mechanisms were easy to use for all users on their service.<sup>1331</sup>

## Our decision

- 16.33 Having considered this stakeholder feedback, we have decided not to make changes to this measure. We understand stakeholders’ arguments that prioritising responses for human review and providing children with dedicated reporting channels could ensure children’s complaints are addressed effectively. However, we remain of the view that it is appropriate to allow service providers to use the means they consider most effective to enable relevant complaints and to take the necessary appropriate action to achieve the measure’s aim. For example, a service provider may wish to use a combination of automated and human review to effectively address complaints.
- 16.34 We do not currently have evidence to suggest that a dedicated reporting channel or human reviewers would be a more effective approach for dealing with all complaints about content harmful to children for all service providers. Certain types of complaints (such as those with contextual information) may require human moderators, while automated moderation may be more effective in reviewing other complaints in a way that resolves them swiftly. Prescribing a dedicated reporting channel or human moderation for specific complaints may also be burdensome for smaller services and may inhibit their ability to swiftly respond to children’s complaints, which would have a negative impact on users’ safety. We will continue to monitor this area to assess whether it may be appropriate to be more prescriptive in future.

## Impacts on service providers

- 16.35 In our May 2024 Consultation, we said that the measure on enabling complaints closely follows the specific requirements in the Act and leaves the widest possible discretion to service providers on how to achieve what is required. We therefore considered that its impacts are required by the Act. We proposed that service providers could decide the most appropriate and proportionate approach for their own service.
- 16.36 We noted that many service providers already allow user complaints, and where this is the case incremental costs are expected to be minimal and relate to staff time to ensure complaints processes are fit for purpose.

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<sup>1329</sup> Internet Matters response to May 2024 Consultation, p.14; Parenting Focus response to May 2024 Consultation, pp.29-30; UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, p.38.

<sup>1330</sup> Scottish Government response to May 2024 Consultation, p.16.

<sup>1331</sup> Pinterest response to May 2024 Consultation, p.17. We note Pinterest made a similar point in their response to our November 2023 Illegal Harms Consultation, p.9.

- 16.37 All service providers likely to be accessed by children will also be in scope of the related Illegal Content Code in our December 2024 Statement. There are likely to be substantial overlaps in costs between the two measures.<sup>1332</sup>
- 16.38 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression and freedom of association

- 16.39 As explained in Section 2, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. Article 11 of the ECHR sets out the right to associate with others. They are qualified rights, and Ofcom must exercise its duties under the Act in a way that does not restrict these rights unless satisfied that it is necessary and proportionate to do so.<sup>1333</sup>

### Our final rights assessment

- 16.40 In our May 2024 Consultation, we recognised that there was a potential for interference with users' rights to freedom of expression and of association if a provider, as a result of a complaint, restricted access to content or a user's ability to use the service having incorrectly assessed content as harmful to children. We also recognised the potential for interference with service providers' rights to freedom of expression as, to the extent that they do not already operate a complaints procedure that provides for all relevant complaints set out in the Act, service providers would need to put in place steps to ensure that they have this in place. However, most of this impact arises from the duties placed on service providers under the Act.
- 16.41 We also acknowledged the positive impacts of this measure resulting in more effective content moderation, enabling users to impart non-harmful ideas and information with others and creating safer online environments. Enabling users to submit an appeal against a decision taken by a service provider, would contribute significantly to protecting these rights by providing a mechanism through which errors or incorrect decisions can be rectified. We did not receive any stakeholder feedback on the rights assessment we set out in our May 2024 Consultation.
- 16.42 We remain of the view that any interference with child and adult users', and service providers', rights to freedom of expression and freedom of association as a result of service providers' complaints and reporting processes, is relatively limited, and is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act.

### Privacy and data protection

- 16.43 As explained in Section 2, Article 8 of the ECHR confers the right to respect for an individual's private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and

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<sup>1332</sup> A full explanation of our cost estimates for this measure can be found in our May 2024 Consultation, paragraphs 18.45 to 18.47.

<sup>1333</sup> A qualified right is a right that can be restricted in certain circumstances to balance the rights of the individual with the needs of another, or of the wider community.

correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply.

#### Our final rights assessment

- 16.44 In our May 2024 Consultation, we acknowledged the potential for interference with an individual's right to privacy and data protection, for example where content is categorised as harmful to children incorrectly, or where the age of a user is incorrectly assessed. We recognised that the degree of impact would also depend on the extent of personal data about individuals which may need to be processed, in order to review and respond to a complaint and whether the individual had a reasonable expectation of privacy. We did not receive stakeholder feedback regarding the privacy or data protection impacts of this measure.
- 16.45 We consider that service providers can implement the measure in a way which minimises the amount of personal data which may be processed or retained so that it is no more than needed to handle and respond appropriately to the complaint.
- 16.46 We therefore consider that the impact of the measure as a result of service providers' implementation of a complaints procedure on child and adult users' rights to privacy to be relatively limited, and (assuming service providers also comply with data protection legislation requirements) it is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act. Taking this and the benefits to both children, by protecting them from harmful content, and adults, by enabling appeals against, for example, incorrectly categorised content or inaccurate assessments of age, into consideration, we consider that it is therefore proportionate.

#### Who this measure applies to

- 16.47 In our May 2024 Consultation, we said that this measure codifies the requirement in the Act for service providers likely to be accessed by children to accept relevant complaints, and that we consider this is the minimum action necessary for providers to comply with this duty in the Act. Accordingly, we proposed that this measure should apply to providers of all user-to-user and all search services likely to be accessed by children.
- 16.48 We did not receive stakeholder feedback on who this measure should apply to. We therefore confirm our consultation position; this measure should apply to providers of all user-to-user services and all search services likely to be accessed by children.

## Measure PCU D2 and PCS D2: Providers should have easy to find, easy to access and easy to use complaints systems and processes

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### Introduction

- 16.49 In our May 2024 Consultation, we proposed that providers of all user-to-user and all search services likely to be accessed by children should make their complaints systems easy to find, access, and use for all types of relevant complaints.<sup>1334</sup> While PCU D1 and PCS D1 enable

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<sup>1334</sup> This directly addresses duties in the Act requiring service providers to operate a complaints procedure that is "easy to access, easy to use (including by children) and transparent"- Sections 21(2)(c) and 32(2)(c).

prospective complainants to make relevant complaints, PCU D2 and PCS D2 outline how these complaints systems and processes should be designed.<sup>1335</sup>

- 16.50 This measure is the same for both user-to-user and search service providers, with the only exception being that the measure also applies to UK ‘interested persons’ for search service providers (in addition to UK users and affected persons).
- 16.51 This measure has several parts which address different duties in the Act, we therefore consider the two parts of the measure in two separate sub-sections:
- a) First, we discuss the parts of the measure detailing that complaints processes should be transparent, easy to find and easy to use (see points (a) to (d) below).
  - b) Second, we discuss the parts of the measure that relate to the accessibility needs of a UK user base, as discussed in paragraph 16.66.
- 16.52 We have interpreted ‘access’ broadly to incorporate accessibility requirements and needs. While the Act sets out that we should consider accessibility from the perspective of children, we consider that accessibility needs from the perspective of disabled people and vulnerable or at-risk groups are equally important here.
- 16.53 A number of stakeholders supported our proposals, including the need for children to have reporting systems that are easy to find and use, and for complaints processes to be accessible.<sup>1336</sup> However, we received some feedback suggesting that service providers should go further than our proposals to make their complaints function even more accessible by, for example, tailoring information to different age groups. We have identified several themes that emerged from stakeholder feedback in relation to the technical application of the measures, which we address in the sub-section ‘Stakeholder feedback and our response’.

## Our decision

- 16.54 Having considered stakeholder feedback, we have decided to make the following changes to the measure:
- We have changed the language on the number of steps to submit a complaint from as “few as reasonably practicable” to complaints process should only include “reasonably necessary steps”.
  - We have clarified the language on allowing users to submit “supporting material and relevant information” to the sole term “supporting information”.
  - We have made clarificatory changes to ensure service providers consider “industry standards and good practice” when designing their complaints and reporting processes.
  - We have also added in the provision for service providers to “use any other relevant information the provider holds on its UK user base” following their children’s risk assessment when considering the accessibility needs of their user base.

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<sup>1335</sup> In our May 2024 Consultation, we referred to this measure as UR2 or PCU C2 and PCS C2. For ease, we will refer to the measure as PCU D2 and PCS D2 throughout to align with the Protection of Children Codes.

<sup>1336</sup> Meta response to May 2024 Consultation, p.25; NSPCC response to May 2024 Consultation, pp.53-58; Nexus response to May 2024 Consultation, p.17; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

- 16.55 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and the Protection of Children Code of Practice for search services, and it is referred to as PCU D2 and PCS D2 respectively.
- 16.56 In our May 2024 Consultation, we also consulted on including an additional component regarding the provision of information about what is shared in relation to a user's complaint. This is now a standalone measure (Measure PCU D3).

## How this measure works

### Complaints processes that are easy to access, easy to use, and easy to find

- 16.57 This part of the measure relates to what service providers should do to meet their duties under the Act to have transparent, easy to find, and easy to use complaints processes.

#### (a) Reporting tools should be easy to find and access in relation to that content

- 16.58 Service providers should ensure a reporting tool is easy to find and accessible in relation to content. Service providers should also take note of the evidence stated in paragraph 16.68, which consistently suggests that clearly identifiable symbols located close to the content being viewed can make such tools easier to find.
- 16.59 Service providers should ensure it is possible to report content regardless of whether the complainant is registered with the service. For example, if a registered user and an unregistered user are both able to access a livestream, we expect both users should be able to easily report any harmful content should it appear. Where a non-registered user is not able to access content directly, it must still be possible to report that content.

#### (b) Ensuring the information and process for making other kinds of relevant complaints should be easy to find and accessible

- 16.60 Service providers should ensure that complaints processes for all other types of relevant complaints are easy to find and navigate.
- 16.61 This includes non-content specific complaints such as complaints about inaccurate assessments of age. Service providers may wish to provide general information to their userbase on how users can report or submit a complaint. For example, they could signpost their complaints mechanisms to their users and/or offer instructions that are easy to comprehend, including by children.

#### (c) The number of steps to submit a complaint should only include reasonably necessary steps

- 16.62 Service providers should ensure complaints processes are designed so that they only include reasonably necessary steps.
- 16.63 Service providers should ensure that each step has a purpose and enables them to obtain the information needed to process the complaint.

#### (d) Complainants should be able to provide supporting information when complaining

- 16.64 Service providers should allow complainants to submit supporting information.
- 16.65 Service providers can determine what format that supporting information might take (such as additional text-based information, screenshots, or hyperlinks). The format chosen must be appropriate to the service and the type of complaints received.

## Accessibility needs of a UK user base when using a complaints process

- 16.66 This part of the measure aims to ensure that reporting and complaints processes are accessible to the greatest possible number of users. When designing complaints processes, service providers should consider:
- the findings of their children’s risk assessments including the groups of children in the United Kingdom identified as using the service;
  - other relevant information the provider holds concerning the accessibility needs of their UK user base, including children and disabled people;
  - industry standards and good practice to ensure accessibility for disabled people, including those who use assistive technologies (such as keyboard navigation and screen readers); and
  - comprehensibility, based on the likely reading age of the youngest individual permitted to use the service without the consent of a parent or guardian.

## How this measure protects children

- 16.67 Measure PCU D2 and PCS D2 contribute to the Act’s overall aim of making reporting tools easy to find, access, and use. The measure will increase the transparency of reporting tools, enabling children to build trust and increasing user access to complaints. For complaints processes to be easy to use (as required by the Act), service providers should ensure that submitting a complaint is as straightforward as possible for users.
- 16.68 Research suggests that hard-to-find content reporting tools can discourage or prevent users (especially children) from reporting content.<sup>1337</sup> Our research shows that children are often unsure of how to submit a report,<sup>1338</sup> which suggests that service providers do not always make it as easy as they could for children to access support about how to do so. Instead, they may rely on children proactively searching for guidance. Additionally, making the reporting tool more prominent can make it easier to access and increase the number of reports users make. For example, inserting a ‘flag’ icon on the main options bar, rather than including it in a drop-down menu behind an ellipsis.<sup>1339</sup>
- 16.69 The provisions in the measure on transparency of reporting tools and accessibility will ensure they are effective and cater to the needs of users, including children.

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<sup>1337</sup> Ofcom, 2024. [Children and Parents: Media Use and Attitudes](#).

<sup>1338</sup> In our 2024 research Children’s Attitudes to Reporting Content Online, some children said that if they were unsure of how to submit a report, and wanted more information, Google Search would be the first place they would look. Other participants said they would ask for advice from an authority figure such as a parent, teacher, or group administrator on the service.

<sup>1339</sup> Ofcom, 2023. [Behavioural insights for online safety: understanding the impact of video sharing platform \(VSP\) design on user behaviour](#) [accessed April 2025].

## Stakeholder feedback and our response

### Easy to find and access reporting tools

#### Our proposals

- 16.70 In our May 2024 Consultation, we considered that in order for complaints processes to be easy to access, as required by the Act, it is vital that users are able to easily locate those reporting tools and alert providers to potentially harmful content on their service.

#### Summary of responses

- 16.71 East Riding of Yorkshire Council expressed the view that if children and other users find it difficult to locate reporting tools, there should be consistency in what providers are expected to implement.<sup>1340</sup>

#### Our decision

- 16.72 Having considered this feedback, we have decided not to make any changes to this measure. While we acknowledge consistency may help users easily navigate reporting tools across various services, we do not consider that consistency across all services is necessary to improve navigability for children.
- 16.73 We remain of the view that it is not appropriate to be prescriptive about where exactly complaints tools should be located or what they should look like. However, we would encourage service providers to consider that evidence shows that clearly identifiable symbols, located close to the content being viewed can make complaints tools easier to find. This may assist service providers in meeting the intended outcome of the measure when designing reporting tools so that they are easy to find and access.

### Number of steps to submit a complaint

#### Our proposals

- 16.74 In our May 2024 Consultation, we proposed that the number of steps necessary to submit a complaint should be as few as reasonably practicable, as this will help reduce barriers to complaining.

#### Summary of responses

- 16.75 Google raised concerns that the number of steps in the reporting process being as few as possible may not be the appropriate metric.<sup>1341</sup> Meta Platforms Inc. noted that additional steps in the reporting process may be required to direct the complaint to the correct route for consideration and to ensure the reporting process is safeguarded from misuse.<sup>1342</sup>

#### Our decision

- 16.76 We recognise stakeholders' concerns that the number of steps in a reporting and complaints process does not necessarily correlate with its ease of use. We have therefore decided to make a change to the wording of the measure to set out that complaints procedures should only include "reasonably necessary steps".
- 16.77 This will contribute to ensuring that a complaints process is easy to use without suggesting that a service provider should only have the bare minimum steps (which may not lead to accurate reporting). It will also allow service providers to introduce additional steps where

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<sup>1340</sup> East Riding of Yorkshire Council response to May 2024 Consultation, p.3.

<sup>1341</sup> Google response to May 2024 Consultation, p.32.

<sup>1342</sup> Meta response to May 2024 Consultation, p.26.

they make the complaints procedure simpler to navigate, while ensuring that the steps are not overly complicated or excessive in length. Service providers will have the flexibility to design their complaints processes in a way that suits the needs of their service and users.

## Access to complaints processes for affected persons and non-registered users

### Our proposals

- 16.78 In our May 2024 Consultation, we proposed that complaints systems should be operated to ensure they are accessible to users (including non-registered users) and affected persons, and also interested persons for search service providers.

### Summary of responses

- 16.79 Meta and WhatsApp LCC raised concerns about our proposal on the accessibility of complaints processes for affected and non-affected users.<sup>1343</sup> They suggested that accessible functions and tools for reporting and complaints should not be limited to a reporting function that is directly accessible from the relevant content. Service providers should be able to provide reporting functions for non-registered users in a different format or location.

### Our decision

- 16.80 Having considered stakeholder feedback, we have decided not to make any changes to this measure. The Act is clear that the duty to enable users to make reports and complaints about content harmful to children applies to both registered and non-registered users, as well as to affected persons. We recognise concerns from Meta and WhatsApp that reporting functions which are only accessible in proximity to relevant content may not always be available to non-registered users (or affected persons) if they do not have access to the content in question.
- 16.81 We also appreciate that reporting functions for non-registered users may be presented differently. The measure does not state that reporting mechanisms for all users must be identical but rather states that service providers should design their reporting mechanisms to be easy to use and find for both registered and non-registered users, as well as for affected persons. We are therefore proceeding with the measure as proposed in our May 2024 Consultation.

## Submitting additional support material

### Our proposals

- 16.82 Regardless of the number of steps involved in submitting a complaint, evidence suggests that complainants only find complaints processes easy to use if the processes allow them to include all the information relevant to the subject of the complaint.<sup>1344</sup> For this reason, in our May 2024 Consultation, we considered that complainants should be able to provide relevant information and supporting material when submitting a complaint.
- 16.83 We outlined that supporting information being provided may make it easier for service providers to reach decisions about whether content is harmful. In the context of bullying, it may not be easy to determine if the content amounts to this harm without added

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<sup>1343</sup> Meta response to May 2024 Consultation, p.25. We note that Meta made a similar point in response to our November 2023 Consultation, pp.27-28.

<sup>1344</sup> May 2024 Consultation, pp.241-242.

information. This additional context may be crucial to ensuring that complaints are actioned swiftly, and that appropriate action is taken to mitigate harm to users.

### Summary of responses

- 16.84 Meta was broadly supportive of our proposal to enable users to submit additional supporting material alongside user reports. However, Meta also raised concerns that this could lead to the submission of unstructured data. It stated service providers should deploy reporting flows where users can link the relevant content that they are reporting.<sup>1345</sup>
- 16.85 One stakeholder gave specific illustrations of additional information it accepts in a complaints process. Epic Games stated it enables users to submit reports on audio when Voice Reporting is on. This captures the last five minutes of voice chat audio and can help the provider understand if a user is misusing the voice chat function for bullying and harassment.<sup>1346</sup>

### Our decision

- 16.86 We have considered stakeholder responses and have decided to make a change to the measure from “relevant information or supporting material” to “supporting information”. This is to clarify that we are not prescribing the format in which users should submit additional information. The measure allows service providers to choose the format of supporting information they accept, which will ensure complaints are addressed in the way that best suits the service and its users and avoids a potential problem of service providers’ inability to process unstructured data. For example, for service providers with voice chat features, an audio reporting function may be beneficial for users to report harm. Whereas, for a text-based provider, the submission of audio clips may be unhelpful and burdensome to review.

## Accessibility for children (including differing language needs)

### Our proposals

- 16.87 In our May 2024 Consultation, we said that some children do not make complaints because they do not know how to complain or believe it will be difficult.
- 16.88 Making it easy to locate information about how to submit a complaint at the start of a user’s complaint journey will help to ensure reporting and complaints processes are accessible and comprehensible to children.

### Summary of responses

- 16.89 Several stakeholders suggested that information about reporting processes should be provided in a way that is comprehensible for children and considers different age groups.<sup>1347</sup> Smartphone Free Childhood stated that there is a difference among age groups in terms of their capabilities to use technology, make reports, and comprehend support material.<sup>1348</sup> The Scottish Government and the Children and Young People’s Commissioner

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<sup>1345</sup> Meta response to May 2024 Consultation, p.26.

<sup>1346</sup> Epic Games response to May 2024 Consultation, pp.15-16.

<sup>1347</sup> Internet Matters response to May 2024 Consultation, p.14; Parenting focus response to May 2024 Consultation, p.21. We note that stakeholders made similar points in response to our November 2023 Consultation: Global Partners Digital response to November 2023 Consultation, pp.17-18; [3<]; Internet Matters response to November 2023 Consultation, p.17; Scottish Government response to November 2023 Consultation, p.8; The Cyber Helpline response to November 2023 Consultation, p.15.

<sup>1348</sup> Smartphone Free Childhood response to May 2024 Consultation, p.10.

for Scotland stressed that material must be easy to understand and have a child-friendly design.<sup>1349</sup>

16.90 The Welsh Government said that children should be able to make reports in Welsh.<sup>1350</sup>

16.91 Meta stated that making procedures comprehensible for children may reduce the transparency of the reporting and complaints process for other users.<sup>1351</sup>

### Our decision

16.92 Having considered this stakeholder feedback, we have decided not to change this measure. We recognise that levels of comprehension will vary for different children (including for different age groups). However, creating bespoke systems for different groups of users (and for groups of interested and affected persons) may not be feasible or necessary for all service providers. For example, if a service has a significant number of children, information should be presented in a way that is comprehensible to children.

16.93 Rather than stipulating that service providers must consider different age groups specifically, we have stated that providers should consider the accessibility needs of their UK user base. This is inclusive of both children's needs and the needs of disabled people. We consider this will achieve the required outcome of providing accessible information while also allowing providers the flexibility to make choices that suit the requirements of their service and user base. Terms of Service and Publicly Available Statements Measure PCU G1 and PCS G1 and User Support Measure PCU F1 and PCS F4 further support the measures relating to the accessibility of information with regards to the handling and resolution of relevant complaints and how this can be provided in an age-appropriate manner.<sup>1352</sup>

16.94 We have considered feedback from the Welsh Government that complaints processes should be offered in languages other than English, such as Welsh. We have decided not to be prescriptive about the language in which service providers should allow prospective complainants to make complaints. In setting out that service providers should consider accessibility needs in line with their risk assessments, we expect service providers to be able to determine which language(s) would best suit their user base. For example, if a service provider's UK user base consists of a significant number of non-English speakers, we would expect the service to design its complaints processes in a language other than English to suit the needs of those users. Services have discretion over offering users an option of an alternative language in which to submit complaints but should ensure that the languages available are offered with the intention of meeting the needs of their user base.

16.95 In response to Meta's concern about a reduction in transparency by ensuring accessibility for children, we expect service providers to set out relevant information for all complainants, including children. Evidence shows that clear writing, such as using simpler words, removing jargon, and shortening sentences, can help to improve comprehension.<sup>1353</sup> We also expect that some service providers may provide information tailored to different

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<sup>1349</sup> Children and Young People's Commissioner for Scotland response to May 2024 Consultation, p.10; Scottish Government response to May 2024 Consultation, p.16.

<sup>1350</sup> Welsh Government response to May 2024 Consultation, p.12.

<sup>1351</sup> Meta response to May 2024 Consultation, pp.25-26.

<sup>1352</sup> Section 12, Terms of Service and Publicly Available Statements; Section 18, User Support.

<sup>1353</sup> The Behavioural Insights Team, 2019. [Improving consumer understanding of contractual terms and privacy policies: evidence-based actions for businesses](#). [accessed 17 March 2025].

sections of their user base. This might involve allowing users the option to ‘click through’ to more detailed information from a more concise or simplified document. We maintain that making information accessible to children should not result in a reduction in the information communicated to users.

## **Impacts on service providers**

- 16.96 In our May 2024 Consultation, we explained that changes to make complaints processes easy to find, easy to access, and easy to use may entail some direct one-off design costs. There may also be engineering costs for testing and implementing these changes and for maintaining a complaints process. These costs would depend on the complexity of the complaints process the service provider chooses to adopt, and we would expect this to vary by service size to some extent.
- 16.97 We noted that there would also be ongoing costs of considering complaints. If the complaints process is easier to access and use, the volume of complaints is likely to increase, which will tend to increase costs. This measure aims to increase the volume of complaints service providers receive about content harmful to children. The costs of dealing with this will tend to increase in proportion to the benefits of the measure.
- 16.98 We recognised that all service providers who should apply this measure should also apply the related measure in the Illegal Content Codes of Practice. Measure PCU D2 and PCS D2 closely mirrors measures in the Illegal Content Codes, which specifically mention children as a relevant user group when considering ease of use and ease of access. Service providers who adopt the corresponding measure in the Illegal Content Codes are only expected to incur small additional costs from extending their processes to relevant complaints for service providers likely to be accessed by children.
- 16.99 We did not receive stakeholder feedback on the costs of this measure. Our assessment of the impacts on service providers is therefore unchanged.

## **Rights**

### **Freedom of expression and freedom of association**

#### **Our final rights assessment**

- 16.100 In our May 2024 Consultation, we considered that this measure has the potential to affect individuals’ rights to freedom of expression and freedom of association in a similar way to the reasons set out in the discussion on rights impacts of measure PCU D1 and PCS D1. We did not consider that this measure would result in an increase of malicious or false complaints (by making it easier to submit complaints), nor would they be more likely to be wrongly upheld. We were of the view that there could be positive impacts on the rights of children by making online spaces safer and enabling children to join online communities to receive and impart non-harmful information with other users. Adult users’ rights would also be positively affected with clear routes to challenge incorrect assessments of content or age of the user.
- 16.101 We did not receive stakeholder feedback on our rights assessment as regards freedom of expression or freedom of association for this measure.
- 16.102 We remain of the view that the impact of this measure on individuals’ rights to freedom of expression and freedom of association to be limited and is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children’s safety

duties under the Act. We also remain of the view that there could be positive impacts on children's and adults' rights. We consider that this measure is therefore proportionate.

## Privacy and data protection

### Our final rights assessment

- 16.103 In our May 2024 Consultation, we considered that this measure has the potential to affect users' and others' (including adults' and children's) rights to privacy for the reasons set out in the discussion on rights impacts of measure PCU D1 and PCS D1. Beyond this, we considered it unlikely that this measure will create any significant negative impacts on individuals' rights to privacy, including data protection. We took the view that this measure could have positive impacts on individuals' rights to privacy as it would facilitate complaints by making the process easy to follow and allow individuals to see what outcomes may be applied. This could be especially important in enabling individuals to exercise their rights in respect of personal data, such as challenging an incorrect assessment of age that results in a restriction of their use of the service.
- 16.104 We did not receive stakeholder feedback on our rights assessment as regards privacy or data protection for this measure.
- 16.105 We therefore consider the impact of this measure on an individual's right to privacy to be limited and is likely to constitute the minimum degree of interference required to ensure that service providers comply with their duties under the Act. We also remain of the view that it could have some positive impacts on users' privacy rights.

### Who this measure applies to

- 16.106 In our May 2024 Consultation, we said that, under the Act, providers of all user-to-user and search services likely to be accessed by children are required to have reporting tools that allow users and affected persons to easily report content that they consider to be content harmful to children. Service providers must also have complaints processes that are easy to access and use, including by children. We therefore proposed that this measure should apply to providers of all user-to-user and all search services likely to be accessed by children.
- 16.107 We maintain this position and this measure therefore applies to providers of all user-to-user and all search services likely to be accessed by children.

## Measure PCU D3: Provision of information prior to the submission of a complaint

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### Introduction

- 16.108 In our May 2024 Consultation, we proposed that providers of user-to-user services likely to be accessed by children should inform complainants about whether they share information concerning users' complaints with other users and, if so, what information is shared.<sup>1354</sup> This also includes any information about the original complaint and complainant if the other user subsequently appeals.

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<sup>1354</sup> This measure was previously referred to as UR2 (e) or PCU C3 in our May 2024 Consultation and is now referred to as measure PCU D3 to align with our Protection of Children Codes.

- 16.109 While this measure is not a direct requirement of the Act, it contributes to making complaints procedures transparent,<sup>1355</sup> which will be particularly helpful for children. As search service providers do not allow for user interaction in the same manner as a user-to-user service provider, users do not typically report other users, their content or behaviour. This means confidentiality concerns are less of a concern where a user's identity is not at risk of being disclosed to other users. For this reason, we did not propose extending this measure to search service providers.
- 16.110 Stakeholders were largely supportive of the objective of this measure.<sup>1356</sup> However, some stakeholders raised concerns about the anonymity of complainants during the reporting process and about the service providers this measure applies to.

## Our decision

- 16.111 Having considered stakeholder responses to our May 2024 Consultation, we have decided to change the services this measure applies to. The measure now only applies to providers of user-to-user services likely to be accessed by children that are large and/or medium or high risk for content harmful to children.<sup>1357</sup> This means that providers of smaller low risk services will not have to apply this measure.
- 16.112 The full text of these measure can be found in the Protection of Children Code for user-to-user services and it is referred to as PCU D3.

## How this measure works

- 16.113 Service providers in scope of this measure should communicate to complainants how information relating to a complaint and complainant will be used or disclosed to other users, if at all. Service providers should make sure this information is accessible prior to a complainant submitting a complaint.
- 16.114 Depending on the way a complaints process is set up, service providers may wish to display this information as part of the complaints process itself (for example, behind a question mark or help button) or including a link to this information alongside the email address to which complaints should be sent (for example, linking to age-appropriate support materials of the kind set out under User Support Measure PCU F1).
- 16.115 Service providers should make it clear to complainants what information, if any, will be shared with any other users (including the user whose content is the subject of a complaint). If service providers do not share information with other users, service providers should inform complainants that this is the case.
- 16.116 Service providers should also take the necessary precautionary steps to make sure that complainants are not identified inadvertently – for example, by unnecessarily sharing unique details about a complaint that enables the subject of that complaint to identify the

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<sup>1355</sup> Section 21(2)(c) of the Act.

<sup>1356</sup> CELCIS response to May 2024 Consultation, p.15; Dean, J. response to May 2024 Consultation, p.17; Kooth Digital Health response to May 2024 Consultation, p.12; NAHT response to May 2024 Consultation, p.16; NSPCC response to May 2024 Consultation, p.55; Office of the Children's Commissioner for England response to May 2024 Consultation, p.65; Scottish Government response to May 2024 Consultation, p.16; Welsh Government response to May 2024 Consultation, p.12.

<sup>1357</sup> This measure applies to user-to-user services that are medium or high risk for at least one kind of content harmful to children (single-risk) as determined by the children's risk assessment.

complainant. Service providers should make their own assessment of what personal information is necessary to process complaints.

## How this measure protects children

- 16.117 This measure will provide greater transparency to users, including children, about what information will be shared when they submit a report. This will enable children to make informed decisions and build their trust in reporting and complaints processes.
- 16.118 Our research found that concerns about a perceived lack of anonymity were a common barrier to reporting, particularly amongst girls.<sup>1358</sup> Additional research found children said that they did not believe the reporting process would be anonymous, believing that their details would be included in a notification sent to the user they reported.<sup>1359</sup> They expressed fear that knowledge of their reporting would eventually become public.
- 16.119 It is clear that users, especially children, would benefit from greater transparency about how their information is used during a complaints process which will help to dispel any misunderstandings about the disclosure of their identity. This is why the measure states service providers should explain how users' information is handled prior to the submission of a complaint so that users, especially children, can have an improved understanding and trust in the complaints process.

## Stakeholder feedback and our response

### Anonymity

#### Our proposals

- 16.120 In our May 2024 Consultation, we did not consider it appropriate to propose that providers should guarantee that their complaints processes are anonymous (for example, by guaranteeing that no one, including the provider, will be aware of who made the complaint). This was for three reasons. First, it may sometimes be impossible for providers to prevent users working out that they had been complained about and establishing the identity of the complainant. They may do this through a process of elimination, or the identity of the complainant may be obvious in cases where the content was shared only with one other user. A guarantee of anonymity could therefore be misleading.
- 16.121 Second, we set out that there may be legitimate reasons why service providers may need to know the identity of the complainant – for example, to make a safeguarding or welfare referral, or when sharing information with law enforcement.
- 16.122 Finally, we recognised that it is current practice for many service providers not to inform users whose content is removed or restricted as to how it was detected (for example, whether it was the subject of a complaint). This indicates that the lack of trust by children in a complaints process has more to do with the lack of transparency and understanding around how the process works, rather than with service providers disclosing complainants' identities to the subject of their complaint. We therefore considered addressing these core issues through this measure would improve children's trust in reporting mechanisms.

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<sup>1358</sup> Ofcom, 2024. Children's Attitudes to Reporting Content Online.

<sup>1359</sup> Ofcom, 2024. Understanding Pathways to Online Violent Content Among Children.

## Summary of responses

- 16.123 A few stakeholders raised concerns about our approach to anonymity in the complaints process.
- 16.124 The National Society for the Prevention of Cruelty to Children (NSPCC) and the Centre for Excellence for Children’s Care and Protection (CELCIS) welcomed the measure but highlighted that children may not feel comfortable submitting complaints without a guarantee of anonymity.<sup>1360</sup> An individual respondent supported this, calling for anonymity to be guaranteed at appeal stage.<sup>1361</sup>
- 16.125 However, CELCIS also recognised that children’s concerns about complaining if anonymity is not guaranteed, needed to be balanced “with the requirement that sometimes this information may be shared”.<sup>1362</sup>
- 16.126 Snap Inc. noted that under-reporting due to concerns about the lack of anonymity can also be true for other vulnerable groups, including victims and survivors of violence and coercive control.<sup>1363</sup>

## Our decision

- 16.127 Having considered this stakeholder feedback, we have decided not to make changes to the measure proposed in our May 2024 Consultation. We acknowledge the concerns that stakeholders raised about children’s reluctance to report, and the potential anxiety children may feel about confidentiality when complaining. However, we maintain our position that service providers may, in limited situations, have legitimate reasons for disclosing the identity of a complainant, for example to make a safeguarding or welfare referral.
- 16.128 We remain of the view that it is not necessary for us to mandate that personal information is not disclosed unnecessarily to third parties, as existing data protection legislation already creates constraints around the sharing of personal data which service providers must abide by. All complaints processes are subject to the requirements of the UK’s data protection regime. This includes a requirement for service providers to put in place appropriate technical and organisational measures to implement data protection principles effectively and safeguard individual rights. Service providers should consult the Information Commissioner’s Office (ICO) Children’s Code<sup>1364</sup> and guidance<sup>1365</sup> to ensure that their complaints processes are in line with data protection laws.
- 16.129 We expect service providers to make it clear to users, especially children, that their personal information will not be shared with other users on the service. This should be clearly communicated to users prior to the submission of complaints in a way that they can easily understand and access. This is especially important to build children’s trust in reporting and complaints processes.

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<sup>1360</sup> CELCIS response to May 2024 Consultation, p.15; NSPCC response to May 2024 Consultation, pp.55-56.

<sup>1361</sup> Dean, J. response to May 2024 Consultation, p.16.

<sup>1362</sup> CELCIS response to May 2024 Consultation, p.15.

<sup>1363</sup> Snap Inc. response to May 2024 Consultation, p.29.

<sup>1364</sup> ICO. [Age appropriate design: a code of practice for online services](#). [accessed 5 March 2025].

<sup>1365</sup> ICO. [Children's Code guidance and resources](#). [accessed 18 March 2025]. ICO. [Data protection by design and default](#). [accessed 4 April 2025].

## Impacts on service providers

- 16.130 In our May 2024 Consultation, we estimated that the one-off direct costs of this measure would be somewhere between £400 to £9,000 with maintenance costs of around £100 to £2,250 per year, based on our standard assumptions on labour costs.<sup>1366</sup> We expected that providers of smaller services with simpler complaints procedures would incur costs towards the lower end of this range.
- 16.131 For providers of services which are also in scope of the related measure in the Illegal Content Codes, we noted that there may be some overlaps between the two measures due to similarities in the nature of the proposals. Therefore, we expected that the one-off and ongoing costs associated with this measure would be lower for such service providers.
- 16.132 We did not receive any stakeholder feedback on the costs of this measure. Our assessment of the impacts on service providers is therefore unchanged.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 16.133 We considered the freedom of expression concerns in relation to this measure in our May 2024 Consultation, alongside elements of Measure PCU D2 and PCS D2 (as at the time, we had proposed these would form part of the same measure). As with Measure PCU D2 and PCS D2, we did not consider that this measure would give rise to any additional restrictions on users' and others' (including adults' and children's) rights to freedom of expression and to freedom of association beyond those already set out in relation to paragraphs 16.100-16.102. As with Measures PCU D1 and PCS D1 and PCU D2 and PCS D2, we consider that it may, in fact, have positive benefits on these rights for both children and adults, and help to safeguard them.
- 16.134 We did not receive stakeholder feedback on our rights assessment as regards freedom of expression and freedom of association.
- 16.135 We remain of the view that the impact of this measure on users' or website owners' rights to freedom of expression and freedom of association to be limited and is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act.

### Privacy and data protection

#### Summary of responses

- 16.136 We received feedback from several stakeholders (paragraphs 16.123-16.126) who said that children should be guaranteed anonymity when making complaints.

#### Our final rights assessment

- 16.137 In our May 2024 Consultation, we considered that this measure would not give rise to any additional restrictions on users' and others' (including adults and children's) right to privacy beyond those already set out in paragraphs 16.103-16.105.
- 16.138 In relation to the feedback received about guaranteeing anonymity for children when raising complaints, we reiterate the need for providers to comply with relevant data

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<sup>1366</sup> For further details of our cost estimates for this measure, see our May 2024 Consultation, paragraphs 18.128 to 18.129.

protection legislation and to take care not to inadvertently disclose identities of children. We recognise that there may be limited circumstances where providers, in order to process the complaint, may need to share information that could lead to the subject of the complaint being able to piece together information to establish the complainant's identity. However, we expect that this would be an exception rather than the norm. Any such disclosure would be proportionate to the protection afforded to children by processing the complaint and subsequent actions if the complaint is upheld.

- 16.139 We consider that this measure may have positive impacts on individuals' right to privacy by increasing transparency around what information will be shared with the subject of the complaint. Therefore, we remain of the view that this measure is unlikely to interfere with individuals' right to privacy and indeed may have positive benefits for users' privacy and data protection rights.

## Who this measure applies to

### Our position at consultation

- 16.140 In our May 2024 Consultation, we proposed that this measure should apply to providers of all user-to-user services likely to be accessed by children.

### Summary of responses

- 16.141 Several stakeholders supported our proposal to apply this measure to providers of all user-to-user services likely to be accessed by children.<sup>1367</sup> One stakeholder expressed concerns about the burden this measure could place on services. Mid Size Platform Group said that this measure and the measure on providing an explanation of what actions the provider may take in response to the complaint and whether the complainant should expect to hear the outcome<sup>1368</sup> could impose disproportionately high resource demands on service providers and was concerned about applying it to all those accessible to children.<sup>1369</sup> In addition, in response to our November 2023 Consultation, several stakeholders expressed concerns about the potential impact of the measures as a whole on providers of smaller services that assess they are low risk for all kinds of illegal harms.<sup>1370</sup>

### Our decision

- 16.142 Having considered responses to our November 2023 and May 2024 Consultations, we have decided to apply this measure to all user-to-user services likely to be accessed by children that are large and/or medium or high risk of content harmful to children. We have therefore decided to exclude providers of small low risk services from this measure.
- 16.143 Most of the measures we include for providers of small low risk services emerge from specific requirements in the Act, including other measures relating to reporting and complaints, over which we have no discretion. This is one of only a few measures relating to reporting and complaints over which we have discretion and, after considering responses, we have concluded that the benefits of this measure would be limited for small low risk services.

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<sup>1367</sup> CELCIS response to May 2024 Consultation, p.15; Kooth Digital Health response to May 2024 Consultation, p.12; NSPCC response to May 2024 Consultation, p.58; Office of the Children's Commissioner England response to May 2024 Consultation, p.63.

<sup>1368</sup> Measures UR2(e) and UR3(b) in our May 2024 Consultation.

<sup>1369</sup> Mid Size Platform Group response to May 2024 Consultation, p.11.

<sup>1370</sup> Bolton, C. response to November 2023 Consultation, p.11; Dwyer, D. response to November 2023 Consultation, p.11; Name Withheld 3 response to November 2023 Consultation, p.20.

- 16.144 Many providers of small low risk services are likely to receive few relevant complaints (if any) so we conclude that it would not be proportionate to apply this measure to such providers, as it would not materially improve children’s safety online. There is also a risk that applying this measure to providers of such services may harm users’ interests because they may lose access to these services if providers withdraw them due to increased costs.<sup>1371</sup>
- 16.145 This measure therefore applies to providers of user-to-user services likely to be accessed by children that are large and/or medium or high risk for content harmful to children.
- 16.146 Even if a provider only assesses its service is medium or high risk for a single harm, we consider this measure to be proportionate due to its relatively low cost and the important benefits it will deliver. As set out in Section 10, Framework for Codes, we maintain that it is beneficial to apply this measure to providers of large low risk services because they have the reach and potential to affect many users.

## Measures PCU D4-6 and PCS D4-6: Acknowledge receipt of complaints with an indicative timeframe and information on resolution

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### Introduction

- 16.147 In our May 2024 Consultation, we proposed that providers of all user-to-user and all search services likely to be accessed by children should acknowledge relevant complaints and provide indicative timeframes and details about their resolution.<sup>1372</sup> We proposed they should:
- acknowledge receipt of each relevant complaint and provide the complainant with an indicative timeframe for resolving the complaint; and
  - include in their acknowledgement of each complaint an explanation of what actions the service provider may take in response to the complaint and whether the complainant should expect to hear the outcome of their complaint.
- 16.148 Several stakeholders were supportive of these measures.<sup>1373</sup> Some stakeholders expressed concerns about this measure relating to providing bespoke timeframes, enabling users to track complaints, the burden on service providers, and the lack of choice for opting out of communications.

### Our decision

- 16.149 Having considered stakeholder feedback, we have decided to make the following changes to the measures proposed in our May 2024 Consultation:

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<sup>1371</sup> This is consistent with our concerns on the overall burden on such service providers as discussed in Section 20, Combined Impact Assessment.

<sup>1372</sup> In our May 2024 Consultation we referred to these measures as UR3(a) and (b) or PCU C4 and PCS C4. For ease and to align with the Protection of Children Codes, we will refer to these measures as PCU D4-6 and PCS D4-6 throughout.

<sup>1373</sup> CELCIS response to May 2024 Consultation, p.15; Dean, J response to May 2024 Consultation, p.16; Kooth Digital Health response to May 2024 Consultation, p.12; NCA response to May 2024 Consultation, p.12; NSPCC response to May 2024 Consultation, p.56; Scottish Government response to May 2024 Consultation, p.16.

- These measures now only apply to providers of large user-to-user services and large general search services and to providers of any user-to-user or search service that is at medium or high risk for content harmful to children.<sup>1374</sup> These measures will not apply to providers of large low risk vertical search services or small low risk user-to-user or search services.
- We have decided to include that service providers allow complainants to choose to opt out of communication from the provider after they have submitted a complaint. We have therefore included this as a new measure in the user-to-user and search Codes.

16.150 The full text of the measures can be found in the Protection of Children Code for user-to-user services and the Protection of Children Code for search services and they referred to as PCU D4-6 and PCS D4-6 respectively.

## How these measures work

- 16.151 Service providers in scope of these measures should acknowledge all complaints received. The acknowledgement should provide the complainant with an explanation of what actions may be taken in response to the complaint and should tell them if, and when, they can expect to hear the outcome. This information should explain how the provider generally handles complaints and does not need to be tailored for each specific complaint.
- 16.152 Service providers can choose to communicate how long complaints typically take to resolve, how long a specific type of complaint may take to address, or when the complaint in question may be dealt with. They are free to determine the level of detail to include, taking into account their resources and capabilities. Providers also have flexibility over the format they choose for the acknowledgement – for example, it could be sent as an email or appear as a ‘pop up’. However, they must ensure their acknowledgement is comprehensible to all users (including children), taking into consideration any other accessibility requirements identified in their risk assessments.
- 16.153 Service providers should ensure that users can choose to opt out of receiving any non-ephemeral communication if they wish to do so, including acknowledgments and indicative timeframes about their complaint. An opt-out could be accomplished through a tick-box feature alongside a complaints function allowing users to indicate they do not wish to receive further communication.

## How these measures protect children

- 16.154 These measures will be effective in addressing risks to children because they may feel encouraged to complain again in the future if their complaints are acknowledged and dealt with. Lack of feedback or acknowledgement of reports has been shown to discourage children from reporting, which can result in delays to service providers being made aware of content harmful to children. Ofcom’s 2024 research into children’s experiences of violent content online found that doubts about the impact of reports, and lack of feedback or acknowledgement of reports, were barriers discouraging children from reporting violent content.<sup>1375</sup>

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<sup>1374</sup> These measures apply when the services are medium or high risk for at least one kind of content harmful to children (single-risk) as determined by the children’s risk assessment.

<sup>1375</sup> Ofcom, 2024. Understanding Pathways to Online Violent Content Among Children.

- 16.155 Other Ofcom research on reporting behaviours and attitudes in children also found that receiving an acknowledgement of their reports increases children’s confidence in reporting and encourages them to report again in future.<sup>1376</sup>

## Stakeholder feedback and our response

### Providing bespoke timeframes

#### Our proposals

- 16.156 In our May 2024 Consultation, we proposed that service providers should provide complainants with an indicative timeframe for addressing and resolving complaints. We noted that there was no one-size-fits-all approach to deadlines for resolving complaints. Instead, we said that service providers should set and meet timeframes that are appropriately swift.
- 16.157 The policy intention of these measures was to ensure service providers operate complaints procedures that are transparent. This should help address existing barriers to complaining and enable users, including children, to have more confidence in their complaints processes.

#### Summary of responses

- 16.158 Stakeholders expressed a range of views regarding our approach to specifying timeframes in which service providers should resolve reports. The National Crime Agency (NCA) wanted us to go further than our proposed measure, by outlining minimum levels of response for different types of complaints and timeframes for resolution.<sup>1377</sup>
- 16.159 Other stakeholders suggested this would not be feasible and raised concerns about providing timeframes. A stakeholder noted that downstream providers may be reliant on the upstream search service provider to address and resolve complaints.<sup>1378</sup> Meta expressed concerns around the workability and proportionality of this measure, suggesting that it may not be possible to estimate a timeframe for deciding a complaint from the outset.<sup>1379</sup> techUK noted that having to provide an indicative timeframe so early in the complaints process may cause delays in the complaint’s resolution.<sup>1380</sup> Inkbunny noted it is an all-volunteer service and said it therefore could not guarantee a timeframe for resolving complaints, with some complaints taking a significant amount of time to resolve than others.<sup>1381</sup>
- 16.160 The Federation of Small Businesses (FSB) asked for a more guidance “on reasonable timelines on actioning complaints”.<sup>1382</sup>

#### Our decision

- 16.161 Having considered the feedback from stakeholders, we have decided to maintain our position on timeframes for resolving complaints as proposed in our May 2024 Consultation. We recognise concerns about a perceived lack of action by service providers, and we

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<sup>1376</sup> Ofcom, 2024. Children’s Attitudes to Reporting Content Online.

<sup>1377</sup> NCA response to May 2024 Consultation, p.12.

<sup>1378</sup> [X].

<sup>1379</sup> Meta response to May 2024 Consultation, p.26. We note that Meta made a similar point in response to our November 2023 Consultation, pp.28-29.

<sup>1380</sup> techUK response to May 2024 Consultation, pp.19-20.

<sup>1381</sup> Inkbunny response to May 2024 Consultation, pp.14-15.

<sup>1382</sup> FSB response to May 2024 Consultation, p.6.

consider that more communication from providers on timeframes, acknowledgements, and possible outcomes will help address these concerns and establish greater confidence in complaints processes. While there is a risk that some users could misunderstand an indicative timeframe as a binding deadline, we expect service providers to draft their communications in a way that does not lead to unrealistic expectations.

- 16.162 These measures do not call for timeframes to be bespoke to specific complaints, although service providers may choose to tailor them to different kinds of complaint if they wish. We currently do not have sufficient evidence to stipulate appropriate timeframes for different types of complaints. We consider that service providers will be best placed to indicate how long it takes to review each type of complaint and how to balance speed and accuracy. We also do not consider it to be appropriate to provide further guidance on expected timeframes for resolving complaints; each service and type of complaint may require different timeframes and levels of consideration to be addressed effectively.
- 16.163 We are also conscious of the risk of perverse outcomes if we were to suggest a one-size-fits-all approach to deadlines for content moderation processes, including for complaints. Such an approach could incentivise service providers' content moderation teams to prioritise speed over accuracy when reviewing complaints or could restrict service providers' ability to apply their resources flexibly as new types of harmful content emerge.

## Opting out of communications

### Our proposals

- 16.164 In our May 2024 Consultation, we did not propose that service providers should offer children the option to opt-out of receiving acknowledgements of their complaints.

### Summary of responses

- 16.165 As explained in paragraph 16.18 'what children told us', our deliberative engagement with children suggested that while children welcomed communication from services after making a report or complaint, they also raised the concern that in some circumstances they may not want to be reminded of potentially harmful content, particularly where this had been distressing, and that it might be upsetting to get further notifications about reports in this content.<sup>1383</sup>
- 16.166 The NSPCC considered that children should be provided with the option to opt out of receiving communications relating to complaints "in case this causes further distress". In its response to our point in our May 2024 Consultation that evidence shows children want more information about complaints rather than less, the NSPCC said that children are currently unlikely to raise that they are "distressed by information shared in reports because they rarely receive any follow-up".<sup>1384</sup> In its response to the November 2023 Consultation, Glitch highlighted that women and girls may have specific preferences for how they receive information in response to their complaints due to safeguarding concerns.<sup>1385</sup>

### Our decision

- 16.167 We have considered the stakeholder feedback on opting out of communications and have changed these measures so that service providers should give complainants the option to

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<sup>1383</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>1384</sup> NSPCC response to May 2024 Consultation, p.57.

<sup>1385</sup> Glitch response to November 2023 Consultation, pp.9-10.

opt out of receiving any non-ephemeral communications (those that do not disappear once the user has received them) in relation to their complaint.<sup>1386</sup> This extends to communications about timeframes, acknowledgements of complaints and possible outcomes, as well as any additional information a service provider may wish to share with a complainant such as follow-up emails on the status of a complaint.<sup>1387</sup>

- 16.168 While there is evidence indicating that children want service providers to give them more information and greater transparency about complaints processes, we acknowledge there will be instances where receiving further information about a complaint may cause distress to the complainant. Our deliberative engagement with children has also expanded our previous evidence base by reiterating the importance to follow up information with the caveat that there will be situations in which children did not want to receive this.
- 16.169 The ability to opt out of receiving non-ephemeral communications regarding complaints will provide complainants with greater control over their online experience. It should also ensure that children are empowered to choose whether they receive updates in a way that suits them and are not discouraged from reporting due to potential unintended consequences.
- 16.170 We are not requiring service providers to give children the option to opt-out of ephemeral communications as these disappear and do not result in lasting communication with the user. For example, if a temporary automated pop-up appeared to confirm a user had successfully submitted a report, we do not have evidence to suggest this would engender distress in users or would create safeguarding concerns in the same way a non-ephemeral communication could.

## Enabling users to track and receive outcomes to complaints

### Our proposals

- 16.171 In our May 2024 Consultation, we said that expecting service providers to inform complainants about the outcome of complaints might exceed what is required to build trust in a service's complaints process. We outlined the risk that users who are informed that no action was taken regarding their complaint may be discouraged from complaining in future. We also stated that we did not have sufficient evidence on the practicalities and costs of implementing such a requirement at scale given the variations in size and resources of service providers in scope of the measure.

### Summary of responses

- 16.172 Several stakeholders suggested that we should require service providers to share with users the outcome of their complaint.<sup>1388</sup> In particular, the NSPCC noted that "research indicates

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<sup>1386</sup> As explained in paragraph 16.11, we include this measure in the Illegal Content Codes, having received stakeholder feedback to the November 2023 Consultation. We have therefore considered those responses alongside those to our May 2024 Consultation.

<sup>1387</sup> As explained in paragraph 16.152.

<sup>1388</sup> CELCIS response to May 2024 Consultation, p.15; Children and Young People's Commissioner Scotland response to May 2024 Consultation, p.10; Children's Commissioner for Wales response to May 2024 Consultation, p.3; Dean, J. response to May 2024 Consultation, p.16; NICCY response to May 2024 Consultation, p.34; Scottish Government response to May 2024 Consultation, p.16; Welsh Government response to May 2024 Consultation, p.12.

that clear explanations of outcomes and next steps are an important way to improve trust in reporting systems”.<sup>1389</sup>

- 16.173 Other stakeholders suggested that users should be able to track the status of their reports. Pinterest noted that it already enables complainants to track reports, which it finds aids transparency for users. It argued that our indicative timelines measure “would [not] meaningfully promote transparency”.<sup>1390</sup> The Association for UK Interactive Entertainment (Ukie) broadly agreed with this point, noting that while providing indicative timeframes may not be efficient, the measures should allow users to track the status of their reports.<sup>1391</sup>

### Our decision

- 16.174 Having considered this stakeholder feedback, we have decided to maintain our position proposed in our May 2024 Consultation. We understand that many service providers currently have processes allowing users to track complaints once submitted, but we do not consider that it would be proportionate to expect all service providers in scope of this measure to do this based on our current evidence base.
- 16.175 While communicating the outcome of each complaint goes further than the measure sets out, we expect service providers to inform users of whether they should expect to hear the outcome of their complaint. When sending acknowledgement of complaints, service providers should set out the potential actions they may take in response to the complaint. This will improve the transparency of service providers’ complaints-handling processes, which could increase accountability and help reassure children that providers will review and take action in relation to their complaints.
- 16.176 We will consider gathering evidence on the practicalities of tracking the outcomes of different types of complaints across various service providers to inform our future work on this issue.

### Impacts on service providers

- 16.177 In our May 2024 Consultation, we explained that service providers would incur costs from acknowledging complaints and providing indicative timelines. We estimated that these costs would be in the region of £2,000 to £50,000, with ongoing maintenance costs of £500 to £12,500 per annum.<sup>1392</sup>
- 16.178 We would expect that service providers with less complex systems and governance processes would be likely to incur costs at the lower end of this range. We noted that this was likely to be the case for providers of smaller services. In addition, providers will incur an additional incremental cost from providing an explanation of what actions they may take in response to complaints and an explanation of whether complainants should expect to hear the outcome of their complaints. As this information would not need to be tailored to a given complainant or complaint, we would expect providers to incur only a small incremental cost of including this information in the acknowledgement of a complaint, in addition to the costs of sending the acknowledgement and providing timeframes. Other costs associated with these measures were expected to be negligible.

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<sup>1389</sup> NSPCC response to May 2024 Consultation, pp.56-57.

<sup>1390</sup> Pinterest response to May 2024 Consultation, pp.16-17.

<sup>1391</sup> Ukie response to May 2024 Consultation, pp.45-46.

<sup>1392</sup> For further detail on how these cost estimates were calculated, see our May 2024 Consultation, paragraphs 18.160-18.162 and 18.178-18.180.

- 16.179 We did not receive stakeholder feedback on the costs of these specific measures. Our assessment of the impacts on service providers is therefore unchanged.
- 16.180 Adding functionality to give complainants the choice to opt out of communications about the complaint could create extra costs for service providers, but we expect these costs to be low. For example, it should be relatively straightforward for providers to offer an opt-out checkbox in both email and webform reporting systems. Providers will also need to change their systems to ensure that a complainant that has opted out of communications does not receive any other related communications. Many service providers within scope of these measures will also be within scope of the equivalent Illegal Content Codes, and for these providers we would expect the incremental costs to be lower.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 16.181 In our May 2024 Consultation, we did not consider that acknowledging receipt of complaints and providing information about timeframes for handling those complaints would, in and of itself, have any adverse impacts on complainants' or service providers' rights to freedom of expression or association. Rather, we thought that this measure would likely have a positive impact on the rights of users and other complainants by providing transparency and accountability around the complaints process. This has the potential to encourage complaints from users, resulting in online spaces becoming safer for children and for errors, such as incorrectly categorising content or assessment of a user's age, to be rectified.
- 16.182 To the extent that the measures ask service providers to convey information they might not otherwise convey, there is a potential small impact on service providers' rights to freedom of expression. However, we considered this proportionate in the interests of protecting the rights of users and others (including adults and children).
- 16.183 We did not receive stakeholder feedback on our rights assessment as regards freedom of expression and freedom of association.
- 16.184 We maintain our previous position and to the extent that there is any interference with users or service providers' rights of freedom of expression and freedom of association it is very limited and proportionate.

### Privacy and data protection

#### Our final rights assessment

- 16.185 In our May 2024 Consultation, we took the view that there are unlikely to be any additional impacts on users' and others' rights to privacy beyond those set out in PCU D1, PCS D1, PCU D2 and PCS D2. This is because the measure should not necessitate any additional personal data to be retained or processed than is needed to handle complaints beyond that set out in Measures PCU D1, PCS D1, PCU D2 and PCS D2.
- 16.186 We did not receive any stakeholder feedback on our rights assessment as regards privacy or data protection for this measure.
- 16.187 We remain of the view that there is no interference with users' and others' right to privacy beyond that set out in relation to Measures PCU D1, PCS D1, PCU D2 and PCS D2.

## Who this measure applies to

### Our position at consultation

16.188 In our May 2024 Consultation, we proposed that this measure should apply to providers of all user-to-user and all search services likely to be accessed by children.

### Stakeholder feedback

16.189 Mid Size Platform Group raised concerns that providing an explanation of what actions the provider may take in response to the complaint and whether the complainant should expect to hear the outcome, could impose disproportionately high resource demands on some service providers, including smaller service providers.<sup>1393</sup> Some stakeholders expressed concerns that the equivalent measure for illegal harms would lead to a disproportionate burden on some service providers.<sup>1394</sup>

16.190 In addition, in response to our November 2023 Consultation, several stakeholders expressed concerns about the potential impact of the measures as a whole on providers of smaller services that assess they are low risk for all kinds of illegal harms.<sup>1395</sup>

### Our decision

16.191 Having considered this stakeholder feedback, we have decided to change who this measure applies to. We have decided that it should apply to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or which are medium or high risk for content harmful to children.<sup>1396</sup> We have therefore concluded it should not apply to smaller low risk service providers. The reasons for this change are the same as we have set out in paragraphs 16.142-16.146 for the previous measure on the sub-section on the provision of information prior to the submission of a complaint. We have also decided not to apply this measure to large low risk vertical search service providers.<sup>1397</sup>

## Measures PCU D7, 13, 14 and PCS D7, 13, 14: Appropriate action in response to relevant complaints

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### Introduction

16.192 In our May 2024 Consultation, we proposed that providers of all user-to-user services and all search services likely to be accessed by children should take appropriate action in response to relevant complaints about content harmful to children and non-compliance

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<sup>1393</sup> Mid Size Platform Group response to May 2024 Consultation, p.11.

<sup>1394</sup> Mid Size Platform Group response to November 2023 Consultation, pp.9-10; Skyscanner response to November 2023 Consultation, p.21.

<sup>1395</sup> Bolton, C. response to November 2023 Consultation, p.11; Dwyer, D. response to November 2023 Consultation, p.11; Name Withheld 3 response to November 2023 Consultation, p.20.

<sup>1396</sup> These measures apply when the services are medium or high risk for at least one kind of content harmful to children (single-risk), as determined by the children's risk assessment.

<sup>1397</sup> As set out in Section 15 paragraph 15.311, our analysis suggests the risks of content harmful to children on vertical search service providers are relatively low and given these lower risks the volume and complexity of complaints received by such providers is likely to be much smaller than for general search service providers. We therefore consider that the benefits of this measure would tend to be much lower for vertical search service providers.

with safety duties.<sup>1398</sup> In the November 2023 Consultation we proposed that providers of all user-to-user and search services should take appropriate action in response to other relevant complaints that are not appeals. We discuss this measure as it applies to providers of services likely to be children in this sub-section.

16.193 Measures PCU D7, 13, 14 and PCS D7, 13, 14 focus on appropriate action for user-to-user and search service providers for complaints about:<sup>1399</sup>

- content harmful to children; and
- non-compliance with the certain duties relating to safety duties protecting children and content reporting.

16.194 We received broad support for these measures.<sup>1400</sup> However, some stakeholders provided feedback on appropriate action for complaints that are not about content harmful to children (which stakeholders referred to as ‘spam’ complaints and we refer to as ‘manifestly unfounded’ complaints).<sup>1401</sup>

## Our decision

16.195 Having considered stakeholder feedback, we have decided to add to the measures proposed in our May 2024 Consultation for both search and user-to-user services, to allow providers to disregard manifestly unfounded complaints where they have an appropriate policy in place.

16.196 In order to remove duplication with the Content Moderation measures, we have also decided to make clarificatory changes to the measure on appropriate action for relevant complaints about content harmful to children. These changes clarify that when a provider receives a relevant complaint about suspected harmful content, it should treat the complaint as reason to suspect that the content may be harmful to children and review it in accordance with the relevant Content Moderation and Search Moderation measures. We have clarified the drafting of these measures to avoid unnecessarily repeating content moderation measures on prioritisation and performance targets (PCU C4-5, PCS C4-5) which apply anyway. However, for service providers that are not subject to those measures, we continue to set out that they should consider the complaint promptly.

16.197 We have also made some clarificatory changes to the Content Moderation measures regarding how we expect service providers to moderate and restore content. See Section 14.<sup>1402</sup>

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<sup>1398</sup> Sections 21(2)(b) and 32(2)(b) of the Act requires all providers of regulated user-to-user and search service providers likely to be accessed by children operate processes for appropriate action to be taken in response to complaints about content harmful to children and other types of complaints.

<sup>1399</sup> In our May 2024 Consultation, for user-to-user services we referred to these measures as UR4 (a) and (d) or PCU C5 and C11. For ease and to align with our Protection of Children Code, we will refer to the measures as PCU D7 and D13. For search services, these measures were previously referred to as UR5 (a) and (d) or PCS C5 and C11. For ease and to align with the Protection of Children Codes they are now referred to as PCS D7 and D13. PCU D14 and PCS D14 are new measures to reflect the exemption for manifestly unfounded complaints.

<sup>1400</sup> Mega Limited response to May 2024 Consultation, p.18; Parenting Focus response to May 2024 Consultation, p.29; Scottish Government response to May 2024 Consultation p.15; Welsh Government response to May 2024 Consultation, p.12.

<sup>1401</sup> See paragraphs 16.211-16.213 for stakeholder summaries in regard to manifestly unfounded complaints.

<sup>1402</sup> See Section 14 to refer to the Content Moderation Measures PCU C4-5 and PCS C4-5.

- 16.198 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and the Protection of Children Code of Practice for search services and they are referred to as PCU D7, 13,14 and PCS D7, 13, 14 respectively.

## How these measures work

- 16.199 Measures PCU D7, 13, 14 and PCS D7, 13, 14 outline the appropriate action providers in scope of these measures should take in response to all other relevant complaints present on parts of the services that are accessible to children.<sup>1403</sup> They also outline what service providers should do with respect to manifestly unfounded complaints.

### Complaints about content harmful to children

- 16.200 When a complaint about content harmful to children is received, it should be processed through the service provider's content or search moderation system.
- 16.201 In line with Measures PCU C1 and PCS C1, complaints about content harmful to children should be treated as suspected primary priority content (PPC), priority content (PC), or non-designated content (NDC) unless the complaint is manifestly unfounded (see paragraph 16.206 for further information).<sup>1404</sup> For example, if a user reports content they believe is violent content, the service provider should classify it as suspected PC and manage it according to the content moderation procedures outlined in Section 14.
- 16.202 Service providers should treat relevant complaints about suspected harmful content as content that may be harmful to children and such complaints should be reviewed in accordance with the relevant Content Moderation and Search Moderation measures. Measures PCU C4-5 and PCS 4-5 relate to service providers which are large or multi-risk needing to have performance targets and prioritisation policies for reviewing complaints.<sup>1405</sup> If a service is not in scope of PCU C4-5 and PCS 4-5, it does not need to have performance targets and prioritisation policies but should handle complaints promptly.

### Complaints about non-compliance with the certain duties

- 16.203 The Act requires service providers to provide a way for users and affected persons to complain if they believe the service provider is not fulfilling its children's safety duties or duties relating to content reporting. For instance, a complaint may be made if the service lacks a clear and easy to use feature for reporting content.
- 16.204 A service provider should nominate a responsible individual or team responsible for directing complaints about its compliance with children's safety or content reporting duties to the appropriate individual or team to be processed. Complaints should be managed in a way that safeguards UK users and within timeframes set by the provider.
- 16.205 Complaints that fall into both categories should be prioritised in line with our measures for handling complaints about content harmful to children (as in paragraph 16.200).

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<sup>1403</sup> The children's safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(b).

<sup>1404</sup> This means any kind of NDC which providers have identified as low, medium or high-risk in their most recent children's risk assessments. See Section 14 to refer to the Content Moderation measures and Section 15 to refer to the Search Moderation measures.

<sup>1405</sup> A service is multi-risk if it is medium or high risk of two or more specific kinds of content that is harmful to children.

## Manifestly unfounded complaints

- 16.206 Service providers have the option to disregard complaints they determine to be manifestly unfounded. If a service provider chooses to disregard these complaints it may only do so if it:
- has a policy setting out the attributes and information it requires to make a decision that a complaint is manifestly unfounded;
  - determines manifestly unfounded complaints in accordance with that policy; and
  - reviews it at least annually and, where appropriate, makes changes to that policy to ensure that decisions taken that a complaint is manifestly unfounded are accurate.
- 16.207 Complaints which are appeals, or which are about an incorrect age assessment are exempt from this measure and cannot be discarded as manifestly unfounded complaints. (See instead the discussion of Measures PCU D8-12 and PCS D8-12).

## How these measures protect children

- 16.208 These measures call for service providers to take swift and appropriate action in response to complaints. Complaints systems give users (and affected persons), including children, the opportunity to alert service providers when they suspect content likely to be harmful to children is on their services. They also give users (and affected persons) the ability to raise complaints when they suspect service providers are not complying with their children's safety or content reporting duties.
- 16.209 Timely action by service providers in response to complaints will reduce the instances of children encountering harmful content and will also reassure complainants, increasing trust that service providers take swift action on such content.

## Stakeholder feedback and our response

### Manifestly unfounded complaints

#### Our proposals

- 16.210 In our May 2024 Consultation, we proposed that service providers should consider every complaint they receive and did not propose any changes to the handling of potentially manifestly unfounded complaints.

#### Summary of responses

- 16.211 Several stakeholders expressed concern about the impact of 'spam' complaints, particularly in relation to service providers' ability to process genuine complaints.
- 16.212 Some stakeholders expressed concern that bad actors may exploit reporting processes by submitting a large number of 'spam' complaints. Google recommended "amending the Codes to clarify that relevant user reporting obligations do not apply to 'spam' complaints or those from providers of malware".<sup>1406</sup> The Integrity Institute said these reports tend to come from "accounts that are more inclined to be abusive themselves".<sup>1407</sup> Meta

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<sup>1406</sup> Google response to May 2024 Consultation, p.31.

<sup>1407</sup> Integrity Institute response to May 2024 Consultation, p.10.

signposted to its response to the November 2023 Consultation where it raised a concern about the misuse of reporting mechanisms through “spamming”.<sup>1408</sup>

- 16.213 Google’s view was that search service providers’ appeals processes can be exploited by bad actors attempting to “undermine search ranking quality and safety”.<sup>1409</sup>

#### **Our decision**

- 16.214 Having considered stakeholder feedback, we have noted stakeholders’ concerns about this type of complaint and have decided to create a new measure which introduces a change to how certain complaints may be handled. Service providers can disregard manifestly unfounded complaints, which will help them to prioritise and focus resources on responding to genuine relevant complaints in a timely and effective manner. We consider that if a service provider has to give due regard to all complaints equally, including manifestly unfounded ones, this will have an impact on their ability to address users’ genuine complaints effectively. We have therefore changed the measure to provide an option for service providers to exclude complaints which are manifestly unfounded from the scope of the measure.
- 16.215 For clarity, we confirm that a complaint is not manifestly unfounded merely because it is incorrect or does not result in action by a provider. Examples of manifestly unfounded complaints could include ‘spam’ complaints and instances where users deliberately submit complaints to overwhelm a service’s systems.
- 16.216 A service provider has an option to exclude manifestly unfounded complaints from all categories of relevant complaints, except for appeals and complaints about incorrect assessments of age (see paragraph 16.281). Details of appropriate action to deal with these types of complaints can be found in the sub-section ‘Measures PCU D8-12 and PCS D8-12 appropriate action for appeals’.
- 16.217 To determine a complaint is manifestly unfounded and is therefore exempt from appropriate action, service providers will need to set out a policy on manifestly unfounded complaints and review it annually to ensure it is not having unintended outcomes such as relevant complaints being disregarded. This aligns with our recommendation for how often the provider’s risk assessments should be reviewed. We understand regular reviews may present challenges for small service providers but consider that they are necessary to ensure relevant complaints are not being disregarded incorrectly.
- 16.218 We have not specified which features and information are appropriate to signal that a complaint is manifestly unfounded. However, we consider the term ‘manifestly unfounded’ together with the other provisions within this measure, sets an appropriately high bar for disregarding complaints. This should act as a safeguard to reduce the risk that complaints that should be processed are incorrectly categorised as manifestly unfounded and dismissed.

#### **Impacts on service providers**

- 16.219 In our May 2024 Consultation, we set out that the costs of taking appropriate action for complaints would vary across service providers of different types, sizes, and risk levels.

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<sup>1408</sup> Meta response to May 2024 Consultation, p.27. We note Meta made a similar point in response to our November 2023 Consultation, p.28.

<sup>1409</sup> Google response to May 2024 Consultation, p.33.

While we noted that the costs could be very significant for some service providers, they derive in large part from duties in the Act.

- 16.220 We proposed to mitigate the costs of the measures by allowing service providers flexibility to set their own timescales for resolving complaints. This will help to ensure that the costs incurred are proportionate to the nature and risk profile of the service. In general, we would expect the volume of complaints a service provider receives to increase with the size of the service, the volume of content being shared by users, and the number of content moderation and age assessment decisions being taken by the provider. This means that the highest costs will be incurred by the providers of the largest service providers who are most likely to be able to absorb them, and from whom we expect to see the greatest benefits from implementing these measures.<sup>1410</sup>
- 16.221 We did not receive any stakeholder responses relating to the impact of these measures on service providers. Our overall assessment of the impacts on service providers is therefore unchanged.
- 16.222 As outlined in paragraph 16.206, the measures include an option that allows service providers to disregard complaints if they are manifestly unfounded. We expect providers would only choose to take this option if it would lower costs compared to the measures we consulted on. Because of this, we have not explored the potential costs of service providers implementing this in detail.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 16.223 In our May 2024 Consultation, we did not consider that service providers taking appropriate action in response to complaints would have adverse impacts on complainants' (which may include both adults and children) rights to freedom of expression or association. Instead, we took the view that these measures would likely have a positive impact on the right to freedom of expression, by providing reassurance to complainants that incorrect decisions can be rectified, reinforcing the Act's objectives to protect children from harmful content. We also noted the potential for interference with the service provider's rights to freedom of expression arising from the duties on providers under the Act.
- 16.224 We did not receive stakeholder feedback on our rights assessment as regards freedom of expression and freedom of association.
- 16.225 We have considered the impact of the change relating to manifestly unfounded complaints on the measures on appropriate action. Acknowledging the risk that some complaints may be incorrectly identified as manifestly unfounded, this has the potential to interfere with complainants' rights to freedom of expression and freedom of association. However, we have set a high threshold in enabling providers to choose whether or not to disregard complaints, providing safeguards to reduce the risk of interference with these rights.
- 16.226 We do not consider there would be a negative impact on service providers' rights to freedom of expression by setting out what we consider appropriate action in response to complaints will entail. We consider there would be a positive impact on providers' rights to freedom of expression by enabling providers to choose whether or not to disregard

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<sup>1410</sup> For our full assessment of the impacts on service providers of these measures, see our May 2024 Consultation, paragraphs 18.233-18.238 and 18.291-18.296.

complaints which are manifestly unfounded, recommending they set out clear processes and providing them with the flexibility to determine their own boundaries, so long as they comply with the children's safety duties set out in the Act.

- 16.227 We consider the impacts of these measures are similar to those set out in Measure PCU D1 and PCS D1. These measures have been designed with flexibility for service providers to decide how they implement it and what outcomes of complaints could be. We therefore remain of the view that these measures should not interfere with users' (including adults and children) rights to freedom of expression and freedom of association, beyond that we have set out in relation to Measure PCU D1 and PCS D1, and indeed would have some benefits to freedom of expression and association.

### **Privacy and data protection**

#### **Our final rights assessment**

- 16.228 In our May 2024 Consultation, we considered that the proposed measures could have a positive impact on the right to privacy by providing greater transparency and accountability around providers' decisions relating to complaints about content harmful to children and non-compliance with the safety duties protecting children and content reporting duties. We considered service providers would make decisions more accurately to avoid the time and resources needed to process a complaint. We also considered that complainants would be reassured that the provider would take appropriate action in response to their complaints.
- 16.229 We did not receive stakeholder feedback on our rights assessment as regards privacy or data protection for this measure.
- 16.230 We therefore remain of the view that any interference with individuals' (including adults' and children's) rights to privacy (and data protection) by these measures is limited and is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act.

#### **Who these measures apply to**

- 16.231 In our May 2024 Consultation, we proposed that the measures regarding appropriate action on complaints about content harmful to children and non-compliance with the safety duties protecting children and content reporting duties should apply to providers of all user-to-user and all search services likely to be accessed by children. We did not receive stakeholder feedback on this and therefore confirm our position proposed at consultation.

## **Measures PCU D8-12 and PCS D8-12: Appropriate action for appeals**

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### **Introduction**

- 16.232 In our May 2024 Consultation, we proposed measures on appropriate action for appeals. We noted that, under the Act, there are two circumstances in which a complainant may submit an appeal to a provider:<sup>1411</sup>

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<sup>1411</sup> Sections 21(5)(c), (d) and (e) and 32(c) and (d) of the Act.

- if the complainant’s content has been removed or access to it has been restricted, on the basis that it is considered to be harmful to children or harmful content proxy (for example, following a decision that a user’s content should be blurred on a service); or
- if the user’s access to content has been restricted based on an incorrect assessment of their age (for example, following an incorrect age assessment resulting in an adult user only being able to view content on their account which is not harmful to children).

16.233 Measures PCU D8-12 and PCS D8-12 focus on determination and appropriate action for appeals for providers of user-to-user services and providers of search services.<sup>1412</sup> This includes:

- appropriate action for determining all appeals;
- further appropriate action specifically for successful appeals based on action taken regarding content harmful to children; and
- further appropriate action specifically for successful appeals based on an incorrect assessment of a user’s age.

16.234 Overall, feedback in response to our proposals was mixed. Some stakeholders were supportive of various aspects of our proposals,<sup>1413</sup> whilst others raised concerns about the prioritisation process for determining appeals and the additional appropriate action following a successful appeal, which we discuss in the sub-section ‘Stakeholder feedback and our response’.

16.235 For the purposes of these measures, we have defined content that is harmful to children as ‘content that has been determined as harmful to children’.

## Our decision

16.236 Having considered stakeholder feedback, we have decided to make the following changes to the appeals measures to improve their clarity and workability:

- The first change relates to appeals about action taken on content harmful to children and appeals on incorrect assessments of a user’s age. When service providers reverse a decision, they should now reverse any action taken on content or restrictions applied to the user’s ability to access content so far as is “appropriate and possible” to do so. This is set out in Measures PCU D10-12 and PCS D10-12.
- The second change relates to appeals about actions taken against content or user accounts (except incorrect assessments of a user’s age). When service providers reverse these decisions, they should now take steps “where possible and appropriate” to secure that the use of automated content moderation technology does not cause action to be taken against the same piece of content again. They should also now

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<sup>1412</sup> In our May 2024 Consultation, for user-to-user services these measures were previously referred to as UR4 (b) (i), (b) (ii), (b) and (c) (i), (c) (ii) or PCU C6-10. For ease and to align with the Protection of Children Codes they are now referred to as PCU D8-12. For search services, these measures were previously referred to as UR5 (b) (i), (b) (ii), (b) and (c) or PCS C6-8 and C10. For ease and to align with the Protection of Children Codes, they are now referred to as PCS D8-10 and D12. PCS D11 is a new measure to reflect our decision to set out that providers of large general search services or multi-risk search services should have a prioritisation process and set performance targets for determining appeals on incorrect assessments of a user’s age.

<sup>1413</sup> Meta response to May 2024 Consultation, p.26; Scottish Government response to May 2024 Consultation, p.15; Snap Inc. response to May 2024 Consultation, p.28; Welsh Government response to May 2024 Consultation, p.12.

update content moderation and search moderation guidance where there is “a pattern or significant evidence” that content is being actioned in error. This is set out in Measures PCU D10 and PCS D10.

- In relation to appeals about incorrect assessments of a user’s age, providers of services that are smaller and low risk or single-risk and providers of large vertical search services that are low risk or single-risk should determine appeals on incorrect assessment of a user’s age promptly. Providers of large or multi-risk services should have a prioritisation process and set performance targets for determining appeals on incorrect assessments of a user’s age. All service providers receiving complaints about incorrect assessments of a user’s age should use the information received to improve age assurance processes. This is set out in Measures PCU D11-12 and PCS D11-12.

16.237 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and the Protection of Children Code of Practice for search services and they are referred to as PCU D8-12 and PCS D8-12 respectively.

## How these measures work

16.238 Service providers in scope of this measure should take appropriate action in response to appeals. Appropriate action for complaints and appeals varies. To differentiate between appeals and other types of complaints, service providers may decide to design their complaints systems in a way that enables this differentiation. The appropriate action a service provider should take is also dependent on the type of appeal:

- A complainant may make an appeal if their content has been removed or restricted, or given a lower priority in search results, based on a service’s determination that it is considered to be harmful to children; or
- A user may make an appeal related to an incorrect assessment of their age.

16.239 The appropriate process for determining appeals and the further appropriate action for each respective type of appeal is detailed in the following paragraphs.

### Appropriate action for determining appeals

16.240 Service providers should first establish a process for handling appeals. The way in which they should do this depends on the risk level and size of their service.

16.241 User-to-user and search service providers that are smaller and low risk or single-risk, and providers of large vertical search services that are low risk or single-risk should determine all appeals promptly.

16.242 Once a service provider determines an appeal, it should take appropriate action based on whether it relates to content harmful to children or an incorrect assessment of a user’s age. This appropriate action is outlined in the following sub-sections.

16.243 For providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children, appeals should be handled in accordance with the following targets and prioritisation processes:

- Providers of these services should set targets and monitor the time it takes to determine the appeal and the accuracy of the decision-making. Providers should resource themselves so as to give effect to those targets.

- These providers should also set a prioritisation process for the review of appeals and should consider a set of factors when designing this process. These factors do not have to be considered in the review of each individual appeal but should rather underpin the prioritisation process and policy for the consideration of appeals at large.
- If an appeal is about action taken on the basis that content has been determined to be harmful to children, providers should consider the following factors in their prioritisation process:
  - > the seriousness of the action taken against the complainant and/or the content due to the decision that the content was content harmful to children;
  - > whether the decision that the content was content harmful to children was made by content identification technology and, if so any information available about the accuracy of the content identification technology at identifying similar types of content that is harmful to children; and
  - > the provider's past error rate in making judgements about similar kinds of content harmful to children.
- If an appeal is about an incorrect assessment of a user's age, these providers should consider the following factors:
  - > the seriousness of the restriction applied to the users' ability to access content on the service as a result of the assessment of their age;
  - > whether the decision to restrict access to content was made without human oversight and, if so, information available about the accuracy of the specific technology used in making age assessments of the type concerned;
  - > the past error rate on the service in relation to age assessments; and
  - > any representation made by the user as part of the appeal on the impact of the access restriction on their livelihood (for example, an adult performer may be unable to access their earnings on an adult website if they are wrongly assessed as being under 18).

### **Appropriate action for appeals about action taken regarding content that has been determined as harmful to children**

16.244 All service providers should take further appropriate action if an appeal regarding content that had been determined as harmful to children is successful and the content is found not harmful to children. In this case, the service provider should:

- reverse the action taken against the complainant or content (or both), as far as appropriate and, where possible, restore the position of the content or complainant (or both) to what it would have been if the decision had not been made;
- if there is a significant pattern of evidence of content being wrongly removed, restricted or given a lower priority in search results, update the relevant content moderation guidelines as needed to ensure accuracy; and
- where possible and appropriate, take steps to ensure that automated moderation technology does not cause the same content or search content to be taken down again.

16.245 The service provider should reverse the action they took against the complainant or their content, for example, by removing any restriction placed on it or reinstating it if it had been removed from the service. We recognise that it may not be practical to restore the content

to the exact position it would have been in had it not been incorrectly judged to be content harmful to children. For example, it may not be possible to restore content to the same position in a recommender feed or search results. However, if appropriate and where possible, service providers should take steps to do so.

### **Appropriate action for appeals about an incorrect assessment of a user's age**

- 16.246 All service providers should take further appropriate action if an appeal is successful, and the user's age has been incorrectly assessed. In this case, the service provider should reverse the restriction applied to the user's ability to access the content and restore it to a position equivalent to its original one (as far as is appropriate and possible). For example, if a user was barred from accessing an age-gated service because they were incorrectly assessed as being a child, they should be given access once they are able to demonstrate effectively that they are an adult.
- 16.247 All service providers should monitor trends in complaints about incorrect assessments of a user's age to ensure their age assurance process is working effectively. For example, if a service provider using highly effective age assurance notices a surge in complaints about inaccurate age checks, it should investigate whether there is a problem with the accuracy of its chosen age assurance methods and take action to address this.

### **How these measures protect children**

- 16.248 These measures ensure that complainants have a right to appeal when service providers decide to take action which may restrict their ability to access content or use a service, or feature in search results, and helps to prevent them from being subject to erroneous content moderation decisions or incorrect assessments of age. An appeals process is also beneficial to service providers as it can help them to identify and remove content harmful to children in the future more accurately. Appeals processes act as an important mechanism to improve providers' judgements on content that has been determined as harmful to children and so are crucial for children's safety online.
- 16.249 Finally, appeals mechanisms for incorrect assessments of age are useful for children and adults should their age be incorrectly assessed meaning they are locked out of spaces or restricted from accessing content they should be able to access. For example, if a provider incorrectly assesses an adult as being a child and therefore blocks them from accessing content that adults are permitted to view, an appeals mechanism is critical to correct this error.

## **Stakeholder feedback and our response**

### **Prioritisation of appeals**

#### **Our proposals**

- 16.250 In our May 2024 Consultation, we proposed that providers of large services and multi-risk services should have a process in place for determining how to prioritise appeals on content that has been determined as harmful to children. This was rooted in the expectation that these services would likely receive a large volume of complaints for which a prioritisation process would be necessary. We outlined that proposing that providers of these services deal with these complaints promptly without this process may lead to perverse incentives and cause harm to users. We also proposed that providers in scope of the Age Assurance measures which introduce highly effective age assurance to prevent children from

encountering PPC and protect them from PC identified on the service (PCU B4-7), should operate a prioritisation process for appeals on incorrect assessments of a user's age.<sup>1414</sup>

- 16.251 For providers of user-to-user and search services that are smaller and low risk or single-risk, and providers of large vertical search services that are low risk or single-risk, we proposed providers should promptly determine relevant complaints which are appeals on content that has been determined as harmful to children. We proposed that this should also apply to service providers not in scope of the Age Assurance measures which introduce highly effective age assurance to prevent children from encountering PPC and protect them from PC identified on the service (PCU B4-7).

### Summary of responses

- 16.252 Several stakeholders expressed concerns about our proposals for the prioritisation of appeals and asked for additional flexibility in the measures. Meta argued that “providers should retain scope and flexibility to determine [the] priority of reports and appeals”.<sup>1415</sup> Snap Inc. raised concerns about “the accuracy of automatic detection technologies and the service’s past error rate as criteria for prioritising the review of complaints” and that this “would be extremely resource-intensive”.<sup>1416</sup>
- 16.253 Google said that a prioritisation framework was appropriate but should not “include specific factors”, and that the measures should “allow for more flexibility for service providers to prioritise appeals” as they think appropriate.<sup>1417</sup>

### Our decision

- 16.254 Having considered stakeholder feedback, we have decided not to make changes to the prioritisation process. We maintain that providers of services that are large or multi-risk are likely to receive a high volume of appeals and would therefore benefit from a prioritisation process and performance targets to address these appeals. However, we have changed the segmentation of the measure on incorrect assessments of a user's age to align with the measure for appeals on content that has been determined as harmful to children. As a result, providers of large user-to-user services, including large general search services (excluding large vertical search services) and all multi-risk services should establish a prioritisation process for both types of appeal.
- 16.255 We consider that the prioritisation process in this measure gives providers enough flexibility to set up their own process without causing operational difficulties, while also specifying the factors they should consider when establishing the process. Search services were previously excluded from these measures by virtue of being out of scope of PCU B3-7. As a result of this change, providers of large general search services or multi-risk search services will now have to set prioritisation processes and performance targets for the handling of appeals on incorrect assessments of a user's age. This will aid service providers in their effective handling of these complaints.
- 16.256 In addition, we have also made a change to this measure to clarify that all service providers, including providers of search services, must use the information received during a complaints process to ensure their age assurance methods are working effectively. We

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<sup>1414</sup> These measures were previously referred to as AA3-6 in our May 2024 Consultation and are now referred to as PCU B4-7 to align with our Protection of Children Codes.

<sup>1415</sup> Meta response to May 2024 Consultation, p.26.

<sup>1416</sup> Snap Inc. response to May 2024 Consultation, p.28.

<sup>1417</sup> Google response to May 2024 Consultation, pp.29-30.

recognise that some service providers may choose to voluntarily implement age assurance. Therefore, while not all service providers may use highly effective age assurance, they may still have processes to establish age which may adversely affect users if the assessment of age is inaccurate. This is why it is important that all service providers use information from appeals to assess and approve these processes.

## Action following successful appeal – restoring content

### Our proposal

- 16.257 In our May 2024 Consultation, we proposed that if a provider reviews a decision related to an appeal on content that has been determined as harmful to children and decides content is not harmful to children, it should reverse the action taken against the complainant or in relation to the content (or both) as a result of that decision (as far as appropriate for the purpose of restoring the position to what it would have been had the decision not been made).
- 16.258 Similarly, for appeals on incorrect assessments of age, we proposed that providers in scope of the Age Assurance measures which introduce highly effective age assurance to prevent children from encountering PPC and protect them from PC identified on the service (PCU B4-7) should restore the user's ability to access content on the service to an equivalent position to the one it would have been in had the assessment of age been correct.

### Summary of responses

- 16.259 Stakeholders expressed concerns about the technical feasibility of our proposals on restoring content following a successful appeal.
- 16.260 Snap Inc. and Ukie raised concerns about the feasibility of ephemeral content being restored following a successful appeal.<sup>1418</sup> Google said that it is difficult to restore search content to its previous position as search results are dynamic and affected by “underlying factors”. It supported the inclusion of the “so far as appropriate” in the measures.<sup>1419</sup>
- 16.261 Snap Inc. also raised that if it “[obtains] knowledge that a Snapchat user is under the age of 13, Snap Inc. terminates the user’s account and deletes the user’s data”, meaning it cannot restore a users’ account to the same state following a successful appeal.<sup>1420</sup>
- 16.262 Open Rights Group “do[es] not agree that the rights implications of reporting and complaints are limited, in particular the lack of good put-back complaints and appeals is a significant problem”.<sup>1421</sup>

### Our decision

- 16.263 We have considered stakeholder feedback and have decided to change the measures to clarify that providers should restore the user's ability to access content following a successful appeal about incorrect assessment of their age where “appropriate and possible” to do so. We have also changed the measures to clarify that following a successful appeal on content that has been determined as harmful to children, service providers should reverse the action taken on the content or against the user as a result of that decision “so

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<sup>1418</sup> Snap Inc. response to May 2024 Consultation, p.28; Ukie response to May 2024 Consultation, p.46.

<sup>1419</sup> Google response to May 2024 Consultation, pp.31-32.

<sup>1420</sup> Snap Inc. response to May 2024 Consultation, p.28.

<sup>1421</sup> Open Rights Group response to May 2024 Consultation, p.11.

far as appropriate and possible” for the purpose of restoring the position of the content or user to what it would have been had the decision not been made.

- 16.264 We have decided to make these changes to the Codes as we acknowledge that there may be technical limitations on the feasibility of restoring content and accounts to their previous position. We also acknowledge that in compliance with existing data protection laws, providers may have to delete personal data. We want to clarify that the measures do not suggest that a provider should retain personal data that it is required to erase under data protection legislation and that all processing of personal data should be done in compliance with UK data protection laws.

## Action following successful appeal – updating relevant guidance

### Our proposals

- 16.265 In our May 2024 Consultation, we proposed that if a provider reviews a decision and decides content is not harmful to children, it should:
- adjust the relevant content moderation policies where necessary to avoid the same error occurring again in future; and
  - where applicable, and necessary to avoid similar errors in future, take relevant steps within its power to secure that the use of automated content moderation technology does not cause the same piece of content to be taken down, downranked, or restricted again.

### Summary of responses

- 16.266 We received a number of stakeholder concerns about the feasibility of updating content moderation guidance after every instance of an erroneous action on a piece of content. Google suggested that “the Code should clarify that the obligation to adjust content moderation guidance and technology should be based on an aggregated assessment of cases rather than on a case-by-case basis”.<sup>1422</sup>
- 16.267 Meta raised concerns about the scalability and workability of our proposal to “ensure that when an appeal decision is reversed, the automated content moderation technology be changed so that it does not cause the same piece of content to be taken down, downranked or otherwise restricted again”.<sup>1423</sup>

### Our decision

- 16.268 We have considered stakeholder feedback and have made clarificatory changes to Measures PCU D10 and PCS D10 to clarify how they should be technically implemented.
- 16.269 We have clarified the measures to avoid any misinterpretation that providers need to update their moderation guidance each time a piece of content is taken down erroneously. That is not the intent of the measures. PCU D10 now sets out that relevant content moderation guidance should be adjusted “where there is a pattern of significant evidence of regulated user generated content being taken down in error”. PCS D10 has been similarly clarified to set out that we do not expect search service providers to adjust their guidance each time a piece of content is removed or given a lower priority in search results in error.
- 16.270 We acknowledge that there may be technical limitations to what a provider can do to avoid automated content moderation technology taking action against the same piece of content

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<sup>1422</sup> Google response to May 2024 Consultation, p.32.

<sup>1423</sup> Meta response to May 2024 Consultation, pp.26-27.

again in the future. We have therefore decided to clarify that service providers should, “where possible and appropriate, take steps to secure that the use of automated content moderation technology does not cause the same content to be actioned again”.

## Application of the measures to search service providers

### Our proposals

- 16.271 In our May 2024 Consultation, we proposed that when providers of search services receive an appeal, they should act in accordance with their prioritisation policy.

### Summary of responses

- 16.272 Google raised concerns that our proposals would bring its entire ranking system within the scope of the duties in the Act relating to appeals.<sup>1424</sup>

### Our decision

- 16.273 We have considered this feedback and decided not to change the measures to exclude search service providers. Rather we have clarified in Section 15 that search service providers do not have to accept appeals relating to all actions taken to lower the priority of content.<sup>1425</sup> The only appeals about ranking actions taken by the provider that are in scope of this measure are those that relate to action taken in order to comply with the provider’s safety duties. This measure does not set out that users can appeal ranking decisions that have been made by the provider for other reasons, such as for commercial purposes. Whilst we acknowledge Google’s concern about receiving appeals on action taken at scale to lower the priority of search content, where this action is taken to comply with the provider’s safety duties, this requirement is necessitated by the Act and is not something over which we have discretion.

## Impacts on service providers

- 16.274 In our May 2024 Consultation, we considered the costs of implementing these measures for providers of services that are large user-to-user services, large general search services and/or multi-risk for content harmful to children, and for service providers who should apply any of the Age Assurance Measures PCU B4-7 (and who therefore had additional recommended steps under our proposed measures). All providers within the scope of this measure will also be within the scope of the equivalent measures for Content Moderation or Search Moderation. As the activities and costs involved in the equivalent Content Moderation and Search Moderation measures are likely to be similar, we expect there to be some overlap in actions required and the associated costs.
- 16.275 All service providers in scope of this measure should also apply the related measure in the Illegal Content Codes. We expect there to be significant overlaps in costs between the two measures because providers will be able to use the same systems and processes in relation to the types of complaints covered by both the Illegal Content Codes and the Protection of Children Codes.<sup>1426</sup>
- 16.276 We did not receive stakeholder feedback on the costs of these specific measures. Our assessment of the impacts on service providers is therefore unchanged.

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<sup>1424</sup> Ofcom/Google meeting, 3 October 2024.

<sup>1425</sup> See Section 15, Search Moderation paragraphs 15.101-15.102.

<sup>1426</sup> For further explanation of our assessment of the impacts of these measures on service providers, see our May 2024 Consultation, paragraphs 18.233-18.242 and 18.291-18.300.

## Rights

### Freedom of expression and freedom of association

#### Summary of responses

16.277 We received feedback from Open Rights Group disagreeing with our assessment of the rights implications as being limited, as was set out in our May 2024 Consultation.<sup>1427</sup> Open Rights Group argued that a lack of “good put-back complaints and appeals is a significant problem.” It suggested that individuals should be able to seek redress in the courts, rather than challenging service providers under the terms of their contracts.

#### Our final rights assessment

16.278 In our May 2024 Consultation, we did not consider that providers taking appropriate action in response to complaints would interfere with individuals’ rights to freedom of expression and freedom of association.

16.279 Instead, we considered this measure could have positive impacts on the right to freedom of expression, as it is aimed at service providers reviewing decisions about content determined to be harmful to children in a manner that reflects its own policies on prioritisation and performance targets, or to consider appeals promptly if they do not have these policies and targets in place. We considered this provides reassurance to complainants that incorrect decisions can be rectified, reinforcing the Act’s objectives to protect children from this content and with the result that fewer children would likely be exposed to content harmful to them. This would make online spaces safer for children, enabling them to engage with communities and content online. It may also mitigate any interference with a user’s right to freedom of expression or association where the provider overturns their previous (incorrect) decision on appeal, giving the user a mechanism for redress. For this reason, we referred to measures relating to appeals as a safeguard in the Codes in relation to content moderation, recommender systems and age assurance.

16.280 We have considered the feedback set out in paragraphs 16.259-16.262 and consider that where those providers can reinstate content, thereby facilitating users’ rights to freedom of expression and freedom of association, it is proportionate that they do so.

16.281 We also considered feedback on manifestly unfounded complaints relating to appeals. Appeals are an important safeguard for individuals’ rights to freedom of expression and are the only recourse available to users whose access to a service may have been restricted, if content has been incorrectly categorised as content which is harmful to children or as a result of an incorrect assessment of their age. If a user has been locked out of an account or has had their content restricted and does not have recourse to make an appeal, this may have substantial impacts on their rights. As appeals relate to actions a service provider has already taken against a user, we consider there to be a greater impact on users if these complaints are incorrectly identified as manifestly unfounded. Therefore, we have stipulated that these complaints cannot be disregarded as manifestly unfounded and must be considered in all circumstances.

16.282 We therefore remain of the view set out in our May 2024 Consultation, that any interference with individuals’ rights to freedom of expression and freedom of association is likely to be limited. We also consider this measure could have a positive impact on these rights. Determining appeals and taking action where possible and appropriate to reverse

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<sup>1427</sup> Open Rights Group response to May 2024 Consultation, p.11.

any potential interference with these rights as a consequence of any incorrect decisions made by the provider is a safeguard to such impacts. For example, providers reviewing decisions made to assess the age of a user with the result that their access to the service or content is restricted can rectify errors made and ensure that users are granted access to services and content in line with their rights to freedom of expression and freedom of association.

## Privacy and data protection

### Summary of responses

- 16.283 We received feedback from the ICO that Measures PCU B2-3 should also include a mechanism to appeal an incorrect assessment of age, to align with data protection laws.<sup>1428</sup>

### Our final rights assessment

- 16.284 In our May 2024 Consultation, our view was that this measure could have a positive impact on the right to privacy by providing greater transparency and accountability around decisions that are made in relation to content harmful to children, non-compliance with the safety duties protecting children or incorrect assessments of age. We considered that our proposals would incentivise providers to reduce the number of incorrect decisions taken due to the resources and time required to consider complaints.
- 16.285 Providers should ensure they comply with data protection laws and familiarise themselves with any relevant guidance issued by the ICO. We have recommended specific measures to enable users to appeal against an incorrect assessment of age on services likely to be accessed by children. We have also included in PCU B2 and B3 new provisions regarding enabling appeals from adults whose access to a service has been restricted due to an incorrect assessment of age.<sup>1429</sup>
- 16.286 We explain in paragraphs 16.263-16.264 that we have considered this feedback and clarified the measures so that whenever a service provider makes an incorrect assessment of age, individuals should be able to appeal that assessment. This ensures a clear mechanism through which individuals can safeguard the accuracy of their personal data.
- 16.287 We therefore consider that the impact of the measure on individuals' (including adults' and children's) rights to privacy (and data protection) to be relatively limited, and potentially overall positive. It is likely to constitute the minimum degree of interference required to secure that service providers fulfil their children's safety duties under the Act. Taking this, and the benefits to children into consideration, we consider that it is therefore proportionate.

## Who this measure applies to

### Our proposals

- 16.288 In our May 2024 Consultation, we proposed that providers of all user-to-user and all search services likely to be accessed by children should take some appropriate action when they receive appeals. Some of the specific measures on appropriate action for appeals applied only to providers of certain categories of services.

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<sup>1428</sup> Further guidance on the data protection implications of this can be found on the ICO website at [Right to rectification](#).

<sup>1429</sup> Where services have implemented highly effective age assurance to age gate the entire service and are therefore not likely to be accessed by children, users can raise a complaint under Measures PCU B2 and PCU B3, see also the Illegal Content Codes (ICU D12 and ICS D11).

- 16.289 We made specific proposals regarding appeals about content harmful to children for providers of user-to-user and search services that are large (excluding large vertical search services) and/or multi-risk for content harmful to children. Such providers needed to have a prioritisation process and set performance targets for determining appeals. We proposed that other providers should determine all appeals about content determined as harmful to children promptly.
- 16.290 For appeals about incorrect assessment of a user's age, we proposed that providers of user-to-user services in scope of the Age Assurance measures which introduce highly effective age assurance to prevent children from encountering PPC and protect them from PC identified on the service (PCU B4-7) should have prioritisation processes and performance targets for handling appeals about incorrect assessments of age. Further, providers should use information from such appeals to help ensure their age assurance method fulfils the criteria for highly effective age assurance. We proposed that providers of other user-to-user and search services not in scope of these Age Assurance measures should handle appeals about incorrect age assessments promptly. We did not propose these service providers should monitor trends in complaints about incorrect assessments of age to improve their age assurance processes.

### Summary of responses

- 16.291 Regarding appeals about incorrect assessment of age, the ICO explained in their response that it is a requirement of data protection legislation that individuals have a mechanism to challenge inaccurate personal data, which includes incorrect assessments of a user's age, stating its view that "Ofcom is in a better position to set out what an effective redress mechanism for these specific measures would be".<sup>1430</sup> It recommended that we amend the Codes so that service providers which are required to apply Age Assurance measures which recommend highly effective age assurance to prevent children from accessing a service entirely (PCU B2-3) are also required to implement PCU C9.<sup>1431</sup>
- 16.292 We did not receive any other feedback about who this measure should apply to.

### Our decision

#### Appeals relating to incorrect assessments of a user's age

- 16.293 We have considered stakeholder feedback and the evidence and have decided to make a change to the segmentation of Measures PCU D11-12 and PCS 11-12. We have decided to broaden the measure to have a prioritisation process and performance targets beyond just those service providers who use highly effective age assurance due to being in scope of PCU B4-7. This measure now applies to providers of services likely to be accessed by children that are large user-to-user services, large general search services and/or multi-risk for content harmful to children.
- 16.294 Regarding the ICO's feedback, we note that service providers in scope of Age Assurance Measures PCU B2-3 should apply highly effective age assurance to prevent children from accessing their services. As such these service providers would not be 'likely to be accessed by children' and not in scope of the Reporting and Complaints measures on appropriate

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<sup>1430</sup> ICO response to May 2024 Consultation, pp.11-12.

<sup>1431</sup> This measure was previously referred to as PCU C9 and UR4(c)(i) in our May 2024 Consultation and is now referred to as PCU D11 to align with our Protection of Children Codes.

action for complaints about incorrect assessment of age.<sup>1432</sup> Therefore, we do not agree with the ICO's suggestion that it is necessary to extend these measures to service providers in scope of PCU B2-3.

- 16.295 However, we have decided to make changes to Measures PCU D11-12 and PCS 11-12 to include that providers of user-to-user and search services that are large (excluding large vertical search services) and/or multi-risk for content harmful to children should have prioritisation processes and performance targets for handling appeals about incorrect assessments of age. These service providers should also use the information received from the appeals process to ensure their age assurance methods are working effectively.
- 16.296 This is because further consideration of the evidence has led us to conclude that these service providers are likely to receive a high volume of appeals about incorrect assessments of age. As we explain in paragraph 16.254, we consider service providers that receive a high volume of appeals may struggle to respond effectively to such appeals if they do not have clear prioritisation processes and performance targets.
- 16.297 In our May 2024 Consultation, we did not propose that providers of search services should have prioritisation processes and performance targets for handling appeals about incorrect assessments of age. However, we have decided to extend the measure to providers of large general search services (excluding vertical search services) and all multi-risk search services because we consider it important that users of search services have access to redress if their age is incorrectly assessed and that those search providers are equipped to handle large volumes of appeals. These changes will bring these measures into alignment with our other complaints measures.
- 16.298 As such:
- Providers of services likely to be accessed by children that are large user-to-user services,<sup>1433</sup> large general search services<sup>1434</sup> and/or multi-risk for content harmful to children should have prioritisation processes and performance targets for handling appeals about incorrect assessments of age. This is set out in Measures PCU D11 and PCS D11.
  - Providers of user-to-user and search services which are smaller and low risk or single risk and providers of large vertical search services that are low risk or single-risk should address appeals promptly. This is set out in Measures PCU D12 and PCS D12.
- 16.299 This segmentation now ensures all service providers who implement age assurance, whether they are in scope of our age assurance measures or choose to use it voluntarily, should use the information from appeals about incorrect assessments of age to ensure their age assurance methods are working effectively. We have also introduced this for search service providers with equivalent duties.

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<sup>1432</sup> Refer to Section 8, Volume 3 for further detail on how this may have an impact on service providers' obligations to protect children online.

<sup>1433</sup> The arguments for applying this and other measures to large, low-risk services are explained in more detail in Section 10.

<sup>1434</sup> As set out in Section 15, our analysis suggests the risks of content harmful to children on vertical search service providers are relatively low, and given these lower risks, the volume and complexity of complaints received by such providers is likely to be much smaller than for general search service providers.

## Appeals relating to content that has been determined as harmful to children

16.300 We consider that providers of large user-to-user services, providers of large general search services and providers of services which are multi-risk for content harmful to children are likely to receive a high volume of appeals about various types of content that may be harmful to children. Without clear prioritisation and performance targets, they may struggle to respond effectively to such appeals. We consider that the benefits of adopting a prioritisation framework and setting and monitoring performance targets for these service providers are therefore sufficiently important for them to incur the costs of doing so.<sup>1435</sup> This is set out in Measures PCU D8 and PCS D8. For providers of user-to-user and search services that are smaller and low risk or single-risk, and providers of large vertical search services that are low risk or single-risk, we expect the volume and variety of complaints which are appeals to be lower. Therefore, we do not consider it necessary that such providers implement prioritisation frameworks or performance targets, as the costs involved would outweigh the potential benefits. Instead, we consider it to be sufficient and proportionate for such providers to address complaints promptly. This is set out in Measures PCU D9 and PCS D9. We consider this the minimum requirement for compliance with their duty under the Act.

### Overall segmentation of this measure

- 16.301 We set out that providers of all user-to-user and all search services likely to be accessed by children should take appropriate action when they receive appeals.
- 16.302 We also apply specific measures regarding appeals about content that has been determined as harmful to children and appeals about incorrect assessment of a user's age for providers of user-to-user and search services that are large (excluding large vertical search services) and/or multi-risk for content harmful to children:

Number in the Code	Measure	Who should implement this measure
PCU D8 PCS D8	Appropriate action for relevant complaints which are content appeals – Providers should set performance targets and resource itself to give effect to those targets	<ul style="list-style-type: none"><li>Providers of services that are multi-risk for content harmful to children</li><li>Providers of large user-to-user services</li><li>Providers of large general search services<sup>1436</sup></li></ul>
PCU D9 PCS D9	Appropriate action for relevant complaints which are content appeals – Providers should determine appeals promptly	All services others than those covered by PCU D8 and PCS D8 <sup>1437</sup>

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<sup>1435</sup> The arguments for applying this and other measures to large, low-risk services are explained in more detail in Section 10.

<sup>1436</sup> Excluding vertical search services.

<sup>1437</sup> This means the measures should apply to: Providers of user-to-user and search services that are neither large, nor multi-risk for content harmful to children.

PCU D10 PCS D10	Appropriate action for relevant complaints which are content appeals – action following determination	Providers of all user-to-user and all search services
PCU D11 PCS D11	Appropriate action for age assessment appeals – Providers should set performance targets and resource itself to give effect to those targets	<ul style="list-style-type: none"> <li>• Providers of services that are multi-risk for content harmful to children</li> <li>• Providers of large user-to-user services</li> <li>• Providers of large general search services<sup>1438</sup></li> </ul>
PCU D12 PCS D12	Appropriate action for age assessment appeals – Providers should determine complaints promptly	All services others than those covered by PCU D11 and PCS D11 <sup>1439</sup>

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<sup>1438</sup> Excluding vertical search services.

<sup>1439</sup> This means the measures should apply to: Providers of user-to-user and search services that are neither large, nor multi-risk for content harmful to children.

# 17. Recommender systems on user-to-user services

## What is this section about?

Recommender systems are central to how user-generated content is disseminated across user-to-user services. Their purpose is to enhance the user experience by matching users to content that is likely to be of interest, increasing engagement on a service.

- However, recommender systems can contribute to the amplification of harmful content and be a significant pathway for children to encounter harmful content. The Recommender Systems measures in this section create a safer online experience for children and ensure that content indicated potentially to be harmful is not recommended to them.

## What decisions have we made?

Number in the Codes	Recommended measure	Who should implement this
PCU E1	Ensure content recommender systems are designed and operated so that content indicated potentially to be PPC is excluded from the recommender feeds of children	Providers of user-to-user services: <ul style="list-style-type: none"> <li>• for which a child-accessible part of the service has a content recommender system; and</li> <li>• are medium or high risk for one or more specific kinds of PPC</li> </ul>
PCU E2	Ensure content recommender systems are designed and operated so that content indicated potentially to be PC or NDC is excluded or given a low degree of prominence in the recommender feeds of children	Providers of user-to-user services: <ul style="list-style-type: none"> <li>• for which a child-accessible part of the service has a content recommender system; and</li> <li>• are medium or high risk for one or more specific kinds of PC (other than bullying content) and/or NDC</li> </ul>
PCU E3	Enable children to give negative feedback on content that is recommended to them which is taken into account in how content is recommended to them	Providers of large user-to-user services: <ul style="list-style-type: none"> <li>• for which a child-accessible part of the service has a content recommender system; and</li> <li>• are medium or high risk for two or more specific kinds of content harmful to children (excluding bullying content)</li> </ul>

### Why have we made these decisions?

These measures seek to help providers of services with content recommender systems reduce the likelihood of children encountering harmful content via their recommender feeds.

All providers of user-to-user services that have content recommender systems will need to put measures in place to mitigate the risk of recommending harmful content to children and to give children more control over the content they are recommended.

## Introduction

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- 17.1 Recommender systems are a form of artificial intelligence used to curate personalised content feeds on user-to-user services and can be a primary method for users' to organically discover other users' content. Recommender systems are designed to match users with content that is likely to be of interest to them in order to engage users with more content and keep them engaged over a longer period of time. They can achieve this by learning about a user's behaviours and preferences to inform future recommendations. For many service providers, recommender systems are essential for providing users with a selection of appealing and relevant content from the vast amount of content uploaded to their service.
- 17.2 While content recommender systems can be an engaging way for users to interact with new content, and in some cases allow users to have a safer experience online, they can also be a mechanism for harm if children are recommended harmful content. Evidence set out in our Children's Register of Risks (Children's Register) demonstrates that recommender systems can act as a pathway for children to encounter harmful content, including primary priority content (PPC), priority content (PC) and non-designated content (NDC).<sup>1440</sup>
- 17.3 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we proposed three measures to help providers of services with recommender systems reduce the likelihood of children encountering harmful content on their recommender feeds. The measures focus on changes to the design of services' recommender systems to protect children from harm online and deliver materially better outcomes for children.
- 17.4 This section sets out a summary of the stakeholder feedback we received in response to our proposals, an updated assessment of impacts, and the decisions we have made.
- 17.5 References to 'recommender systems' throughout this section should be understood to refer only to content recommender systems and user recommender feeds. See Volume 5, Annex 7 Glossary, for more information and a detailed definition.

## What are the requirements of the Act?

- 17.6 The Online Safety Act 2023 (the Act) requires providers of user-to-user services to take or use proportionate measures relating to their design or operation of the service to effectively mitigate and manage the risks of harm to children in the UK, and to mitigate the

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<sup>1440</sup> Refer to Section 16 of the [Children's Register](#) for a detailed explanation of how recommender systems work and how they can pose a risk to children. See also the relevant recommender systems sub-sections for each of the PPC, PC and NDC harms for more info.

impact of harm to children, presented by content that is harmful to them.<sup>1441</sup> It also requires providers of user-to-user services to operate their service using proportionate systems and processes designed to prevent children of any age from encountering PPC, and protect children in age groups judged to be at risk of harm from encountering other content that is harmful to children, including PC and NDC.<sup>1442</sup> The duties set out above require providers of user-to-user services to take, or use, proportionate measures in the design of functionalities, algorithms and other features and functionalities allowing for control over content that is encountered, especially by children.<sup>1443</sup>

## Interaction with Illegal Harms

- 17.7 Our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement) did not have equivalent recommender systems measures to the measures discussed in this section.
- 17.8 We are considering the evidence base for potential new measures on recommender systems and illegal content in addition to measures on automated content moderation. We plan to publish our consultation on these measures in the coming months.

## Summary of stakeholder feedback on our approach proposed at consultation

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- 17.9 This section outlines stakeholder feedback on our proposed package of recommender systems measures and the decisions we have taken.

## The role of recommender systems

### Our proposals

- 17.10 In our May 2024 Consultation, we outlined the risks of recommender systems, including how “engagement-based design” (i.e. designing recommender systems to maximise users’ engagement with content) can risk exposing children to more harmful content.

### Summary of responses

- 17.11 Many service providers suggested we should explicitly acknowledge that recommender systems are not inherently harmful to users and can be used as a tool to create safer experiences for users.<sup>1444</sup>

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<sup>1441</sup> Section 12(2)(a) and (b) of the Act. As outlined in the Act, these measures should only apply to the design or operation of the service in, or users in, the UK. For brevity, in this section we refer to ‘users’ rather than ‘United Kingdom users’. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>1442</sup> Section 12(3)(a) and (b) of the Act. As outlined in the Act, these measures should only apply to the design or operation of the service in, or users in, the UK.

<sup>1443</sup> Section 12(8)(b) and (f) of the Act.

<sup>1444</sup> Google response to May 2024 Consultation, pp.38-39; [§<]; Meta response to May 2024 Consultation, p.4; techUK response to May 2024 Consultation, p.22; TikTok response to May 2024 Consultation, pp.9-10. Stakeholders suggested we make such an acknowledgment in our Recommender Systems measures and in the Children’s Register.

- 17.12 TikTok explained its recommender systems ensure young users see relevant, diverse and age-appropriate content<sup>1445</sup> and [X].<sup>1446</sup> Samaritans agreed that recommender systems could promote and increase the likelihood of users finding helpful content, if service providers adopt a safety by design approach.<sup>1447</sup>

### Our decision

- 17.13 We have considered this stakeholder feedback and have decided not to make a change to the measures proposed at consultation. We recognise that, depending on how they are designed, recommender systems can in some cases support positive outcomes for children, while in other cases being a significant pathway to harm. For example, recommender systems can promote positive engagement by disseminating entertaining or educational content instead of harmful content. We consider that these measures sufficiently illustrate how service providers can design their recommender systems to give children a safer experience online, while still enjoying the benefits of being online.

## Types of recommender systems in scope of the measures

### Our proposals

- 17.14 In our May 2024 Consultation, we outlined that the proposed measures only apply to content recommender systems. We also outlined that the measures do not apply to those systems that underpin search functionalities on a user-to-user service, or network recommender systems that suggest other users to follow or groups to join.

### Summary of responses

- 17.15 Some service providers asked for greater clarity as to which recommender systems are in scope of the measures. Google highlighted that its product ‘Google Photos’ is likely to be of low risk as the content recommender system only recommends an individual’s photos that are stored in their own account.<sup>1448</sup> Similarly, Snap Inc. suggested we clarify which recommender systems would bring a service into scope of Age Assurance measures PCU B6 and PCU B7 (which support our Recommender Systems measures), and argued that the measures should not apply to certain recommender systems depending on their level of sophistication and breadth of source content.<sup>1449</sup>

### Our decision

- 17.16 We have considered this stakeholder feedback and have made some changes to clarify which recommender systems are in scope, as reflected in the definition of ‘content recommender system’ in the Protection of Children Codes (the Codes).<sup>1450</sup> Otherwise we are maintaining the scope of the measures as proposed at consultation.

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<sup>1445</sup> TikTok response to May 2024 Consultation, p.2.

<sup>1446</sup> [X].

<sup>1447</sup> Samaritans response to May 2024 Consultation, p.9.

<sup>1448</sup> Google response to May 2024 Consultation, pp.38-39.

<sup>1449</sup> Snap Inc. response to May 2024 Consultation, p.15. In May 2024 Consultation, we referred to these measures as AA5 and AA6. For ease, we will refer these as PCU B6 and PCU B7 throughout, in alignment with the Protection of Children Codes.

<sup>1450</sup> As defined in Annex 7, Volume 5 and Section 16 of the Children’s Register, a content recommender system is an algorithmic system which determines the relative ranking of an identified pool of content (that includes regulated user generated content) from multiple users on content feeds. Content is recommended based on

- 17.17 In response to Google’s feedback, we can confirm that, as proposed, these measures would not apply to content recommender systems that only recommend a user’s own content from their own private inventory. We understand that photo sharing and storage services may use private or closed content recommender systems to curate personalised ‘albums’ based on specific themes which would be limited to a user’s private content. Such recommendations of a user’s own private content would not meet the definition of user-generated content under the Act if they are not capable of being encountered by another user.<sup>1451</sup>
- 17.18 We have also considered Snap Inc.’s feedback and understand that the extent to which different recommender systems are at risk of disseminating harmful content may vary. In considering whether a service is in scope of this measure, we acknowledge that service providers will need to consider the level of risk of harm to children assessed in their risk assessment of the entire regulated user-to-user service that is likely to be accessed by children, rather than of just any recommender system on the service. We acknowledge that the benefits from these measures could be lower where certain recommender systems are less sophisticated and have narrower source content (and might therefore pose lower risk of harm, depending on context) but we also expect the cost of implementing the measure to be lower in such cases and therefore conclude it remains proportionate. We also understand that providers may be operating more than one recommender system on their service; we expect relevant service providers to apply the measures to every recommender system that meet the definition, both to existing recommender systems that they operate and to any new recommender systems they subsequently deploy, provided they are on parts of the services that are accessible to children.<sup>1452</sup>
- 17.19 In response to stakeholders’ calls for additional clarity with regards to which recommender systems are in scope, we can confirm that the following types of recommender systems are not in scope of the measures:
- Content recommender systems that are employed exclusively in the operation of a search functionality and which suggest content to users in direct response to a search query. Where it is the case that content recommender systems and search functionalities on a user-to-user service are powered by a single algorithmic system, we would expect the content recommender system to be in scope of this measure notwithstanding the underlying relationship with the search functionality.
  - Product recommender systems that are used exclusively for the purpose of recommending “goods and services”. “Product recommender systems” relate to recommender systems that recommend product listings only, for example through marketplaces.

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factors that it is programmed to account for, such as popularity of content, characteristics of a user, or predicted engagement. References to content recommender systems do not include a content recommender system employed exclusively in the operation of a search functionality which suggests content to users in direct response to a search query, product recommender systems or network recommender systems.

<sup>1451</sup> Section 55(3) of the Act.

<sup>1452</sup> The children’s safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

- Network recommender systems that recommend other users to connect with or groups to join.<sup>1453</sup>

## Safety by design and services' business models

### Our proposals

- 17.20 In our May 2024 Consultation, we outlined how service providers should operate their recommender systems so that children's exposure to content likely to be harmful is reduced. In our draft Children's Register, we explained that service providers can be incentivised to design their service to maximise engagement and drive revenue despite risk this poses of exposing children to harmful content.

### Summary of responses

- 17.21 Several stakeholders highlighted perceived limitations of our approach and suggested that focusing on safety by design would be more beneficial.<sup>1454</sup> Some did not think the measures effectively addressed the risk of harm associated with business models and commercial incentives.<sup>1455</sup>
- 17.22 Samaritans raised concerns that the measures mostly focused on content passing through the recommender system rather than the development of the systems. It suggested this means that the safeguards we proposed might only apply after a recommender system presents an issue, which would not be a safety by design approach.<sup>1456</sup> The Center for Countering Digital Hate (CCDH) raised that the focus of the measures is mostly downstream and does not address preventing harmful content before it reaches the feeds of users.<sup>1457</sup> The National Crime Agency (NCA) asked for clarity around the timeframes and minimum standards that providers should have in place to identify PC or PPC in an effective and timely manner.<sup>1458</sup>
- 17.23 The Office of the Children's Commissioner for England and the Canadian Centre for Child Protection (C3P) both raised that recommender systems may increase the risk of addictive behaviour.<sup>1459</sup> The UK Safer Internet Centre (UKSIC) suggested that age assurance measures and designing functionalities to be safe by design, in a way that allows different ages of children to access different content, would help to mitigate the harm caused by recommender functionalities, which are currently designed to be addictive. However, it

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<sup>1453</sup> These clarifications align with the scope of recommender systems for the Illegal Content Codes of Practice, (p.61).

<sup>1454</sup> Office of the Victims' Commissioner for England and Wales response to May 2024 Consultation, p.6; Online Safety Act (OSA) Network (1) response to May 2024 Consultation, pp.32, 38, 40-42; National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) response to May 2024 Consultation, p.19.

<sup>1455</sup> Big Brother Watch response to May 2024 Consultation, pp.5-6, 19; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.6; Online Safety Act Network (OSA Network) (1) response to May 2024 Consultation, pp.32-35; Samaritans response to May 2024 Consultation, p.9; UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, pp.16, 41, 43-45.

<sup>1456</sup> Samaritans response to May 2024 Consultation, p.9.

<sup>1457</sup> Center for Countering Digital Hate (CCDH) response to May 2024 Consultation, pp.7-8.

<sup>1458</sup> National Crime Agency (NCA) response to May 2024 Consultation, p.13.

<sup>1459</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.29; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.69-70.

raised that recommender systems paired with advertising business models can greatly exacerbate the risk of children accessing harmful content online.<sup>1460</sup>

## Our decision

- 17.24 We have considered this stakeholder feedback and have decided not to make any substantive changes to the measures proposed at consultation. However, we have clarified in the measure wording that recommender systems “should be designed and operated” to action content indicated potentially to be harmful, in line with the relevant statutory duties.
- 17.25 We do not agree with stakeholder feedback that the measures are not prioritising a safety by design approach. These measures should ensure that children's recommender systems are safer by default, and that content indicated as potentially harmful does not appear in the recommender feeds of children. We have not set thresholds or timeframes as we expect action to be taken on content as soon as there are sufficient indicators that it may be harmful. This will vary between different pieces of content and between different services, depending on how their recommender systems are designed.
- 17.26 We understand concerns from stakeholders about the risk of addictive behaviour. Increased time spent online can present an increased risk of children being exposed to harmful content on a service.<sup>1461</sup> These measures will help reduce the risk of children being exposed to harmful content, by removing or reducing its prominence in children’s recommender feeds.
- 17.27 In relation to business models, we understand concerns from stakeholders that some services’ business models rely on revenue generated by increased engagement as a result of harmful content on the service. Where services generate revenue in proportion to the number of users they have or the extent of users’ engagement with the service (for instance, advertising revenue and subscription revenue models), the more engaged users are with content, the more revenue services usually make. By excluding content indicated potentially to be PPC from the recommender feeds of children and either excluding or giving a low degree of prominence to content indicated potentially to be PC or NDC, children are less likely to encounter harmful content which they may find engaging. This may then result in children spending less time online. While this may have an impact on service providers’ revenues, we consider this impact to be justified and proportionate because the benefits of protecting children from harm outweigh the potential impacts on service providers. In addition, this impact may be limited because we consider that there is likely to be other engaging, non-harmful content which can be recommended to children instead.

## What children told us

- 17.28 The children we spoke with as part of our deliberative engagement had a good understanding of how engaging with content can lead to similar content being recommended to them.<sup>1462</sup> Some children shared experiences of coming across harmful or unexpected content on their feeds or ending up stuck in a loop of similar content. In this context, children were generally supportive of measures PCU E1 (protecting children from

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<sup>1460</sup> UKSIC response to May 2024 Consultation, pp.13, 16.

<sup>1461</sup> See Section 15 of the Children’s Register for more information.

<sup>1462</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

PPC) and PCU E2 (protecting children from PC and NDC) as ways to help avoid harmful content being recommended to children.

- 17.29 Some children were sceptical about how well harmful content can be detected (based on current and past experiences) and queried whether it was appropriate for different types of harmful content to be treated differently (for example, reduced in prominence rather than removed from feeds).
- 17.30 A few children noted that there could be unintended consequences of over-sheltering older children from harmful content (such that upon turning 18, all protections suddenly cease), with some suggesting a need for a 'gradual' approach for children depending on their age or maturity.
- 17.31 Children were also positive about Measure PCU E3 (provision of negative feedback). Many thought that being able to provide negative feedback to the recommender system was a necessary and important tool. Some children also spoke about using existing tools which express negative feedback on recommended content, suggesting some familiarity with measures similar to PCU E3. We have considered children's feedback in this section alongside that of other stakeholders.

## Measure PCU E1: Content recommender systems: excluding potential primary priority content

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### Introduction

- 17.32 In our May 2024 Consultation, we proposed that providers of user-to-user services that operate recommender systems and are medium or high risk for at least one kind of PPC should adjust the design of their recommender systems to consistently exclude content that is likely to be PPC from recommender feeds for children.<sup>1463</sup> The aim of this proposed measure was to ensure children do not encounter content 'likely to be PPC' in their recommender feeds.<sup>1464</sup> The measure proposed that service providers use highly effective age assurance under PCU B6 to target this measure to children.

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<sup>1463</sup> In our [May 2024 Consultation](#), we referred to this measure as RS1 or PCU F1. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU E1 throughout.

<sup>1464</sup> We proposed to define 'content likely to be primary priority content' as: "regulated user-generated content where, based on relevant available information, there are reasonable grounds to suspect the content may be primary priority content (but the content has not been the subject of a final decision by the service's content moderation function)".

17.33 Many stakeholder responses we received were broadly supportive of our proposals for this measure.<sup>1465</sup> However, some stakeholders raised concerns about the measure, which we have summarised from paragraph 17.46.<sup>1466</sup>

## Our decision

17.34 Having considered responses to our May 2024 Consultation, we have decided to make the following changes to this measure:

- Service providers that prohibit all kinds of PPC can choose to target PCU E1 to children using highly effective age assurance or apply PCU E1 to all users.
- We have provided further clarity on the central concepts of this measure such as the meaning of the ‘precautionary approach’ and ‘relevant available information’.
- We have made changes to the steps service providers should take to implement this measure, to provide clarity and ensure services adopt an approach that prioritises safer experiences online.

17.35 In addition, having considered the measure further since our May 2024 Consultation, we have made the following changes:

- Instead of referring to the content providers should exclude from children’s recommender feeds as “content likely to be PPC”, we now refer to providers excluding “content indicated potentially to be PPC”. This is because we think this framing is more aligned with the original policy intent, namely this should be content where there are indicators (based on relevant available information) that it is potential PPC but it has not already been assessed to be PPC via the service’s content moderation function.
- Finally, we have included additional references in this measure to how this measure applies to content communicated privately and to freedom of expression and privacy safeguards, to clarify how such rights are protected by the measures.

17.36 The full text of the measure can be found in the Protection of Children Codes of Practice for user-to-user services and it is referred to as PCU E1.

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<sup>1465</sup> Centre for Excellence for Children’s Care and Protection (CELCIS) response to May 2024 Consultation, p.16; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.7; Integrity Institute response to May 2024 Consultation, pp.17-18; Molly Rose Foundation response to May 2024 Consultation, pp.37-38; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, pp.60-61; NCA response to May 2024 Consultation, p.13; OSA Network (1) response to May 2024 Consultation, p.31; Welsh Government response to May 2024 Consultation, p.14. On Measure 1, Parenting Focus noted “this measure enhances online safety by reducing children’s exposure to inappropriate material”. Source: Parenting Focus response to May 2024 Consultation, p.31.

<sup>1466</sup> Big Brother Watch response to May 2024 Consultation, p.7; C3P response to May 2024 Consultation, p.27; Google response to May 2024 Consultation, p.35; Information Commissioner’s Office (ICO) response to May 2024 Consultation, p.15; Meta response to May 2024 Consultation, p.30; Molly Rose Foundation response to May 2024 Consultation, pp.37-39; Northeastern University London response to May 2024 Consultation, p.12-14; NSPCC response to May 2024 Consultation, p.61; Snap Inc. response to May 2024 Consultation, pp.16, 21.

## How this measure works

- 17.37 Service providers in scope of this measure should design and operate their recommender systems to exclude content indicated potentially to be PPC from the recommender feeds of children.<sup>1467</sup>
- 17.38 Service providers should take at least the following steps to exclude content indicated potentially to be PPC from children's recommender feeds:<sup>1468</sup>
- identify what 'relevant available information' exists;<sup>1469</sup>
  - design the content recommender system so as to take appropriate account of that 'relevant available information'; and
  - ensure the content recommender system operates so that content indicated potentially to be PPC is excluded from children's recommender feeds.

## How this measure protects children

- 17.39 Ofcom research has shown that recommender systems can act as a significant pathway to harm. For example, evidence Section 2 of the Children's Register details how children can be recommended sexual content (including pornographic content) via recommender systems. In Section 3 of the Children's Register, we outline evidence which suggests children can encounter suicide or self-harm content unintentionally via recommender systems. Finally, Section 4 of the Children's Register provides evidence which explains how recommender systems are also a risk factor for encountering eating disorder content.
- 17.40 In addition to accidental or unintentional exposure to harmful content, Section 16 of the Children's Register explains how recommender systems can also lead to a potential rabbit hole effect where engagement with certain topics can, over time, lead to recommendations of content which is more extreme in nature. There is also a potential cumulative impact and risk of harm which can amount from the sustained exposure to suicide, self-harm, and eating disorder content by means of recommender systems.<sup>1470</sup>
- 17.41 This measure should reduce the risk of children accidentally or unexpectedly encountering content indicated potentially to be PPC and also mitigate the risk that children are recommended more harmful content after seeking it out. This will reduce the risks associated with continuous exposure and ongoing engagement with potentially harmful content.
- 17.42 Other measures in the Codes focus on taking action on content that has been confirmed to be PPC.<sup>1471</sup> However, we understand that it may take time for action to be taken on harmful

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<sup>1467</sup> Where we refer to 'the recommender feeds of children' or 'children's recommender feeds' throughout this section, we mean the recommender feeds of users who have not been established to be adults using highly effective age assurance. We have called these 'relevant users' in the Code itself.

<sup>1468</sup> See paragraph 17.52 for our explanation of 'relevant available information' and how this relates to 'a precautionary approach'.

<sup>1469</sup> See the Protection for Children Codes for more information on the definition of relevant available information.

<sup>1470</sup> For more detail, refer to Section 16 of the Children's Register. See sub-sections: 'Recommender systems present a risk of harm to children' and 'How recommender systems work and why they pose a risk'.

<sup>1471</sup> We note Section 14, on Content Moderation, includes the likelihood that content is PPC, PC or NDC as one of the factors that should be taken into account when preparing a policy on the prioritisation of content for review, in accordance with Measure PCU C5.

content in the content moderation pipeline. Furthermore, harmful content may not go into the content moderation pipeline at all unless reported by a user. Until content has been confirmed as harmful, it often remains available on recommender feeds meaning children are able to encounter it, potentially in high volumes. We also understand there can be challenges to moderating content harmful to children at scale. Where PPC is not quickly identified after being uploaded, there is a risk that it will be recommended to children in potentially significant volumes.<sup>1472</sup> PCU E1 is intended to bridge this gap, by reducing the risk of children encountering content indicated potentially to be PPC as a precautionary measure without relying on a prior content moderation decision.<sup>1473</sup>

- 17.43 We therefore consider our ‘precautionary approach’ to PCU E1 is effective as it will reduce the harmful impacts of accidental or unintentional exposure to content indicated potentially to be PPC as well as the harm which arises from children encountering such content in large volumes. This should help to break the cycle of children being recommended harmful content, even when not seeking it out.

## Stakeholder feedback and our response

### ‘Precautionary approach’ and use of ‘relevant available information’

#### Our proposals

- 17.44 In our May 2024 Consultation, we proposed service providers should take a ‘precautionary approach’ to not recommending content likely to be harmful or reducing the prominence of content likely to be harmful in children’s recommender feeds. We explained that this meant providers should exclude content when they have sufficient indications that the content may be harmful to children, even if it has not yet been identified and confirmed as PPC through the provider’s content moderation process. We referred to this content as “content likely to be PPC”.
- 17.45 We explained in our consultation that providers should use ‘relevant available information’ to determine whether content is likely to be PPC. ‘Relevant available information’ was defined as any kind of information or signal that a service provider already has that could act as an indicator for the recommender system to determine the appropriateness of content for recommendation to children. The use of ‘relevant available information’ for this purpose was intended to prioritise safer experiences online and ensure that service providers take a ‘precautionary approach’. We also provided some examples of the type of information that might be ‘relevant available information’.

#### Summary of responses

- 17.46 Several stakeholders supported our proposal that providers should take a ‘precautionary approach’ when deciding whether to exclude or reduce the prominence of content in children’s recommender feeds for the Recommender Systems measures.<sup>1474</sup> The Integrity Institute agreed that providers should use ‘relevant available information’ to take a

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<sup>1472</sup> For more detail, refer to the Governance, systems and processes sub-section (7.11) of Volume 3 in the Statement: protecting children from harms online.

<sup>1473</sup> See Section 14 for information on Content Moderation measures. If the service’s content moderation function reviews content indicated potentially to be primary priority content and determines it not to be relevant primary priority content in accordance with PCU C1.3, this Measure, PCU E1 will no longer apply to that content.

<sup>1474</sup> NSPCC response to May 2024 Consultation, p.61; Welsh Government response to May 2024 Consultation, p.14. The ‘precautionary approach’ applies to Measures PCU E1 and PCU E2.

‘precautionary approach’. It suggested that it was essential for providers to make use of this information “to ensure that the various signals boosting content, such as classifiers predicting engagement or quality, do not amplify harmful content”.<sup>1475</sup>

- 17.47 Snap Inc. said it appreciated the “built-in flexibility in allowing platforms to use all ‘relevant available information’ to identify content likely to be harmful, rather than a “rigid standard”, but noted it would be helpful to have further guidance on the extent to which providers need to take into account ‘relevant available information’ to secure the outcome of the measures. It also raised that user complaints can sometimes be inaccurate and that it is not always proportionate to rely on them as signals of harmful content. Additionally, it did not think ‘negative feedback’ should be considered as ‘relevant available information’ unless it has been confirmed to be harmful by content moderation systems, as negative user feedback can sometimes reflect personal preference rather than indicating harm.<sup>1476</sup>
- 17.48 Meta Platforms Inc. raised that service providers should retain flexibility with regards to the best ways to tackle the outcomes of this measure within the current technological environment.<sup>1477</sup>
- 17.49 The Molly Rose Foundation said it strongly supported our focus on the risks associated with recommender systems. However, it raised concerns that the effectiveness of the measures would be undermined by their reliance on ineffective content identification processes. It suggested there was a tension between the ‘precautionary approach’ and “highly prescriptive and restrictive measures that are actually set out”.<sup>1478</sup> The National Society for the Prevention of Cruelty to Children (NSPCC) also noted that this measure is partly dependent on a service’s content moderation system.<sup>1479</sup>

#### **Our decision**

- 17.50 We have considered this stakeholder feedback and have decided to maintain the position we proposed in our May 2024 Consultation. In response to the points raised by stakeholders, we are providing more detail and clarifying how we expect providers to take a ‘precautionary approach’ and consider ‘relevant available information’.
- 17.51 In response to feedback from the Molly Rose Foundation and the NSPCC, we confirm this measure is not reliant on the speed or efficacy of a service’s content moderation system as service providers should be taking a ‘precautionary approach’. Taking a ‘precautionary approach’ for this measure means we expect service providers to configure their systems and processes so that they use ‘relevant available information’ to exclude content where there are sufficient indicators it may be PPC.<sup>1480</sup> Taking a ‘precautionary approach’ also means that providers should act even if their content moderation functions have not yet determined the content to be harmful, or where the content may not have entered the content moderation pipeline.<sup>1481</sup> This could also include (but is not limited to) content in the

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<sup>1475</sup> Integrity Institute response to May 2024 Consultation, pp.17-18.

<sup>1476</sup> Snap Inc. response to May 2024 Consultation, p.21.

<sup>1477</sup> Meta response to May 2024 Consultation, p.30.

<sup>1478</sup> Molly Rose Foundation response to May 2024 Consultation, pp.37-39.

<sup>1479</sup> NSPCC response to May 2024 consultation, p.61.

<sup>1480</sup> We are now referring to “content indicated potentially to be” PPC, PC and NDC for the purpose of PCU E1 and PCU E2 instead of “content likely to be” PPC, PC and NDC. This change was made to make it clearer that for the purpose of these measures, this type of content is not content that is being or has been assessed to be PPC, PC or NDC under the content moderation measures in Section 14.

<sup>1481</sup> See Measures PCU E1 and PCU E2.

content moderation pipeline which is suspected to be PPC but is awaiting further review. As we explain further in the discussion of how Measure PCU E1 protects children in paragraphs 17.39-17.43, this approach means the recommender systems measures offer further protections to children, complementary to those provided by our Content Moderation measures discussed in Section 14.

- 17.52 By ‘relevant available information’, we mean any type of information or signal that is reasonably available from the operation of the service and that a recommender system can use as an indicator to determine whether content is harmful to children. All service providers are expected to have existing sources of relevant information. Providers should make use of the relevant information that is available to them, which may vary by service. Depending on how the recommender system is designed and configured, providers could use any of the following as ‘relevant available information’: content metadata,<sup>1482</sup> content labels or tags,<sup>1483</sup> suspicious sources,<sup>1484</sup> user feedback<sup>1485</sup> (including explicit negative feedback provided by children under Measure PCU E3) or user reports including those from trusted flaggers.<sup>1486</sup> This is a non-exhaustive list of examples based on our understanding of relevant information typically available. Service providers may choose to introduce additional ways to gather relevant information that content may be harmful, but this is not specified as part of this measure. Inferring whether content may be harmful from a range of signals is likely to be more effective than relying on a single source of information. We expect service providers to use a combination of indicative signals available to them to determine whether content is harmful to children.
- 17.53 We acknowledge concerns raised by Snap Inc. that signals such as user reports or negative feedback on their own may be imperfect indicators of harm. However, we expect service providers to have a variety of existing sources of relevant information, which they should use in the implementation of this measure. Service providers have discretion over how to design and operate their content recommender systems to take account of all ‘relevant available information’ to meet the objectives of the measures. It is for providers to design their recommender systems to assess whether content may be harmful based on the range of information they have available to them.
- 17.54 We also acknowledge that, under this ‘precautionary approach’, some ultimately non-harmful content could also be excluded from or given a low degree of prominence in children’s (or children’s and adults’<sup>1487</sup>) recommender feeds. However, we consider that

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<sup>1482</sup> Content metadata is the descriptive information about the content itself which can include various attributes that provide context, structure, and insights into the content, such as type (for example, text, image, video), caption, hashtags, mentions, and engagement (for example, likes, shares, and view counts).

<sup>1483</sup> Content labels or tags are visual and/or textual information to categorise content. These may include moderation labels (such as ‘misinformation’, ‘harmful’, ‘political’), discoverability (such as ‘sponsored’, ‘trending’), and accessibility (such as ‘trigger warning’).

<sup>1484</sup> Suspicious sources are accounts or sources that have a high number of content reports and exclusion associated with them. The recommender system may treat content from such accounts as potentially harmful or violative.

<sup>1485</sup> User feedback is the various types of data that helps the recommender systems learn about users’ preferences, behaviour, and interactions with content.

<sup>1486</sup> Trusted flaggers are individuals, NGOs, government agencies, and other entities that have demonstrated accuracy and reliability in flagging content that violates a platform’s terms of service. As a result, they often receive special flagging tools such as the ability to bulk flag content.

<sup>1487</sup> This will depend on whether the services prohibit PPC, PC, or NDC and use highly effective age assurance to target the measure to children or apply the measure to all users.

there are sufficient protections in place, including the right of users to make a complaint under the Act about freedom of expression or privacy implications, to mitigate against this.<sup>1488</sup> Moreover, many service providers may conduct on-platform testing of their recommender systems about the efficacy and accuracy of their signals and to ensure effectiveness of their design changes.

- 17.55 The feedback we received and decisions we have reached on the ‘precautionary approach’ and ‘relevant available information’ are also relevant for PCU E2, see paragraphs 17.136-17.141.

## Age assurance

### Our proposals

- 17.56 In our May 2024 Consultation, we proposed that service providers in scope of PCU E1 should use highly effective age assurance, in line with PCU B6, to secure the outcome of the measure for children.

### Summary of responses

- 17.57 Snap Inc. asked us to clarify whether there was an option to apply the recommender systems measures to all users, rather than require services to implement the Age Assurance measures to target the recommender system measures only to children’s feeds.<sup>1489 1490</sup> [X].<sup>1491</sup>

### Our decision

- 17.58 We have considered this feedback and have decided to change the measure such that where a service provider prohibits the type(s) of content harmful to children for which it has a medium or high risk, it should have the option of applying Measure PCU E1 to all users.
- 17.59 As such, if a service provider prohibits all kinds of PPC that it is medium or high risk for, it should apply PCU E1 to all users, or it should use highly effective age assurance to apply the measure to all users, other than those determined to be an adult.
- 17.60 We are not changing the measure for service providers where they do not prohibit the type of content harmful to children for which they have a medium or high risk. If a service provider does not prohibit all kinds of PPC that it is medium or high risk for it should apply highly effective age assurance to target PCU E1 to children (see Measure PCU B6).
- 17.61 We consider providing services with the option to apply the Recommender Systems measures to all users where services prohibit all kinds of PPC that they are medium or high risk for will result in a safer experience for all users, in line with the providers’ terms of services. We consider that even where a service prohibits PPC/PC/NDC in its Terms of Service, children may still encounter PPC/PC/ NDC as some users may still post/share these types of content. We would expect services to take the appropriate relevant actions under our Content Moderation and Recommender Systems measures to prevent and/or protect users from encountering harmful content even where that content is prohibited by the service. This change also gives service providers more flexibility in the way that they

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<sup>1488</sup> Sections 22 and 33 of the Act provide for complaints about failing to comply with the duty to have regard to the right to freedom of expression and the right to privacy.

<sup>1489</sup> See Section 13, Measures PCU B6 and PCU B7.

<sup>1490</sup> Snap Inc. response to May 2024 Consultation, p.16.

<sup>1491</sup> [X].

implement the measures. If service providers choose to apply the protection to all users, they should secure the outcomes outlined in the measures for all users, including children. While this change may reduce the number of service providers implementing age assurance for the purposes of these measures, we do not consider that this will result in a reduction in children's safety. However, we recognise these changes may result in service providers choosing to exclude content indicated potentially to be harmful under a 'precautionary approach' from adults' feeds. We address the impacts of this and why we consider it is proportionate in the 'rights assessment' section at paragraphs 17.80.

- 17.62 We have decided not to change the measure for service providers who do not prohibit content harmful to children. Services that do not prohibit all types of PPC that they are at medium or high risk for should implement highly effective age assurance and target the measures at children in line with Measure PCU B6 (see Section 13 for more information). We have taken this decision because, where a type of content harmful to children is not prohibited on a service, our assessment is that the adverse impact on the freedom of expression of adult users could be significant if they were prevented from seeing such content. By ensuring users have a means of establishing they are an adult means that they will therefore be able to access content on their recommender feeds that is permitted on the service.

## Impacts on service providers

### Our position at consultation

#### Direct costs of implementation

- 17.63 In order to exclude content indicated potentially to be PPC from the recommender feeds of children, providers may incur costs related to implementing the steps we have outlined for the measure (see paragraphs 17.37-17.38 of 'How this measure works'). In our May 2024 Consultation, we estimated that this would entail one-off direct costs between £13,000 to £80,000 to implement the measure and ensure its effectiveness.<sup>1492</sup> We also estimated maintenance costs approximately between £3,000 to £20,000 per annum, which captures the ongoing costs to ensure that it continues to function as intended, such as observing additional variables in product management to see how the measure is performing.
- 17.64 There may be additional business oversight and coordination costs such as review, communication, and legal processes. We noted that we would expect these costs to be largely correlated with the size of the company, but did not have sufficient information to be able to quantify them.
- 17.65 We also noted that the existing design of the recommender system will have an impact on the cost of this measure for a given service provider. It is likely to be higher where systems are complex (for instance, serving more users in more languages). Many service providers have already designed their recommender system to ensure that certain types of content are not recommended, and implementing this measure may only involve targeted design adjustments where a provider already has the infrastructure in place.
- 17.66 The implementation of Measures PCU E1 and PCU E2 could be undertaken jointly by service providers in scope of both measures, and result in some overlaps. However, as there is a high degree of uncertainty about the degree and variation of the overlap of costs of the two

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<sup>1492</sup> Although we have drawn on available evidence and expert input, our quantitative estimates of costs should be interpreted as indicative.

measures for different services, we have not quantified any estimated cost reduction from implementing these measures simultaneously.<sup>1493</sup>

#### Costs related to age assurance

- 17.67 In our May 2024 Consultation, we set out the estimated costs incurred by a service implementing highly effective age assurance. These costs are set out in our discussion of Measures PCU B6 and PCU B7 in Section 13 and we set out indicative age assurance costs for providers of services of different sizes in the cost annex.<sup>1494</sup>
- 17.68 There may also be costs associated with integrating the age information from the age assurance process into the recommender system, so that the outcome of the measure is secured for children. We estimated that the one-off cost of this could be between £9,000 to £36,000, with annual maintenance costs approximately between £2,000 to £9,000.<sup>1495</sup>
- 17.69 There will also be some limited costs to update relevant parts of the user interface or settings related to the interaction between age assurance and the recommender system (for example, messages to inform users that they need to complete an age check to unlock a recommender feed that does not have this measure applied).
- 17.70 We provided flexibility for service providers in their use of highly effective age assurance, which does not necessarily require age checks on all users.<sup>1496</sup>

#### Indirect costs to services

- 17.71 In our May 2024 Consultation, we recognised that this measure may have an indirect cost on service providers if it reduces engagement and therefore revenue.<sup>1497</sup> To the extent that not recommending PPC to children leads to a loss of revenue for a provider, we consider this entirely justifiable. While some other non-harmful content may also not be recommended because of this measure, we expect that services will typically have a wide variety of content that can be recommended to maintain engagement and mitigate any adverse impacts.
- 17.72 There may also be countervailing benefits of this measure to service providers where users feel safer on the service and where a reduced prevalence of harmful content makes advertisers more comfortable advertising next to content in the recommender feed.

#### Summary of responses

- 17.73 We did not receive stakeholder feedback on the direct or indirect costs of this specific measure.
- 17.74 We received feedback on the costs of age assurance. We have responded to this in Section 13, and the estimated costs of age assurance are set out in the annex on economic

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<sup>1493</sup> For a fuller description of our assessment of the impact on services, see paragraphs 20.70 to 20.90 in our May 2024 Consultation.

<sup>1494</sup> See Section 13, sub-section 'Impacts on service providers' for Measures PCU B6 and PCU B7.

<sup>1495</sup> Costs related to age assurance and integrating this information into the recommender system may also be incurred due to Measures PCU E2 and/or PCU E3. However, we note that they only need to be incurred once if a service provider is in scope of multiple measures.

<sup>1496</sup> For a fuller description of our assessment of the impact on services, see paragraphs 20.70 to 20.90 in our May 2024 Consultation.

<sup>1497</sup> See Section 14 of the Children's Register.

assumptions and analysis.<sup>1498</sup> We did not receive feedback on the costs of linking age assurance to recommender systems.

- 17.75 As discussed in paragraph 17.57, we received feedback on our recommendation for service providers to use highly effective age assurance to target this measure at children.

#### **Our decision**

- 17.76 We have updated our assessment of the impacts of this measure on service providers to reflect the change we have made to this measure on the use of highly effective age assurance. Other than this, our assessment is unchanged from that set out at consultation.<sup>1499</sup>
- 17.77 As described in paragraphs 17.58-17.62, having considered stakeholder feedback we have decided to give flexibility to service providers that prohibit PPC<sup>1500</sup> to choose to apply this measure to all users or use highly effective age assurance to target the measure at children.<sup>1501</sup>
- 17.78 Service providers who choose to apply this measure to all users will not incur costs related to highly effective age assurance or integrating the age information from the age assurance process into the recommender system. This means that content is excluded from recommender feeds of all users when ‘relevant available information’ indicates it may be PPC. We consider it reasonable for a service provider to exercise its discretion and choose this approach where PPC is prohibited for all users of the service. At the same time, we recognise that applying this measure to all users might be more costly in some cases, either from a technical perspective or due to indirect costs. Service providers, who understand their services and costs, will be able to choose the more cost-effective of the two options for implementing the measure to achieve the intended safety outcome. Where providers choose to target the measure at children instead of applying to all users, they should ensure the measure is applied unless a user is determined to be an adult using highly effective age assurance.
- 17.79 Service providers who do not prohibit one or more kinds of PPC that they are medium or high risk for should use highly effective age assurance to target this measure at children, as per Age Assurance Measure PCU B6 (see Section 13). These providers will also be in scope of Measure PCU B4<sup>1502</sup> which recommends highly effective age assurance, and so the costs of age assurance are already incurred due to that measure.<sup>1503</sup> The only incremental cost related to age assurance incurred due to Measure PCU E1 are the costs of integrating the age information from the age assurance process into the recommender system.

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<sup>1498</sup> Section 13 and Volume 5, Annex 3, Further detail on economic assumptions and analysis.

<sup>1499</sup> See Annex 3, Volume 5, for more information on our assessed labour costs.

<sup>1500</sup> Those that prohibit all types of PPC for which they are high or medium risk.

<sup>1501</sup> Details of stakeholder feedback and further discussion in the ‘Age assurance and recommender systems’ sub-section.

<sup>1502</sup> Use of highly effective age assurance to ensure that children are protected from encountering PPC identified on the service.

<sup>1503</sup> See Section 13.

## Rights

### Freedom of expression and freedom of association

- 17.80 As explained in Volume 1, Section 2,<sup>1504</sup> Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. As with Article 10, Article 11 of the ECHR sets out the right to associate with others. Both are qualified rights, and Ofcom must exercise its duties under the Act in a way that does not restrict these rights unless satisfied that it is necessary and proportionate to do so.

### Summary of responses

- 17.81 Big Brother Watch raised concerns about Ofcom's approach to 'recovery content', noting that in the introduction to Section 7.2 of the draft Children's Register we acknowledge that "content that appears to be recovery focused but may contain characteristics or appear in contexts that can be harmful to children". Quoting this, Big Brother Watch expressed concerns about the ability of moderation to distinguish between 'recovery' content and content harmful to children, which in turn may result in the "removal of the majority of recovery content, out of an abundance of caution".<sup>1505</sup>
- 17.82 Northeastern University London referenced how natural language processing recommender systems and content moderation have limitations in distinguishing between harmful and beneficial content.<sup>1506</sup>
- 17.83 Google suggested the implementation of the recommender systems measures will inevitably require automated technology. It notes that this will be particularly challenging where subjective content categories are interpreted broadly.<sup>1507</sup>
- 17.84 Google also raised concerns that as a package of codes, the measures appear to apply equally to private and public communications. It referenced the Schedule 4 principles which mandate that proactive technology measures can only be recommended for public communications, not private communications.<sup>1508</sup>

### Our final rights assessment

- 17.85 In our May 2024 Consultation, we considered that this measure had the potential to significantly interfere with individuals' rights to both freedom of expression and freedom of association. We also considered that there was the potential to interfere with service providers' rights to freedom of expression. However, we concluded that the impact by the proposed measure on users' and service providers' rights to freedom of expression and association was proportionate. Having considered the feedback from stakeholders and the changes made to the measure, we consider that although the measure's interference with users' and service providers' rights to freedom of expression and association may be significant, it is nevertheless proportionate and will secure positive benefits for children.
- 17.86 We recognise that this measure has the potential to interfere with users' rights to freedom of expression and association where content is excluded from recommender feeds such that it is no longer accessible to users on that part of a service. We also note that this

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<sup>1504</sup> Volume 1, Section 2.

<sup>1505</sup> Big Brother Watch response to May 2024 Consultation, p.7.

<sup>1506</sup> Northeastern University London response to May 2024 Consultation, pp.12-14.

<sup>1507</sup> Google response to May 2024 Consultation, p.35.

<sup>1508</sup> Google response to May 2024 Consultation, p.21.

measure recommends the exclusion of content from the recommender feeds of users where ‘relevant available information’ indicates it to potentially be PPC. There may be a risk of error in using such methods to determine whether content should be excluded from recommender feeds, and this may lead to more significant interferences with users’ rights where non-harmful content is mistakenly excluded. We recognise Big Brother Watch’s concerns that, where non-harmful content is excluded from recommender feeds as a result of the implementation of this measure, this could include ‘recovery content’. However, the measures do not explicitly apply to ‘recovery content’ but rather to content where ‘relevant available information’ indicates that it is potentially PPC. Service providers have flexibility in what kinds of signals are used for this purpose but are recommended to design and operate their recommender systems using a ‘precautionary approach’ that takes into account all information that is relevant and reasonably available about whether content may be harmful. The ‘precautionary approach’ is clarified in paragraphs 17.50-17.55. While we acknowledge there will not be a clear-cut threshold for determining whether content is indicated to be potentially PPC or not, including whether it is ‘recovery’ content, we consider the ‘precautionary approach’ set out in the measures is appropriate and proportionate for protecting children from harm, especially given the risk of recommender feeds being a significant pathway for children to encounter PPC.

- 17.87 We also note that this measure recommends the exclusion of content from the recommender feeds of children, which we recognise may have a more significant impact on freedom of expression than where the relevant action permitted the content to remain on recommender feeds but with a lower degree of prominence. However, we consider that this impact may be mitigated where content is subsequently reviewed by a provider’s content moderation function and is determined not to be PPC. In such circumstances, the content could then be reinstated to users’ recommended feeds, which in turn minimises the interference with rights to freedom of expression.
- 17.88 In response to Google’s concerns, we recognise the variety of recommender systems that are currently in use across many different services, which differ in reach, complexity, and size. These measures do not prescribe any specific method for making design adjustments to the recommender systems that service providers already have in place. To a certain extent, we understand any service provider with a recommender system will already be reliant on artificial intelligence and automation tools to serve recommendations to users.
- 17.89 Having considered feedback from Google regarding the Schedule 4 principles and the use of proactive technology for public communications only, we have updated measures PCU E1 (as well as measures PCU E2 and PCU E3) to make clear that the measures do not recommend the use of proactive technology to analyse user-generated content communicated privately, or metadata relating to user-generated content communicated privately.<sup>1509</sup>
- 17.90 The measure does not recommend that providers use additional technologies to implement the measure. However, we understand that most content recommender systems already rely on technologies (including machine learning or artificial intelligence) or other automated tools to determine which content to recommend to users. Information generated by these technologies and tools would be relevant available information which could be used in the design and operation of the content recommender system to identify

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<sup>1509</sup> We have added this detail into Measure PCU E1 in line with the requirements of paragraph 13 of Schedule 4 to the Act.

content indicated potentially to be PPC. The potential interference with freedom of expression, will therefore turn in part on how accurately the information generated by these technologies and tools can be used to identify content indicated potentially to be PPC.<sup>1510</sup> There is limited evidence available on this. However, our view is that many content recommender systems are capable of making very sophisticated recommendations to users (based largely on services' incentives to engage the user). In principle we therefore consider that the technologies used, together with the flexibility given to providers by the measure's non-prescriptive approach, means that the interference with freedom of expression by this measure is proportionate.

- 17.91 We recognise that (as noted above) the measure could have some adverse impact on freedom of expression, and that some service's implementations could have more substantial adverse impacts. However, this needs to be balanced against the very significant harm that can be caused by PPC being recommended to children, including the risk of harmful content 'going viral' before it has been assessed by the service's content moderation function.
- 17.92 In respect of the change we have made to enable service providers that prohibit in their terms of service the kind(s) of PPC that they are medium/high risk for to apply the protections to the recommender feeds of all users, we acknowledge that this could lead to a more significant impact on adult users' rights to freedom of expression if providers do decide to exclude PPC from their feeds in addition to children's (rather than using highly effective age assurance to target the measure). However, this option is only applicable where the terms of service prohibit the relevant content for all users. In these circumstances, there would be limited freedom for users to share such content on the service in any event, as it would be violative. It remains at the discretion of services (and in the exercise of their own right to freedom of expression) to decide what forms of content to allow or not to allow to be promoted on recommended feeds on their service so long as they comply with the Act. Service providers have incentives to meet their users' expectations in this regard.
- 17.93 Where a service provider has implemented highly affective age assurance, depending on how this is achieved, an adult user may decide to access the service as if they were a child, rather than going through the age assurance process. Where this occurs, there may be further interference with the rights of adults. However, we note that this would be on the basis of an individual's decision not to undertake age assurance in order to access an unrestricted version of the service. As noted above, there may also be a greater interference where the 'precautionary approach' and the use of 'relevant available information' leads to the erroneous removal of non-harmful content from recommender feeds, and this would especially be so where this measure is implemented in a way that it is applied to all users. However, we consider that this interference is proportionate to secure appropriate protections for children and given the option for providers to instead utilise highly effective age assurance to determine the applicability of this measure and that the content will still be available elsewhere on the service.

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<sup>1510</sup> Pursuant to paragraph 13 of Schedule 4 to the Act, where one of the ways a service provider could implement a measure recommended for compliance with the children's safety duties is through the use of proactive technology, we: may not recommend such technology for content communicated privately; must be satisfied that use of the technology is proportionate to the risk of harm, and; must have regard to the degree of accuracy, effectiveness and lack of bias of the technology in question.

- 17.94 We note that engagement with content online is often monetised and the extent to which online content is viewed or shared (via a recommender system) can affect the income of both service providers and content creators who benefit from its amplification. By excluding from recommender feeds any content indicated potentially to be PPC, we recognise that this could result in lower engagement for user-generated content that is PPC but is not violative of the provider's terms of service, or is indicated by 'relevant available information' to potentially be PPC, but is not in fact PPC. However, the way service providers have designed their algorithms will predominantly determine the ways in which creators' content is recommended to other users, and as noted above this measure does not require providers to continue to exclude content from children's recommended feeds if it is assessed to be non-harmful following content moderation. To the extent that this measure may affect the revenue stream for service providers or content creators, we consider it is a proportionate approach to securing compliance with the children's safety duties under the Act.
- 17.95 We recognise that more significant impacts to users' rights to freedom of expression and association could arise if services choose to withdraw the parts of their service using recommender systems, or to withdraw the service from the UK market entirely due to the costs of implementing this measure. However, we have given service providers flexibility as to how to implement this measure in a way which minimises the costs of implementation so far as possible. In addition, we consider it unlikely that most services in scope of this measure would withdraw from the UK and expect that many providers will retain incentives to enable users in the UK to continue to use their service.
- 17.96 We consider the implementation of this measure could also have positive impacts on freedom of expression and freedom of association rights of children as it is expected to result in limiting children's exposure to PPC, which in turn will create safer spaces online where children may feel more able to join online communities and receive and impart (non-harmful) ideas and information with other users, providing significant benefits to children.
- 17.97 This measure may also interfere with service providers' rights to freedom of expression as, to the extent that they do not already choose to restrict children's exposure to content indicated potentially to be PPC, services would need to put in place steps to ensure that it is appropriately dealt with in line with this measure. However, most of this impact arises from the duties placed on services under the Act and we consider any additional impacts to be proportionate given the benefits to children.
- 17.98 We have also updated this measure to include specific references to the freedom of expression safeguards provided by other measures to further clarify how this measure seeks to minimise the impact on individuals' rights. This includes the Content Moderation measures (as described in Section 14), the measures relating to complaints about incorrect assessment of a user's age (as described in Section 16), and the measures from the Illegal content Codes of Practice for user-to-user services in relation to complaints by United Kingdom users and affected persons if they consider that the provider is not complying with its duties in relation to freedom of expression or privacy.<sup>1511</sup> However, we note that these safeguards are only relevant to the extent that content is reviewed and assessed by a provider's content moderation function or to the extent that an individual is able to make a

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<sup>1511</sup> See measures ICU D1, D2 and D12 in the Illegal content Codes of Practice for user-to-user services.

relevant complaint which means that it will not apply to every piece of content in scope of this measure.

- 17.99 Taking into account all of the above, we consider that although the measure’s interference with users’ and service providers’ rights to freedom of expression and association may be significant, it is nevertheless proportionate and will secure the positive benefits of protecting children from harm that are intended by this measure.

### Privacy and data protection

- 17.100 As explained in Volume 1, Section 2,<sup>1512</sup> Article 8 of the ECHR confers the right to respect for an individual’s private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins data protection legislation with which service providers must comply.

### Summary of responses

- 17.101 The Information Commissioner’s Office (ICO) provided feedback on the concept of ‘relevant available information’ and noted that, as Ofcom has already acknowledged at consultation, where this is personal data “services will need to ensure they comply with data protection law”.<sup>1513</sup> Its feedback referred to our ongoing collaboration as recommender systems is a shared area of regulatory interest.

### Our final rights assessment

- 17.102 In our May 2024 Consultation, we provisionally concluded that implementation of this measure, including use of highly effective age assurance to apply restrictions on access to user-generated content, would involve the processing of personal data and would have the potential to impact on individuals’ rights to privacy. We identified that safeguards exist in the form of compliance with data protection laws and took the view that service providers can implement this measure, including highly effective age assurance, in accordance with these laws.
- 17.103 The use of highly effective age assurance and restrictive actions against user accounts and user-generated content will inevitably involve the processing of personal data of individuals, including children, whose personal data requires special consideration.<sup>1514</sup> We recognise that this measure will therefore have an impact on users’ rights to privacy and their rights under data protection law. We have not identified any other specific privacy interference with children’s or adults’ privacy by this measure, as by their nature, recommender systems would generally only promote content that is widely publicly available to a broad range of users where there is a lesser expectation of privacy, rather than private communications.<sup>1515</sup> Additionally, personal data connected to the content will be processed by virtue of the functions of the recommender system in any event.

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<sup>1512</sup> See Volume 1, section 2.

<sup>1513</sup> ICO response to May 2024 Consultation, p.15.

<sup>1514</sup> See for example Recital 38 of the UK GDPR. “Children merit specific protection with regard to their personal data”. (Note that once the DUA is in force this changed and “merit specific protection” becomes law.

<sup>1515</sup> There may be limited circumstances in which a recommender system is configured to recommend content which is not widely publicly available, and we recognise that may be a limited impact on privacy rights from this measure in relation to such systems. However, as noted above we have updated measures PCU E1 (as well as measures PCU E2 and PCU E3) to make clear that the recommended measures do not entail the use of proactive technology to analyse user-generated content communicated privately, or metadata relating to user-generated content communicated privately.

- 17.104 We note that ‘relevant available information’ taken into account by providers in accordance with this measure is likely to include the personal data of both children and adult users. However, this measure does not specify that service providers should obtain or retain any specific types of personal data about individual users, nor any new personal data, as part of any content moderation processes they undertake nor as part of their content recommender systems. We therefore consider that service providers can and should implement the measure in a way which minimises any potential impact on users’ right to privacy. In processing any users’ personal data for the purposes of this measure, service providers need to comply with relevant data protection legislation including the principle of data minimisation and application of appropriate safeguards.
- 17.105 Insofar as services use automated processing to implement this measure, we consider that there is a potentially more significant impact on users’ rights to privacy, especially if they are unaware that their personal data will be used in this way. Service providers should comply with their data protection obligations and refer to ICO guidance on data protection principles and content moderation, including consideration of whether the processing is solely automated (in that it has no meaningful human involvement) and results in decisions that have a legal or similarly significant effect on users.<sup>1516</sup>
- 17.106 Further discussion of the privacy impact of highly effective age assurance is discussed in Section 13. We note that where a provider (who prohibits in its terms of service the kinds of PPC for which it is medium/high risk) chooses to apply this measure to all users rather than through the use of highly effective age assurance, this may affect the privacy implications of this measure. For example, a provider may be required to process the personal data of users for the purpose of age assurance, but as a result fewer users may be affected by the measure given its targeted approach, thereby potentially reducing the impact on users’ privacy rights.
- 17.107 As noted in relation to the right to freedom of expression, we have also updated this measure to include specific references to the privacy safeguards provided by other measures to provide further clarity as to how this measure seeks to minimise the impact on individuals’ privacy rights. However, the same limitations as set out in paragraph 17.98 are also applicable here.
- 17.108 Overall, and for the reasons set out above, we have concluded that the interference with users’ rights to privacy is proportionate in light of the benefits from protecting children from harm that it would secure.

## Who this measure applies to

### Our position at consultation

- 17.109 In our May 2024 Consultation, we proposed to apply this measure (PCU E1) to providers of user-to-user services likely to be accessed by children that:
- have a content recommender system; and
  - are medium or high risk for one or more kinds of PPC.

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<sup>1516</sup> As noted by the ICO, we referred to relevant ICO guidance in our consultation and continue to do so in this statement. See for example, [UK GDPR guidance and resources](#) and [Content moderation and data protection](#).

## Summary of responses

- 17.110 As set out in paragraph 17.15, we received feedback on which recommender systems are in scope of the measure.
- 17.111 We received feedback from C3P that this measure should be recommended to service providers regardless of their size and their level of identified risks.<sup>1517</sup>

## Our decision

- 17.112 Having considered this feedback, we have decided to proceed with applying this measure to the services we proposed in our May 2024 Consultation, with an updated definition of content recommender systems.<sup>1518</sup> This measure applies to user-to-user services likely to be accessed by children that have a content recommender system that meets our definition and are medium or high risk for one or more kinds of PPC.
- 17.113 We consider that this measure should apply to service providers whose risk assessments indicate that their service is at medium or high risk for at least one kind of PPC. As set out in the Risk Profiles, services with content recommender systems are likely to have increased risk of all kinds of PPC.
- 17.114 Services with content recommender systems are only expected to be low risk when their risk assessment shows a low likelihood and impact of encountering PPC, for example because there are comprehensive systems and processes in place to limit exposure of children to this content and evidence shows that they are very effective at minimising likelihood of exposure.<sup>1519</sup> We do not apply this measure to providers of services where the risk of all kinds of PPC is low, because we consider that the measure would have limited benefits for children's safety, while its impacts on service providers and adult users would still be material.
- 17.115 We have decided that it is proportionate to apply this measure to service providers regardless of size, given our view of the effectiveness of the measure and of the important role played by these systems in exposing children to harm related to PPC. We recognise that the estimated costs of this measure can be significant, which could have an impact on providers of smaller services and result in a potential loss of user choice if a provider chooses to withdraw their recommender systems, or to withdraw the service from the UK market entirely. However, in most cases we consider that the costs to service providers will typically be higher for larger, more complex services where the capacity to implement changes is also greater. We have also designed this measure to allow appropriate flexibility to service providers in how it is implemented.

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<sup>1517</sup> C3P response to May 2024 Consultation, p.27.

<sup>1518</sup> As explained in 'Types of recommender systems in scope of the measures'. See Annex 7, Volume 5 for full details and definition.

<sup>1519</sup> See Volume 3, Section 8, [Children's Risk Assessment Guidance](#).

# Measure PCU E2: Content recommender systems: excluding or giving a low degree of prominence to potential priority content and non-designated content

## Introduction

- 17.116 In our May 2024 Consultation, we proposed that providers of user-to-user services that operate a content recommender system and are medium or high risk for at least one kind of PC, excluding bullying content, should significantly reduce the prominence of content that is likely to be PC on children's recommender feeds.<sup>1520</sup> We also proposed to extend this measure to NDC.<sup>1521</sup> This would ensure that content that is likely to be PC or NDC would appear less frequently on children's recommender feeds and children would therefore see content likely to be PC and NDC less regularly. The measure proposed that service providers use highly effective age assurance under PCU B7 to target this measure to children.
- 17.117 We received broad support from stakeholders in response to our consultation on Measure PCU E2.<sup>1522</sup> However, some stakeholders raised concerns about the proposed measure which we have summarised in the sub-section 'Stakeholder feedback and our response'.<sup>1523</sup>

## Our decision

- 17.118 Having considered responses to our May 2024 Consultation, we have decided to make the following changes to this measure:
- We have added the option of excluding content from children's recommender feeds rather than just recommending giving content a low degree prominence.

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<sup>1520</sup> In our May 2024 Consultation, we referred to this measure as RS2 or PCU F2. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU E2 throughout.

<sup>1521</sup> In our May 2024 Consultation, we said that we were minded to include two potential kinds of NDC, subject to consultation. We said that if we did recommend that these kinds of content are classified as NDC, then this measure would be recommended for user-to-user services that have content recommender systems and are medium or high risk for at least one kind of PC (excluding bullying), body image, or depressive content.

<sup>1522</sup> CELCIS response to May 2024 Consultation, pp.16-17; Common Sense Media response to May 2024 Consultation, p.7; FSB response to May 2024 Consultation, p.7; Molly Rose Foundation response to May 2024 Consultation, pp.37-38; NSPCC response to May 2024 Consultation, pp.60, 64-65; Office of the Children's Commissioner for England response to May 2024 Consultation, p.73; Parenting Focus response to May 2024 Consultation, pp.31-32.

<sup>1523</sup> 5Rights Foundation response to May 2024 Consultation, p.2; Barnardo's response to May 2024 Consultation, pp.15, 26-28; Big Brother Watch response to May 2024 Consultation, p.21; C3P response to May 2024 Consultation, p.27; CELCIS response to May 2024 Consultation, p.17; Christian Action Research and Education (CARE) response to May 2024 Consultation, p.7; Christian Institute response to May 2024 Consultation, p.11; [3<]; Dean, J. response to May 2024 Consultation, p.19; Google response to May 2024 Consultation, pp.9-10, 35; Internet Matters response to May 2024 Consultation, p.2; Internet Watch Foundation (IWF) response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, p.1; Meta response to May 2024 Consultation, p.31; Molly Rose Foundation response to May 2024 Consultation, pp.36, 39; Northeastern University London response to May 2024 Consultation, pp.1, 19; NSPCC response to May 2024 Consultation, pp.14, 28; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.71-72; Office of the Victims' Commissioner for England and Wales response to May 2024 Consultation, p.9; OSA Network (1) response to May 2024 Consultation, p.70; REPHRAIN response to May 2024 Consultation, p.12; Samaritans response to May 2024 Consultation, p.5; Scottish Government response to May 2024 Consultation, p.13; Snap Inc. response to May 2024 Consultation, pp.21-22; TikTok response to May 2024 Consultation, pp.7-8; UKSIC response to May 2024 Consultation, p.42; Violence Against Women and Girls (VAWG) Sector Experts response to May 2024 Consultation, p.8.

- We have set out how service providers should take into account age groups when deciding whether to exclude content or give it a low degree of prominence.
  - We have changed our approach to NDC to confirm the extension of the application of this measure to all types of NDC that a service identifies a medium or high risk for in its Children's Risk Assessment Guidance for Service Providers.
- 17.119 In addition, having considered the measure further since our May 2024 Consultation, we have made the following changes to ensure consistency with PCU E1 (protecting children from PPC):
- In line with PCU E1, we have provided additional clarity on central concepts such as the 'precautionary approach' and 'relevant available information'. See paragraphs 17.50-17.55 in PCU E1 for more detail, and paragraphs 17.136-17.141 for information specific to PCU E2.
  - In line with PCU E1, service providers who prohibit harmful content can choose to target PCU E2 to children using highly effective age assurance or apply PCU E2 to all users. See paragraph 17.144-17.147 for an explanation of the rationale for this change.
  - Finally, we have included additional references in this measure to how this measure applies to content communicated privately and to freedom of expression and privacy safeguards, to clarify how such rights are protected by the measures.
- 17.120 The full text of the measure can be found in the Protection of Children Codes of Practice for user-to-user services and it is referred to as PCU E2.

## How this measure works

- 17.121 Service providers in scope of this measure should design and operate their recommender systems to ensure that content indicated potentially to be PC and/or NDC is either given a low degree of prominence or is excluded from children's recommender feeds.
- 17.122 Providers should use a 'precautionary approach' and consider all 'relevant available information' indicating whether content may be PC and/or NDC. See paragraphs 17.50-17.55 in PCU E1 for our explanation and definition of 'relevant available information' and how this relates to our 'precautionary approach'.
- 17.123 Service providers should take at least the following steps to ensure that content indicated potentially to be PC and/or NDC is excluded or given a low degree of prominence in children's recommender feeds:
- identify what 'relevant available information' exists;
  - design the content recommender system so as to take appropriate account of that 'relevant available information'; and
  - ensure the content recommender system operates so that content indicated potentially to be PC or NDC is excluded from or given a low degree of prominence in children's recommender feeds.
- 17.124 In designing what action should be taken by the content recommender system in relation to content indicated potentially to be PC or NDC and content which has been determined to be PC or NDC through a service's content moderation system, the provider should take account of the children's risk assessment of the service (including its findings as to risk of harm to children in different age groups).

- 17.125 For content which has been identified as PC or NDC through a service’s content moderation system, and where such content is not in breach of the terms of service, we expect providers to continue to either exclude or give this content a low degree of prominence in children’s recommender feeds. This is in addition to any other action taken under Content Moderation measures PCU C1 and PCU C2, including on other parts of the service.<sup>1524</sup>
- 17.126 For the purpose of this measure, we have defined content indicated potentially to be PC or NDC (as indicated by ‘relevant available information’) and content that has been identified as PC or NDC through a service’s content moderation system as “relevant content”.
- 17.127 If a provider decides to give relevant content “a low degree of prominence” it should do so by altering the ranking of content. This could include downranking<sup>1525</sup> content indicated potentially to be harmful and/or giving more prominence to non-harmful types of content (promoting). Whichever method is used, the result should be that children encounter such content rarely, if at all, in their recommender feeds.
- 17.128 If a service provider decides to implement this measure by excluding content from the recommender feeds of children, this should result in the same outcome explained in PCU E1 paragraphs 17.40-17.42.
- 17.129 In deciding whether to exclude content or give content a low degree of prominence, service providers should take into account the findings of the most recent children’s risk assessment on the risk of harm to different age groups of children, using the information available, according to the nature of the PC or NDC. For example, children in younger age groups may be at greater risk of harm and therefore providers may decide to exclude relevant content from their feed, rather than give relevant content a low degree of prominence. Service providers can also take additional factors into account when deciding whether to exclude or give content a low degree of prominence, for example the extent to which they can give non-harmful content a higher degree of prominence in children’s recommender feeds.

## How this measure protects children

- 17.130 Evidence in the Children’s Register shows that children can be exposed to PC via recommender systems. For example, in Section 5 of the Register, we outline evidence which explains that recommender systems can amplify abuse and hate content to young people; Section 7 of the Register includes evidence that children see violent content on their feeds; in Section 8 we have evidence that suggests children are encountering content promoting harmful substances and in Section 9 we explain that liking and re-sharing of content depicting dangerous stunts and challenges can increase the likelihood of children encountering this content. The Children’s Register also includes evidence on the risk of harm of NDC and recommender systems. See Section 10 and 11 for details on depression content and body stigma content, respectively.

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<sup>1524</sup> If the service’s content moderation function reviews content indicated potentially to be either priority content or an identified kind of non-designated content and determines it not to be relevant priority content or relevant non-designated content in accordance with PCU C1.4 or PCU C1.5, this Measure, PCU E2 will no longer apply to that content.

<sup>1525</sup> ‘Downranking’ content refers to reducing the visibility of content. For more information on downranking, refer to the Annex 7, Volume 5.

- 17.131 This measure will ensure that children are protected from relevant content by excluding or giving a low degree of prominence to such content in children’s recommender feeds. This should minimise the risk of children unexpectedly encountering and viewing this content.
- 17.132 The benefit of giving relevant content a low degree of prominence is that the frequency of this content being recommended to children will be reduced in comparison to other types of content. This will mean that such harmful content will be less visible to children on their recommender feeds.
- 17.133 We consider the benefits of excluding content from children’s recommended feeds will be similar to those outlined for PPC in paragraphs 17.39-17.43. Excluding relevant content from children’s feeds should result in them not seeing content indicated potentially to be PC and/or NDC on their recommender feeds.
- 17.134 We understand that both actions (giving content a low degree of prominence or excluding content from children’s feeds) will achieve the same outcome of protecting children from being recommended and encountering relevant content regularly in their feeds.
- 17.135 This measure sets out that providers should consider the findings of their children’s risk assessments regarding the risk of harm to children in different age groups when deciding whether to exclude content or give content a low degree of prominence. This reflects the principle that providers should put in place the strongest protections where the benefits to children are greatest and support children to have age-differentiated online experiences where appropriate, in recognition of the rights and evolving capacities of children as they age.

## Stakeholder feedback and our response

### ‘Precautionary approach’ and use of ‘relevant available information’

#### Our proposals

- 17.136 In our May 2024 Consultation, we proposed service providers should take a ‘precautionary approach’ in reducing the prominence of content likely to be PC or NDC in children’s recommender feeds. We explained that this meant providers should give a low degree of prominence to content when they have sufficient indications that the content may be harmful to children, even if it has not yet been identified and confirmed to be PC or NDC through the provider’s content moderation process. We referred to this content as “content likely to be PC” and “content likely to be NDC”. <sup>1526</sup>
- 17.137 As outlined in paragraph 17.44 for PCU E1, we explained in our consultation that providers should use ‘relevant available information’ to determine whether content is likely to be PC or NDC for the purposes of this measure.

#### Summary of responses

- 17.138 The stakeholder feedback we received relating to the ‘precautionary approach’ and use of ‘relevant available information’ as set out in paragraphs 17.46-17.49 under PCU E1 is also relevant for PCU E2.

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<sup>1526</sup> In our May 2024 Consultation, we defined content likely to be PC and NDC as regulated user-generated content where, based on relevant available information, there are reasonable grounds to suspect the content may be priority content or non-designated content (but the content has not been the subject of a final decision by the service’s content moderation function).

## **Our decision**

- 17.139 We have considered stakeholder feedback and have decided to maintain the position we proposed in our May 2024 Consultation. See paragraphs 17.50-17.55 for our consideration of this feedback and rationale for our decision.
- 17.140 For PCU E2, taking a ‘precautionary approach’ means we expect service providers to configure their systems and processes so that they use existing ‘relevant available information’ to indicate whether content is potentially PC or NDC, and if there are such relevant indicators of harm, to give it a low degree of prominence or exclude it from children’s recommender feeds. Under this approach, we expect action to be taken on relevant content even if content moderation functions have not yet determined the content to be PC/NDC, and whether or not the content has entered the content moderation pipeline. However, this action may also cover (but is not limited to) content in the content moderation pipeline which is suspected to be PC or NDC, but is awaiting further review. We also expect service providers to continue to exclude or give a low degree of prominence to content confirmed to be PC or NDC under content moderation (see Section 14).
- 17.141 See paragraphs 17.52-17.55 in PCU E1 for information on ‘relevant available information’.

## **Age assurance**

### **Our proposals**

- 17.142 In our May 2024 Consultation, we proposed that service providers in scope of PCU E2 should use highly effective age assurance, in line with PCU B7, to secure the outcomes of this measure for children.

### **Summary of responses**

- 17.143 See paragraph 17.57 for stakeholder feedback relating to the age assurance in PCU E1.

### **Our decision**

- 17.144 We have considered this feedback and have decided to change the measure such that where a service provider prohibits the type(s) of content harmful to children for which it has a medium or high risk, it should have the option of applying Measure PCU E2 to all users. As such, if a service provider prohibits all kinds of PC and NDC that it is medium or high risk for, it should apply PCU E2 to all users, or it should use highly effective age assurance to apply the measure to all users, other than those determined to be an adult.
- 17.145 We are not changing the measure for service providers where they do not prohibit the type of content harmful to children for which they have a medium or high risk. If a service provider does not prohibit all kinds of PC or NDC that it is medium or high risk for it should apply highly effective age assurance to target PCU E2 to children (see Measure PCU B7).
- 17.146 We consider that providing services the option to apply the recommender systems measures to all users where services prohibit all types of PC or NDC that they are high or medium risk for, will promote safer experiences for children. This change also gives services more flexibility in the way that they implement the measures. We explain in the ‘rights assessment’ section, paragraphs 17.194, why we consider this is proportionate to the impact this could have on adult users. We have decided not to change the measure for service providers who do not prohibit content harmful to children. In line with PCU E1, we have taken this decision because, where a type of content harmful to children is not prohibited on a service, our assessment is that the adverse impact on the freedom of expression of adult users could be significant if they were prevented from seeing such

content. By ensuring users have a means of establishing they are an adult means that they will therefore be able to access content on their recommender feeds that is permitted on the service.

- 17.147 Services that do not prohibit PC and NDC which they are medium or high risk for should implement highly effective age assurance and target the measures at children in line with PCU B7. See Section 13 for information on PCU B7.

## Providing the option to exclude content from the children's feed under PCU E2

### Our proposals

- 17.148 In our May 2024 Consultation, we explained how service providers should give content likely to be PC and NDC a lower degree of prominence.<sup>1527</sup> We explained how changing the design of recommender feeds would reduce the amount of PC and NDC children see.

### Summary of responses

- 17.149 In response to our May 2024 Consultation, a few civil society stakeholders called for us to recommend a stronger approach for PC, including violent content<sup>1528</sup> and content promoting dangerous stunts and challenges,<sup>1529</sup> by removing these types of content from children's recommender feeds rather than giving them a low degree of prominence. These stakeholders believed that reducing the prominence of these types of content would not sufficiently address the risk of harm of these types of content on recommender feeds, especially given evidence of the significant rise in violent content on social media and children's exposure to this content.
- 17.150 Snap Inc. questioned why we were not proposing filtering out or excluding PC in a similar way to how PPC is treated under PCU E1. In addition, it suggested we should clarify that actions which go further than altering the prominence of content and effectively exclude this content from recommender feeds should be made acceptable under the Codes.<sup>1530</sup>
- 17.151 Finally, children who took part in our deliberative engagement research queried whether different actions for different types of harmful content was appropriate.<sup>1531</sup> Applying similar protections to different kinds of harmful content was viewed positively by children.

### Our decision

- 17.152 We have decided to change the measure in light of stakeholder feedback and our deliberative engagement with children. The measure now sets out that relevant content should either be:
- excluded from the recommender feeds of children; or
  - given a low degree of prominence in the recommender feeds of children.
- 17.153 We have made this change after considering stakeholder concerns that PC and NDC<sup>1532</sup> can be particularly harmful to children on recommender systems given children can be exposed

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<sup>1527</sup> As explained in paragraph 17.123, we clarify that for the purpose of this measure, services should take action on content the provider has identified as PC and NDC, and also content indicated potentially to be PC and NDC.

<sup>1528</sup> Barnardo's response to May 2024 Consultation, p.15; UKSIC response to May 2024 Consultation, p.42.

<sup>1529</sup> Molly Rose Foundation response to May 2024 Consultation, p.39.

<sup>1530</sup> Snap Inc. response to May 2024 Consultation, p.21.

<sup>1531</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>1532</sup> See Section 'NDC and recommender systems' for stakeholder responses to our proposal to include NDC in PCU E2.

to such content in high volumes in their recommender feeds. Therefore, service providers should be able to better protect children by excluding content and not be limited by just giving content a low degree of prominence.

- 17.154 Depending on how the recommender system is designed, we understand it could be technically easier for service providers to exclude all relevant content (in PCU E1 and PCU E2) rather than configure two approaches to their recommender systems whereby one excludes content indicated potentially to be PPC for the purpose of PCU E1 and another gives content indicated potentially to be PC a low degree of prominence for the purpose of PCU E2. However, this may not be the case for all services, and therefore we do not consider it would be proportionate to recommend a blanket approach to excluding all relevant content from the recommender feeds of children.

## Age groups

### Our proposals

- 17.155 In our May 2024 Consultation, we focused on proposals that would lead to stronger online protections for all ages of children. In addition, we noted that that we would explore protection strategies for different age groups in our future work, as the Act requires service providers to protect age groups judged to be at risk of harm from PC and NDC and to mitigate and manage the risks of harm to children in different age groups from PC and NDC.<sup>1533</sup>

### Summary of responses

- 17.156 As discussed in Section 9, many stakeholders highlighted that the Codes do not recommend different measures for different age groups of children and called for a focus on creating ‘age appropriate’ experiences for children across different age groups.<sup>1534</sup> Additionally, the children we spoke with as part of our deliberative engagement work also suggested protections could be different for children depending on their age or maturity. The children suggested that over 16s, for example, might feel restricted by our measures.<sup>1535</sup>

### Our decision

- 17.157 Having considered this feedback, we have decided to change this measure and include “information available about the risks of harm to children in different age groups” as a factor to consider when deciding whether content should be excluded or given a low degree of prominence in children’s recommender feeds.
- 17.158 We recognise stakeholder feedback and evidence referenced in the Children’s Register that different age groups of children have different rights and capacities. By considering the risk of harm from specific types of content, service providers should be able to make informed

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<sup>1533</sup> Sections 12(2) and 12(3)(b) of the Act.

<sup>1534</sup> 5Rights Foundation response to May 2024 Consultation, p.2; Barnardo’s response to May 2024 Consultation, pp.26-28; Big Brother Watch response to May 2024 Consultation, p.21; CARE response to May 2024 Consultation, p.7; Christian Institute response to May 2024 Consultation, p.11; Internet Matters response to May 2024 Consultation, p.2; IWF response to May 2024 Consultation, p.3; Marie Collins Foundation response to May 2024 Consultation, p.1; Molly Rose Foundation response to May 2024 Consultation, p.36; Northeastern University London response to May 2024 Consultation, pp.1, 19; NSPCC response to May 2024 Consultation, p.28; Office of the Victims’ Commissioner for England and Wales response to May 2024 Consultation, p.9; OSA Network (1) response to May 2024 Consultation, p.70; REPHRAIN response to May 2024 Consultation, p.12; Samaritans response to May 2024 Consultation, p.5; Scottish Government response to May 2024 Consultation, p.13; VAWG Sector Experts response to May 2024 Consultation, p.8.

<sup>1535</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

decisions as to which action is most appropriate to take and can refer to any assessment of the risk of harm to children in different age groups in their risk assessments. This is in line with the duties in the Act which require consideration of the risk of harm to children in different age groups from encountering PC and NDC.<sup>1536</sup> For example, a service provider may decide to exclude content under this measure for younger age groups, who may be less equipped to deal with it, and give a low degree of prominence to content in recommender feeds for children aged 16-17 who tend to have stronger media literacy skills and more legal and practical independence in wider society.<sup>1537</sup> The Children’s Register and Children’s Risk Assessment Guidance provide service providers with more guidance on how to take into account the different age groups of children when considering risk of harm, where the age group of children is known.

- 17.159 This change provides a higher level of protection for children by recommending that, for some age groups, it may be more appropriate to entirely exclude PC or NDC from a child’s recommender feed, rather than just giving the content a low degree of prominence (as was proposed at consultation). It reflects the principle that providers should put in place the strongest protections where the benefits to children are greatest and support children to have age-differentiated online experiences, in recognition of the rights and evolving capacities of children as they age.

## Clarifying “reducing the prominence”

### Our proposals

- 17.160 In our May 2024 Consultation, we explained how service providers should adjust the prominence of content on recommender feeds, so children see content likely to be PC less regularly, if at all.

### Summary of responses

- 17.161 In response to our proposals, stakeholders called for greater clarity regarding the recommendation for service providers to “reduce the prominence” or “limit the prominence” of content and suggested we detail the steps service providers should take. They suggested the terms lacked specificity, and therefore may not provide sufficient protection for children against harmful content.<sup>1538</sup> Snap Inc. asked us to explain what “reducing the prominence” means from a practical and operational standpoint.<sup>1539</sup>

### Our decision

- 17.162 We have considered stakeholder feedback and have clarified this measure by confirming that providers should ensure that relevant content is given a “low degree of prominence” in children’s recommender feeds as a whole.<sup>1540</sup> We have made this decision based on the understanding that “limiting the prominence” and “reducing the prominence” are unclear actions that would not provide adequate protection to children from harmful content. The term “a low degree of prominence” more clearly explains that providers should not just “reduce” the prominence of content but instead give it a “low degree of prominence”. We also consider that this action addresses concerns from stakeholders and is clear for

<sup>1536</sup> See sections 11, 12, 28 and 29 of the Act.

<sup>1537</sup> See Section 17 of the Children’s Register.

<sup>1538</sup> [3<]; Dean, J. response to May 2024 Consultation, p.19.

<sup>1539</sup> Snap Inc. response to May 2024 Consultation, p.21.

<sup>1540</sup> “Low degree of prominence” is the wording we used in the draft Protection of Children Codes and is the wording we are using in the Codes (see PCU E2)

providers to understand and follow. Content that has been reduced in prominence by only a small amount could still be exposed to children frequently, or in high volumes, and this would not sufficiently protect children from PC or NDC. This clarification means that PC and/or NDC content types given a low degree of prominence in a child's feed should be encountered rarely.

## NDC and recommender systems

### Our proposals

- 17.163 In our May 2024 Consultation, we suggested that “body image content” and “depressive content” met the definition of NDC. We also consulted on extending PCU E2 to service providers who identified a medium or high risk of one or more types of PC, or these types of NDC.

### Summary of responses

- 17.164 Several civil society stakeholders were supportive of this approach.<sup>1541</sup> Parenting Focus argued depressive content and body image content can have significant negative impacts on children's mental health.<sup>1542</sup> The NSPCC agreed that NDC, when viewed repeatedly or alongside other harmful content, poses a risk to children.<sup>1543</sup> However, service providers, such as Google, Snap Inc., Meta and TikTok had concerns around how NDC, including body image and depressive content, could be accurately identified, and Meta called for a flexible approach to the inclusion of NDC in the recommender systems measures.<sup>1544</sup>

### Our decision

- 17.165 Having considered stakeholders' feedback, we have decided to extend the application of PCU E2 (who this measure applies to) and the recommendation (what action service providers need to take) to all types of NDC which a provider identifies a medium or high risk of in their children's risk assessment. As with other harmful content, service providers should take a 'precautionary approach' and use all 'relevant available information' in relation to relevant kinds of NDC. For the avoidance of doubt, this means that a provider of a service which is medium or high risk for one kind of NDC, will be in scope of PCU E2 and be expected to take action on all relevant content. See paragraph 17.212 in who this measure applies to for more detail.
- 17.166 For more information on our rationale for recommending service providers take action on all types of content, despite only being medium or high risk for one kind, see paragraph 17.171.
- 17.167 Since our May 2024 Consultation, we have refined the types of content that we consider meet the definition of NDC. We have refined “body image content” to content that shames or otherwise stigmatises body types or physical features (“body stigma content”), and “depressive content” to content that promotes depression, hopelessness and despair (“depression content”).<sup>1545</sup> We consider that these categories are harmful when encountered in high volumes, which could include via a recommender feed. In the

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<sup>1541</sup> CELCIS response to May 2024 Consultation, p.17; Common Sense Media response to May 2024 Consultation, p.7; Molly Rose Foundation response to May 2024 Consultation, p.32.

<sup>1542</sup> Parenting Focus response to May 2024 Consultation, pp.31-32.

<sup>1543</sup> NSPCC response to May 2024 Consultation, pp.64-65.

<sup>1544</sup> Google response to May 2024 Consultation, pp.9-10; Meta response to May 2024 Consultation, p.31; Snap Inc. response to May 2024 Consultation, p.22; TikTok response to May 2024 Consultation, pp.7-8.

<sup>1545</sup> Our definitions of these types of NDC can be found in Section 10 and 11 of the Children's Register.

Children's Risk Assessment Guidance, we set out how providers should consider these categories when assessing the risk of harm presented to children by NDC on their service, as part of the children's risk assessment.<sup>1546</sup>

- 17.168 In the Children's Risk Assessment Guidance, we also set out that service providers should consider whether there are other kinds of NDC that we have not identified in the Children's Register that may be present on their service. If providers do identify content that they believe meets the definition for NDC and may be present on the service, they should assess the risks presented to children by such kinds.

## All kinds of PC to be addressed under this measure irrespective of risk level

### Our proposals

- 17.169 In our May 2024 Consultation, we proposed that PCU E2 would apply to content likely to be PC of any kind once they are in scope of the measure, irrespective of which specific kinds of PC the service is medium or high risk for.

### Summary of responses

- 17.170 Google argued it is not proportionate that service providers are expected to take action on all categories of PC if a service is only at medium risk of one type of PC. It suggested that the obligations should be dependent on which type of content is high risk and whether there are multiple types of high risk content.<sup>1547</sup>

### Our decision

- 17.171 We have considered Google's feedback and have decided to maintain our position proposed at consultation that it is proportionate for service providers to take action on all PC, even if they have been identified as only being medium or high risk for one type. We note that the 'relevant available information' a service provider may use may apply at a general level (for example, it may indicate content potentially to be harmful to children) rather than indicating the specific and granular types of PC and NDC (for example, indicating content potentially to be violent content). In addition, we understand the costs providers will incur from implementing this measure are as a result of the change in the design of their systems (such as the implementation of systems that will enable content indicated potentially to be PC or NDC to be given a low degree of prominence or excluded). As such we do not consider that the costs will necessarily increase per harm. We therefore consider our approach proportionate.

## Services with risk of bullying content only

### Our proposals

- 17.172 In our May 2024 Consultation, we explained that we have limited evidence on the role of content recommender systems being a risk factor for children encountering bullying content. We therefore proposed that a service provider would only be in scope of this measure if it identified in its children's risk assessment a medium or high risk of one or more kinds of PC or NDC other than, or in addition to, bullying content. This means that a provider of a service with a medium or high risk of bullying content, but that is not medium or high risk of any other types of PC or NDC, would not be in scope of the measure. However, we explained if a service is in scope of the measure because of another type of PC

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<sup>1546</sup> Sub-section 'Non-designated content' in Children's Risk Assessment Guidance for Service Providers, pp.38-39.

<sup>1547</sup> Google response to May 2024 Consultation, p.35.

or NDC, then the service provider should take action on all types of PC and NDC, including any bullying content.

### Summary of responses

- 17.173 We received feedback from stakeholders raising concerns that the measure would not apply to services that are only at risk of bullying content.
- 17.174 The Office of the Children’s Commissioner for England suggested that recommender systems are a risk factor for children’s exposure to bullying content and therefore we should have measures in place to address these risks.<sup>1548</sup> The NSPCC noted the risk of bullying content being encountered online generally could grow with an increased use of generative artificial intelligence (GenAI).<sup>1549</sup> The Centre for Excellence for Children’s Care and Protection (CELCIS) suggested we should take a ‘precautionary approach’ to bullying content on recommender systems, but acknowledged the evidence on bullying is less pronounced compared to other harms.<sup>1550</sup>

### Our decision

- 17.175 Having considered stakeholder feedback, we have decided not to make changes to the application of the measure proposed in our May 2024 Consultation.
- 17.176 Our evidence base currently suggests recommender systems play a limited role in exposing children to bullying content compared to other functionalities, such as group chats, for which we have other measures.<sup>1551 1552</sup> We were not provided with any new evidence during our consultation to alter this view, nor did we become aware of any via our own desk research. We therefore do not consider it to be proportionate to extend this measure to services that have a medium or high risk of bullying content only but no other kinds of PC or NDC, should such services exist.
- 17.177 In practice, we consider it unlikely that a service that operates a recommender system will fall into the category of being medium or high risk only for bullying content. We consider that services whose recommender systems pose a risk of bullying content will likely also have a medium or high risk of other types of PC or NDC. Therefore, in practice, we consider that any service provider whose recommender system poses a risk of bullying will, in all likelihood, already be in scope of this measure and, as such, the service provider would need to take action on all types of PC and NDC, including bullying content.
- 17.178 This clarification also applies to PCU E3 which similarly excludes a service at risk of bullying content alone from the application of the measure. See paragraph 17.289 for more information.
- 17.179 We will keep our approach to protecting children from bullying content online under review.

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<sup>1548</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.71-72.

<sup>1549</sup> NSPCC response to May 2024 Consultation, p.14.

<sup>1550</sup> CELCIS response to May 2024 Consultation, p.17.

<sup>1551</sup> Section 6 of the [Children’s Register](#).

<sup>1552</sup> User support measures PCU J1, 2 and 4 are all recommended for services that have identified a risk of bullying content (and have certain functionalities that are risk factors for bullying content).

## Impacts on service providers

17.180 In our May 2024 Consultation, we considered the direct costs of modifying the service to implement the measure, costs related to age assurance, and the potential for an indirect cost to providers resulting from lost revenue.

### Our position at consultation

#### Direct costs of implementing the measure

- 17.181 In paragraph 17.122 we set out the steps involved for a service provider to adjust their systems to give content a low degree of prominence, and there are costs associated with this that we set out at consultation.<sup>1553</sup> These costs are broadly similar to those needed for Measure PCU E1 with the exception of the final step, whether content is excluded or given low prominence. We estimated that this would entail one-off direct costs between £18,000 to £89,000 to implement the measure and ensure its effectiveness.<sup>1554</sup> We also estimated maintenance costs approximately between £4,000 to £22,000 per annum to capture the ongoing costs to ensure that it continues to function as intended, such as observing additional variables to see how the measure is performing. As with Measure PCU E1, there may also be additional business oversight and coordination costs such as review, communication, and legal processes that we expect to scale with the size of service but we do not have enough information to quantify.
- 17.182 This range of costs is slightly higher than our estimate for Measure PCU E1. Giving content indicated potentially to be PC or NDC a low degree of prominence may be more complex than excluding content from recommender feeds outright (as recommended under Measure PCU E1) so we have allowed extra time which means higher costs.
- 17.183 Similar to our description in paragraph 17.63 of Measure PCU E1, costs for a given service provider will depend on the recommender system, and costs are likely to be higher for providers operating more complex recommender systems. It may be more straightforward for service providers that have the infrastructure in place to reduce the prominence of specific types of recommended content.
- 17.184 We noted that there may be overlaps and cost synergies when providers in scope of both measures implement PCU E1 and PCU E2 together, but we did not quantify an estimated cost reduction for this.<sup>1555</sup>

#### Costs related to age assurance

- 17.185 See section 'Costs related to age assurance' for Measure PCU E1 and the discussion of costs in PCU B6 and PCU B7, paragraph 17.67-17.70.

#### Indirect costs to services

- 17.186 In our May 2024 Consultation, we considered that there is the potential for this measure to have similar indirect costs on service providers as Measure PCU E1. Similar to that measure, where content indicated potentially to be PC and/or NDC is given low prominence that would have been more prominently recommended otherwise, we consider any business

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<sup>1553</sup> In the 'Our decision' section we reflect the change in the measure since consultation to allow services to exclude relevant content from recommender feeds.

<sup>1554</sup> Although we have drawn on available evidence and expert input, our quantitative estimates of costs should be interpreted as indicative.

<sup>1555</sup> For a fuller description of our assessment of the impact on services, see paragraphs 20.126 to 20.138 in our May 2024 Consultation.

impacts from this are justified. We consider there is likely to be some non-harmful content which is given low prominence due to this measure, with some potential business impact, but we are of the view that this is limited as service providers can recommend other non-harmful content instead.

- 17.187 We also consider that the countervailing indirect reputational and engagement benefits to service providers which are associated with less harmful content to children being recommended described in Measure PCU E1 also applies here.

### Summary of responses

- 17.188 We did not receive stakeholder feedback on the direct or indirect costs of this specific measure.
- 17.189 As described in paragraph 17.57, we received feedback on the recommendation for service providers to use highly effective age assurance to target this measure at children.

### Our decision

- 17.190 We have updated our assessment of the impacts of this measure on service providers to reflect two changes we have made to the measure (the use of age assurance and the option of excluding content from children's feeds). Other than this, our assessment is unchanged from what we set out at consultation.<sup>1556</sup>

### Costs related to age assurance

- 17.191 Service providers that prohibit all kinds of PC (excluding bullying), and all kinds of NDC which the provider has identified in its risk assessment of its service, for which they are at medium or high risk, may choose to apply this measure to all users. These providers will not incur costs related to highly effective age assurance but may in some cases face higher direct or indirect costs. They can choose the approach that is most appropriate for their service while achieving the intended safety outcome.<sup>1557</sup>
- 17.192 Providers of services that do not prohibit PC, or types of NDC identified in their most recent children's risk assessment, for which they are medium or high risk should use highly effective age assurance to target this measure at children in line with Measure PCU B7 (see Section 13). Of these, providers that do not prohibit PC for which their service is medium or high risk will also be in scope of Measure PCU B5.<sup>1558</sup> This measure sets out that providers of such services should use highly effective age assurance. This means the costs of age assurance are already incurred due to that measure.<sup>1559</sup> Their only incremental cost related to age assurance incurred due to this measure (PCU E2) is the costs of integrating the age information from the age assurance process into the recommender system.
- 17.193 Providers that prohibit all types of PPC and PC content, but *not* all kinds of NDC they identify in their children's risk assessment and for which the service is medium or high risk will not be in scope of Age Assurance measures other than Measure PCU B7. This measure sets out that providers of such services should use highly effective age assurance to target this measure at children. They will therefore incur the costs of highly effective age assurance due to this measure. The incremental cost incurred due to this measure (PCU E2)

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<sup>1556</sup> See Annex 3 for more information on our assessed labour costs.

<sup>1557</sup> See paragraph 17.68 in PCU E1 for more details.

<sup>1558</sup> Use of highly effective age assurance to ensure that children are protected from encountering PC identified on the service.

<sup>1559</sup> See Section 13.

is the costs of integrating the age information from the age assurance process into the recommender system.

#### Providing the option to exclude content under PCU E2

- 17.194 As set out in paragraph 17.150, we have changed this measure to allow providers to either give content indicated potentially to be PC or a type of NDC identified in their children’s risk assessment a low degree of prominence, or to exclude it from recommender feeds. The impacts on service providers that implement this measure by excluding relevant content would be as described for implementing the previous measure in this section (PCU E1) which sets out that providers should exclude content indicated potentially to be PPC from recommender feeds.
- 17.195 Providers of services in scope of that measure (PCU E1) that choose to exclude content under this measure (PCU E2) would be expected to only incur minimal additional direct costs to implement this measure, as they can use their technical solution for excluding content under the previous measure to achieve this. Again, we consider that this additional flexibility allows services to manage the impacts of the measure on their service while achieving the intended safety outcome.

## Rights

### Freedom of expression and freedom of association

#### Summary of responses

- 17.196 As noted under ‘Providing the option to exclude content under PCU E2’, Snap Inc. queried why filtering out or excluding PC under PCU E2 was not acceptable, in a similar way to how PPC is treated under PCU E1.<sup>1560</sup>
- 17.197 Snap Inc. also expressed concerns that the inclusion of NDC in PCU E2 may have a “chilling effect” on freedom of expression and access to important information such as support resources. It suggested that the scope of PCU E2 should not be expanded to include NDC unless there is “very clear, universal guidance on what these categories are intended to cover”, as “it would be extremely difficult for content review and Trust & Safety teams to consistently identify and/or take appropriate moderation actions”.<sup>1561</sup>

#### Our final rights assessment

- 17.198 In our May 2024 Consultation, we provisionally concluded that the impacts of this measure on the rights to freedom of expression and association were limited, going no further than needed to secure adequate protections for children and therefore proportionate.
- 17.199 Taking into account the changes made to this measure, the feedback from stakeholders, and the reasons set out in relation to Measure PCU E1 as applicable here, we consider that to the extent that this measure interferes with service providers’ or users’ rights to freedom of expression, those impacts are proportionate.
- 17.200 We note that, similar to PCU E1, service providers who prohibit one or more forms of PC and/or NDC may either implement highly effective age assurance to apply the protections to children’s recommender feeds or apply the protections to the recommender feeds of all users. We consider that the impact on users’ and service providers’ rights to freedom of expression including in relation to the use of highly effective age assurance, and where

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<sup>1560</sup> Snap Inc. response to May 2024 Consultation, p.21.

<sup>1561</sup> Snap Inc. response to May 2024 Consultation, p.22.

providers decide to apply the measure to all users (including adults), as well as the impacts relating to using inputs from technology as relevant available information, will be very similar to those set out in relation to Measure PCU E1 in paragraphs 17.80-17.97, and we therefore adopt that reasoning in respect of this measure so far as is applicable.

- 17.201 We further note that under Measure PCU E2, service providers have the option to either exclude relevant content from recommended feeds or give such content a low degree of prominence. This reflects stakeholder feedback from Snap Inc., feedback from our deliberative engagement with children, and the duties in the Act to mitigate and manage the risk of harm to children in different age groups and to use proportionate systems and processes to protect children in age groups judged to be at risk of harm from encountering PC and NDC.<sup>1562</sup> We recognise that there may be a greater interference with users' rights where a provider chooses to exclude content from recommender feeds. Where content is given a low degree of prominence, rather than removed, it may still be available somewhere in a recommender feed albeit not so readily, which lessens the degree of interference. Excluding this content from recommender feeds entirely has a greater impact on children's ability to access this content, and, for services that prohibit relevant content, potentially also adults. However, as detailed in paragraph 17.152, we consider recommending the option to exclude content is proportionate because PC and NDC can be harmful to children when recommended to them in high volumes and, in some circumstances (for example, with dangerous stunts), the most appropriate action may be to exclude relevant content from children's recommender feeds. Service providers can determine, based on a range of relevant factors for their service, how best to take action on PC and NDC in children's recommender feeds, including the nature of the content, the age group of the user (if known), the risk of harm to different age groups identified in the most recent children's risk assessment, the extent to which the service provider can promote other types of non-harmful content to children to give it a high degree of prominence in a recommended feed above content likely to be harmful, and the overall design of its recommender system. Providers retain flexibility to take different approaches to PC and NDC according to the circumstances (as set out at paragraph 17.152), which we consider may, to some extent, mitigate the impact on freedom of expression.
- 17.202 We have updated Measure PCU E2 to also apply to NDC. We recognise this means there is a broader range of content potentially subject to the 'precautionary approach' of this measure. However, we consider that any consequential interference with rights to freedom of expression is justified and proportionate, due to the evidence of harm, when consumed in high volumes, of the categories of NDC that we have identified in the Children's Register.
- 17.203 We also note Snap Inc.'s concerns about a potential chilling effect for the freedom of expression of those seeking support resources and its request for greater guidance on what would constitute relevant content, where there may potentially be difficulties in determining whether content amounts to the kinds of NDC that should be in scope of this measure – for example difficulties in identifying body stigma content or depression content. In response to Snap Inc.'s concerns, we would highlight that this is largely dependent on the way that this measure is implemented by service providers in light of the flexibility afforded in PCU E2. Service providers can use a variety of 'relevant available information' to indicate whether content may be harmful and may be NDC. It could result in any content for which 'relevant available information' indicates it may be PC or NDC (beyond content confirmed

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<sup>1562</sup> Section 12(2)(a) and (3)(b) of the Act.

to be PC and NDC) being excluded from all users' recommender feeds, rather than being given a low degree of prominence in children's recommender feeds. Where this is the case, it is possible that content that is not harmful to children is excluded from their feeds (and potentially also from adults' feeds), rather than just being lowered in prominence. While this would be a greater interference with adult and children's freedom of expression, this is proportionate due to the risk of harm posed by PC and at least the forms of NDC we have identified in the Children's Register in children's recommender feeds when encountered by children in high volumes.

17.204 In line with Measure PCU E1, we have updated Measure PCU E2 to make clear that the measures do not recommend the use of proactive technology to analyse user-generated content communicated privately, or metadata relating to user-generated content communicated privately. See paragraph 17.89 for more detail. Additionally, as noted in relation to PCU E1, we have also updated this measure to include specific references to the freedom of expression safeguards provided by other measures to further clarify how this measure seeks to minimise the impact on individuals' rights to freedom of expression.<sup>1563</sup>

17.205 We have sought to strike a proportionate balance between adequately protecting children who are vulnerable to harm from encountering PC and NDC, while also allowing some flexibility in the way that this measure is implemented by services to reflect children in different age groups, and adults. For these reasons, and the reasons set out in relation to Measure PCU E1 as applicable here, we have concluded that to the extent that this measure interferes with service providers' or users' rights to freedom of expression, those impacts are proportionate in light of the benefits from protecting children from harm this measure will help to secure.

## Privacy and data protection

### Our decision

17.206 In our May 2024 Consultation, we considered the potential for interference with individuals' rights to privacy and data protection, as set out in paragraphs 17.101-17.108. We did not receive any stakeholder responses on our assessment of these impacts. We consider the impacts on users' rights to privacy will be very similar to those in relation to Measure PCU E1, including in relation to the use of highly effective age assurance in connection with this measure.

17.207 A potential distinction that may be drawn in the privacy impact between the way that service providers implement Measure PCU E1 and this measure is the fact that service providers may consider the age group of the user when deciding whether to exclude or give a low degree of prominence to content under this measure. This could involve additional processing of personal data as service providers look to tailor their approach to the risks of harm to children in different age groups and whether users are known to be in the relevant age group. However, we are not specifically recommending that service providers start to collect new information that they did not already hold about their users. The age group of the user (if known) is simply one of the considerations that service providers should take into account here, alongside the risks identified to different age groups in the most recent risk assessment. In addition, we note that any processing of personal data relating to age should be done in compliance with data protection law. We discuss the processing of

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<sup>1563</sup> See further paragraph 17.98

personal data further, in relation to measure PCU E1, at paragraph 17.102 which is also relevant to measure PCU E2.

- 17.208 As noted in relation to the right to freedom of expression, we have also updated this measure to include specific references to the privacy safeguards provided by other measures to provide further clarity as to how this measure seeks to minimise the impact on individuals' privacy rights. However, the same limitations as set out in paragraph 17.98 are also applicable here.
- 17.209 Therefore, for the reasons set out in relation to Measure PCU E1, in conclusion we consider the measure to be proportionate on this basis, particularly considering the benefits from protecting children from harm that it would secure.

### Who this measure applies to

- 17.210 In our May 2024 Consultation, we proposed to apply this measure (PCU E2) to providers of user-to-user services likely to be accessed by children that:
- have a content recommender system; and
  - are medium or high risk for at least one kind of PC (excluding bullying).
- 17.211 We also said that we were minded to extend this measure to include service providers with medium or high risk of certain categories of NDC, namely body image content and depressive content, subject to the outcome of our consultation on the proposals to classify body image and depressive content as NDC. We also said that should new evidence emerge of other forms of NDC, that are also likely to cause cumulative harm, we would seek to change these measures accordingly.

### Summary of responses

- 17.212 We received feedback on which recommender systems are in scope of the measure (see paragraph 17.15), feedback on applying this measure to services with a medium or high risk of NDC (see paragraph 17.165), and feedback on services with risk of bullying content only (see paragraphs 17.173).
- 17.213 We also received feedback from C3P that this measure should be recommended to service providers regardless of their size or their level of identified risks.<sup>1564</sup>

### Our decision

- 17.214 We have considered this feedback and have decided to make a change to extend this measure to providers that have identified a medium or high risk of any types of NDC identified in their children's risk assessment. As noted in paragraph 17.16, we have also updated the definition of content recommender systems.<sup>1565</sup>
- 17.215 This measure applies to providers of user-to-user services likely to be accessed by children that have a content recommender system that meets our definition and are medium or high risk for at least one kind of PC (excluding bullying) and/or kinds of NDC that they have identified in their children's risk assessment.
- 17.216 We consider that this measure should apply to service providers whose risk assessment indicates that children face a medium or high risk for at least one kind of relevant risk

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<sup>1564</sup> C3P response to May 2024 Consultation, p.27.

<sup>1565</sup> As explained in PCU E1 'Types of recommender systems in scope of the measures'. See paragraph 17.16 and Annex 7, Volume 5 and Section 16 of the Children's Register for full details and definition.

because these are the services where this measure will have a benefit by helping to protect children from encountering such content. We do not consider it would be proportionate for services that only pose low risk (for the reasons set out previously in paragraph 17.113).

- 17.217 We have confirmed that service providers who only identify a medium or high risk of bullying content are not recommended to apply this measure.<sup>1566</sup>
- 17.218 We have decided to change our approach and apply this measure to service providers who identify a medium or high risk of one or more types of NDC in their latest children's risk assessment.<sup>1567</sup> We consider that this is proportionate as evidence points to significant cumulative harm from repeat exposure to body stigma content and depression content.<sup>1568</sup> Therefore, we consider this measure can have material benefits even on services with only these kinds of harm. For other types of NDC identified by a service, we consider that it is likely that recommender systems would be a significant risk factor, due to the nature of this functionality and our evidence about it exacerbating harm. In the case that a provider identifies a type of NDC for which it believes recommender systems are not a significant risk factor and can identify alternative measures that effectively address this, it can take these.<sup>1569</sup>
- 17.219 In PCU E1 'Who this measure applies to' (paragraphs 17.109-17.115) we set out considerations around which size of service Measure PCU E1 should apply to. Due to the similarities of that measure and its impacts on services with this measure, what is set out there also applies here. Overall, we recognise the measure imposes material costs that could lead to some loss of choice if providers of small services struggle to shoulder the impact of this measure and choose to withdraw their recommender systems, or to withdraw the service from the UK market entirely. However, in most cases we consider that the costs to service providers will typically be higher for larger, more complex services where the capacity to implement changes is also greater. We have also designed this measure to allow appropriate flexibility to services in how it is implemented.
- 17.220 We consider it proportionate to apply this measure to providers of all services regardless of size (with relevant risks and functionality) given our view of the benefits of the measure in providing appropriate protections to children, and of the important role played by these systems in exposing children to harm related to PC and NDC.

## Measure PCU E3: Content recommender systems: enabling children to give negative feedback

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### Introduction

- 17.221 In our May 2024 Consultation, we proposed that all large user-to-user services that operate a recommender system and are medium or high risk for at least two kinds of content that is PPC or PC (except bullying content)<sup>1570</sup> should enable children a means of expressing

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<sup>1566</sup> As described in paragraph 17.173 in sub-section 'Services with risk of bullying content only'

<sup>1567</sup> See 'NDC and recommender systems' in paragraphs 17.163 – 17.168 for further details.

<sup>1568</sup> As explained in Sections 10 and 11 of the Children's Register.

<sup>1569</sup> For more information about Additional measures proposed by stakeholders see Annex 6, Volume 5.

<sup>1570</sup> Given limited evidence of the connection between bullying content and recommender systems a service provider would not be in scope of the measure if the children's risk assessment does not identify any risk of PC

negative feedback on content they encounter.<sup>1571</sup> We also proposed to extend the application of this measure to NDC.<sup>1572</sup>

- 1.1 We received feedback from a wide variety of stakeholders on this measure. Many stakeholders were broadly supportive of the measure,<sup>1573</sup> and the children we engaged with as part of our deliberative engagement work thought providing negative feedback to recommended content was a necessary and important tool.<sup>1574</sup> Other stakeholders expressed concerns about aspects of this measure, which we have considered and address from paragraphs 17.236.<sup>1575</sup>

## Our decision

17.222 Having considered responses to our May 2024 Consultation, we have decided to make the following change to the drafting of this measure:

- Instead of recommending specific actions for “similar pieces of content”, this measure now focuses on how negative feedback should be taken into account in the design of the recommender system as a whole. We expect services to continue to take action on similar content under this change, but this change provides flexibility for service providers in terms of how this can be achieved.

17.223 In addition, having considered the measure further since our May 2024 Consultation, we have made the following changes:

- Instead of giving the specific piece of content which a child has expressed negative feedback towards a low degree of prominence, the specific piece of content should be excluded from the child’s feed.
- We have confirmed that services that are medium or high risk of two or more kinds of content harmful to children, including PPC, PC (excluding bullying content) and NDC, will be in scope of the measure.
- Finally, we have included additional references in this measure to how this measure applies to content communicated privately and to freedom of expression and privacy safeguards, to clarify how such rights are protected by the measures.

17.224 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU E3.

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other than bullying on the service and there is no other risk of harm. See further paragraphs 17.172-17.179 above.

<sup>1571</sup> In our May 2024 Consultation, we referred to this measure as RS3 or PCU F3. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU E3 throughout.

<sup>1572</sup> In our May 2024 Consultation, Volume 5, page 308, we said: “If we do recommend these kinds of NDC (body image and depressive content), RS3 would be recommended for all large user-to-user services that have content recommender systems and are medium or high risk for at least two kinds of PPC, PC (excluding bullying), body image, or depressive content”.

<sup>1573</sup> CELCIS response to May 2024 Consultation, pp.16-17; Integrity Institute response to May 2024 Consultation, p.18; Molly Rose Foundation response to May 2024 Consultation, p.45; NSPCC response to May 2024 Consultation, pp.62, 64; Office of the Children’s Commissioner for England response to May 2024 Consultation, p.73; Parenting Focus response to May 2024 Consultation, pp.31-32.

<sup>1574</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1575</sup> C3P response to May 2024 Consultation, pp.27-28; Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.24; Dean, J. response to May 2024 Consultation, p.19; Google response to May 2024 Consultation, pp.5, 36-37; Molly Rose Foundation response to May 2024 Consultation, p.46; Snap Inc. response to May 2024 Consultation, pp.21-22; [3<].

## How this measure works

- 17.225 Service providers in scope of this measure should ensure children have a means to express negative feedback on content recommended to them and that this negative feedback is taken into account in the design and operation of their recommender systems. As such, we expect service providers to:
- Provide children with a feature that allows them to give negative feedback on content recommended to them that they do not wish to see. The use of this feedback feature by any child and the number of times negative feedback has been provided should not be publicly visible to other users on the service.
  - Ensure the specific piece of content which has received negative feedback is excluded from the recommender feed of the child who provided the feedback.
  - Design and operate recommender systems to ensure negative feedback is taken into account for the purpose of reducing the likelihood of that user encountering similar content.
- 17.226 Service providers have discretion over how negative feedback is taken into account within the recommender system, for example similar content could be given a low degree of prominence. However, providers should ensure this measure is implemented in such a way that children have more control over the content they see and encounter fewer recommendations of content similar to that which they have signalled negative feedback towards, reflecting their preferences.
- 17.227 “Similar pieces of content” may be indicated by:
- Considering patterns in user feedback and establishing common denominators across specific pieces of content; and/or
  - Using available information to infer likely similarity of content such as information on the subject matter or metadata.
- 17.228 Negative feedback should be considered ‘relevant available information’ for Measure PCU E1 (protecting children from PPC) and Measure PCU E2 (protecting children from PC and NDC).
- 17.229 Providers can either use highly effective age assurance to target Measure PCU E3 to children or apply this measure to all users.

## How this measure protects children

- 17.230 This measure will allow children to provide negative feedback to influence their recommender feed and reduce the risk of exposure to content they do not wish to see. This will mean that the algorithms underpinning recommender systems will be rebalanced so that children have more control over content they are recommended, shaping their recommender feed in ways that could be safer for them.
- 17.231 User feedback is an important input for recommender systems because it provides an understanding of what content is, or is not, relevant to users. Based on our understanding, recommender systems receive two broad types of feedback to create personalised feeds:
- Explicit feedback: refers to direct and intentional actions taken by users to express their preferences and sentiment on content. Though it can vary across services; explicit feedback into recommender systems can be positive (such as likes or saves) or

negative (such as dislikes or clicking ‘show me less’ or reporting the content). Depending on the service, user reports or complaints can also be forms of explicit negative feedback.

- **Implicit feedback:** refers to indirect and inferred feedback into the recommender system based on non-explicit user behaviour and interactions with content. Non-explicit feedback (such as repeated viewing or hovering over content) is often interpreted as positive engagement and can have a significant impact on subsequent recommendations.

- 17.232 Often both explicit and implicit user feedback is used to assume positive engagement, even when this is not the case, or is unintentional. For example, commenting on content can be taken as positive explicit signals as the user has actively engaged with the content but, a user may comment on content they do not like. Likewise, watching content may be interpreted by the recommender system as positive implicit feedback but a child could be watching content due to shock or curiosity.<sup>1576</sup>
- 17.233 Without a function or tool to explicitly signal negative feedback, children’s expressions of distress or negativity towards harmful content can be misinterpreted as positive engagement. This misinterpretation may inadvertently prompt the recommender system to serve more of the same harmful content to children. The measure will mitigate this risk by ensuring explicit negative feedback provided by a child is taken into account in the way similar kinds of content are recommended within the child’s feed.<sup>1577</sup>
- 17.234 We understand that explicit negative feedback from a child is a clear signal that the child does not wish to see that piece of content. We therefore consider excluding the specific piece of content that a child has expressed negative feedback towards from their recommender feed, rather just giving it a low degree of prominence, will better mitigate the risk of the child encountering the same piece of content again.

## Stakeholder feedback and our response

### Implications of taking action on similar content

#### Our proposals

- 17.235 In our May 2024 Consultation, we described ‘similar content’ as content that shares significant characteristics, and provided examples of what significant characteristics could include. These were: subject matter, including the topics, themes, or issues addressed in the content (such as weight loss and dieting); and metadata, including information about

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<sup>1576</sup> Wall Street Journal, 2021. [Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires](#). [accessed 25 March 2025].

<sup>1577</sup> In our research with children and young people aged 13-21 and professionals, participants suggested several suggestions to improve the online safety of young people. This included online services offering clear and proactive ways for users to tailor the kinds of content they receive via content recommender feeds. [Ofcom, 2024. Online Content: Qualitative Research, Experiences of children encountering online content promoting eating disorders, self-harm and suicide](#). Our research into violent content, among children aged 8-17, found that children in the sample felt they had no control over the content they see via recommender feeds. [Ofcom, 2024. Understanding Pathways to Online Violent Content Among Children](#). [accessed 28 March 2025]; Bengani, P., 2022. [What’s right and what’s wrong with optimizing for engagement](#). Medium, 27 April. [accessed 28 March 2025].

the content such as tags, hashtags, categories, and keywords associated with that content.<sup>1578</sup>

### Summary of responses

- 17.236 Google and Snap Inc. raised concerns that users can give feedback for a range of reasons, and they do not think it would be proportionate to give all similar content a low degree of prominence.<sup>1579</sup>
- 17.237 In addition, Google disagreed that services should give lower prominence to any other piece of content that “shares significant characteristics” with content that a child has negatively responded to. Google also said that the measure would be extremely difficult to implement, involving evaluating all content on the service and comparing this against each child’s profile of “problematic content types”. It argued this kind of monitoring would be against the intent of Parliament.<sup>1580</sup>

### Our decision

- 17.238 We have considered this stakeholder feedback and have decided to clarify the approach service providers should take to similar content in the design and operation of their recommender systems.
- 17.239 First, we are clarifying that we do not expect service providers to take explicit action on all similar content. We agree with Google and Snap Inc. that children may express negative feedback for a range of reasons, which the provider may not be aware of. As a result, service providers may not have enough information to ensure they are taking action on the exact types of similar content that the child does not wish to see. Instead, we expect service providers to take negative feedback into account in how similar pieces of content are recommended in the recommender feed and use patterns and other data points (such as subject matter) to indicate content which is similar.
- 17.240 Secondly, we note Google’s concern that accurately and effectively taking action on all types of similar content may require general monitoring or proactive technology. We are confirming that we are not recommending services adopt or use any new forms of technology for the purposes of this measure. We recognise that recommender systems often deploy proactive technology in their design, and this is one of the ways that this measure could be implemented. We have therefore designed the measure to give services flexibility as to how they will take into account negative feedback in the design and operation of their recommender feed. In so far as is applicable, we adopt the reasoning set out at paragraphs 17.189-17.190 above as to service providers’ use of proactive technology to implement this measure.
- 17.241 As this measure gives children a means to express negative feedback towards any type of content that they may not wish to see on their recommender feed, we recognise that this may affect content that is not PPC, PC or NDC. In practice, this can result in a child expressing negative feedback on a non-harmful piece of content, simply due to user preference, and the measure would set out that service providers should take action on that piece of content nonetheless. Despite this, we think the measure is proportionate as it provides children with more control and choice over the content they are recommended.

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<sup>1578</sup> See paragraph 20.153 in Volume 5 of May 2024 Consultation.

<sup>1579</sup> Google response to May 2024 Consultation, p.36; Snap Inc. response to May 2024 Consultation, p.21.

<sup>1580</sup> Google response to May 2024 Consultation, p.36.

## Services testing their feedback mechanisms

### Our proposals

- 17.242 In our May 2024 Consultation, we acknowledged that service providers may conduct user testing as part of designing and implementing a tool for negative feedback. We also stated that there would be costs in doing a potentially significant amount of testing of this measure as part of rolling it out, which could include a phased deployment to gather data and assess its operation and effectiveness.

### Summary of responses

- 17.243 The Molly Rose Foundation suggested we should specify criteria for service providers to use to test their feedback mechanisms under PCU E3. It also suggested service providers should demonstrate how they have taken account of user feedback when designing and operating their content recommender systems and use data collected on the service to develop risk scoring approaches.<sup>1581</sup>

### Our decision

- 17.244 Having considered this feedback, we have decided not to make changes to this measure.
- 17.245 As set out in our May 2024 Consultation, we consider that testing may be needed as part of service providers' assessment of the operation and effectiveness of their negative feedback tools. We agree with the Molly Rose Foundation that evaluating feedback signals and demonstrating how service providers are taking into account user feedback would strengthen this measure. However, given that there are many different ways that service providers may take children's negative feedback into account, we are not prescribing what the evaluation process should involve, or which precise metrics service providers should test against at this stage. This ensures that services have flexibility over the design adjustments to recommender system algorithms in a way that prioritises children's safety. As noted in Section 9, we expect to update our regulation over time as new evidence arises on emerging risks to children and the measures that will best keep children safe online.

## Impacts on service providers

- 17.246 In our May 2024 Consultation, we set out the direct costs of modifying the service to implement the measure, costs related to age assurance, and the potential for an indirect cost to service providers resulting from lost revenue.

### Our position at consultation

#### Direct costs of implementation

- 17.247 There are likely to be substantial costs associated with introducing a user feature to allow users to express negative feedback on content recommended to them and taking this into account in the design and operation of their recommender systems. In 'How this measure works', we set out the steps we expect service providers to take in order to do this, and the result that we expect it to achieve.
- 17.248 We estimated that implementing the feature could take approximately 16 to 40 weeks of labour time. We estimated that this would entail one-off direct costs between £36,000 to £178,000.<sup>1582</sup> We noted that the development of this measure was technically feasible but

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<sup>1581</sup> Molly Rose Foundation response to May 2024 Consultation, p.46.

<sup>1582</sup> Although we have drawn on available evidence and expert input, our quantitative estimates of costs should be interpreted as indicative.

could be challenging, and that user testing may be needed as part of designing and implementing a negative feedback tool. We also said that there would be costs in doing a potentially significant amount of testing of this feature as part of rolling it out, which could include a phased deployment to be able to gather data and assess its operation and effectiveness.

- 17.249 We estimated maintenance costs approximately between £9,000 to £44,000 per annum that may be needed to ensure that the measure continues to function as intended and expected costs to be more likely towards the upper end of this estimate. Maintaining this measure may include needing to observe metrics around the use of the negative feedback tool and how negative feedback has an impact on subsequent recommendations. We recognised that this measure is complex and might require a particularly high level of expertise to implement and be complex to maintain. Given the complexity of this measure, we said that salaries and hence costs for this measure may be less likely to be around the lower bound compared to some other measures.
- 17.250 There may be small additional data storage costs from increasing the complexity of the recommender system. There may also be additional business oversight and coordination costs such as review, communication, and legal processes. We would expect these costs to be largely correlated with the size of the company, but do not have sufficient information to be able to quantify these.
- 17.251 The existing design of the recommender system will have an impact on the cost of this measure for a given service provider. It is likely to be higher where systems are complex (for instance, serving more users in more languages). Some service providers may already have elements of the measure in place and therefore the incremental cost to implement the proposed measure would be lower for such services than our estimates set out here.<sup>1583</sup>

#### Indirect costs to services

- 17.252 As with PCU E1 and PCU E2, we considered that it is likely that some non-harmful content will not be recommended to children due to this measure, and we have considered the potential for this to have some business impact where this content would have been engaging to users.<sup>1584</sup> This would occur when a service limits the prominence of non-harmful content that a child would have found engaging. However, we consider that in many cases this may be outweighed by the cases where this measure gives a low degree of prominence to content that children prefer not to see, which may make them more engaged with a service due to the reduced risk of encountering content they do not want to see. In addition, we consider that the risk of reduced engagement is limited, as services can recommend a wide range of other non-harmful content instead. Further detail of the impact on children's freedom of expression is considered in our final rights assessment in paragraphs 17.258-17.270.

#### Our decision

- 17.253 We did not receive stakeholder feedback on the direct or indirect costs of this specific measure. We have updated our assessment of the impacts of this measure on service providers to reflect the change we have made on the use of age assurance for measures PCU E1 and PCU E2.

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<sup>1583</sup> For a fuller description of our assessment of the impact on services, see paragraphs 20.191 to 20.204 in our May 2024 Consultation.

<sup>1584</sup> For more detail, refer to Business models and commercial profiles set out in Volume 3, sub-section 7.12.

- 17.254 Service providers in scope of this measure may decide to apply it to all users or, alternatively, may target this measure at children by use of highly effective age assurance.
- 17.255 Services in scope of this measure will necessarily also be in scope of either or both of measures PCU E1 and PCU E2 due to being at medium or high risk of PPC, PC, or a type of NDC identified in their children’s risk assessment. Where a service does not prohibit all of these types of content that it is at risk for, they should use highly effective age assurance to target measure(s) PCU E1 and/or PCU E2 at children under Measures PCU B6 and/or B7, meaning that all costs related to age assurance would be captured under these measures.
- 17.256 A provider that has prohibited all of the relevant types of content that they are at risk for has a choice as to whether to use highly effective age assurance to target PCU E1 and/or PCU E2, or to apply the measure(s) to all users. Where such a provider does not choose to use highly effective age assurance to target PCU E1 and/or PCU E2 but chooses to use it to target this measure, they would incur the costs of age assurance and linking it to the recommender system as a result of this measure.<sup>1585</sup> We consider that providers, who understand their service and costs, will be able to choose the most cost-effective of the two options for implementing the measure to achieve the intended safety outcome.

## Rights

### Freedom of expression and freedom of association

#### Summary of responses

- 17.257 Google suggested that acting on children’s expression of negative feedback for any content that shares similar characteristics, particularly where the reason for expressing negative feedback does not need to be related to harm, could have a detrimental effect on freedom of expression and therefore the measure could negatively affect user access to information due to the risk of “false positives”.<sup>1586</sup>
- 17.258 Snap, Inc. also expressed concerns around making assumptions about the reason for a child’s negative feedback and suggested that negative feedback should not be taken into account as ‘relevant available information’ for the purposes of PCU E1 or PCU E2 unless the content is confirmed to be harmful as part of the content moderation process.<sup>1587</sup>

#### Our final rights assessment

- 17.259 In our May 2024 Consultation, we considered that this measure had the potential to interfere with child and adult users’ rights to freedom of expression and freedom of association, but that the extent of this interference would be limited.
- 17.260 Taking into account the changes made to this measure and the feedback from stakeholders, we consider that to the extent that this measure interferes with service providers’ or users’ rights to freedom of expression, those impacts are proportionate.
- 17.261 We note Google and Snap Inc.’s comments about the risk of “false positives” or making assumptions about the reasons underlying children’s feedback. We consider that there are two different issues regarding potential inaccuracy. First, a child’s negative feedback may

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<sup>1585</sup> The costs of highly effective age assurance and linking it to the recommender system are covered in ‘Costs related to age assurance’ in PCU E1, and in further detail in, Section 13 within this Volume.

<sup>1586</sup> Google response to May 2024 Consultation, p.37.

<sup>1587</sup> Snap Inc. response to May 2024 Consultation, p.21.

not be related to harm, only to preference. Second, the exact aspect of the content that prompted the child's negative feedback may be unclear.

- 17.262 As to the first issue, this measure allows a child to give negative feedback for any reason and is not required to be linked to harm. We recognise that this may lead to a greater potential interference with rights to freedom of expression, than an alternative where only negative feedback on confirmed harmful content was relevant. However, we consider it is important for children to be given this option as a matter of their own freedom of expression and so as to create safe online spaces where children may exercise their rights to freedom of association.
- 17.263 As to the second issue, we acknowledge that the ability to detect patterns in a child's negative feedback, in order to inform the treatment of similar content, may require multiple data points before the pattern can be established. There may also be a time lag between the child's feedback and the provider being able to establish, through patterns, what would make content 'similar' as a result of the negative feedback. As such, while there is still a risk that content may be mistakenly considered to be similar thereby having a greater impact on freedom of expression, we consider that this risk is mitigated by the need for providers to have multiple data points to ascertain whether content is 'similar'.
- 17.264 The use of explicit negative feedback collected under this measure would also be in addition to the explicit and implicit positive feedback that service providers already rely upon in their recommender systems. This measure does not require service providers to cease using any existing feedback mechanisms and give weight only to explicit negative feedback. The introduction of an explicit, negative feedback functionality is complementary to existing positive feedback mechanisms and is intended to redress the balance in how service providers use signals to predict what a child wants to see in their recommender feed. This would therefore limit the extent to which a single piece of negative feedback from a child could interfere with rights to freedom of expression.
- 17.265 The measure is expressed such that the negative feedback from one child should only affect that same child's recommender feed, to accommodate the diversity of user preferences and reinforce that this is a measure designed to empower children. Where the child expresses a preference, they are exercising a choice to restrict the information they receive, which is particularly important where this can also help to protect children from harm. As such, this measure is intended to have a positive effect on the child's right to freedom of expression and could result in safer spaces online where children may feel more able to join online communities and receive and impart (non-harmful) ideas and information with other users, providing significant benefits to children. To the extent it may result in an interference with their own rights to freedom of expression in terms of the diversity of future recommendations, we consider this to be limited and justified.
- 17.266 We recognise that the technical implementation of this measure may be complex and, depending on the configuration of the recommender system, the impact may not be contained to the child's own feed. This may be so where the recommender system design relies on techniques (for example, collaborative filtering, pattern recognition, clustering, or hybrid neural networks) and particularly where such techniques do not distinguish between adult and children. We recognise that, if sufficient children signal negative feedback toward pieces of content, this may influence the recommendations for all users, including adult users. Nonetheless, we consider that this potential impact is a collateral impact of the measure that can be justified as proportionate, where carried out in pursuance of the aim

of protecting and empowering children, by allowing them to have greater control over what they do not wish to see in their recommender feeds.

- 17.267 While not required by this measure, service providers may decide for commercial reasons to extend this functionality to all users' recommender feeds rather than just to children's recommender feeds. This may also lead to an interference with adults' freedom of expression. However, this would primarily impact an adult user if the adult chose to exercise the available option to provide negative feedback to curate their own feed. It is possible that extending the option for adult users to express negative feedback towards content that they do not wish to see on their recommender feeds could help them to also avoid content that is harmful to them, in addition to giving services more 'relevant available information' to inform PCU E1 and PCU E2. However, there is a risk that the impact may unintentionally extend to more users' feeds depending on the type of service and the way its content recommender systems are configured. Nevertheless, such an outcome would not be as a consequence of our recommendations but rather due to a decision by service providers in the exercise of their own rights to freedom of expression.
- 17.268 In line with Measure PCU E1 and PCU E2, we have updated Measure PCU E3 to make clear that the measures do not recommend the use of proactive technology to analyse user-generated content communicated privately, or metadata relating to user-generated content communicated privately. See paragraph 17.89 for more detail. Additionally, as noted in relation to PCU E1, we have also updated this measure to include specific references to the freedom of expression safeguards provided by other measures to provide further clarity as to how this measure seeks to minimise the impact on individuals' freedom of expression rights.<sup>1588</sup>
- 17.269 Given the clarificatory changes to this measure and taking all of the factors discussed into consideration, we consider that the impacts of this measure on users' and service providers' freedom of expression and association to be proportionate in light of the expected benefits to children's safety.

## Privacy and data protection

### Summary of responses

- 17.270 Google expressed concern that this measure amounts to a general monitoring obligation of user profiles and is contrary to the privacy and freedom of expression safeguards in the Act.<sup>1589</sup>

### Our final rights assessment

- 17.271 In our May 2024 Consultation, we considered the potential for interference with individuals' rights to privacy and data protection and assessed this interference to be limited, as it did not require the collection of any new personal data about users beyond what is already being implicitly processed about their preferences to generate recommendations in the feed.
- 17.272 We note Google's comments but do not agree that this measure amounts to a general monitoring obligation as it does not anticipate that service providers should continuously monitor children's behaviour or interactions with content. The recommendation is for service providers to provide a mechanism for explicit negative feedback, to complement the

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<sup>1588</sup> See further paragraph 17.98

<sup>1589</sup> Google response to May 2024 Consultation, pp.5, 36.

mechanisms in place for explicit and implicit positive feedback, to influence the content shown in children's recommender feeds. Under this measure, the negative feedback would have an immediate effect on the content in question and will remain private, therefore this will not result in any new information being made public to other users (as in, the feedback will not be visible to other users). Children will be able to choose whether to provide negative feedback and the action taken by service providers will be reactive to this feedback. We consider that the processing of children's personal data in such circumstances, initiated by the child as an expression of preference, is beneficial rather than detrimental to them. It is not our recommendation for services to process or retain additional personal data beyond what is necessary (at least to any material extent) for providing personalised recommended feeds. We consider that this also limits any more general impacts on the privacy rights of children.

- 17.273 The personal data that we anticipate will be processed in implementing this measure is personal data connected to the child's explicit expression(s) of negative feedback, not a general monitoring of children's online activity. However, we acknowledge that the processing of personal data will be required to fulfil the step of the recommendation that the service be designed in such a way that similar content is not recommended. We consider that this will be in the form of a series of data points, to be collected from the child before the pattern leading to negative feedback can be ascertained and applied to the ranking of similar content. It is not intended that this pattern recognition be carried out on a general or proactive basis for all children. Rather, any profiling of the child's preferences and dislikes will be in response to the child's decision to provide explicit feedback on one or more pieces of content and the actions recommended in this measure are inherently reactive to that feedback. Depending on how often the child uses the negative feedback mechanism, this may result in a greater or lesser volume of personal data being processed about their preferences and dislikes. Where service providers are seeking to ascertain whether there is a pattern of similar content that can be drawn from the negative feedback, they should follow the ICO's guidance on Using Children's Information, including where this kind of processing may constitute profiling under UK GDPR.<sup>1590</sup>
- 17.274 We considered the possibility that negative feedback provided by individual children could have a wider effect on other users' recommender feeds. We understand that, for this to be the case, the extent of the combined negative feedback from many children using this functionality would need to be widespread and indicative of a prevalent pattern across children. This would mean the negative feedback from children on a piece of content is being received at a sufficient level to indicate that it should be considered 'relevant available information' for the purposes of PCU E1 and PCU E2 and an indicator of potential harm. We expect the personal data feeding into negative feedback for this purpose would be processed only at an aggregated level rather than a personally identifiable level. We do not consider there would be any additional impacts on users' right to private and family life, outside of those detailed in relation to the processing of their personal data. Any personal data that is processed under this measure must be compliant with data protection laws.
- 17.275 It is possible that an existing design choice relying on implicit feedback taken to be positive engagement may in fact be generating inaccurate personal data about children. This could pose a greater threat to children's data protection rights in terms of monitoring, as children are unable to explain that they dwelled on the content in their feed through shock or upset

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<sup>1590</sup> ICO. [Using children's information: a guide](#). [accessed 28 March 2025].

and do not wish to receive similar recommendations in their feed in future. The intent behind this measure is to redress the balance as to the accuracy of children's preference predictions that are already being implicitly and explicitly collected in the recommender system. This is a clear positive impact on user privacy and data protection to provide direct, accurate feedback.

- 17.276 As noted in relation to the right to freedom of expression, we have also updated this measure to include specific references to the privacy safeguards provided by other measures to provide further clarity as to how this measure seeks to minimise the impact on individuals' privacy rights.<sup>1591</sup>
- 17.277 Having considered stakeholder responses, we have concluded, that although there could be significant interference with the data protection rights of users this would be justified provided the measure is implemented in compliance with data protection law and providers follow relevant ICO guidance.<sup>1592</sup> There would also be limited additional interference with users' privacy rights. We therefore consider this measure is proportionate to the need to provide an adequate level of protection for children in line with the requirements of the Act.

## Who this measure applies to

### Our proposals

- 17.278 In our May 2024 Consultation, we proposed to apply this measure (PCU E3) to providers of user-to-user services likely to be accessed by children that:
- are large;
  - have a content recommender system; and
  - are medium or high risk for at least two kinds of PPC or PC (excluding bullying).
- 17.279 We also said that we were minded to include two kinds of NDC (body image and depressive content) in the relevant risks, subject to the outcome of our consultation on classifying these types of content as NDC.

### Summary of responses

- 17.280 As set out in paragraph 17.15, we received feedback on which recommender systems are in scope of the measure.
- 17.281 We received feedback from C3P that this measure should be recommended to service providers regardless of their level of identified risks.<sup>1593</sup>
- 17.282 Stakeholders were broadly supportive of extending the application of PCU E3 to the categories proposed for NDC.<sup>1594</sup> In addition, Snap Inc. suggested that applying PCU E3 to all services with a recommender system, regardless of whether they are high or medium risk for PPC, PC or NDC, would be a better approach than including NDC in PCU E2 as it would

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<sup>1591</sup> See further paragraph 17.98.

<sup>1592</sup> ICO. [Age appropriate design: a code of practice for online services – Profiling](#) [accessed 8 April 2025].

<sup>1593</sup> C3P response to May 2024 Consultation, pp.27-28.

<sup>1594</sup> CELCIS response to May 2024 Consultation, p.17; NSPCC response to May 2024 Consultation, p.64; Office of the Children's Commissioner for England response to May 2024 Consultation, p.73; Parenting Focus response to May 2024 Consultation, pp.31-32.

allow services to limit the prominence of content whenever it is repeatedly negatively flagged by children.<sup>1595</sup>

- 17.283 Two stakeholders, [§<] and C3P, argued that this measure should apply to all sizes of service, rather than be recommended for only large services.<sup>1596</sup>

#### **Our decision**

- 17.284 Having considered stakeholders' feedback, we have decided to proceed with the approach proposed at consultation for applying this measure, with a change relating to NDC, and with an updated definition of content recommender systems.<sup>1597</sup> This measure applies to providers of large user-to-user services likely to be accessed by children that have a content recommender system that meets our definition and are medium or high risk for at least two kinds of PPC, PC (excluding bullying) or NDC of any kind that they have identified in their children's risk assessment.
- 17.285 We have considered Snap Inc.'s feedback that all services with a recommender system should be in scope of PCU E3 rather than including NDC in PCU E2. However, we consider that it is proportionate to apply PCU E3 to services based on their size and risk level.<sup>1598</sup>
- 17.286 We consider that this measure should apply to service providers whose risk assessment indicates that children face a medium or high risk of harm because these are the services where this measure will have a benefit by helping to protect children from encountering such content. We do not consider it would be proportionate for services that only pose low risk (for the reasons set out previously in paragraph 17.113).
- 17.287 We do not consider it proportionate to apply this measure to providers of services that are only medium or high risk for a single relevant kind of content. Such services will be in scope of either PCU E1 or PCU E2 which should already lead to a significant reduction in harm. In addition, the combined impact from the broader package of measures (which for a service with a single relevant risk, would be targeted at addressing this harm), the incremental benefit from this measure is likely to be limited, while the costs are high. Where a service has identified medium or high risks across multiple relevant kinds of content it is more likely that there would be a significant incremental benefit from this measure. We have therefore decided to confirm our proposed approach to apply the measure to services where children have a medium or high risk of two or more relevant harms. As set out in Section 10, we recognise that this measure may potentially have benefits for some single risk services; however, we have decided not to extend this measure to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.
- 17.288 As is the case for PCU E2, we have decided that risk of bullying content is not part of the criteria that bring services into scope of this measure. As discussed at paragraphs 17.173-17.179, we do not have sufficient evidence to conclude that recommender systems are a risk factor for bullying. However, if a child encounters bullying content in a recommender feed and provides negative feedback on it, this should be taken into account and the service provider should take action where it is already in scope of this measure (due to having risks

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<sup>1595</sup> Snap Inc. response to May 2024 Consultation, p.22.

<sup>1596</sup> C3P response to May 2024 Consultation, pp.27-28; [§<].

<sup>1597</sup> See Annex 7, Volume 5.

<sup>1598</sup> As explained in 'NDC and recommender systems', paragraph 17.165, we consider it important that NDC is included in PCU E2.

of other relevant harms). In practice, we consider that this means that this measure is likely to be effective against the risk of bullying content on recommender feeds.

- 17.289 We have decided that identifying a medium or high risk of any form of NDC in a children's risk assessment is a relevant risk that could contribute towards a service having two or more relevant risks. Therefore, we have decided to change the application of this measure to extend it to providers who identify a medium or high risk of at least two kinds of PPC, PC and/or any kind of NDC identified in their children's risk assessment. As described in PCU E2, since our May 2024 Consultation we have refined the kinds of content that we consider meet the definition of NDC. We have refined "body image content" to content that shames or otherwise stigmatises body types or physical features ("body stigma content"), and depressive content to content that promotes depression, hopelessness and despair ("depression content").<sup>1599</sup> We consider that these categories are harmful when encountered in high volumes, which could include via a recommender feed. As explained in the Children's Risk Assessment Guidance, providers should consider these categories when assessing the risk of NDC as part of their children's risk assessments. We also expect service providers to identify, and risk assess their own categories of NDC. We have provided more information on how they can do this in the Children's Risk Assessment Guidance.<sup>1600</sup>
- 17.290 We considered it proportionate to apply this measure to providers of large services with relevant risks. Large services are more likely to have both high numbers of children on the service and significant volumes of harmful content that could appear in children's recommender feeds. While this measure imposes costs on services providers, we expect these to be a relatively small increase in the costs of large services. We also understand that many large services have experience in developing sophisticated recommender systems capable of responding to real-time user feedback and adjusting future recommendations accordingly, which is likely to improve the effectiveness of the measure in taking the appropriate action regarding a child's intent.
- 17.291 We do not consider it proportionate to apply this measure to smaller services. While technically feasible, we understand that taking into account personalised negative feedback can be complicated and costly to implement, and so we are not confident that providers of smaller services would be able to implement it with costs in proportion to the benefits it would bring. We have concerns that providers of small services would find it harder to effectively manage potential unintended consequences, such as increased friction in the user experience which could lead to children not using the tool and undermine the benefits of the measure. We have also considered the combined impact of this measure on top of the other two measures in this section which are applied to providers of small services, as well as the wider package of proposed measures.<sup>1601</sup> In doing so, we have prioritised Measures PCU E1 and PCU E2 for small services where we consider that the benefits to children are more material.
- 17.292 Overall, at this time we consider that Measures PCU E1 and/or PCU E2 are more likely to adequately protect children on small services, and Measure PCU E3 would be disproportionate for providers of those services. We plan to monitor providers' implementation of the measures to identify areas to prioritise for future work. This could

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<sup>1599</sup> Our definitions of these types of NDC can be found in Section 10 and 11 of the Children's Register.

<sup>1600</sup> See Volume 3, Section 8.

<sup>1601</sup> See Section 20 for our Combined impact assessment.

include exploring whether to extend existing measures to a wider range of services if our analysis suggests this would have significant benefits for children's online safety.

# 18. User support

## What is this section about?

In this section we set out the User Support measures we have decided to include in the Protection of Children Codes of Practice.

User support tools and information empower children to have more control over their online experiences. The measures provide children with user tools to give them more control over the users and content that they encounter online and ensure children have access to supportive information to help them make safer choices.

## What decisions have we made?

Number in the Codes	Recommended measure	Who should implement this <sup>1602</sup>
PCU J1	Provide children with the option to block and mute other users' accounts	<p>Providers of user-to-user services that:</p> <ul style="list-style-type: none"> <li>are high risk for one or more of: suicide content, self-harm content, eating disorder content, bullying content, abuse and hate content, or violent content; and</li> <li>have user profiles and certain user interaction functionalities<sup>1603</sup></li> </ul> <p>Providers of user-to-user services with over 700,000 monthly UK users that:</p> <ul style="list-style-type: none"> <li>are medium risk for one or more of: suicide content, self-harm content, eating disorder content, bullying content, abuse and hate content, or violent content; and</li> <li>have user profiles and certain user interaction functionalities<sup>1604</sup></li> </ul>
PCU J2	Provide children with the option to disable comments on their content	<p>Providers of user-to-user services that:</p> <ul style="list-style-type: none"> <li>are high risk for one or more of: suicide content, self-harm content, eating disorder content, bullying content, abuse and hate content, or violent content; and</li> </ul>

<sup>1602</sup> These measures relate to providers of services likely to be accessed by children.

<sup>1603</sup> At least one of the following functionalities: user connection, posting content and user communication (including direct messaging and commenting on content).

<sup>1604</sup> At least one of the following functionalities: user connection, posting content and user communication (including direct messaging and commenting on content).

		<ul style="list-style-type: none"> <li>• have the functionality of commenting on content</li> </ul> <p>Providers of user-to-user services with over 700,000 monthly UK users that:</p> <ul style="list-style-type: none"> <li>• are medium risk for one or more of: suicide content, self-harm content, eating disorder content, bullying content, abuse and hate content, or violent content; and</li> <li>• have the functionality of commenting on content</li> </ul>
PCU J3	Provide children with an option to accept or decline an invitation to join a group chat	<p>Providers of user-to-user services that:</p> <ul style="list-style-type: none"> <li>• are medium or high risk for one or more of: pornographic content, suicide content, self-harm content, eating disorder content, bullying content, abuse and hate content, or violent content; and</li> <li>• have group messaging functionality<sup>1605</sup></li> </ul>
PCU F1 and PCS F4	Provide age-appropriate user support materials for children	<p>Providers of user-to-user and search services that:</p> <ul style="list-style-type: none"> <li>• are multi-risk for content harmful to children<sup>1606</sup></li> </ul>
PCU F2	Provide children with information when they restrict content or interactions with other accounts	<p>Providers of large user-to-user services that:</p> <ul style="list-style-type: none"> <li>• are multi-risk for content harmful to children</li> </ul>
PCU F3, PCU F4, PCU F5	Signpost children to support at important points in the user journey	<p>Measure PCU F3 – when children report content: Providers of user-to-user services that:</p> <ul style="list-style-type: none"> <li>• are medium or high risk for one or more of: suicide content, self-harm content, eating disorder content or bullying content</li> </ul> <p>Measure PCU F4 – when children post or repost harmful content: Providers of large user-to-user services that:</p>

<sup>1605</sup> For the definition of this functionality and all other functionalities in this table, see the statement glossary (Annex 7).

<sup>1606</sup> A service is multi-risk if it is medium or high risk of two or more specific kinds of content that is harmful to children.

		<ul style="list-style-type: none"> <li>• have posting/re-posting functionalities, and</li> <li>• are medium or high risk for one or more of: suicide content, self-harm content, eating disorder content or bullying content; and</li> <li>• have means, measures or processes that make them aware when a user posts or reposts content that might constitute suicide, self-harm, eating disorder or bullying content</li> </ul> <p>Measure PCU F5 – when children search for harmful content: Providers of user-to-user services that:</p> <ul style="list-style-type: none"> <li>• have user-generated content searching functionality, and</li> <li>• are medium or high risk for one or more of: suicide content, self-harm content or eating disorder content; and</li> <li>• have methods that enable them to identify when a user searches for suicide, self-harm or eating disorder content</li> </ul>
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### Why have we made these decisions?

These measures provide children with tools and information to be able to control their online experience, empowering them to make safe and informed choices throughout their user journey. Having access to appropriate user support tools and information means children can curate their online experiences in a way that enhances their safety, while also benefitting from support at timely intervals and whenever they want to seek it out. Alongside our other measures that ensure service providers take responsibility for protecting children online, these measures can help to reduce children's exposure to harmful online content and experiences, and to mitigate the harm caused if they do encounter online harms.

## Introduction

- 18.1 The full package of measures that we have confirmed in this statement are intended to ensure that service providers take responsibility for protecting children from harmful content online. Within this safer online environment, it is vitally important that children have the tools and information they need to be able to control their online user journey as they wish. This is an important aspect of keeping children safe online.
- 18.2 Therefore, in our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we proposed six User Support measures to give children tools to

control their online experiences<sup>1607</sup> and to provide supportive information to help mitigate the risk and impact of online harm.<sup>1608</sup> These measures build on the protective foundation established by the measure to introduce safer default settings for children in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).

- 18.3 These measures support providers to meet their duties under the Online Safety Act 2023 (the Act) that require them, where proportionate, to apply User Support measures and functionalities that give users,<sup>1609</sup> especially children, control over the content they encounter and their online experience.<sup>1610</sup>
- 18.4 This section sets out our decisions on the User Support measures to be included in the Protection of Children Codes of Practice (the Codes). It details the responses received to our May 2024 Consultation and outlines how we have reached our decisions. We first summarise and consider the responses we received on our overall approach to user support, as well as feedback provided across the measures on similar themes, before considering responses received on individual User Support measures.
- 18.5 User support tools and supportive information must be accompanied by measures which clearly place responsibility for keeping children safe online with service providers, and we recognise there is more work to do. We will be closely monitoring how services take these measures forward and intend to consult on additional priority proposals for strengthening the protections for children in the coming months.

## Interaction with Illegal Harms

- 18.6 The measures discussed in this section build on the safer default settings measure to restrict the visibility of children's accounts (ICU F1), confirmed in our Illegal Content Codes of Practice for user-to-user services. Measure ICU F1 sets out the following provisions to make it more difficult for children to be found and contacted online, by default:
- children should not receive direct messages from users they are not connected to or, for services without a connection functionality, children should be provided with a means to confirm a direct message from another user before it is visible to them;
  - children should not receive prompts to expand their online network or be included in network expansion prompts presented to others;
  - connection lists should not include children's accounts and children's connection lists should not be visible to other users; and

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<sup>1607</sup> Measures PCU J1, PCU J2 and PCU J3. In our [May 2024 Consultation](#), we referred to these measures as US2 or PCU G1, US3 or PCU G2 and US1 or PCU G4. For ease and to align with our Protection of Children Codes, we will refer to these measures as PCU J1, PCU J2 and PCU J3 respectively throughout.

<sup>1608</sup> Measures PCU F1 and PCS F4; PCU F2; and PCU F3-5. In our May 2024 Consultation, we referred to these measures as US6 or PCU E1 and PCS E1; US4 or PCU E2; and US5 or PCU E3. For ease, we will refer to these measures as PCU F1 and PCS F4; PCU F2; and PCU F3-5 and respectively throughout.

<sup>1609</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>1610</sup> Sections 12(2), 12(8)(g), 12(8)(f) of the Act. Measure PCS F4 is also recommended for compliance with the equivalent duty for search services in section 29(4)(e) of the Act and would also help search services to meet their equivalent duty to mitigate and manage the risks and impact of harm to children, as laid out in section 29(2) of the Act.

- location information for children should not be visible to other users.<sup>1611</sup>

18.7 In addition, building on the safer environment online created by this measure, we confirmed a number of User Support measures in our Illegal Content Codes of Practice (Illegal Content Codes) which mirror those discussed in this section. Measures PCU J1, PCU J2, PCU F2 and PCU F3-5 in this section are aligned with Measures ICU J1, ICU J2, ICU F2 and ICS F3 confirmed in our Illegal Content Codes.<sup>1612</sup> Where relevant, we consider and assess feedback received in response to our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation) in this section.

## Summary of stakeholder feedback on our approach proposed at consultation

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- 18.8 Various stakeholders – including civil society organisations, some industry bodies and children consulted on these measures – expressed support for the User Support measures proposed in our May 2024 Consultation.<sup>1613</sup> Other stakeholders agreed with our approach but recommended ways to change or improve the measures which we have considered and address throughout this section.<sup>1614</sup>
- 18.9 Some stakeholders questioned aspects of our overall approach or provided similar feedback across measures.<sup>1615</sup> We consider and respond to this feedback by theme in the following

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<sup>1611</sup> This measure applies to providers of user-to-user services that: (i) have an existing means to determine the age of users and (ii) are at high risk of grooming or (iii) are large and at medium risk of grooming. We intend to consult in the coming months on proposals for use of highly effective age assurance in connection with this measure.

<sup>1612</sup> In our [Illegal Content Codes of Practice](#), we set out that in-scope service providers make the user controls set out in Measures ICU J1 and ICU J2 known to users, including setting out the effect of using these tools, and that this information is easy to find and comprehensible. This provision is not included in the Protection of Children Codes for Measures PCU J1 and PCU J2 because Measures PCU F1 and PCU F2 already ensure that children understand the user tools available to them and can access appropriate support.

<sup>1613</sup> Association of Police and Crime Commissioners (APCC) response to May 2024 Consultation, p.10; Association for UK Interactive Entertainment (Ukie) response to May 2024 Consultation, p.50; Centre for Excellence for Children's Care and Protection (CELCIS) response to May 2024 Consultation, p.18; Children and Young People's Commissioner Scotland response to May 2024 Consultation, p.10; Dean, J. response to May 2024 Consultation, p.20; Inkbunny response to May 2024 Consultation, p.18; Internet Society and Internet Society UK England Chapter (ISOC) response to May 2024 Consultation, pp.15-16; Kididentify response to May 2024 Consultation, p.5; Kooth Digital Health response to May 2024 Consultation, p.15; LEGO Group response to May 2024 Consultation, p.2; Microsoft response to May 2024 Consultation, pp.16-17; National Association of Headteachers (NAHT) response to May 2024 Consultation p.16; Nexus response to May 2024 Consultation, p.22; Northern Ireland Commissioner for Children and Young People (NICCY) response to May 2024 Consultation, p.17; Office of the Children's Commissioner for England response to May 2024 Consultation, p.73; OnelD response to May 2024 Consultation, p.4; Parenting Focus response to May 2024 Consultation, pp.33-34; Scottish Government response to May 2024 Consultation, pp.18-19; Welsh Government response to May 2024 Consultation, p.14; xHamster response to May 2024 Consultation, p.13; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals. Children were showed a simplified version of the User Support measures. Subsequent references to the report throughout.

<sup>1614</sup> Google response to May 2024 Consultation, pp.39-41; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, pp.65-69; Snap Inc. response to May 2024 Consultation, pp.24-27.

<sup>1615</sup> We note that two individual respondents did not agree with our approach to the User Support measures but did not provide further details as to why. Source: [redacted]; Name Withheld 3 response to May 2024 Consultation, p.14.

paragraphs. Measure-specific feedback is discussed in the individual measure sub-sections that follow.

## Flexibility of the measures

### Summary of responses

- 18.10 Various stakeholders commented on the lack of flexibility for providers in our proposals. Specifically, stakeholders suggested that the measures were overly prescriptive and, as drafted, may not be appropriate for all service types.<sup>1616</sup> Several stakeholders suggested that providers should be allowed greater flexibility to implement the measures in ways that may be more proportionate, more appropriate for their service type, and which would overcome practical challenges resulting from particular service functionalities.<sup>1617 1618 1619</sup> In particular, while Snap Inc. agreed with our proposals, it suggested that its existing arrangements went further than those proposed.<sup>1620</sup>

### Our decision

- 18.11 We have considered stakeholder feedback that the measures do not provide enough flexibility and have decided to maintain the approach that we consulted on for each of the User Support measures.
- 18.12 Based on current evidence, we conclude that the measures provide an effective and proportionate way to help mitigate the risk and impact of content harmful to children. We are confident that the measures enhance children's safety and that they can be implemented without having disproportionate impacts on services in scope. We consider that the measures strike the right balance between clarity and detail.

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<sup>1616</sup> Google suggested that our supportive information measures (PCU F1 and PCS F4; PCU F2; and PCU F3-5) should be less prescriptive. Google response to May 2024 Consultation, pp.40-41; Mid Size Platform Group commented that our user tools measures (PCU J1, PCU J2 and PCU J3) were overly prescriptive. Mid Size Platform Group response to May 2024 Consultation, p.11.

<sup>1617</sup> Meta Platforms Inc. said that services should be able to develop proportionate solutions for blocking and muting user accounts, arguing that what constitutes 'proportionate' may vary by service. Meta Platforms Inc. response to November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation), Annex, p.15. Pinterest and Snap Inc. called for greater flexibility in our Illegal Harms blocking and muting recommendation. Pinterest response to November 2023 Consultation, p.9; Snap Inc. response to November 2023 Consultation, pp.22-23.

<sup>1618</sup> Google suggested that the measure providing children with the option to block and mute other users' accounts (PCU J1) may not be an appropriate way to tackle harms for all service types. Google response to May 2024 Consultation, pp.5-6. We note that Google made a similar point in response to our November 2023 Consultation, p.59. techUK provided similar feedback in response to our November 2023 Consultation, p.26. Meta Platforms Inc. requested flexibility in our approach to the measures providing children with information when they restrict interactions with other accounts or content (PCU F2) and signposting children to support at important points in the user journey (PCU F3-5) to ensure services could find the most appropriate adapted solution. Meta Platforms Inc. response to May 2024 Consultation, Annex, pp.38-39.

<sup>1619</sup> Mid Size Platform Group argued that we should be open to alternative controls where there are practical challenges with implementing the measures providing children with the option to block and mute other users' accounts (PCU J1) and providing children with the option to disable comments on their content (PCU J2) due to the nature of a service. Mid Size Platform Group response to May 2024 Consultation, p.13. We note that Mid Size Platform Group made the same point in response to our November 2023 Consultation, p.11.

<sup>1620</sup> Snap Inc. response to our user tools measures (PCU J1, PCU J2 and PCU J3) in our May 2024 Consultation, pp.24-27. We note that Snap Inc. made a similar point regarding measures ICU J1 and ICU J2 in response to our November 2023 Consultation, pp.23-24.

- 18.13 As set out in our Record-Keeping and Review Guidance, providers who wish to take alternative measures to achieve the desired outcome may do so as long as they record how this complies with the safety duties and their duties in relation to freedom of expression and privacy.<sup>1621</sup>

## Our approach to safety by design

### Summary of responses

- 18.14 A number of stakeholders raised concerns that our approach to the proposed User Support measures does not sufficiently consider safety by design.
- 18.15 In particular, several stakeholders – including the National Society for the Prevention of Cruelty to Children (NSPCC), the Office of the Children’s Commissioner for England and Violence Against Women and Girls (VAWG) Sector Experts – raised concerns that the User Support measures place responsibility for safety on children, rather than services, and emphasised the need for services to take primary responsibility for child safety.<sup>1622</sup> Children themselves told us that they did not want to be made responsible for their own online safety, and that service providers should be doing more to keep them safe online.<sup>1623</sup> This mirrored feedback received to our November 2023 Consultation, in which several civil society stakeholders noted that while user support tools can be helpful, they should not excuse services from taking a safety by design approach by placing the responsibility of user safety primarily on users themselves.<sup>1624</sup>
- 18.16 Stakeholders also highlighted potential limitations of the proposed measures in creating a safer online environment for children. Smartphone Free Childhood argued that under 16s would not know how to benefit from these measures, and that they should only be used to build on minimum safety requirements for over 16s.<sup>1625</sup> The Office of the Children’s Commissioner for England and Snap Inc. said that the measures should not be seen as standalone provisions and would not, in isolation, prevent children from encountering harmful content.<sup>1626 1627</sup>

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<sup>1621</sup> Ofcom, [Record-Keeping and Review Guidance](#).

<sup>1622</sup> Specifically, the Commissioner Designate for Victims of Crime Northern Ireland and Violence Against Women and Girls (VAWG) Sector Experts suggested that the emphasis in the measure providing children with the option to block and mute other users’ accounts (PCU J1) should be placed on service providers rather than users, while Conscious Advertising Network said that the measure providing children with the option to accept or decline an invitation to join a group chat (PCU J3) placed the burden of protection on the child. Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.25; NSPCC response to May 2024 Consultation, p.36; Office for the Children’s Commissioner for England response to May 2024 Consultation, p.74; VAWG Sector Experts response to May 2024 Consultation, pp.10-11.

<sup>1623</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>1624</sup> 5Rights Foundation response to November 2023 Consultation, p.31; Institute for Strategic Dialogue response to November 2023 Consultation, p.11; NSPCC response to November 2023 Consultation, p.41; Refuge response to November 2023 Consultation, p.20.

<sup>1625</sup> Smartphone Free Childhood response to May 2024 Consultation, p.13.

<sup>1626</sup> Office of the Children’s Commissioner for England response to May 2024 Consultation, p.74.

<sup>1627</sup> Snap Inc. suggested that the measure providing children with the option to accept or decline an invitation to join a group chat (PCU J3) alone would not prevent children from encountering PPC in group chats. Snap Inc. response to May 2024 Consultation, p.25.

## Our decision

- 18.17 We have considered stakeholder feedback about our approach to safety by design and have decided to maintain the approach that we consulted on for each of the User Support measures.
- 18.18 The User Support measures should not be seen in isolation. They should be seen in the context of a broader suite of measures in the Protection of Children and Illegal Content Codes which squarely place responsibility for keeping children safe on service providers. However, even in the context of safer online environments, it is important for children to have control over the users and content they encounter, to make informed and effective use of online safety tools, and to be able to access support when they need it. This reflects feedback from our engagement with children that while responsibility for keeping children safe should sit with service providers, they do value control over their online experience.<sup>1628</sup> The measures set out in this section are intended to give children this control within the context of safer online services, by providing them with the tools and information to navigate services in a safe and supported way.
- 18.19 While we have decided to confirm our approach to the User Support measures, we recognise that these measures alone are not sufficient to ensure the protection of children. They are situated within a broader package of measures which collectively help to ensure children's safety. We will monitor how service providers are implementing the measures (or otherwise meeting their safety duties) and, in light of our findings, we will explore additional measures to further embed children's safety within the design and operation of services to ensure a safer experience for children online by default.
- 11.2 For more information on our overall approach to safety by design in the Codes, see Section 9 of this statement.

## Producing information for children

### Our proposals

- 18.20 In our May 2024 Consultation, we took a non-prescriptive and principles-based approach to the production of information for children across the proposed User Support measures. This approach allowed flexibility for service providers in producing information suitable to their service and their user base, while outlining specific characteristics or aims that information for children should meet.

### Summary of responses

- 18.21 Several stakeholders made specific suggestions about producing information for children in response to both our May 2024 and November 2023 Consultations. In particular, stakeholders including the Scottish Government, the NSPCC and children we spoke to about these measures suggested that any communications with, or information for, children should be child friendly, engaging, accessible, and easy to read and understand.<sup>1629</sup> Some

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<sup>1628</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1629</sup> 5Rights Foundation response to November 2023 Consultation, p.27; British and Irish Law, Education and Technology Association (BILETA) response to November 2023 Consultation, p.14; Centro de Estudios en Libertad de Expresión y Acceso a la Información (CELE) response to November 2023 Consultation, p.11; [§<]; National Crime Agency (NCA) response to November 2023 Consultation, p.40; Nexus response to November 2023 Consultation, p.16; NSPCC response to Measure PCU F1 and PCS F4 in our May 2024 Consultation, p.69.

stakeholders, including children we spoke to about these measures, also highlighted the need for information to take into account differences between children including age, disability, needs and experience.<sup>1630</sup>

- 18.22 To improve the production of information for children, some stakeholders suggested we provide specific guidance for services or set standards for the presentation of information to children.<sup>1631</sup> The NSPCC specifically suggested that service providers should engage directly with children and representative groups to develop messaging.<sup>1632</sup>

## Our decision

- 18.23 Having considered this stakeholder feedback, we have decided to maintain our proposed approach to the production of information for children across the User Support measures. To reflect this decision, we are codifying our expectation around producing information for children in Measure PCU F2, to bring it in line with other measures in this section which already include such expectations. We now set out that information presented to children by a service provider as part of Measure PCU F2 should be prominently displayed and clear, comprehensible and easy for a child user to understand.<sup>1633</sup>
- 18.24 We have considered stakeholder views that services should deliver information which is child friendly, age-appropriate and disability friendly, and that we should standardise the provision of information for children. We agree that services should deliver child friendly and age-appropriate information for children and expect service providers to consider the needs of different age groups within their user base as part of the development of supportive information and materials. We outline our overall position on tailoring measures to different age groups in Section 9 of this statement.
- 18.25 With respect to disability friendly materials, providers should consider risks to vulnerable users, including those with disabilities, when conducting their risk assessments.<sup>1634</sup> We would expect providers to take into account their risk assessment findings when considering how to present information for such users on their service. Service providers should also consider their obligations under other relevant legislation (for example, the

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We note the NSPCC made a similar point in response to Measure ICU F2 (support for child users) in our November 2023 Consultation, pp.36-37. In developing its response to our November 2023 Consultation, the NSPCC consulted with its young people's panel; Ofcom, 2024, [Consulting children on proposed safety measures against online grooming](#). [accessed 26 March 2025]; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals; Scottish Government response to May 2024 Consultation, p.11; We Protect Global Alliance response to November 2023 Consultation, p.21.

<sup>1630</sup> [3<]; [3<]; Nexus response to November 2023 Consultation, p.15; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals; We Protect Global Alliance response to November 2023 Consultation, p.20.

<sup>1631</sup> Canadian Centre for Child Protection (C3P) said we should standardise the presentation of information in Measures PCU F2 and PCU F3-5. C3P response to May 2024 Consultation, p.31. Federation of Small Businesses (FSB) response to Measure PCU F1 and PCS F4, and Measure PCU F3-5 in our May 2024 Consultation, p.7; NSPCC response to Measure PCU F1 and PCS F4 in our May 2024 Consultation, p.69; NSPCC response to Measure ICU F2 in our November 2023 Consultation, p.37.

<sup>1632</sup> NSPCC response to May 2024 Consultation, p.69. We note the NSPCC made a similar point in its response to Measure ICU F2 in our November 2023 Consultation, pp.36-37. In developing its response to our November 2023 Consultation, the NSPCC consulted with its young people's panel.

<sup>1633</sup> For the sake of clarity, we have added similar wording to an existing provision regarding the production of information in the Codes for Measure PCU F1 and PCS F4.

<sup>1634</sup> See [Children's Risk Assessment Guidance](#), Volume 3, Section 8.

Equality Act 2010), as well as industry standards and good practice to ensure their services meet the access needs of disabled people.<sup>1635</sup>

- 18.26 However, we have decided not to be more prescriptive about this or about the provision of supportive information to children overall, because we expect that approaches to accessibility and the presentation of information may vary between services, subject to their features and design. We also do not consider it necessary to issue further guidance on, or to standardise provision of support information for, children. We do not have evidence of a single best practice approach and we recognise that services will be best placed to determine the most effective way of presenting information on their service. As a result, we are maintaining the flexible approach proposed at consultation. However, we have provided additional guidance to support service providers to develop child-friendly, accessible and engaging informational resources for children, as appropriate.<sup>1636</sup>
- 18.27 We are also not changing the measures to include that service providers directly engage with children or representative groups when developing messaging for children. We do not consider this to be appropriate as we cannot guarantee the quality of engagement or the safety of child participants. However, we encourage service providers to take note of best practice guidance, as well as existing evidence around children's preferences, when developing information and resources for children.<sup>1637 1638</sup>

## Which users the measures apply to

### Summary of responses

- 18.28 Three stakeholders commented on which users these measures should apply to, or how different groups of users could be identified.
- 18.29 Inkbunny argued that all of the User Support measures would be useful “for users of any age”,<sup>1639</sup> while Nexus said that Measures PCU J3; PCU F1 and PCS F4; PCU F2 and PCU F3-5 should be “incorporated for all service users”.<sup>1640</sup>
- 18.30 Yoti noted that the success of the User Support measures largely depends on a service knowing which users are children, and therefore on the use of highly effective age assurance.<sup>1641</sup>

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<sup>1635</sup> See, for example, ‘WCAG 2 Overview’, 2005. [World Wide Web Consortium’s \(W3C\) Web Content Accessibility Guidelines \(WCAG\)](#), W3C Web Accessibility Initiative (WAI), March 2024. [accessed 20 March 2025].

<sup>1636</sup> See ‘How this measure works’ for Measures PCU F1, PCU F2 and PCU F3-5.

<sup>1637</sup> For example: 5Rights Foundation, 2021. [Tick to agree: Age appropriate presentation of published terms](#). [accessed 20 March 2025]; Designing for Children’s Rights, 2022. [Design Principles: Version 2.0](#). [accessed 20 March 2025]; Information Commissioner’s Office (ICO), 2020. [Age appropriate design: a code of practice for online services](#). [accessed 20 March 2025]; IEEE, 2021. [IEEE standard for an age appropriate digital services framework based on the 5Rights principles for children](#). [accessed 20 March 2025]; Save the Children, 2022. [How to write a child friendly document](#). [accessed 20 March 2025].

<sup>1638</sup> For example: Cohen, R., Rifkin-Zybutz, R., Moran, P., Biddle, L., 2022. [Web-based support services to help prevent suicide in young people and students](#) [accessed 25 March 2025]. See also Volume 5, May 2024 Consultation, pp.416-417.

<sup>1639</sup> Inkbunny response to May 2024 Consultation, p.18.

<sup>1640</sup> Nexus response to May 2024 Consultation, p.22.

<sup>1641</sup> Yoti response to May 2024 Consultation, p.38.

## Our decision

- 18.31 We have considered this stakeholder feedback and have decided to maintain the approach that we consulted on for each User Support measure. The measures are intended to help providers meet the children's safety duties. Where relevant to protect all users from illegal harms, we have included equivalent or related measures in our Illegal Content Codes.<sup>1642</sup>
- 18.32 We have decided to confirm our position that most of the User Support measures, which help providers to comply with their children's safety duties in the Act, should apply to users who have not been determined to be adults through the use of highly effective age assurance. That means, where providers do not use highly effective age assurance on their service, the User Support measures will need to be applied to all United Kingdom users. However, as Measure PCU F1 and PCS F4 sets out that age-appropriate user support materials should be made publicly available to users and non-users of a service, including the parents or guardians of children using a service, highly effective age assurance does not need to be used to identify who this measure should apply to.

## What children told us

- 18.33 Children consulted on the draft User Support measures were broadly supportive.<sup>1643</sup>
- 18.34 Children appreciated having tools to be able to control their online experience. They were of the view that such measures would support them to reduce their exposure to unwanted content or contact. In particular, they suggested that having the option to accept or decline invitations to group chats could be empowering and enable them to have more control over what group chats they are part of. Children also discussed being generally happy to receive supportive information and suggested that this would help them to make more informed choices about using online services.
- 11.3 However, children did express some concerns about the effectiveness of the user tools, including potential social consequences of using them. They also had concerns about whether some of the measures that involved prompts or notifications would always be relevant to them personally. They stressed that any information presented during their user journey should be targeted, short and accessible or it would risk becoming annoying or ineffective.
- 18.35 We have made some changes to the measures in response to this feedback, which are outlined under 'Our decision' for each measure, where relevant.

## Measure PCU J1: Provide children with the option to block and mute other users' accounts

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### Introduction

- 18.36 In our May 2024 Consultation, we proposed that service providers in scope of this measure should offer every registered child user the option to:
- block individual user accounts (connected or unconnected);

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<sup>1642</sup> See 'Interaction with Illegal Harms' for details of measures in our Illegal Content Codes that provide similar protections.

<sup>1643</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

- block all unconnected user accounts (also referred to as ‘global blocking’); and
- mute other individual user accounts on the service.<sup>1644</sup>

18.37 The aim of this measure was to give children the ability to limit or restrict their interactions on a service, helping to keep them safe from harmful content. We proposed that this measure should apply to user-to-user services that have user profiles, certain user interaction functionalities, and are medium or high risk for one or more of bullying content, abuse and hate content, and violent content.<sup>1645</sup>

18.38 We received feedback from a wide variety of respondents on our proposed approach,<sup>1646</sup> with various stakeholders expressing support.<sup>1647</sup> Other stakeholders disagreed with some aspects of our proposed approach, including how the measure works,<sup>1648</sup> the effectiveness of the measure,<sup>1649</sup> the costs and implications of the measure,<sup>1650</sup> our rights assessment,<sup>1651</sup> and which services the measure applies to.<sup>1652 1653</sup>

## Our decision

18.39 Having considered stakeholder feedback, we have decided to change the services in scope of this measure from our consultation proposal.

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<sup>1644</sup> In our May 2024 Consultation, we referred to this measure as US2 or PCU G1. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU J1 throughout.

<sup>1645</sup> Services must have at least one of the following functionalities to fall in scope of this measure: user connection; posting content; and user communication, including but not limited to direct messaging and commenting on content.

<sup>1646</sup> This measure mirrors Measure ICU J1 in our December 2024 Statement on Protecting People from Illegal Harms Online (our December 2024 Statement) (see Chapter 12 of Volume 2). As such, we also consider feedback provided in respect of Measure ICU J1 in our November 2023 Consultation.

<sup>1647</sup> FSB response to May 2024 Consultation, p.7; Ink bunny response to May 2024 Consultation, p.18; Meta Platforms Inc. response to May 2024 Consultation, Annex, p.38; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals; Snap Inc. response to May 2024 Consultation, p.24; Ukie response to May 2024 Consultation, pp.50-51.

<sup>1648</sup> C3P response to May 2024 Consultation, p.30; Mid Size Platform Group response to May 2024 Consultation, p.12; UK Safer Internet Centre (UKSIC) response to May 2024 Consultation, pp.37-39.

<sup>1649</sup> Booking.com response to November 2023 Consultation, p.21; Children’s Commissioner for Wales response to May 2024 Consultation, p.3; Pinterest response to November 2023 Consultation, p.9.

<sup>1650</sup> Global Network Initiative (GNI) response to November 2023 Consultation, p.17; Google response to November 2023 Consultation, pp.64-65; Match Group response to May 2024 Consultation, p.6; Mid Size Platform Group response to November 2023 Consultation, p.11; Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

<sup>1651</sup> Google response to November 2023 Consultation, p.65.

<sup>1652</sup> Age Verification Providers Association (AVPA) response to November 2023 Consultation, p.3; Board of Deputies of British Jews response to November 2023 Consultation, p.3; Booking.com response to November 2023 Consultation, p.21; BT Group response to November 2023 Consultation, p.2; C3P response to May 2024 Consultation, pp.29-30; Dwyer, D. response to November 2023 Consultation, p.9; GNI response to November 2023 Consultation, p.17; Google response to May 2024 Consultation, pp.40-41; Google response to November 2023 Consultation, p.64; Match Group response to May 2024 Consultation, p.6; Mid Size Platform Group response to November 2023 Consultation, p.11; Office of the Children’s Commissioner for England response to May 2024 Consultation pp.73-74; Snap Inc. response to November 2023 Consultation, p.23; UKSIC response to May 2024 Consultation, pp.37-38; VerifyMy response to November 2023 Consultation, p.13; Wikimedia Foundation response to November 2023 Consultation, pp.33-34; xHamster response to May 2024 Consultation, p.13.

<sup>1653</sup> Stakeholder responses and our updated decision regarding the flexibility of this measure, our approach to safety by design in the measure and which users the measure applies to are considered and addressed in the ‘Summary of stakeholder feedback on our approach proposed at consultation’ sub-section, paragraphs 18.10-18.33.

- 18.40 We have decided to extend the measure to services with risk of suicide content, self-harm content and/or eating disorder content, and to change the specific size and risk criteria.
- 18.41 We have decided to apply the measure to providers of user-to-user services likely to be accessed by children that have user profiles, at least one of the relevant functionalities (user connection, posting content and user communication)<sup>1654</sup> on parts of the service that are accessible to children,<sup>1655</sup> and are either:
- high risk for relevant harmful content (bullying content, abuse and hate content, violent content, suicide content, self-harm content, or eating disorder content); or
  - medium risk for relevant harmful content and have over 700,000 monthly active United Kingdom users ('monthly UK users').<sup>1656</sup>
- 18.42 In addition, following further consideration post-consultation, we have clarified that the global blocking element of the measure only applies to services that have a user connection functionality.
- 18.43 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU J1.

## How this measure works

- 18.44 Providers of services in scope of this measure should provide children with the option to:
- block individual user accounts (connected or unconnected);
  - block all unconnected user accounts ('global blocking'); and
  - mute other individual user accounts on the service.
- 18.45 If User A's account blocks User B's account on a service, this means that:<sup>1657</sup>
- User B cannot send direct messages to User A and vice versa.
  - User A will not encounter any content posted by User B on the service (regardless of where on the service it is posted) and vice versa, including but not limited to (1) reactions to and ratings of content and (2) content originally posted by User B which is subsequently posted by another user.<sup>1658</sup>

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<sup>1654</sup> See the statement glossary (Annex 7) for definitions of these functionalities.

<sup>1655</sup> The children's safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

<sup>1656</sup> As calculated in accordance with the methodology set out in the Codes of Practice. See Section 10 of this statement for more information.

<sup>1657</sup> The effects set out here describe the effect of blocking on the account through which User A has blocked User B's account, and the account through which User B has been blocked by User A. For simplicity, we refer only to "users" or "children" rather than "user accounts" when discussing the action and effects of blocking in this section.

<sup>1658</sup> In this context, "Content originally posted by User B" relates to the entire content of their post. If User B were to post a link to a news article, the content includes the link to the news article and the information that shows User B used their user profile to make the post. If another user (User C) were to repost this content in a way that included the link and the information showing User B used their user profile to post this first, the blocking functionality should prevent User A from seeing User C's post. If User C posted the link to the news article alone – without the accompanying information to show that User B originally posted it from their user profile – the blocking functionality should not prevent User A from seeing User C's post. This also applies to global blocking.

- If User A and User B were connected on the service, they will no longer be connected.
- 18.46 If User A blocks all non-connected user accounts on a service that has a user connection functionality (global blocking), this means that:
- Non-connected users cannot send direct messages to User A (and vice versa).
  - User A will not encounter the content of non-connected users and vice versa, including but not limited to (1) reactions to and ratings of content and (2) content originally posted by non-connected users which is subsequently posted by another user.
- 18.47 If User A mutes User B’s account, this means that User A will not encounter any content posted by User B on the service, including:<sup>1659</sup>
- reactions to and ratings of content by User B; and
  - content originally posted by User B which is subsequently posted by another user (unless User A visits the user profile of User B, in which case User A will experience User B’s profile as if they had not muted them).
- 18.48 Service providers should apply this measure to all United Kingdom users, unless they have been determined to be an adult using highly effective age assurance.

## How this measure protects children

- 18.49 Our May 2024 Consultation set out how our proposed measure would protect children and provided evidence that services which have functionalities such as user connections, posting content and user communication can present a risk of bullying content, abuse and hate content and violent content.<sup>1660</sup> Children may therefore encounter these types of content through direct contact with other users, for example through direct messaging, or through other means that are less directly targeted, such as content that is posted.<sup>1661</sup>
- 18.50 As set out at consultation, this measure will reduce the risks to children because it gives them immediate means to prevent unwanted contact that would otherwise lead to harm. It also gives children a means to prevent themselves from seeing content posted by users who they either know or suspect will post types of harmful content. The measure achieves this by reducing the likelihood of children encountering harmful content from specific user accounts, or from any user account with which they do not have a connection. This will help to mitigate the impact of harm to children, particularly in relation to the relevant types of harmful content covered by this measure (bullying content, abuse and hate content, violent content, suicide content, self-harm content, and eating disorder content).

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<sup>1659</sup> The effects set out in this, and the next paragraph describe the effect of muting on the account through which User A has muted User B’s account, and the account through which User B has been muted by User A. For simplicity, we refer only to “users” or “children” rather than “user accounts” when discussing the action and effects of muting in this section.

<sup>1660</sup> See ‘Effectiveness at addressing risks to children’ under Measure US2 in our May 2024 Consultation (Volume 5, pp.376-377).

<sup>1661</sup> See Sections 5 to 7 of the Children’s Register.

# Stakeholder feedback and our response

## How the measure works

### Summary of responses

- 18.51 Three stakeholders provided feedback on how the measure works. Mid Size Platform Group said that our measure for blocking individuals in group message settings would be “impossible” in the context of services that allow group interactions, as opposed to services tailored to 1:1 interactions, such as channels that are audio-based.<sup>1662</sup> While the Canadian Centre for Child Protection (C3P) broadly agreed with the measure, it said that allowing users to block all unconnected users on a service should apply to children who have private accounts and should prevent connection requests.<sup>1663</sup> The UK Safer Internet Centre (UKSIC) stated that “the ability to block users should be a default setting”.<sup>1664</sup>

### Our decision

- 18.52 We consider that this feedback is already reflected in our position as proposed in our May 2024 Consultation. As a result, we are not making changes to the measure in response to this feedback.
- 18.53 In response to feedback which queried whether this measure applies to group messaging, we confirm that it does not. As stated in our May 2024 Consultation, this measure sets out that the blocking user should not encounter any content generated, uploaded or shared by a blocked user on open channels of communication, or through direct messages.<sup>1665</sup> By contrast, group messaging takes place in closed settings.<sup>1666</sup> We agree with Mid Size Platform Group that blocking individual users in group chat settings could cause significant user experience issues for all users in the group chat. This measure, as proposed in our May 2024 Consultation, does not apply to content that a blocking user may encounter through group chats as these constitute closed channels of communication.
- 18.54 We also agree with C3P’s feedback and consider that this is already reflected in the measure. As set out in our May 2024 Consultation, this measure should be made available to all children on a service, regardless of the privacy settings a child has set up on their profile. In addition, this measure should result in blocked users being unable to send the blocking user a connection request. Once blocked, blocked users should not be able to find any content posted by the blocking user on the service, which includes the blocking user’s profile information (such as their username). We therefore consider that the measure provides children with an adequate level of control over the types of user content they opt out of seeing, and it is not necessary to make further changes to reflect C3P’s feedback.
- 18.55 Similarly, we agree with UKSIC’s suggestion that this measure should be a default setting and consider that this is already reflected in the measure. For services in scope of this measure, the ability to block users will be provided by default to children. We consider that this empowerment tool is essential to providing children with a safer default experience.

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<sup>1662</sup> Mid Size Platform Group response to May 2024 Consultation, p.12. We note that Mid Size Platform Group made the same point in response to our November 2023 Consultation, p.11.

<sup>1663</sup> C3P response to May 2024 Consultation, p.30.

<sup>1664</sup> UKSIC response to May 2024 Consultation, p.37. We note that UKSIC made the same point in response to our November 2023 Consultation, p.11.

<sup>1665</sup> See the definition of “content posted” in the user-to-user Protection of Children Codes.

<sup>1666</sup> See the Children’s Risk Assessment Guidance in Volume 3, Section 8 of this statement.

## Effectiveness of the measure

### Summary of responses

- 18.56 Several stakeholders raised concerns relating to the effectiveness of the measure.
- 18.57 In particular, some stakeholders queried the benefits of the measure for certain service types. Google questioned the benefit of allowing a user to hide all content from another user so that they could not view any such content even if they wished to (for example, if they chose to search for it). It also queried how this functionality would address the relevant harms. <sup>1667</sup> [3<] said that the ability to block users does not translate to video sharing platforms (VSPs) due to users' limited ability to interact with one another. <sup>1668</sup> Similarly, in response to our November 2023 Consultation, Booking.com said that the whole measure was disproportionate for services where the interactions between users were limited, <sup>1669</sup> and Pinterest said that muting would have minimal benefit on its service given its particular functionalities. <sup>1670</sup>
- 18.58 The National Crime Agency (NCA) suggested that, for the measure to be effective, children could be provided with "a clear expectation/warning ... when presented with options to block/mute/disable accounts or allow them". <sup>1671</sup> The Children's Commissioner for Wales included a comment from a teacher which noted that if "[p]upils are being "blocked" or "not added" to certain groups, these groups then become a way to say unkind things about another person". <sup>1672</sup>

### Our decision

- 18.59 We have considered stakeholder responses regarding the effectiveness of this measure and have decided not to make any changes to the measure.
- 18.60 Regarding Google's comment about the rationale for preventing users from seeing each other's content, we consider this to be an important safeguard against the relevant kinds of content harmful to children. The types of content harmful to children targeted by this measure can take place through means that do not necessarily involve direct contact. For instance, the Children's Register of Risks (Children's Register) presents evidence that the ability to post abuse and hate online means children can create and share such content among their peers. Similarly, bullying content is often shared via posting content and content depicting violence, such as peer fights, can be posted in public settings that may reach a large audience. <sup>1673</sup> Content may surface to a user in several ways without them expressly seeking it out including, for example, algorithmic recommendations of that content or content that partially matches or coincidentally matches a user's search query. Allowing children to block all content from a blocked user, in addition to blocking or muting the user directly, can therefore help children to give themselves an additional layer of protection from harmful content.

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<sup>1667</sup> Google response to May 2024 Consultation, p.41. We note that Google made the same point in response to our November 2023 Consultation, p.65.

<sup>1668</sup> [3<]

<sup>1669</sup> Booking.com response to November 2023 Consultation, p.21.

<sup>1670</sup> Pinterest response to November 2023 Consultation, p.9.

<sup>1671</sup> NCA response to May 2024 Consultation, p.15.

<sup>1672</sup> Children's Commissioner for Wales response to May 2024 Consultation, p.3.

<sup>1673</sup> Ofcom, 2024. Understanding Pathways to Online Violent Content Among Children.

- 18.61 We nevertheless recognise Google’s argument that there may be circumstances where a user blocks another user (for instance to avoid direct interactions) but still wishes to view certain content that the blocked user has posted on the service. We note that this measure is intended to empower children to make decisions about their experience on a service, including services with functionalities that are not able to determine whether a user is deliberately searching for another user’s content that they may encounter. In that context, there are options children can take in alignment with this measure. For example, they may choose to unblock a blocked user. This measure is designed to give children control, and we expect users should be able to choose when to switch blocking on and off. Alternatively, children may wish to make use of the mute function, rather than the block function, which still allows them to see the content of the user they have muted when they actively choose to look for it.
- 18.62 Service providers may choose to offer extra blocking options, in addition to the forms of blocking and muting set out in the measure.<sup>1674</sup> This would provide children with more options to decide how they experience the service, depending on the kinds of content harmful to children they are concerned about encountering.<sup>1675</sup>
- 18.63 Service providers may wish to inform children if their blocking choices can affect how they experience specific aspects of the service. Providers may therefore also choose to give children the option to turn off blocking or muting at certain points of the user journey, or to switch to alternative forms of blocking if the provider has decided to offer these.<sup>1676</sup>
- 18.64 In response to feedback from [X], Booking.com and Pinterest that the measure may have limited benefits on this particular service type, we note that this measure only applies to services with user profiles and certain user interaction functionalities and which are medium or high risk of certain harms.
- 18.65 We agree with the NCA’s suggestion that it is important to make this measure known to users, which is why we have also included measures to ensure that children understand the user tools available to them and can access appropriate support (PCU F1 and PCU F2).<sup>1677</sup>
- 18.66 We acknowledge the concern raised by the Children’s Commissioner for Wales that providing children with blocking functionality may have unintended consequences. However, we consider the benefits of providing this functionality to children outweigh the risk of it being misused, as we have robust evidence that children often use blocking properly and to their benefit.<sup>1678</sup> In addition, as set out at paragraph 18.55, this measure does not affect the ability of a blocked user to group chat with a blocking user. Instead, as

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<sup>1674</sup> In Volume 2 of our December 2024 Statement, we provide an illustrative example on pp.492-493, paragraph 12.68.

<sup>1675</sup> This is not specifically recommended in the Codes, as the relevant options would depend on the characteristics of a service, and additional blocking options may not be effective or proportionate in all cases.

<sup>1676</sup> In [Volume 2 of our December 2024 Statement](#), we provide an illustrative example on p.493, paragraph 12.68.

<sup>1677</sup> Measure PCU F1 sets out that in-scope service providers offer age-appropriate user support materials that clearly explain to children the user tools available to them on the service, including blocking and muting tools. Measure PCU F2 sets out that in-scope service providers give children supportive information when they take action against another user account or type of content. This should include information about the effect of the action taken and further actions children can take to protect themselves (for example, blocking or muting other user accounts, including global blocking).

<sup>1678</sup> See “How this measure protects children”, paragraphs 18.51-18.52.

discussed, Measure PCU J3 is intended to provide children with the option to decline an invitation to group chats that they may not wish to join.

## Impacts on service providers

### Direct costs of implementation

#### Our position at consultation

- 18.67 In our May 2024 Consultation, we set out the estimated direct one-off and ongoing costs of implementing this measure. A relevant service provider that does not offer block and mute functionalities as laid out in this measure would incur one-off costs to make changes to their service in line with this measure of between £10,000 to £150,000 and would incur maintenance costs of approximately £2,500 to £37,500 per year.
- 18.68 We noted that in some cases service providers already have the measure (or parts of it) in place, meaning the costs for these services may be lower.<sup>1679</sup> In addition, some service providers would be implementing the equivalent Measure ICU J1 in our Illegal Content Codes (see sub-section 'Interaction with Illegal Harms'), so would not incur additional costs.
- 18.69 Our estimates reflect that there is likely to be considerable variation across service providers. Costs will be influenced by the design of the service and will depend on factors including the complexity of the provider's systems and the service's functionalities, the nature of how users interact on a service, and the extent of organisational overheads required to implement changes. Costs are likely to increase for larger services which tend to be more complex, but we cannot be confident that costs to small services would necessarily be at the low end of the estimated range.
- 18.70 Where services have many functionalities relevant to this measure, the direct costs of the measure could be relatively high, at the top end of our quantified range, or even beyond in some cases.<sup>1680</sup>

#### Summary of responses

- 18.71 In response to our November 2023 Consultation, we received feedback from industry stakeholders about the potential complexity and resource implications of the equivalent measure in the Illegal Content Codes.<sup>1681</sup> Mid Size Platform Group highlighted that the measure may not be straightforward to implement and could be resource-intensive.<sup>1682</sup> Global Network Initiative (GNI) encouraged us to consider the costs that the measure could impose on providers, "especially when they are required on the part [of] smaller or non-commercial service[s]".<sup>1683</sup>
- 18.72 [X].<sup>1684</sup> Google argued that implementing this measure would take providers' time and resources away from implementing other more effective measures, or those that might be

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<sup>1679</sup> We also noted that, in some circumstances, there may be some overlapping costs with the implementation of our illegal harms measure which stops users from sending messages to non-connected users in chapter 8 of our December 2024 Statement, 'U2U settings, functionalities, and user support'.

<sup>1680</sup> For a fuller description of our assessment of the impact on services, see paragraphs 21.84-21.91 in our May 2024 Consultation.

<sup>1681</sup> We note that stakeholders combined their response on the direct costs of this measure (ICU J1) and the disabling comments measure (ICU J2).

<sup>1682</sup> Mid Size Platform Group response to November 2023 Consultation, p.11.

<sup>1683</sup> GNI response to November 2023 Consultation, p.17.

<sup>1684</sup> [X].

more appropriate to the specific platform.<sup>1685</sup> Mid Size Platform Group said that the complexity of the measure could divert focus from core online safety monitoring activities.<sup>1686</sup>

#### Our decision

- 18.73 We received no feedback on alternative assumptions for the specific direct costs that we estimated to implement this measure. We recognise that this measure may involve significant complexity and a high level of costs for some service providers. However, we consider this is appropriately reflected in our cost analysis at paragraphs 18.69-18.72 and have not made changes to the costs we outlined in our May 2024 Consultation.<sup>1687</sup> See paragraph 18.33 for an explanation of age assurance costs in relation to this measure.<sup>1688</sup>
- 18.74 We recognise that service providers may need to reallocate resources or acquire additional resources to implement this measure. We note that the Act provides flexibility for service providers to choose to take alternative measures provided they can adequately explain how they will enable them to comply with their duties.<sup>1689</sup>

#### Potential indirect costs

##### Our position at consultation

- 18.75 In our May 2024 Consultation, we recognised the potential for this measure to have an indirect impact on service providers and service users that would vary based on how the service works. Global blocking of all non-connected users could fundamentally alter the community or usage of a site, and users cannot interact with or see content created by other unknown users if they choose to use this tool. This could reduce user engagement and use of a service, which could lead to reduced revenue as an indirect result of the measure.<sup>1690</sup>
- 18.76 However, any impact of the measure on engagement and usage rates is uncertain and it is not necessarily the case that use of a service and revenue will fall. While the effect on engagement may be negative for some users, there may be a countervailing positive impact for other users, for example if they feel safer and therefore use the service more.
- 18.77 The current availability and use of blocking and muting controls across different types of services, particularly larger ones, suggests that these controls add value for many services and users.<sup>1691</sup> <sup>1692</sup> The tools empower users to change their own experience of a service. As

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<sup>1685</sup> Google response to November 2023 Consultation, pp.64-65.

<sup>1686</sup> Mid Size Platform Group response to November 2023 Consultation, p.11.

<sup>1687</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>1688</sup> See Annex 3 for details on the cost of highly effective age assurance if a provider chooses to use this to target this measure.

<sup>1689</sup> As set out in our 'Record-Keeping and Review Guidance', providers who wish to take alternative measures may do so as long as they record how this complies with the safety duties and their duties in relation to freedom of expression and privacy.

<sup>1690</sup> Section 14 of the Children's Register, Business models and commercial profiles, sets out the relationship between engagement and revenue for user-to-user services.

<sup>1691</sup> Services including X, Facebook, Instagram, TikTok, LinkedIn, Snapchat, YouTube, Medium and Tumblr offer user blocking and/or muting tools. Source: Pen America, [Online harassment Field Manual: Blocking, Muting and Restricting](#). [accessed 21 March 2025].

<sup>1692</sup> While less widely offered, there is evidence that some services currently provide users with the option to globally block all non-connected accounts for some functionalities. For example, Instagram allows for pre-emptive blocking of new accounts of the user of a blocked account, and also enables users to block all direct

use of the feature is optional, it is reasonable to assume that the benefits to users from using blocking or muting tools will generally exceed the drawbacks to them personally, or they would not choose to use them.

#### Summary of responses

- 18.78 Several stakeholders said all or part of this measure presented a risk to some services (or service types) because it could have an impact on how the service works and its useability, representing an indirect cost of the measure on the provider.
- 18.79 Mid Size Platform Group said that [§<], leading to technical issues in implementation and risking disruption to user experience.<sup>1693</sup>
- 18.80 Match Group said that a blanket rule requiring providers to allow users to block all unconnected users on a service does not recognise the fundamental differences in the purpose of services, and this functionality does not translate to dating services.<sup>1694</sup>
- 18.81 The Wikimedia Foundation said that the measure would not be appropriate for Wikipedia Talk pages given the reliance on editors being able to have debates to agree on content for Wikipedia articles.<sup>1695</sup> We understand the concern is that users could misuse the tool to prevent an open discussion between all editors. A blocked user would be unable to view content posted by the blocking user, and so not be able to respond to points raised or potentially understand the discussion thread with some content in it blocked for them.

#### Our decision

- 18.82 We have considered stakeholder feedback and acknowledge that there are possible unintended consequences for some service providers, and that in some cases this may be significant. We have set out our response below to the points that have been raised by stakeholders. Our view of these impacts has also informed our decision on who the measure applies to, which we set out in that sub-section, explaining our decision as to which smaller services it is proportionate to apply this measure to.
- 18.83 On services where user connections are important, a global blocking function would enable users to continue to interact with their existing connections once these have been made.<sup>1696</sup> We agree with Match Group that, if a user turned on global blocking before having any connections on a connections focused service, this would have a negative impact on their experience of the service by preventing all user-to-user interactions. We consider that there would therefore be no incentive for a user to do so. Services in scope of Measures PCU F1 and PCU F2 should inform users about the effect of using this tool before

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messages. Source: Meta, 2021, [Introducing new tools to protect our community from abuse](#). [accessed 21 March 2025]. Discord allows users to block direct messages from users on a server that are not on their friends list. Source: Discord, 2022, [Blocking & Privacy Settings](#). [accessed 21 March 2025].

<sup>1693</sup> Mid Size Platform Group response to November 2023 Consultation, p.11.

<sup>1694</sup> Match Group response to May 2024 Consultation, p.6. We note that Match Group made the same point in response to our November 2023 Consultation, p.17.

<sup>1695</sup> Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

<sup>1696</sup> We are aware of services which already offer a global blocking function or similar tool that allows users to prevent unconnected users from encountering their profile but enables them to continue interacting with connected users. For example, Hinge allowing a 'pause' which prevents a user from being shown to new people while still being able to chat with existing matches. Source: Hinge, [Can I temporarily pause my Hinge account?](#) [accessed 21 March 2025].

and after use, enabling them to make an informed choice about when and how to use it.<sup>1697</sup> We consider this mitigates the risk of it having an adverse impact on the experience of users on the service. We therefore do not consider that this measure will fundamentally undermine the useability of services focused on user matching or have an adverse impact on their business model.

- 18.84 Regarding the Wikimedia Foundation’s concerns, we understand the importance of editors having open debates on Wikipedia Talk pages for the effective running of the service. We appreciate that in certain circumstances these tools could be misused by users to stifle debate by making parts of a discussion not visible to blocked users, which in turn could have an impact on the accuracy of Wikipedia articles. Overall, while we recognise that the measure may lead to some friction, we still consider this proportionate so that children have control tools to mitigate the risk of harms targeted by this measure.<sup>1698</sup>
- 18.85 As discussed in paragraph 18.64, services may choose to offer the option to turn off blocking or muting at certain points of the user journey, or to switch to alternative forms of blocking. This would have the dual benefit of giving users even greater control over how they protect themselves from harm and helping services reduce the impact on their business models, should some users decide they do not need to make use of the full extent of the blocking functionality as set out in these measures.
- 18.86 We recognise that indirect impacts, including unintended consequences of this measure, could be material, particularly on services where user interaction and discussion are core to the service’s purpose. We consider that larger services may be better able to manage these indirect impacts, and that user experience might suffer more significantly on smaller less sophisticated services (such as simple discussion forums). We have taken this into consideration as part of deciding who this measure applies to as explained in the later subsection.

## Rights

- 18.87 Services may apply our User Support measures only to child users if they use highly effective age assurance to determine which users on the service are adults. Where services do not use highly effective age assurance, they would need to apply these measures to all users.<sup>1699</sup> Throughout our rights impact assessments for all User Support measures in this section, we have therefore considered the potential impacts for both child and adult users.

### Freedom of expression and freedom of association

- 18.88 As explained in Volume 1, Section 2 of this statement, Article 10 of the ECHR upholds the right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. Article 11 sets out the right to associate with others. Both Article 10 and Article 11 are qualified rights, and Ofcom must exercise its duties under the Act in a way that does not restrict these rights unless satisfied that it is necessary and proportionate to do so.

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<sup>1697</sup> See Measures PCU F1 and PCU F2 for more details. Services not in scope of these measures can also choose to provide information about the tools.

<sup>1698</sup> For additional discussion of this feedback, see Volume 2 of our December 2024 Statement, p.499, paragraph 12.96.

<sup>1699</sup> As explained in paragraph 18.33, highly effective age assurance does not need to be used to identify who Measure PCU F1 and PCS F4 should apply to.

## Summary of responses

- 18.89 In response to our November 2023 Consultation, Google said that blocking functionality raises freedom of expression considerations.<sup>1700</sup>

## Our final rights assessment

- 18.90 In our May 2024 Consultation, we considered that any impact on users' rights to freedom of expression and of association would be limited to imparting or receiving information from the user that has blocked them. We recognised the potential for negative impact if, as a result of the information provided, the user was dissuaded from interacting with content or other users. However, we also noted the positive impacts that could flow from this measure, by enabling children to make informed decisions about whether to restrict interactions with other users or content. We concluded that this limited impact was justified and proportionate in line with the duties of the Act.
- 18.91 We have considered the feedback from Google and do not consider that this measure will interfere with these rights as they do not include the right to compel others to receive information nor to associate with others that they do not wish to. Users that choose to block or mute others are in fact exercising their own rights to freedom of expression and freedom of association by having the autonomy to decide what content they are able to see on the service.
- 18.92 We remain of the view that any interference with the rights to freedom of expression and freedom of association are limited. We have considered the potential rights impacts of the changes made concerning the size and risk level of services within scope of this measure and are of the view that the changes have not increased the degree of any interference with these rights. We consider that the impact on users' rights to freedom of expression and of association on the service are proportionate to the positive benefits to children from having options that empower them to limit their exposure to harmful content and users. We remain of the view that any interference with users' rights to freedom of expression and of association is likely to be limited. We consider it to be justified and proportionate to the benefits that this measure brings in protecting children online. While there might also be the potential for a minimal impact on services' rights to freedom of expression, as this measure would increase frictions in the way that users connect on the service and access or share information, we also consider this is justified and proportionate.

## Privacy and data protection

- 18.93 As explained in Volume 1, Section 2 of this statement, Article 8 of the ECHR confers the right to respect for an individual's private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim and correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply.

## Our final rights assessment

- 18.94 In our May 2024 Consultation, we considered this measure would not interfere with users' rights to privacy, including data protection and that any interference would be minimal. We remain of the view that this measure may have positive impacts, as users (including children) are given control over who they share personal information with.

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<sup>1700</sup> Google response to November 2023 Consultation, p.65.

- 18.95 We did not receive stakeholder feedback on our rights assessment in respect of privacy or data protection for this measure. We do not think the changes made concerning the size and risk level of services within scope of this measure have increased the degree of any interference with these rights. We consider that the degree of interference on the privacy and data protection rights of users from the measure is minimal and proportionate to the benefits to children from having options that empower them to limit their exposure to harmful content and users.
- 18.96 We acknowledge that if providers use highly effective age assurance to target this measure at child users only, there could be privacy impacts associated with the use of highly effective age assurance, as discussed further in Section 13 of this statement, Age Assurance. However, as we would only anticipate that providers would be likely to apply highly effective age assurance for the purposes of this measure where they are already deploying it for other reasons, we do not consider there would be any additional privacy or data protection impacts as a result of use of highly effective age assurance in connection with this measure specifically.
- 18.97 Any interference with users' rights to privacy, including data protection impacts, with regards to the use of highly effective age assurance to target this measure at child users only would be minimal and proportionate to the benefits to children.

## Who this measure applies to

### Our position at consultation

- 18.98 In our May 2024 Consultation, we proposed this measure for providers of user-to-user services likely to be accessed by children that:
- have identified as medium or high risk for any of the following harms: bullying content, abuse and hate content, or violent content;
  - have user profiles; and
  - have at least one of the following functionalities: user connections; posting content; user communication (including but not limited to direct messaging and commenting on content).<sup>1701</sup>

### Service type and functionality

#### Summary of responses

- 18.99 A number of service providers argued that the measure is not proportionate for their type of service.<sup>1702</sup> Examples of the types of services raised by stakeholders included non-commercial services, discussion forums, VSPs, and services designed to make new connections between users.
- 18.100 Google said that the measure should not be applicable to all services that allow the posting of content,<sup>1703</sup> and expressed concern that the measure applied equally to social media services and to services that have minimal social functionality.<sup>1704</sup> [3<] said that the ability to block users does not translate to VSPs due to users' limited ability to interact with one

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<sup>1701</sup> For definitions of these functionalities, see our statement glossary (Annex 7). As set out in 'Our decision', we have clarified the scope of the global blocking measure by stating that it only applies to services that have user connection functionality.

<sup>1702</sup> This feedback was given in response to either our May 2024 Consultation, November 2023 Consultation, or both.

<sup>1703</sup> Google response to May 2024 Consultation, p.40.

<sup>1704</sup> Google response to November 2023 Consultation, p.59.

another.<sup>1705</sup> Booking.com said that requiring blocking and muting functionalities would be disproportionate in circumstances where the interactions between users on its service were limited.<sup>1706</sup> Match Group said the measure does not recognise the fundamental difference in the purpose of services, and that this functionality does not translate to dating services.<sup>1707</sup> The Wikimedia Foundation said that the measure would not be appropriate for Wikipedia Talk pages.<sup>1708</sup>

## Our decision

- 18.101 Having considered this stakeholder feedback, we have decided not to make changes to this measure.
- 18.102 In response to stakeholder concerns on the impact on non-commercial services, while we recognise that not-for-profit service providers may have fewer resources than commercial services, non-commercial services that are likely to be accessed by children are in scope of the children’s safety duties and should implement relevant measures to meet those duties.
- 18.103 In addition, we have considered stakeholder feedback that minimal social functionality such as posting content can bring providers into scope. While we recognise that posting content is a common feature on many user-to-user services, it can cause children to encounter harmful content harmful. This measure will only apply to services that also have user profiles, and where relevant risks have been identified. Where services have fewer types of functionalities where users interact with each other (or with each other’s content), they are likely to incur lower costs of implementation because they will have fewer service features to change to implement the measure.
- 18.104 As outlined in ‘How this measure protects children’, this measure has the potential to combat different kinds of content harmful to children across a broad range of service types and across different functionalities of services. This measure is risk based, and so services are only in scope where they have identified the risk of a relevant type of content harmful to children. If a service is not risky, the measure does not apply to it. Furthermore, in the sub-section ‘Impacts on service providers’, we explain that we do not consider the direct and indirect costs to be disproportionately high for services in scope. More generally, in most cases we do not set measures based on the types of service as this would add complexity to their application. It would also not be a practical approach in most cases, as many services would not fit neatly into a classification, potentially causing uncertainty for service providers.

## Risk level and size of service

### Summary of responses

- 18.105 In response to our May 2024 Consultation, several stakeholders said that the measures should apply to all services, regardless of risk profile.<sup>1709</sup> In contrast, Google said that this

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<sup>1705</sup> [X].

<sup>1706</sup> Booking.com response to November 2023 Consultation, p.21.

<sup>1707</sup> Match Group response to May 2024 Consultation, p.6. We note that Match Group made the same point in response to our November 2023 Consultation, p.17.

<sup>1708</sup> Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

<sup>1709</sup> C3P response to May 2024 Consultation, pp.29-30; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.73-74; xHamster response to May 2024 Consultation, p.13.

measure should apply only to services at a high risk of the relevant harms (rather than high or medium risk).<sup>1710</sup>

18.106 Some stakeholders agreed with our proposal to apply this measure to small services, as well as large services, where the relevant risk and functionality criteria are met.<sup>1711</sup> Similar feedback was received in response to our November 2023 Consultation.<sup>1712 1713</sup>

18.107 In contrast, several stakeholders responded to our November 2023 Consultation by suggesting that the potentially resource-intensive nature of this measure could result in a high level of cost and complexity, including for smaller or non-commercial services, and said they would have concerns if we applied this measure to them.<sup>1714</sup> We also discuss related stakeholder feedback in the sub-sections ‘Impacts on service providers’ and ‘Effectiveness of the measure’, and in ‘Flexibility of the measures’ under ‘Summary of stakeholder feedback on our approach proposed at consultation’.<sup>1715</sup>

#### Our decision

18.108 We have considered this stakeholder feedback and have decided to change who the measure applies to from our proposal set out in our May 2024 Consultation. We have decided to apply this measure to providers of user-to-user services likely to be accessed by children that have user profiles, have at least one of the relevant functionalities (user connection, posting content and user communication),<sup>1716</sup> and are either:

- high risk for relevant harmful content (bullying content, abuse and hate content, violent content, suicide content, self-harm content, or eating disorder content); or
- medium risk for relevant harmful content and have over 700,000 monthly UK users.

#### *Risks of content harmful to children*

18.109 Since consultation, we have considered which types of content harmful to children should bring a service into scope of this measure.

18.110 In addition to the relevant risks proposed at consultation, there is evidence which indicates that children encounter suicide content, self-harm content, and eating disorder content on user-to-user services with relevant functionalities.<sup>1717</sup> For example, we received evidence in response to our May 2024 Consultation that suicide and self-harm content are shared

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<sup>1710</sup> Google response to May 2024 Consultation, p.40.

<sup>1711</sup> C3P response to May 2024 Consultation, pp.29-30; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.73-74; UKSIC response to May 2024 Consultation, pp.37-38. We note that UKSIC made the same point in response to our November 2023 Consultation, pp.11-12; xHamster response to May 2024 Consultation, p.13.

<sup>1712</sup> Age Verification Providers Association response to November 2023 Consultation, p.3; Board of Deputies of British Jews response to November 2023 Consultation, p.3; BT Group response to November 2023 Consultation, p.2; Snap Inc. response to November 2023 Consultation, p.23; VerifyMy response to November 2023 Consultation, p.13.

<sup>1713</sup> Snap Inc. also said that recommending the measure exclusively to providers of large services risked giving a competitive advantage to providers of smaller services who would be exempt from implementing the measure, and therefore incur lower costs. Snap Inc. response to November 2023 Consultation, p.23.

<sup>1714</sup> Google response to November 2023 Consultation, p.64; GNI response to November 2023 Consultation, p.17; Mid Size Platform Group response to November 2023 Consultation, p.11.

<sup>1715</sup> In particular, where direct and indirect costs may be harder to bear for smaller service providers, concerns raised related to the prescriptiveness of the measure, and feedback on the effectiveness of the measure across types of services.

<sup>1716</sup> See the statement glossary (Annex 7) for definitions of these functionalities.

<sup>1717</sup> See Sections 3 and 4 of the Children’s Register.

through direct messaging.<sup>1718</sup> Regarding eating disorder content, 13 to 21-year-olds participating in Ofcom research reported that children and young adults see influencers as role models and a trusted source, creating a heightened risk of harm if eating disorder content is posted on these accounts.<sup>1719</sup>

- 18.111 The responsibility for protecting children from this type of content rests with service providers. It is important to provide children with the ability to control their experience by blocking and muting user accounts which may, whether directly or indirectly, lead them to encounter suicide, self-harm, or eating disorder content.
- 18.112 The equivalent measure in the Illegal Content Codes (ICU J1) applies to providers of large services that are medium or high risk for illegal suicide content (content that encourages or assists suicide).<sup>1720</sup> This decision was based on evidence of the harm and how it manifests online, and our view that the measure will help to tackle this harm.<sup>1721</sup>
- 18.113 We have therefore decided to extend the application of this measure to services with a medium or high risk of suicide content, self-harm content, or eating disorder content. We have considered the risks associated with additional costs and rights implications of this extension and consider that these are proportionate. This change will bring into scope services whose only risk or risks are suicide content, self-harm content, and/or eating disorder content as services for which this type of content was part of a wider set of risks were already in scope. We consider that these could include services where the potential for harm from these content types is severe. We recognise that the costs associated with this measure may be significant for some service providers and have therefore also considered the size of services in scope, which we set out below. Overall, we consider that impacts on service providers are justified given the benefits of this measure.

#### *Size of the service*

- 18.114 In response to stakeholder feedback, we have considered the size of services in scope of this measure.
- 18.115 Where there is a high risk of encountering relevant types of content harmful to children on a service, we consider that providing children with blocking and muting tools will have significant incremental safety benefits. Such tools give children the ability to restrict their interactions on a service, helping to keep themselves safe from harmful content. Therefore, we remain of the view that it is proportionate for this measure to apply to all services with high risk of relevant content harmful to children, regardless of their size.
- 18.116 For services that have identified a medium risk of one or more types of relevant harmful content, we have concluded that it is proportionate to apply to providers with over 700,000 monthly UK users. We expect this threshold will capture a wide range of services which are popular amongst children in the UK, including services that would not meet our definition of a 'large' service (over seven million monthly UK users).

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<sup>1718</sup> Molly Rose Foundation told us that Instagram's internal research found 14.9% of teenage users who had seen suicide or self-harm content in the last seven days had received this content via direct messaging. Source: Molly Rose Foundation response to May 2024 Consultation, p.29.

<sup>1719</sup> Ofcom, 2024. [Online Content: Qualitative Research Experiences of children encountering online content relating to eating disorders, self-harm and suicide](#). [accessed 4 April 2025].

<sup>1720</sup> See Chapter 12 of Volume 2 of our December 2024 statement.

<sup>1721</sup> For more details, see [Illegal Harms Register of Risks](#) chapter titled 'Encouraging or assisting suicide'.

- 18.117 We consider that applying this measure to these services will provide material benefits to children to be able to use block and mute functionalities on these services, and that these providers will be able to manage the impacts of the measure on their service. We expect that these services will typically be able to implement the measure in ways that are effective and mitigate against any adverse effects or unintended consequences that we have described in the ‘Impacts on service providers’ sub-section. They are likely to have the capacity to offer alternative user controls tailored to different functionalities and circumstances (as described in sub-section ‘Other considerations’), in addition to the block and mute tool, and may also be able to take steps to identify, discourage or prevent any potential misuse of these tools.
- 18.118 We expect that smaller services with fewer than 700,000 monthly UK users and a medium risk of harm would struggle to implement the measure in a way that increases protection for children without material adverse effects for users. This is because of more limited resources but also the possibility that small services, such as discussion forums, are built on relatively simple platforms, where implementing the measure may not be possible without a significant overhaul of the service’s systems and architecture.
- 18.119 Our assessment is that the smallest services that are not high risk, will meet their children’s safety duties most effectively by focusing on the other measures applied to them in the Codes. We consider that including these services in scope of this measure would lead to a combined impact that would be disproportionate. As set out in our Children’s Risk Assessment Guidance for Service Providers, risk assessments should be reviewed regularly.<sup>1722</sup> A small service (with relevant functionalities) that identifies a new high risk of a relevant harm for this measure would then become in scope of this measure.
- 18.120 The equivalent measure in the Illegal Content Codes (ICU J1) is applied to providers of large user-to-user services with relevant functionalities and illegal harm risks.<sup>1723</sup> In our December 2024 Statement we noted that we would consider whether there is a case for extending the scope of ICU J1 to capture smaller services. We have now considered this and are consulting on changes to broaden the scope of ICU J1 which would align it with the size and risk level of services in scope of this Protection of Children measure. See Volume 6: Illegal Content Codes Consultation on User Control Measures for more details.

## Other considerations

- 18.121 In addition to considering stakeholder feedback, we have also further considered the effectiveness of the measure, which has led us to make some clarifications to the measure as proposed at consultation.
- 18.122 The global blocking part of the measure is intended for services that have user connection functionality. We recognise that an option to block all other user accounts may make a user-to-user service without a user connection functionality unappealing or unusable. For these services, services should offer users the ability to block or mute other individual user accounts, but we do not consider it proportionate for services to offer a global blocking feature, given its limited likely effectiveness. As confirmed under ‘Our decision’, we have clarified this in the Codes.

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<sup>1722</sup> Volume 3, Section 8, Children’s Risk Assessment Guidance for Service Providers.

<sup>1723</sup> See Chapter 12 of Volume 2 of our December 2024 statement.

# Measure PCU J2: Provide children with the option to disable comments on their own posts

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## Introduction

- 18.123 In our May 2024 Consultation, we proposed that service providers in scope of this measure should offer every registered child user the option of disabling comments on their own posts.<sup>1724</sup> The aim of this measure was to give children control over how other users interact with their content, helping to keep them safe from harmful comments. We proposed that this measure should apply to user-to-user services that have the functionality of commenting on content and are medium or high risk for one or more of bullying content, abuse and hate content, and violent content.
- 18.124 We received feedback from a wide variety of respondents on our proposed approach,<sup>1725</sup> with several stakeholders expressing support for the measure.<sup>1726</sup> Other stakeholders asked us to clarify how the measure works,<sup>1727</sup> or disagreed with aspects of our approach, including the costs and implications of the measure<sup>1728</sup> and which services the measure applies to.<sup>1729 1730</sup>

## Our decision

- 18.125 Having considered stakeholder feedback, we have decided to change the services in scope of this measure.
- 18.126 We have decided to extend the application of this measure to services with a risk of suicide content, self-harm content and/or eating disorder content, and change the size and risk level of service providers in scope. As a result, the measure now applies to providers of

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<sup>1724</sup> In our May 2024 Consultation, we referred to this measure as US3 or PCU G2. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU J2 throughout.

<sup>1725</sup> This measure mirrors Measure ICU J2 in our December 2024 Statement (see Chapter 12 of Volume 2). As such, we also consider feedback provided in respect of Measure ICU J2 in our November 2023 Consultation.

<sup>1726</sup> FSB response to May 2024 Consultation, p.7; Inkbunny response to May 2024 Consultation, p.18; Meta Platforms Inc. response to May 2024 Consultation, Annex, p.38; Snap Inc. response to May 2024 Consultation, p.24; Ukie response to May 2024 Consultation, p.51.

<sup>1727</sup> WhatsApp LLC response to May 2024 Consultation, Annex, p.20.

<sup>1728</sup> GNI response to November 2023 Consultation, p.17; Google response to November 2023 Consultation, pp.63-65; Mid Size Platform Group response to May 2024 Consultation, p.7; Mid Size Platform Group response to November 2023 Consultation, p.11; Reddit response to November 2023 Consultation, pp.9-10, 23; Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

<sup>1729</sup> Age Verification Providers Association response to November 2023 Consultation, p.3; Board of Deputies of British Jews response to November 2023 Consultation, p.3; BT Group response to November 2023 Consultation, p.2; C3P response to May 2024 Consultation, pp.29-30; Dwyer, D., response to November 2023 Consultation, p.9; GNI response to November 2023 Consultation, p.17; Mid Size Platform Group response to May 2024 Consultation, p.7; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; Reddit response to November 2023 Consultation, pp.9-10, 23; Snap Inc. response to November 2023 Consultation, p.23; VerifyMy response to November 2023 Consultation, p.13; Wikimedia Foundation response to November 2023 Consultation, pp.33-34; xHamster response to May 2024 Consultation, p.13.

<sup>1730</sup> Stakeholder responses and our updated decision regarding the flexibility of this measure, our approach to safety by design in the measure and which users the measure applies to are considered and addressed in the 'Summary of stakeholder feedback on our approach proposed at consultation' sub-section, paragraphs 18.10-18.33.

user-to-user services likely to be accessed by children, on parts of the service that are accessible to children, that have the functionality of commenting on content and are:

- high risk for relevant harmful content (bullying content, abuse and hate content, violent content, suicide content, self-harm content, or eating disorder content); or
- medium risk for relevant harmful content and have over 700,000 monthly UK users.

18.127 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU J2.

## How this measure works

18.128 Providers of services in scope of this measure should provide children with the option of disabling comments on their own posts.

18.129 Providers in scope of this measure should give children the option to either:

- prevent all other users from commenting on their content at the point of posting the content;<sup>1731</sup> or
- prevent further comments on their content, by turning off comments at any point after the content has been posted.

18.130 Service providers should apply this measure to all United Kingdom users, unless they have been determined to be an adult using highly effective age assurance.

## How this measure protects children

18.131 As set out in our May 2024 Consultation, evidence shows that comment functionalities can put children at risk of bullying content, abuse and hate content, and violent content.<sup>1732</sup> For example, children who participated in Ofcom research explained how extremely violent content is often shared via links posted in the comments of popular content unrelated to violence, which children suggested increases the likelihood of links being clicked on.<sup>1733</sup> In some cases, these links were posted without context, and in other cases children explained how they would have ‘clickbait’<sup>1734</sup> text that aimed to appeal to children.

18.132 Evidence suggests that comment functionalities can also increase the risk of children being exposed to harmful conversations regarding suicide and self-harm.<sup>1735</sup> Further, evidence indicates that the ability to comment on eating disorder content has the potential to amplify the risk of harm of the content, both for those commenting and those who encounter the comments, by allowing discussion of eating disorders and the promotion of disordered eating behaviours and ideals.<sup>1736</sup>

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<sup>1731</sup> ‘Commenting on content’ is a functionality that allows users to reply to, or post content in response to, another piece of content posted on open channels of communication, so that those comments are visually accessible directly from the original content without navigating away from it. The full definition of ‘commenting on content’ can be found in the statement glossary (Annex 7).

<sup>1732</sup> See Sections 5, 6 and 7 of the Children’s Register.

<sup>1733</sup> Ofcom, 2024. [Understanding Pathways to Online Violent Content Among Children](#), pp.31-32.

<sup>1734</sup> Clickbait is online content whose main purpose is to attract attention and encourage visitors to click on a link to a particular web page.

<sup>1735</sup> See Section 3 of the Children’s Register.

<sup>1736</sup> See Section 4 of the Children’s Register.

- 18.133 This measure will reduce the risks to children because it limits how others interact with them and their posts online. This measure gives children control to prevent comments on their own posts outright when they anticipate potential harm, or to immediately stop further comments, having already seen potentially harmful comments being posted. It gives an incremental benefit over our other Codes measures as it targets the comment functionality and allows for an immediate effect to prevent exposure to potentially harmful content. Particularly for bullying content and abuse and hate content, which can be nuanced and highly personal in such a way that only the targets of it would recognise, this measure will provide children with a tool to give themselves and other users an additional layer of protection.
- 18.134 In addition, harmful content might be posted in comments on a child's content either by a specific user account or by a number of other user accounts. As such, this measure may be used to prevent a child being targeted by one person, or encountering harmful content more generally, including from users they do not know.

## Stakeholder feedback and our response

### How the measure works

#### Our proposals

- 18.135 In our May 2024 Consultation, we proposed that this measure should give users the option to prevent other user accounts from commenting on content they have posted on open channels of communication.<sup>1737</sup>

#### Summary of responses

- 18.136 WhatsApp LLC sought specific clarification that the measures are to be applied in a proportionate manner that accounts for a service's design; i.e. "an encrypted service should clearly not be required to disable comments in a private chat."<sup>1738</sup>

#### Our decision

- 18.137 We have considered this feedback and have decided not to make changes to this measure. We remain of the view, as proposed at consultation, that the measure does not apply to closed channels such as direct messaging and group chat settings. We refer to the definition of 'commenting on content' in the statement glossary at Annex 7, which we have updated to provide further clarity.

### Impacts on service providers

#### Direct costs of implementation

#### Our position at consultation

- 18.138 In our May 2024 Consultation, we set out the estimated direct one-off and ongoing costs of implementing this measure. A relevant service provider that does not already offer users the option to disable comments on their posts would incur one-off costs to make changes to their service in line with this measure of between £2,000 to £50,000 and incur maintenance costs of approximately £500 to £12,500 per year. We estimated a wide range

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<sup>1737</sup> As set out in the Codes, "posting content" relates to users generating, uploading, or sharing content on open channels of communication. As the measure includes this definition, closed channels of communication are out of its scope.

<sup>1738</sup> WhatsApp LLC response to May 2024 Consultation, Annex, p.20.

of direct costs, which reflects uncertainty, and we cannot be confident that the costs to small services would be at the low end of our estimated range.

- 18.139 We noted that in some cases service providers may already have the measure (or parts of it) in place, and the costs for these services may be lower. Also, some service providers would be implementing the equivalent Measure ICU J2 in our Illegal Content Codes (see the sub-section ‘Interaction with Illegal Harms’), so they would not have to incur additional costs.<sup>1739</sup>

#### Summary of responses

- 18.140 We did not receive any feedback specific to the costs of this measure alone. In response to our November 2023 Consultation, we did receive feedback from industry stakeholders about the potential complexity and resource burden of the equivalent measure in the Illegal Content Codes combined with feedback on Measure ICU J1 in the Illegal Content Codes.<sup>1740</sup> We set out this feedback in paragraph 18.73 – 18.74.

#### Our decision

- 18.141 While we recognise the high level of costs this measure may entail for some service providers, we received no responses on alternative assumptions for the specific direct costs that we estimated to implement this measure, and we are unaware of any evidence to suggest there are more appropriate alternative assumptions about the amount of time it would take to implement this measure. Therefore, our estimate of the costs of this measure are unchanged from those we outlined at our May 2024 Consultation.<sup>1741</sup> See paragraph 18.33 for an explanation of age assurance costs in relation to this measure.<sup>1742</sup>
- 18.142 We recognise that service providers may need to reallocate resources or acquire additional resources to implement this measure. We note that the Act provides flexibility for service providers to choose to take alternative measures provided they can adequately explain how they will enable them to comply with their duties.<sup>1743</sup>

#### Potential indirect costs

##### Our position at consultation

- 18.143 In our May 2024 Consultation, we recognised that this measure could result in indirect costs to providers and acknowledged that these could be hard to estimate. If users were to disable comments on a widespread basis and reduce comment activity on a service, this could have an impact on the ability of users to interact with content. Over time, this could lead to lower engagement on a service (including with non-harmful content), or even to users leaving the service, with potential for a consequential reduction in revenue for providers.<sup>1744</sup>

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<sup>1739</sup> For a fuller description of our assessment of the impact on services, see paragraphs 21.116 to 21.122 in our May 2024 Consultation.

<sup>1740</sup> Google response to November 2023 Consultation, pp.63-65; GNI response to November 2023 Consultation, p.17; Mid Size Platform Group response to our November 2023 Consultation, p.11.

<sup>1741</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>1742</sup> See Annex 3 for details on the cost of highly effective age assurance if a provider chooses to use this to target this measure.

<sup>1743</sup> As set out in our ‘Record-Keeping and Review Guidance’, providers who wish to take alternative measures may do so as long as they record how this complies with the safety duties and their duties in relation to freedom of expression and privacy.

<sup>1744</sup> See Section 14 of the Children’s Register, Business models and commercial profiles, sets out the relationship between engagement and revenue for user-to-user services.

- 18.144 However, we noted that often users may value receiving comments on their posts, and so we considered it unlikely that the measure would result in the widespread removal of comments in most cases. Rather, we considered that the measure is more likely to be used in a targeted way, including where harmful comments occur or are anticipated.
- 18.145 We suggested that giving users the ability to disable comments may deliver some counterbalancing indirect benefits to services. For example, it may prevent some users from encountering harmful content through comments on their posts, which would otherwise cause them to leave the service or reduce their usage.

### Summary of responses

- 18.146 In response to the equivalent measure proposed in our November 2023 Consultation, several service providers said that the measure was not appropriate for certain types of service due to the impact it might have on service function. The Wikimedia Foundation said that the measure would not be appropriate for Wikipedia Talk pages given the reliance on editors being able to have debates to agree on content for Wikipedia articles.<sup>1745</sup> Reddit responded that giving users of a discussion forum the ability to turn off comments on their content is “nonsensical” and would threaten the integrity of such services.<sup>1746</sup> Mid Size Platform Group also said [S<], leading to technical issues in implementing them and risking disruption to user experience.<sup>1747</sup>
- 18.147 In response to our May 2024 Consultation Mid Size Platform Group also argued that strict enforcement of this measure would “be very challenging for services that are entirely premised on comments and discussion”.<sup>1748</sup>

### Our decision

- 18.148 We have considered stakeholder feedback and are not making any changes to our assessment of indirect costs. We acknowledge that there are likely to be unintended consequences for some service providers. This measure may have a significant impact on certain types of services. We set out our response to the points that have been raised by stakeholders in the following paragraphs. Our view of these impacts has also informed our decision on who the measure applies to.
- 18.149 We have considered stakeholder feedback and reviewed the functionality and existing practices on the types of service highlighted by stakeholders. We note that various providers have already implemented similar tools to give users greater control of comment functionality, though this is more common on large services.<sup>1749</sup> This indicates that service

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<sup>1745</sup> Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

<sup>1746</sup> Reddit response to November 2023 Consultation, pp.9-10, 23.

<sup>1747</sup> Mid Size Platform Group response to November 2023 Consultation, p.11.

<sup>1748</sup> Mid Size Platform Group response to May 2024 Consultation, p.7.

<sup>1749</sup> Several user-to-user services have implemented this type of measure. Instagram enables users to disable all comments or block certain users from commenting. Source: Meta, 2021, [Introducing new tools to protect our community from abuse](#). [accessed 21 March 2025]; Facebook allows users to choose who can comment on uploaded posts, giving users the choice between ‘everyone’, ‘people you follow’, ‘your followers’ or ‘people you follow and your followers’. Source: Meta, Facebook Help Centre, [Commenting](#). [accessed 21 March 2025]; TikTok allows users to disable comments on their videos, as well as setting rules around who can comment based on their connection. Settings for users under 16 are set to ‘friends only’ for comments by default. Source: TikTok, [Comments](#). [accessed 21 March 2025]; YouTube gives users the option to disable comments on videos at any point after the video has been uploaded, as well as blocking certain accounts from commenting. It also allows for comment disabling on livestreams. Source: Sprout Social, 2022, [YouTube Comments: A Complete Guide](#). [accessed 21 March 2025].

providers are aware that these functionalities can add value to the user experience by allowing comments to be disabled in some circumstances.

- 18.150 We understand that there are services where discussion in comment threads is a core feature of the service. However, we do not consider that this measure poses a fundamental risk to such services. As users go to forums for the purpose of discussion, we consider that there is little incentive for users to post on discussion forums and then disable comments for reasons other than harm prevention. If a user chooses to open a discussion or topic thread but chose to turn off comments for the sole purpose of stifling debate (either from the outset, or after certain opinions began to be shared) other users could start a new discussion to allow users to debate the topic, although this may not fully mitigate the adverse effects.<sup>1750</sup>
- 18.151 We also do not consider that disabling comments is fundamentally at odds with how discussion-focussed services work. For instance, some of these services already offer some users (such as volunteer moderators) the functionality to disable comments. This suggests that service providers see value in having some form of control of this functionality and indirect costs may therefore not be too significant.
- 18.152 We recognise that indirect impacts, including unintended consequences of this measure, could be material, particularly on services where user interaction and discussion are core to the service provider's purpose. We consider that larger services may be better able to manage these indirect impacts due to their greater capacity which may make them better placed to identify and deter, or mitigate the impacts of, misuse. By contrast, we consider that user experience might suffer more significantly on smaller less sophisticated services (such as simple discussion forums). We have taken this into consideration as part of deciding who this measure applies to as discussed in sub-section 'Who this measure applies to'.

## Rights

### Freedom of expression and association

#### Summary of responses

- 18.153 Stakeholders did not specifically respond to our rights assessment in relation to freedom of expression or of association. In response to our November 2023 Consultation, Wikimedia Foundation expressed concern that some users may choose to disable comments in an effort to stifle debate.<sup>1751</sup>

#### Our final rights assessment

- 18.154 In our May 2024 Consultation, we considered that impacts on users' rights to freedom of expression and association were very similar to those set out for Measure PCU J1. We acknowledged that disabling comments would affect other users being able to share and impart information in that instance. We did not consider that this impact was significant as those users would not be prevented from sharing and imparting information elsewhere on a service. Our consultation also highlighted the positive benefits to users as they may be

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<sup>1750</sup> With specific reference to the Wikimedia Foundation's feedback, new 'Topic Pages' can be created for discussion to ensure the accuracy of articles, although this may lead to some duplication and friction which may mean there is still some incentive to misuse the tool. We discussed this feedback in more detail in our December 2024 Statement Volume 2, p.502, paragraph 12.108.

<sup>1751</sup> Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

encouraged to engage more fully on services, including posting content if the risk of encountering bullying content or abuse and hate content is reduced.

- 18.155 We have considered the feedback received and changes to the scope of the measure and remain of the view that disabling comments may encourage children to express themselves online if they feel safe that they will not receive bullying or abusive comments. We have considered the potential rights impacts of the changes made concerning the size and risk level of services within scope of this measure and are of the view that these have not increased the degree of any interference with these rights. Any interference with the rights of users who are unable to express themselves through commenting on content posted by children, is likely to be limited, noting also that this measure does not prevent users from exercising their right to freedom of expression by posting their own content elsewhere on the service.
- 18.156 We consider that the benefits from this measure in protecting children from harmful content would outweigh any potential negative impacts associated with restricting the ability of other users to comment on their own content. We therefore remain of the view that any interference with individuals' rights to freedom of expression and freedom of association is limited and proportionate to the legitimate aim of protecting children from content that is harmful to them. While there might also be the potential for a minimal impact on services' rights to freedom of expression, as this measure would increase frictions in the way that users connect on the service, we also consider this is justified and proportionate for the reasons set out in paragraphs 18.92-18.94.

## **Privacy and data protection**

### **Our final rights assessment**

- 18.157 In our May 2024 Consultation, we considered any impacts on users' rights to privacy, including data protection, to be similar to those set out in Measure PCU J1.
- 18.158 We did not receive stakeholder feedback on our rights assessment specifically about privacy impacts, including data protection, for this measure. Where the mechanisms put in place to implement the measure involve processing of personal data, providers must comply with relevant data protection legislation, including applying appropriate safeguards to protect the rights of both children (who merit special consideration) and adults who may submit reports or use content restriction tools. Providers should refer to relevant guidance from the Information Commissioner's Office (ICO).<sup>1752</sup>
- 18.159 We remain of the view set out that any interference with the privacy rights of users is minimal and proportionate to the benefits to children. We have considered the potential rights impacts of the changes made concerning the size and risk level of services within scope of this measure and are of the view that these have not increased the degree of any interference with these rights. Any interference with users' rights to privacy, including data protection impacts, with regards to the use of highly effective age assurance to target this measure at child users only would be similar to those in relation to Measure PCU J1.

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<sup>1752</sup> ICO, UK GDPR guidance and resources; and Online safety and data protection.

## Who this measure applies to

### Our position at consultation

- 18.160 In our May 2024 Consultation, we proposed applying this measure to providers of user-to-user services likely to be accessed by children that:
- have identified as medium or high risk for any of the following harms: bullying content, abuse and hate content, or violent content; and
  - have the functionality of commenting on content.<sup>1753</sup>
- 18.161 We received feedback from stakeholders relating to the relevant risk level, the size of service, and the type of service that this measure applies to.

### Risk level and size of service

#### Summary of responses

- 18.162 In response to our May 2024 Consultation, several stakeholders said that all our proposed User Support measures should apply to all services, regardless of size or risk profile.<sup>1754</sup>
- 18.163 In response to our November 2023 Consultation, several stakeholders argued that the equivalent Illegal Harms measure should be applied to providers of all sizes of service with relevant functionalities and risks. They said that this measure was a basic or fundamental design choice which could offer protection to users, including children.<sup>1755</sup>
- 18.164 In contrast, when responding to our November 2023 Consultation, some stakeholders cautioned against applying the measure to service providers regardless of their size. GNI encouraged us to consider the cost this measure could impose on providers, “especially when they are required on the part smaller or non-commercial service”.<sup>1756</sup> As discussed in the ‘Impact on service providers’ sub-section, several stakeholders highlighted the potentially costly nature of this measure, which may be harder to bear for smaller service providers.

#### Our decision

- 18.165 We have considered stakeholder feedback and have decided to change who the measure applies to. This measure now applies to providers of user-to-user services likely to be accessed by children that have the functionality of commenting on content and are either:
- a) high risk for relevant harmful content (bullying content, abuse and hate content, violent content, suicide content, self-harm content, or eating disorder content); or

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<sup>1753</sup> We define “commenting on content” as a functionality that allows users to reply to content or post content in response to another piece of content and is visually accessible directly from the original content without navigating away from that content.

<sup>1754</sup> C3P response to May 2024 Consultation, pp.29-30; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.73-74; xHamster response to May 2024 Consultation, p.13.

<sup>1755</sup> Age Verification Providers Association response to November 2023 Consultation, p.3; Board of Deputies of British Jews response to November 2023 Consultation, p.3; BT Group response to November 2023 Consultation, p.2; Snap Inc. response to November 2023 Consultation, p.23. Snap Inc. also said that recommending the measure exclusively to providers of large services risked giving a competitive advantage to providers of smaller services who would be exempt from implementing the measure, and therefore incur lower costs; VerifyMy response to November 2023 Consultation, p.13.

<sup>1756</sup> GNI response to November 2023 Consultation, p.17.

- b) medium risk for relevant harmful content and have over 700,000 monthly UK users.<sup>1757</sup>

#### *Risks of content harmful to children*

- 18.166 We have considered the relevant risks for this measure. In addition to the risks relating to the kinds of content harmful to children proposed at consultation, we consider that there is evidence which indicates functionalities that enable users to post and reply to comments increase the risk of harm related to suicide, self-harm, and eating disorder content. We detail our evidence on the risk posed by commenting on suicide and self-harm content in Section 3 of the Children's Register.<sup>1758</sup>
- 18.167 Our research suggests that eating disorder content presents similar risk factors to suicide content, and in many cases leads to severe harm.<sup>1759</sup> The ability to comment on this type of content can amplify the risk of harm, both for those commenting and those who encounter the comments. Our research illustrated how children and young adults aged 13-21 felt they had been 'taken in' by worrying or extreme eating disorder content, which led them to engage with the comments on a post.<sup>1760</sup> We consider this evidence to justify the extension of the measure to suicide, self-harm, and eating disorder content.
- 18.168 This measure empowers children to limit how others interact with them and their posts online, and can prevent them from otherwise encountering suicide, self-harm, or eating disorder content in comments. Our December 2024 Statement applies the equivalent measure in our Illegal Content Codes (ICU J2) to providers of large user-to-user services with the functionality of commenting on content that are medium or high risk for illegal suicide content (content that encourages or assists suicide).<sup>1761</sup> This is based on evidence of the harm and how it manifests online, and our view is that this measure will help to tackle this harm.<sup>1762</sup>
- 18.169 We have therefore decided to extend the application of this measure to services with a high or medium risk of suicide content, self-harm content and/or eating disorder content. We have considered the risks associated with additional costs and rights implications of this extension and consider that these are proportionate. This change will bring into scope services whose only risk or risks are suicide content, self-harm content and/or eating disorder content. We consider that this could include services where the potential for harm from these content types is severe. We have limited the application of this measure to high-risk services and medium risk services with over 700,000 monthly UK users to ensure that its application is proportionate.

#### *Risk level and size of service*

- 18.170 In terms of the size of service in scope, we consider that on services where children are at high risk of encountering bullying content, abuse and hate content, violent content, suicide content, self-harm content and eating disorder content that there are significant incremental safety benefits from providing the tool to enable users to disable comments on their own content. This measure can give children the ability to restrict interactions on their

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<sup>1757</sup> See paragraphs 18.127-18.128.

<sup>1758</sup> See Section 3 of the Children's Register.

<sup>1759</sup> See Section 4 of the Children's Register.

<sup>1760</sup> Ofcom, 2024. Online Content: Qualitative Research Experiences of children encountering online content relating to eating disorders, self-harm and suicide.

<sup>1761</sup> See Chapter 12 of Volume 2 of our December 2024 statement.

<sup>1762</sup> For more details, see [Illegal Harms Register of Risks chapter 15](#), 'Encouraging or assisting suicide'.

content on a service, helping to keep them safe from harmful content. Therefore, we consider that it is proportionate to apply this measure to such services regardless of their size.

- 18.171 For services that have identified a medium risk of one or more of these harms, we have concluded that it is proportionate to apply to providers with over 700,000 monthly UK users. This size threshold is expected to capture a wide range of services which are popular amongst children in the UK, including services that would not meet our definition of a 'large' service (over seven million monthly UK users).
- 18.172 We consider that applying this measure to these services will provide material benefits to children to be able to disable comments on their content, and that these providers will be able to manage the impacts of the measure on their service. We expect that these services will typically be able to implement the measure in ways that are effective and mitigate against any adverse effects or unintended consequences that we have described in the 'Impacts on service providers' sub-section.
- 18.173 We expect that smaller services with fewer than 700,000 monthly users and a medium risk of harm would struggle to implement the measure in a way that increases protection for children without material adverse effects for users. This is because of more limited resources but also the possibility that small services, such as discussion forums, are built on relatively simple platforms, whereby implementing the measure may not be possible without a significant overhaul of the service's systems and architecture. Our assessment is that the smallest services that are not high risk will meet their children's safety duties most effectively by focusing on the many other measures applied to them in the Codes, whereas including these services in scope would lead to a combined impact on those services that would be disproportionate. As set out in our Children's Risk Assessment Guidance, risk assessments should be reviewed regularly.<sup>1763</sup> A small service (with the relevant functionality) that identifies a new high risk of a relevant harm for this measure would then become in scope of this measure.
- 18.174 Our December 2024 Statement included Measure ICU J2 which is the equivalent measure in the Illegal Content Codes and was applied to providers of large user-to-user services with the relevant functionality and relevant illegal harm risks. In that statement we noted that we would consider whether there is a case for extending the scope of ICU J2 to capture smaller services. We have now considered this and are consulting on changes to broaden the scope of ICU J2 measure which would align it with the size and risk level of services in scope of this Protection of Children measure (PCU J2). See Volume 6: Illegal Content Codes Consultation on User Control Measures for more details.

## Service type

### Summary of responses

- 18.175 We received stakeholder feedback on whether this measure was appropriate for all types of services. In response to our November 2023 Consultation, some stakeholders said that this measure is not proportionate for all types of services, with Reddit and the Wikimedia Foundation arguing in particular that it is not appropriate for discussion forums.<sup>1764</sup>

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<sup>1763</sup> Volume 3, Section 8, Children's Risk Assessment Guidance.

<sup>1764</sup> Dwyer, D., response to November 2023 Consultation, p.9; Reddit response to November 2023 Consultation, pp.9-10, 23; Wikimedia Foundation response to November 2023 Consultation, pp.33-34.

18.176 In response to our May 2024 Consultation Mid Size Platform Group argued that strict enforcement of this measure would “be very challenging for services that are entirely premised on comments and discussion”.<sup>1765</sup>

#### Our decision

18.177 We have considered stakeholder feedback and have decided not to change our approach to the types of user-to-user services to which this measure applies. As set out in paragraph 18.104 in response to combined feedback on the impact Measures PCU J1 and PCU J2 may have on non-commercial services, we note that all service providers need to address risks of content harmful to children on their service.

18.178 As set out in ‘How this measure protects children’, we consider that this measure has potential to combat harm across services with the functionality of commenting on content. This measure is risk based, and so services are only in scope where they have identified the risk of a relevant type of content harmful to children. If a service is not risky, the measure does not apply to it. Furthermore, as set out in ‘Impacts on service providers’, we do not consider that this measure has disproportionately high costs for services in scope, though we have considered the impacts on service providers when considering the size of service this measure is applied to. Also, as noted in paragraph 18.105, there are also reasons of complexity and practicality as to why our User Support measures are not targeted to apply to or exclude specific types of service. We have therefore decided to apply this measure to all user-to-user service providers with relevant risks and functionalities, regardless of the type of user-to-user service.

## Measure PCU J3: Provide children with an option to accept or decline an invitation to join a group chat

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### Introduction

18.179 In our May 2024 Consultation, we proposed that service providers in scope of this measure should provide children with a message prompting them to accept or decline an invitation to join a group chat.<sup>1766</sup> The aim of this measure was to prevent children being added to group chats without their consent. We proposed that this measure should apply to user-to-user services with a group messaging functionality<sup>1767</sup> that are at a medium or high risk of pornographic content, eating disorder content, bullying content, abuse and hate content, and violent content.

18.180 We received feedback from a wide variety of respondents on our proposed approach, with several stakeholders expressing support for the measure.<sup>1768</sup> Other stakeholders

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<sup>1765</sup> Mid Size Platform Group response to May 2024 Consultation, p.7.

<sup>1766</sup> In our May 2024 Consultation, we referred to this measure as US1 or PCU G4. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU J3 throughout.

<sup>1767</sup> In this context we frequently refer to user groups on services which offer group messaging functionality as “group chats”.

<sup>1768</sup> CELCIS response to May 2024 Consultation, p.18; FSB response to May 2024 Consultation, p.18; Information Commissioner’s Office (ICO) response to May 2024 Consultation, p.14; Inkbunny response to May 2024 Consultation, p.18; Meta Platforms Inc. response to May 2024 Consultation, Annex, p.38 (which expressed general support and recommended to allow users the option to accept requests at the time or later); Ukie response to May 2024 Consultation, pp.50-51.

questioned aspects of our approach, including the effectiveness of the measure,<sup>1769</sup> the information that the group chat invitation should provide to children,<sup>1770</sup> our rights assessment<sup>1771</sup> and which services the measure applies to.<sup>1772 1773</sup>

## Our decision

- 18.181 Having considered stakeholder feedback, we have decided to clarify in the Codes that an inviting user should not be directly notified if their group chat invitation is declined. This change specifically addresses a concern outlined by children we spoke to about this measure.
- 18.182 We have also decided to extend the measure to user-to-user services with a group messaging functionality that are medium or high risk for suicide or self-harm content.
- 18.183 The full text of the measure can be found in the Protection of Children Codes of Practice for user-to-user services and it is referred to as PCU J3.

## How this measure works

- 18.184 All providers of services in scope of this measure should send a message to a child when they are invited to join a group chat, prompting the child to accept or decline the invitation.
- 18.185 When another user attempts to add a child to a group chat (including a group chat that the child has previously declined to join or chosen to leave):
- the child should not be added immediately; and
  - the service should send the child a message, such as a notification or prompt, informing them of the request to add them and giving them the option to accept or decline the group chat invitation.
- 18.186 The message should include relevant publicly available information about the user account inviting the child to join, as well as any relevant publicly available information about the group.
- 18.187 The message should be clear, neutral in tone, and use language that children can understand. It should not nudge the child to accept an invitation by, for example, making the 'accept' option easier to access or more prominent.

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<sup>1769</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.25; Meta Platforms Inc. response to May 2024 Consultation, Annex, p.38; Snap Inc. response to May 2024 Consultation, p.25; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1770</sup> C3P response to May 2024 Consultation, p.17; Mid Size Platform Group response to May 2024 Consultation, p.11; NCA response to May 2024 Consultation, p.15; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1771</sup> ICO response to May 2024 Consultation, p.15; Mid Size Platform Group response to May 2024 Consultation, p.11.

<sup>1772</sup> C3P response to May 2024 Consultation, pp.29-30; NSPCC response to May 2024 Consultation, p.67; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; Online Safety Act Network (OSA Network) (1) response to May 2024 Consultation, pp.53-54; xHamster response to May 2024 Consultation, p.13.

<sup>1773</sup> Stakeholder responses and our updated decision regarding the flexibility of this measure, our approach to safety by design in the measure and which users the measure applies to are considered and addressed in the 'Summary of stakeholder feedback on our approach proposed at consultation' sub-section, paragraphs 18.10-18.33.

- 18.188 Providers should allow the child a reasonable time to respond to the message. It is up to providers to decide whether the message should expire automatically after a reasonable period if the user does not respond, or whether it should be time-limited in any way.
- 18.189 The inviting user should not be directly notified if an invited user declines their group chat invitation.
- 18.190 Service providers should apply this measure to all United Kingdom users, unless they have been determined to be an adult using highly effective age assurance.

## How this measure protects children

- 18.191 In the Children’s Register we present evidence that various kinds of harmful content are shared in groups.<sup>1774</sup> The risk of this may be increased when children are added to a group by someone else.<sup>1775</sup> On some services it is possible for children to be added to group chats without being given the option to accept or decline. It may also be possible for users who have left a group chat to be re-added without their agreement.<sup>1776</sup>
- 18.192 This measure will reduce the risks to children because it adds friction to the process of joining group chats by creating an opt-in step that introduces user choice and control. This means children can choose not to enter a group chat if they wish. We consider this important as some children understand the risks posed by group chats, particularly those including people they do not know.<sup>1777</sup>
- 18.193 Where service providers adopt it, this measure may help prevent children encountering pornographic content, eating disorder content, suicide and self-harm content, bullying content, abuse and hate content, and violent content, as well as other types of harmful content that group chats might expose them to.<sup>1778</sup>

## Stakeholder feedback and our response

### Effectiveness of the measure

#### Summary of responses

- 18.194 Three stakeholders, and some of the children consulted on this measure, expressed concern about how the measure might affect children’s experiences as well as raising concerns about children’s ability to use the additional control the measure gives them.
- 18.195 Conscious Advertising Network suggested that “children may lack the judgment or experience to make informed decisions... They may feel pressured to accept invitations”.<sup>1779</sup> Similarly, Snap Inc. said “teens could simply tune out of making an informed decision;

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<sup>1774</sup> See Sections 2 to 7 of the Children’s Register.

<sup>1775</sup> Revealing Reality, 2023. [Anti-social Media: The violent, sexual and illegal content children are viewing on one of their most popular apps](#) [accessed April 2025]. Ofcom, 2022. [Research into risk factors that may lead children to harm online](#) [accessed April 2025].

<sup>1776</sup> [Section 21 \(User Support Measures\)](#) of our May 2024 Consultation.

<sup>1777</sup> London: NCA and Brook, McGeeney, E., Hanson, E. (2017). [Digital Romance: A research project exploring young people’s use of technology in their romantic relationships and love lives](#) [accessed April 2025].

<sup>1778</sup> See Sections 2 to 7 of the Children’s Register provide evidence to understand the risk of harm to children in group chats from types of content that are harmful to them.

<sup>1779</sup> Conscious Advertising Network and Middleton, K., University of Portsmouth response to May 2024 Consultation, p.25.

instead choosing to ‘accept’ all prompts for group chats (as seen in the case of cookie consent fatigue)”.<sup>1780</sup>

18.196 Meta Platforms Inc. encouraged us to focus on “user empowerment, allowing users the option to accept [group chat invitations] at the time or later”.<sup>1781</sup>

18.197 Children consulted on this measure in different age groups have told us that they like it and would use it.<sup>1782</sup> However, some children suggested that declining an invitation may cause social awkwardness, especially if the inviter was informed of this decision.<sup>1783</sup>

#### **Our decision**

18.198 We have considered stakeholder responses regarding the effectiveness of this measure. In response to children’s concerns, we have changed the measure to make clear that inviting users should not be directly notified if a child declines their group chat invitation.

18.199 We understand Conscious Advertising Network’s concern that peer pressure may sometimes influence a child’s decision to enter a group chat. However, research suggests that children value having control over their online experiences, including over who can contact them.<sup>1784</sup> Where others try to add a child to a group chat, the group chat invitation may give them some indication of the kind of content and users they are likely to encounter in the group, which will help inform their decision about whether to accept the invitation.

18.200 With respect to Snap Inc.’s concerns about decision fatigue, our assessment is that an option to accept or decline a group chat invitation would be unlikely to create such fatigue. In contrast to Snap Inc.’s characterisation of cookie prompts creating a ‘tune out’ effect among children, we consider that this intervention appears at a point in the user experience when its benefits are more immediately clear for children. The measure provides an intervention point where previously a child could only choose to leave a group chat, not to join one. The effect of declining or accepting the invitation is easy for child users to identify, whereas the effect of declining or accepting cookie consent prompts is arguably much less visible to them. We also consider that children may encounter group chat invitations less frequently than cookie consent prompts, which appear on many kinds of the services that children access. In contrast, group chat invitations would appear only on those services children use that have a group messaging functionality.

18.201 With respect to Meta Platforms Inc.’s suggestion that it should be possible to respond to group chat invitations at a later time, we consider that this is already possible under the measure as drafted which allows children to respond to a group chat invitation immediately upon receipt, or until it expires.

18.202 In reaching our decision, we have listened to and understand children’s concerns that the inviting user may be notified if they decline an invitation to join a group chat. We recognise that this could amount to a design feature which encourages a child to accept an invitation. We have therefore updated the Code for this measure to make clear that the inviting user

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<sup>1780</sup> Snap Inc. response to May 2024 Consultation, p.25.

<sup>1781</sup> Meta Platforms Inc. response to May 2024 Consultation, Annex, p.38.

<sup>1782</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1783</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1784</sup> NSPCC, 2017. [Net Aware Report 2017: “Freedom to express myself safely”](#) A summary of the results of a large-scale study examining the opportunities and risks experienced by young people in their online lives. [accessed 20 March 2025].

should not be directly notified if their group chat invitation is declined. This should allow children to respond to group chat invitations without feeling pressure to accept.

## Information provided to children

### Summary of responses

- 18.203 Four stakeholders, along with the children we consulted on this measure, provided feedback on the type and quantity of information that should be provided to children in a group chat invitation.
- 18.204 C3P and Mid Size Platform Group requested clarifications concerning the information to be provided to children. C3P said that “it is not clear whether service providers are expected to include [relevant publicly visible information about the user inviting the child to join, as well as such information about the group] to fulfil their duty under this measure”.<sup>1785</sup> Similarly, Mid Size Platform Group requested “clarity on what Ofcom considers “publicly available information” in the context of group chat invitations”.<sup>1786</sup>
- 18.205 Relatedly, some of the children who were consulted on this measure were keen to receive as much information as possible about a group chat in the invitation to help them decide whether to accept or decline it. They stressed the importance of knowing which other users were in the chat and suggested that they should receive information about the inviting user, as well as the size of the group.<sup>1787</sup>
- 18.206 Snap Inc. highlighted that one of its current practices is to send a notification to a user who is invited to join a group chat that includes a participant they previously blocked, giving them an option to decline the invitation to join the group.<sup>1788</sup>
- 18.207 The NCA recommended that “explanations could be given with [this measure] highlighting the risk to a child of accepting a group chat from an unknown user”.<sup>1789</sup>

### Our decision

- 18.208 Having considered this stakeholder feedback, we have decided not to change this measure with respect to information provided to children. However, we are clarifying the kinds of publicly available information that could be provided to children to support their decision on whether to join a group chat or not.
- 18.209 Regarding C3P’s feedback, we can confirm that paragraph PCU J3.4 a) of the Code for user-to-user services sets out that service providers who implement the measure provide relevant publicly available information as part of the message when a child receives a group chat invitation.
- 18.210 In response to Mid Size Platform Group’s feedback, we are not specifying what constitutes publicly available information and expect service providers to be able to determine this in the context of their service.
- 18.211 With respect to the feedback we received from children, we consider that, where information about group members is publicly available, this would be an example of relevant information about the group that can be included to support children’s decisions

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<sup>1785</sup> C3P response to May 2024 Consultation, p.17.

<sup>1786</sup> Mid Size Platform Group response to May 2024 Consultation, p.11.

<sup>1787</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1788</sup> Snap Inc. response to May 2024 Consultation, p.25.

<sup>1789</sup> NCA response to May 2024 Consultation, p.15.

to accept or decline a group chat invitation. This could include the group's name, the account name and profile image of the user who invited the child, any description of what the group is, the date it began, the number of members, and the account names and profile images of other users in the group. Regarding Snap Inc.'s feedback, we consider that the measure as drafted would allow providers to indicate in a group chat invitation if the group chat included user accounts blocked by the invited user.

- 18.212 In response to the NCA's feedback, we are not stipulating that group chat invitations should include a message highlighting the risk of accepting a group chat invitation from an unknown user. We are not aware of any evidence to suggest that providing this risk message every time a child received a group chat invitation would be effective in protecting children online or altering their behaviour.

## Impacts on service providers

### Direct costs of implementation

#### Our position at consultation

- 18.213 In our May 2024 Consultation, we set out the estimated direct one-off and ongoing costs to providers of implementing this measure. Where a service does not have this type of functionality already, we estimated it would cost £20,000 to £67,000 to build the functionality, with ongoing maintenance costs of around £5,000 to £17,000 per annum. Services that already provide an optional feature for users to accept or decline before being added to group chats by others would need to ensure that the feature is always applied for children. We estimated that it would cost £4,000 to £9,000 to adapt an existing function, with maintenance costs of £1,000 to £2,250 per annum.
- 18.214 We expect that costs for implementing this measure would typically increase with the size and complexity of the service. Larger services may require more robust solutions and extensive testing, resulting in more development time. If the group chat invitation feature deals with large amounts of data or needs to be integrated with more existing functionalities and systems, the technical solution might need to be more complex.<sup>1790</sup>

#### Our decision

- 18.215 We did not receive stakeholder feedback on the direct costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.<sup>1791</sup>
- 18.216 As set out in paragraph 18.33, service providers should apply this measure to all users unless they have been determined to be an adult using highly effective age assurance. Where a service uses highly effective age assurance to target this measure, this may involve costs related to implementing age assurance and using this age information to ensure that children have support tools and supportive information available to them. However, as this approach is one available option, and the other is that providers can apply the measure to all users, and not incur costs of highly effective age assurance, we do not take these costs into account in our assessment. In any case, relevant costs would be captured under the

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<sup>1790</sup> For a fuller description of our assessment of the impact on services, see paragraphs 21.52 to 21.60 in our May 2024 Consultation.

<sup>1791</sup> See Annex 3 for more information on our labour cost assumptions.

age assurance measures assessment in the event that the service is in scope of PCU B3-6.<sup>1792</sup>

## Potential indirect costs

### Our position at consultation

- 18.217 In our May 2024 Consultation, we acknowledged that this measure may add friction to interactions between users, potentially making group chat functionalities less attractive to some users and consequently reducing usage of the service. A decline in usage could reduce revenue to services.<sup>1793</sup> However, some users may also increase engagement if they feel safer knowing they can control which group chats they are added to.
- 18.218 To the extent that a service's revenue is affected by children declining to join group chats that they do not want to be in, we considered this to be the aim of the measure and entirely justified. We considered there to be minimal risk of reduced engagement because of children not joining a group chat that they would have wanted to be in (for instance, due to missing the invitation) because we designed the measure to mitigate this risk.

### Our decision

- 18.219 Through our deliberative engagement with children, some children suggested that this measure could increase friction in their user experience, including for group chats they wanted to join with friends and family.<sup>1794</sup> We recognise their perspective and have taken this into account in reaching our decision. On balance, we have decided that the level of friction involved in this measure is minimal and justified, as it reduces the potential for harm if children are added to group chats without their consent. As children might not always feel safe in group chats even with friends or family, we consider it important that they have an option to actively accept invitations in each case.

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 18.220 In our May 2024 Consultation, we acknowledged the potential for impact on both child and adult users' rights to freedom of expression and of association by this measure, particularly when this functionality is extended to all users where the service provider does not use highly effective age assurance to determine whether a user is a child. This measure would add a degree of friction to the user experience and may lengthen the time it takes to add users to group chats. We recognised that this measure may have a potential impact on how users may share information and ideas, especially if an invitation is declined by a user. We acknowledged the possibility that offering the option to decline an invitation could also have an impact on users' access to non-harmful content as the measure does not distinguish different types of content available in a group chat.
- 18.221 This measure will provide children (and adults where applicable) with the autonomy to decide if they wish to be added to a group chat and the provision of publicly available information about the chat will help them make informed decisions. We noted the positive

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<sup>1792</sup> See Annex 3 for details on the cost of highly effective age assurance if a provider chooses to use this to target this measure.

<sup>1793</sup> See Section 14 of the Children's Register. Business models and commercial profiles sets out the relationship between engagement and revenue for user-to-user services.

<sup>1794</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

impacts this could have for children if they felt safer in online communities in which they could share and impart non-harmful information. We assessed any negative impact as limited and justified given the benefits of protection afforded to children which would outweigh any restrictions on freedom of expression.

- 18.222 We did not receive stakeholder feedback on our rights assessment with regard to freedom of expression and freedom of association for this measure. We recognise that there may be a limited impact on users' rights to freedom of expression and freedom of association due to friction in the user journey to access and share information. We have also considered the impact of the changes to this measure set out in paragraphs 18.183-18.184 and our conclusion is that these changes will not create any additional impacts on these rights beyond those we have already set out in paragraph 18.94. We remain of the view that any interference with users' rights to freedom of expression and of association is likely to be limited. We consider it to be justified and proportionate to the benefits that this measure brings in protecting children online.

## Data protection

### Summary of responses

- 18.223 The ICO highlighted data protection considerations in response to this measure and flagged "a risk that the fact a user is a child will be revealed to other users in the chat". It stated that services "should conduct a data protection impact assessment" and "follow a data protection by design and default approach to the design and implementation of the measure".<sup>1795</sup>

### Our final rights assessment

- 18.224 In our May 2024 Consultation, we acknowledged that implementing this measure would likely involve the processing of personal data, but we did not consider this would be above and beyond that which the provider is already processing. We explained that providers would also need to comply with data protection laws and highlighted guidance that the ICO has produced which may be relevant to this measure.
- 18.225 We have considered the ICO's response and recognise that there may be data protection impacts for individuals, particularly if service providers deploy this measure with highly effective age assurance. We agree with the ICO that service providers will need to comply with data protection laws to mitigate against this risk. We have also made changes to the measure to set out that the inviting user should not be notified if the invited user declines the invitation, reducing the risk that users (who have declined the invitation) may be identified as children.<sup>1796</sup>

## Privacy

### Summary of responses

- 18.226 Mid Size Platform Group requested "clarity on what Ofcom considers "publicly available information" in the context of group chat invitations".<sup>1797</sup> We discuss "publicly available information" in paragraphs 18.210-18.212 and are not prescriptive about how this is defined.

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<sup>1795</sup> ICO response to May 2024 Consultation, p.15.

<sup>1796</sup> See paragraph 18.183.

<sup>1797</sup> Mid Size Platform Group response to May 2024 Consultation, p.11.

## Our final rights assessment

18.227 In our May 2024 Consultation, we provisionally concluded that we did not anticipate any interference with users' rights to privacy and considered that enabling children to decide whether or not to join group chats could be beneficial to protecting their privacy. The information provided to children in the invitation has the potential to interfere with privacy rights of the inviting user and other group chat members. The provision of information that is already in the public domain, regardless of whether a user is registered or logged in on a service, will limit any interference with a user's right to privacy. Information of this nature which is provided to the invited user, such as identities of group members or the inviting user, may in any event, be accessible if they decide to enter the group chat. We therefore consider that the impact of this measure on the privacy rights (including data protection) of users is minimal and proportionate to the benefits to children.

## Who this measure applies to

### Our position at consultation

18.228 In our May 2024 Consultation, we proposed applying this measure to the providers of user-to-user services likely to be accessed by children that:

- have a group messaging functionality; and
- are medium or high risk for one or more of the following kinds of content that is harmful to children: pornographic content, eating disorder content, bullying content, abuse and hate content, and violent content.

### Summary of responses

18.229 The NSPCC suggested that we should extend the measure "to services with a medium-high risk of self-harm or suicide content".<sup>1798</sup>

18.230 We also received feedback about the level of identified risk and size of service for services to be in scope of this measure. Several stakeholders said that all our proposed User Support measures should apply to all services, regardless of size or risk profile, while the Online Safety Act Network (OSA Network) said this measure specifically should apply to all services.<sup>1799</sup>

### Our decision

18.231 Having considered this stakeholder feedback, we have decided to extend the application of this measure to where there are risks of suicide or self-harm content.

18.232 This measure now applies to providers of user-to-user services likely to be accessed by children that have a group messaging functionality and are medium or high risk for one or more of the following kinds of content that is harmful to children: pornographic content, eating disorder content, bullying content, abuse and hate content, violent content, suicide content, or self-harm content.

18.233 We consider that by targeting the specific risk factor of group messaging this measure can materially improve children's safety incrementally to other measures.<sup>1800</sup> We have

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<sup>1798</sup> NSPCC response to May 2024 Consultation, p.67.

<sup>1799</sup> C3P response to May 2024 Consultation, pp.29-30; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; OSA Network (1) response to May 2024 Consultation, pp.53-54; xHamster response to May 2024 Consultation, p.13.

<sup>1800</sup> See Sections 2-7 of the Children's Register for further details of the risks of group messaging functionality.

concluded that our overall approach is proportionate considering the scale and severity of the relevant harms online, our analysis of the effectiveness of the measure, the costs to service providers of implementing it, and its limited interference with users' rights.

- 18.234 We have considered the relevant risks for this measure. In addition to the risks relating to the kinds of content harmful to children proposed at consultation, we agree with the NSPCC's view that there is evidence which indicates that children encounter suicide and self-harm content in group messaging. Research that we have carried out suggests that this type of content is amongst the most prevalent types online, and it ranks among those of greatest concern to children.<sup>1801 1802</sup> In addition, as part of our research, we found that children and young people with previous lived experience of eating disorders, self-harm suicidal ideation, anxiety and depression, who had encountered suicide, self-harm or eating disorder content were more likely to belong to related online groups or communities, including on messaging and social media services.<sup>1803</sup> Evidence also suggests that online communities specifically formed around experiences of mental health concerns present a significant risk of exacerbating these concerns, including self-harm and suicidal ideation.<sup>1804</sup>
- 18.235 We acknowledge that this measure may not always be effective where children actively and intentionally seek out such content, but the high prevalence of this content overall indicates there are likely to be many cases where such content would be encountered when children are added to group chats without choosing to join. Therefore, we expect this measure can still materially reduce harm in such cases.
- 18.236 We have decided that the potential risk of harm to children in such cases justifies extending this measure to services with a medium or high risk of suicide and self-harm content. We consider that, even where services take appropriate action to prevent children from encountering this content, it is important to give children the option to decline invitations to group chats which may contain suicide and self-harm content. We have considered the risks associated with additional costs and rights implications of this extension and conclude that these are proportionate.
- 18.237 This change will bring into scope services whose only risk or risks are suicide content and/or self-harm content. This could include services where the potential for harm from these content types is severe. The costs associated with this measure are expected to scale with the size and complexity of services, representing a small proportion of the overall cost of a group messaging feature and we consider they are justified given the benefits of this measure.
- 18.238 Regarding feedback on the need for services to identify medium or high relevant risks in order to be in scope of the measure, the Codes take a risk-based approach to ensure that measures are proportionate for the service providers they are applied to. We are not

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<sup>1801</sup> Ofcom, 2024. Online Nation – interactive report [accessed April 2025]. Source: [Ofcom, Online Experiences Tracker Wave 6](#) (May to June 2024) Q8. Which, if any, of the following have you seen or experienced online in the past 4 weeks? Base: 7,837 UK internet users 18+.

<sup>1802</sup> Ofcom, 2024. Online Nation, p.85. Source: [Ofcom, Online Experiences Tracker 2023 Q7](#). Below is a list of things that someone may come across on the internet. Please tell me on a scale of 1 to 5, where 1 means 'mildly concerned' and 5 means 'very concerned', A net was created combining 4 and 5 to demonstrate high concern. Base: UK internet users 18+ (June 2023: 13205, January 2024: 7068, June 2024: 7280) and 13-17s (June 2023: 976, January 2024: 543, June 2024: 557).

<sup>1803</sup> Ofcom, 2024. Online Content: Qualitative Research Experiences of children encountering online content relating to eating disorders, self-harm and suicide.

<sup>1804</sup> See Section 3 of the Children's Register.

extending the measure to services that have not identified at least a medium or high risk of a relevant type of content. We consider that this would not be proportionate as the benefits for such low-risk services would be low.

- 18.239 In terms of the size of service this measure is applied to, we recognise the possibility that some small businesses implementing the measure could struggle to carry the cost of implementing this measure and could be discouraged from offering group messaging functionality. However, we would expect that this measure would represent a small proportion of the overall costs of a group messaging feature. We also consider that costs would typically scale with the size and complexity of the service, so smaller services are likely to incur costs towards the lower end of our range. Therefore, the likelihood of service providers in scope struggling to carry the cost is low. On balance, we consider that the measure is proportionate relative to the capacity of services which have group messaging functionalities regardless of their size.

## Measure PCU F1 and PCS F4: Provide age-appropriate user support materials for children

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### Introduction

- 18.240 In our May 2024 Consultation, we proposed that service providers in scope of this measure should develop age-appropriate user support materials for children.<sup>1805</sup> The aim of this measure was to ensure that children can understand and use the support tools available to them on a service, to mitigate the risk and impact of encountering harmful content. We proposed that this measure should apply to all user-to-user and search services that are multi-risk in relation to content that is harmful to children.
- 18.241 We received feedback from a wide variety of respondents on our proposed approach, with some expressing support for the measure.<sup>1806</sup> Others disagreed with aspects of our approach, including the effectiveness of the measure,<sup>1807</sup> the costs of implementing the measure,<sup>1808</sup> and which services the measure applies to.<sup>1809 1810</sup>

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<sup>1805</sup> In our May 2024 Consultation, we referred to this measure as US6 or PCU E1 and PCS F1. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU F1 and PCS F4 throughout.

<sup>1806</sup> Children and Young People's Commissioner Scotland response to May 2024 Consultation, p.10; Meta Platforms Inc. response to May 2024 Consultation, Annex, pp.39-40; Snap Inc. response to May 2024 Consultation, p.25; Ukie response to May 2024 Consultation, pp.51-52; Welsh Government response to May 2024 Consultation, p.13.

<sup>1807</sup> Google response to Ofcom follow-up questions after 11 September meeting on Child safety, 17 October 2024, pp.2-3.

<sup>1808</sup> Google response to Ofcom follow-up questions after 11 September meeting on Child safety, 17 October 2024, pp.2-3.

<sup>1809</sup> C3P response to May 2024 Consultation, p.30; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; Scottish Government response to May 2024 Consultation, p.12; xHamster response to May 2024 Consultation, p.13.

<sup>1810</sup> Stakeholder responses and our updated decision regarding the flexibility of this measure, our approach to the production of information for children and which users the measure applies to are considered and addressed in the 'Summary of stakeholder feedback on our approach proposed at consultation' sub-section, paragraphs 18.10-18.33.

## Our decision

- 18.242 Having considered this feedback, we have decided to make a change to one aspect of the measure proposed at consultation. We have replaced the provision that we consulted on that age-appropriate user support materials should be returned in internal search results on user-to-user services, with the provision that age-appropriate user support materials should be easy to find on these services. The provision that age-appropriate user support materials should be returned in response to search requests on search services remains as proposed at consultation.
- 18.243 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and the Protection of Children Code of Practice for search services and it is referred to as PCU F1 and PCS F4 respectively.

## How this measure works

- 18.244 Providers of services in scope of this measure should develop age-appropriate user support materials for children, including explanations for the adults who care for them, ensuring that children can understand the user support tools and reporting and complaints functions on the service, and how to use these to mitigate the risk and impact of encountering harmful content.
- 18.245 At a minimum, and where services offer any of the following functionalities and processes, the age-appropriate user support materials should explain:
- any option for children to block or mute other user accounts;
  - any option for children to disable comments on their own posts;
  - any option for children to accept or decline invitations to join group chats;<sup>1811</sup>
  - the process to report harmful content encountered on a service to the service provider;
  - the process to submit other types of complaints to the service provider; and
  - the process to report predictive search suggestions.<sup>1812</sup>
- 18.246 Service providers can design age-appropriate user support materials as they wish, as long as the materials meet the following five characteristics to support children's understanding and engagement:
- be presented in child-friendly formats, including visuals, audio-visual elements or interactivity;
  - include guidance for parents or guardians;

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<sup>1811</sup> User-to-user service providers in scope of Measure PCU F1 need only produce materials relating to any option for children to block or mute other user accounts, any option for children to disable comments on their own posts or any option for children to accept or decline invitations to join group chats if they provide these functionalities on parts of the services that are accessible to children. The children's safety duties in section 12 of the Act only apply to such parts of the services as it is possible for children to access – see section 13(5).

<sup>1812</sup> Search service providers in scope of Measure PCS F4 need only produce materials relating to the process to report predictive search suggestions if they provide this functionality on parts of the services that are accessible to children. The children's safety duties in section 29 of the Act only apply to such parts of the services as it is possible for children to access – see section 30(5).

- be presented during sign-up;
- be easy to find on user-to-user services, and returnable in search results on search services; and
- be available to users and non-users of a service.

18.247 As a baseline, service providers should ensure that the age-appropriate user support materials they produce are both comprehensible to, and emotionally suitable for, the youngest users permitted to use their service. To ensure that younger children are not exposed to harm-related information more suited to older children, service providers should avoid giving details of harmful content within any of their age-appropriate user support materials.

## How this measure protects children

18.248 This measure will reduce the risks to children by helping them understand the features and functionalities available on a service and how to use them, so that children can protect themselves against harmful content and users. Evidence suggests that providing age-appropriate user support materials has a positive effect on children's online safety. The guidance that exists around this issue, as well as responses received to our 2023 Protection of Children Call for Evidence, encourage the provision of explanatory materials for children to ensure they can understand the functionalities, features and processes that are pertinent to their online safety.<sup>1813</sup> Providing materials in child-friendly, engaging formats is preferred by children and supports their comprehension of information.<sup>1814</sup>

18.249 By meeting the five characteristics set out in paragraph 1.248, service providers will be able to effectively support children's understanding and engagement when designing age-appropriate user support materials. This will increase children's safety on services by supporting them to make use of user support tools and processes, which will reduce their exposure to harmful content and users.

## Stakeholder feedback and our response

### Effectiveness of the measure

#### Summary of responses

18.250 One stakeholder expressed concerns regarding the effectiveness of this measure. Google noted that requiring visual, audio, or interactive elements may not make sense for all platforms or users, including teenagers, and that presenting support materials during sign-up would likely not be relevant for users who have yet to use the service and could potentially deter them from completing the sign-up process.<sup>1815</sup>

#### Our decision

18.251 We have considered this feedback and remain of the view proposed at consultation that visual, audio-visual and interactive elements are important for supporting children's

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<sup>1813</sup> See 'Effectiveness at addressing risks to children' under draft Measure US6 in our May 2024 Consultation, pp.414-415.

<sup>1814</sup> See 'Providing materials in child-friendly formats' under draft Measure US6 in our May 2024 Consultation, pp.416-417.

<sup>1815</sup> Google response to Ofcom follow-up questions after 11 September meeting on Child safety, 17 October 2024, pp.2-3.

comprehension and engagement with user support materials. The evidence suggests such formats are effective and popular among children.<sup>1816</sup> This measure gives services the flexibility to design age-appropriate user support materials in a way that suits their service and their available resources. This may be simple (for example, providing an image alongside text) or may combine multiple visual elements (for example, an interactive game).

- 18.252 We disagree with Google’s concerns about presenting user support materials during sign-up. Through our research with children, they have told us that they want to encounter support materials at the beginning of their time on a service.<sup>1817</sup> Linking to age-appropriate user support materials during sign-up will make children aware of available support tools as soon as they join a service, so they can take advantage of this protection from the start. The measure offers service providers flexibility in the design and presentation of age-appropriate user support materials, which should limit the risk of the materials deterring children from completing the sign-up process.

## Impacts on service providers

### Direct costs of implementation

- 18.253 In our May 2024 Consultation, we set out estimated direct costs linked to producing age-appropriate user support materials and the estimated direct one-off costs linked to ensuring engagement with age-appropriate user support materials.
- 18.254 For costs linked to producing age-appropriate user support materials, we estimated a total upfront cost of £6,000 to £96,000 consisting of four phases:
- Initial research: £1,000 to £26,000.
  - Design of materials: £2,000 to £47,000.
  - Deployment phase: £2,000 to £20,000.
  - Promoting engagement with materials: £1,000 to £3,000.
- 18.255 The bulk of the costs associated with this measure would depend on the type of parental explainers and child-friendly materials that service providers decide to create. Services may be able to innovate in how they create these materials, such as their use of technology, which could bring costs down. The broad cost ranges reflect how a service might choose to create materials explaining user support tools and reporting and complaints procedures and the number of user support tools that the service needs to create materials for.
- 18.256 In-scope services will also incur maintenance costs ranging from £2,000 to £24,000 per year. These costs may represent a higher share of revenue for smaller services, but the measure’s flexibility in the design and format of materials helps reduce this burden. Costs

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<sup>1816</sup> See ‘Providing materials in child-friendly formats’ under Measure US6 in our May 2024 Consultation, pp.416-417.

<sup>1817</sup> For instance, research commissioned by Ofcom found that 13-17 year olds had a strong preference to be shown information about the operation of a service before or during sign-up. [Ofcom, 2024: Engaging with User Support Materials Trial](#) [accessed 8 April 2025]. In response to the question “When, if at all, do you think it’s most important for users to understand the following?”, for ‘General information about the platform and how to use it’ 47% of respondents chose “Before or during sign-up,”.

are expected to scale with service risk levels, as higher risk services may need more user support tools and materials.<sup>1818</sup>

- 18.257 For one-off costs linked to ensuring engagement with age-appropriate user support materials, we estimated costs for service providers to promote engagement with the user support materials by presenting the materials during sign-up, making them returnable in search results, and making them available to both users and non-users. We estimated that this would require one-off costs between £1,000 and £3,000.<sup>1819</sup>

#### Summary of responses

- 18.258 We received feedback from one stakeholder which could have an additional direct impact on costs related to engagement with materials, specifically our proposed recommendation that support materials could be returned on any functionality that allows users to search for content on a user-to-user service. Google stated that the requirement to return user support materials in content search results would “essentially ‘break’ the search and discovery systems of many platforms”, as well as having the potential to confuse users.<sup>1820</sup>

#### Our decision

- 18.259 We have considered this stakeholder feedback and have decided to make a change to Measure PCU F1 to remove the specific provision that age-appropriate user support materials be returned in internal search results on a user-to-user service, and instead set out that they should be easy to find on a user-to-user service.
- 18.260 Under this measure we want to secure the outcome that the supportive materials are easy to find. We recognise that this is not necessarily best achieved by requiring materials to be returnable for every search functionality on a user-to-user service. We have also reviewed our estimated costs for returning support materials through search functionalities on user-to-user services and consider it may be significantly costly for some services to return support materials on all search functionalities.
- 18.261 Instead, we have made a change which means service providers may now choose to make materials available on a help centre page, or present materials in internal search results where the service has a separate search functionality that allows users to search for provider-generated content.
- 18.262 We expect our cost estimates for Measure PCU F1 to hold as at our May 2024 Consultation. Although the requirements have changed, we expect the one-off costs of ensuring engagement with age-appropriate support materials to reflect presenting these materials during sign-up, ensuring materials are easy to find and making them accessible to both users and non-users.
- 18.263 The measure for search services (Measure PCS F4) remains unchanged, as we expect age-appropriate user support materials to be returnable in search functionalities on a search service.<sup>1821</sup>

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<sup>1818</sup> For a fuller description of our assessment of the impact on services, see paragraphs 21.332 to 21.338 in our May 2024 Consultation.

<sup>1819</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>1820</sup> Google response to Ofcom follow-up questions after 11 September meeting on Child safety, 17 October 2024, pp.2-3.

<sup>1821</sup> See Annex 3 for more information on our labour costs assumptions.

## Potential indirect costs

- 18.264 In our May 2024 Consultation, we recognised the potential indirect cost to the user (in terms of additional time and effort) of presenting materials during sign-up. This could potentially reduce engagement and have an impact on the revenue of service providers. However, the measure allows service providers flexibility in how materials are presented, somewhat mitigating this risk.

## Our decision

- 18.265 We did not receive stakeholder feedback on the indirect costs of this measure. On balance, it is unlikely that this measure would discourage a high proportion of users from engaging with a service. The indirect costs are considered acceptable given the benefits of informing children and their caregivers about the user tools available to them on a service.

## Rights

- 18.266 As this measure recommends that age-appropriate user support materials be available to users and non-users in the UK, providers would need to apply this measure to all users (including adult users), and we have therefore assessed the potential impact for children and adults.

## Freedom of expression and association

### Our final rights assessment

- 18.267 In our May 2024 Consultation, we assessed that this measure would not interfere with users' or services' freedom of expression or association rights. This is because under this measure, services should only develop user support materials to aid users' understanding of the safety tools which may feature on a service. Stakeholders did not respond to our rights assessment for this measure.
- 18.268 Following our change to the measure post consultation to remove the recommendation that user-to-user services with internal search functionalities produce support materials in response to user searches, we remain of the view that this measure would not interfere with users or services' rights to freedom of expression or association. The measure does not recommend users or services take steps that would have an impact on the types of content or users encountered. The development of user support-materials that are easily understandable to users facilitates their safe use and navigation of the service. It is possible that by use of the user support materials produced under this measure, users, particularly children, will be equipped with knowledge to be able to take restrictive action against users or content. However, should they elect to do so having consulted the relevant support materials, this would be an informed choice and is what the measure is designed to support.
- 18.269 We have also considered the impact of removing the recommendation that users be able to use internal search functionalities on user-to-user services to search for user support materials and consider that this has a positive impact for providers' right to freedom of expression. This is because stakeholders told us that the technical implications of implementing this measure on existing search functionalities would be significant, altering the manner in which this functionality is expressed. Given we have limited evidence of the benefits for children of support materials being searchable via internal search functionalities, such an impact on services is not considered proportionate to the benefits to children at this stage. By changing this measure to remove this recommendation of internal searchability, we have reduced the potential impact of this measure on providers'

freedom of expression. In conclusion, having considered the changes to this measure post consultation, we do not consider that they interfere with users' or providers' rights to freedom of expression or association.

## Privacy and data protection

### Our final rights assessment

- 18.270 In our May 2024 Consultation, we did not consider that this measure would constitute an interference with children or adult users' or services' rights to privacy. We did not consider that this measure required the use of personal data.<sup>1822</sup>
- 18.271 We did not receive stakeholder feedback on our rights assessment of the privacy or data protection impacts for this measure. We remain of the view that that this measure would not interfere with users' rights to privacy or have adverse impacts on data protection. Under this measure services should only develop user support materials to aid users' understanding of the safety tools which may feature on a service. This measure does not recommend that providers take action against users' content or process user data in order to make age-appropriate user support materials available, as the measure specifies that the materials should be made publicly available to users and non-users of a service.

## Who this measure applies to

### Our position at consultation

- 18.272 In our May 2024 Consultation, we proposed that this measure should apply to all user-to-user and all search service providers likely to be accessed by children that are multi-risk for content harmful to children.

### Summary of responses

- 18.273 The Scottish Government suggested that the measure should apply to services that are medium and high risk for content that is harmful to children, as well as those that are multi-risk for such content.<sup>1823</sup>
- 18.274 More generally, several stakeholders said that all our proposed User Support measures should apply to all services, regardless of size or risk profile.<sup>1824</sup>

### Our decision

- 18.275 Having considered this feedback, we are not making any changes to this measure. We consider it is proportionate to apply this measure to services that are multi-risk for content harmful to children. This measure enhances the effectiveness of a service's reporting and complaints processes and other user support tools by ensuring that children and their caregivers understand how to use these tools. This understanding empowers children to utilise the tools available to them, helping them navigate risks and ultimately making them safer online. Providers have flexibility in implementing the measure, ensuring that it suits different circumstances, capabilities, and financial resources.
- 18.276 At this time, we do not consider it proportionate to apply this measure to other services. We recognise that there would be some level of potential benefit to extending this measure to services with high or medium risk of a single kind of content, and the costs of this

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<sup>1822</sup> Volume 5, May 2024 Consultation, p.419.

<sup>1823</sup> Scottish Government response to May 2024 Consultation, p.12.

<sup>1824</sup> C3P response to May 2024 Consultation, p.30; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; xHamster response to May 2024 Consultation, p.13.

measure in isolation could be manageable for some of them. However, we have considered the combined implications of this measure on top of others and have decided to prioritise other measures for these other services where the benefits are more material. The impact from this measure is expected to be material for multi-risk services, as these services are more likely to have a range of user support tools to cover in the materials. Children are more likely to benefit from understanding how they can manage their risk of exposure to these different harms, making the costs proportionate to the anticipated safety benefits for children and their caregivers.

- 18.277 As set out in Section 10 of this statement, we recognise that this measure may potentially have benefits for some single risk services; however, we have decided not to extend this measure to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.

## Measure PCU F2: Provide information to children when they restrict content or interactions with other accounts

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### Introduction

- 18.278 In our May 2024 Consultation, we proposed that service providers in scope of this measure should provide children with supportive information when they block, mute or report other user accounts and when they report content or use a content restriction tool.<sup>1825</sup> We said that this information should explain how these actions will affect future interactions with the user or content a child has taken action against, and how children can increase their safety on the service. We proposed that this measure should apply to large user-to-user services that are multi-risk in relation to content that is harmful to children.<sup>1826</sup>
- 18.279 We received feedback from a wide variety of respondents on our proposed approach,<sup>1827</sup> with some expressing support for the measure.<sup>1828</sup> Other stakeholders disagreed with aspects of our approach, including the effectiveness of the measure,<sup>1829</sup> the indirect costs of the measure<sup>1830</sup> and which services the measure applies to.<sup>1831 1832</sup>

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<sup>1825</sup> See the statement glossary (Annex 7) for a definition of content restriction tool.

<sup>1826</sup> In our May 2024 Consultation, we referred to this measure as US4 or PCU E2. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCU F2 throughout.

<sup>1827</sup> This measure is adapted from a provision of Measure ICU F2 in our December 2024 Statement (see Chapter 8 of Volume 2). As such, we also consider feedback provided in respect of Measure ICU F2 in our November 2023 Consultation.

<sup>1828</sup> Inkbunny response to May 2024 Consultation, p.18; Snap Inc. response to May 2024 Consultation, p.26.

<sup>1829</sup> Google response to May 2024 Consultation, p.40.

<sup>1830</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals; Snap Inc. response to November 2023 Consultation, p.21.

<sup>1831</sup> C3P response to May 2024, pp.29-30; Inkbunny response to May 2024 Consultation, p.18; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; Scottish Government response to May 2024 Consultation, p.13; xHamster response to May 2024 Consultation, p.13.

<sup>1832</sup> Stakeholder responses and our updated decision regarding the flexibility of this measure, our approach to the production of information for children and which users the measure applies to are considered and addressed in the 'Summary of stakeholder feedback on our approach proposed at consultation' sub-section, paragraphs 18.10-18.33.

## Our decision

18.280 Having considered this stakeholder feedback, we are not changing how this measure applies to blocking, muting or reporting, but we have decided to make a change to the type of content restriction tool that this measure applies to. At consultation, the measure applied to all content restriction tools, but we have decided that the measure should only apply to content restriction tools that:

- allow children to specify why they are restricting content; and
- this function allows children to signal that they consider the content they are restricting to be harmful.

18.281 In addition, following further consideration post consultation, we have made a change to the Code to reflect our consultation position that the information presented to children should be prominently displayed and clear, comprehensible and easy for a child user to understand.

18.282 The full text of the measure can be found in the Protection of Children Code of Practice for user-to-user services and it is referred to as PCU F2.

## How this measure works

18.283 Providers of services in scope of this measure should provide children with supportive information when, on parts of the services that are accessible to children,<sup>1833</sup> they:

- block, mute or report the conduct of other user accounts;<sup>1834</sup>
- report content; or
- use a content restriction tool that allows them to signal that they consider the content they are restricting to be harmful.<sup>1835</sup>

18.284 The information provided to children should include but is not limited to:

- Information on the effect the action taken will have on interactions with the account or content in question. This could include an explanation of the kind of content or functionalities that a child may be restricting (such as future encounters with similar content) or (where applicable) confirming whether another user will be made aware of the fact that the child has taken action against them.
- Information to support children to increase their safety on the service. This could include information on further steps the child can take to limit interactions with the account or further restrict content, hyperlinks to security settings, supportive knowledge around online safety, a prompt to submit a report, or age-appropriate user support materials.<sup>1836</sup>

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<sup>1833</sup> The children's safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

<sup>1834</sup> See paragraphs 18.325-18.327 for an explanation of reporting conduct.

<sup>1835</sup> Refer to the statement glossary (Annex 7) for a definition of content restriction tools. We note that services may use different names to describe functionalities like blocking, muting, reporting, or using content restriction tools that allow users to restrict their interaction with other users or content.

<sup>1836</sup> The measure on age-appropriate user support materials (Measure PCU F1 and PCS F4) is discussed from paragraphs 18.242-18.279.

- 18.285 The information should be clear, comprehensible and easy for a child user to understand. It should be displayed prominently to children as soon as possible after they take restrictive action against a user or piece of content.
- 18.286 Service providers should apply this measure to all United Kingdom users, unless they have been determined to be an adult using highly effective age assurance.

## How this measure protects children

- 18.287 This measure will reduce the risks to children because it will increase their awareness of relevant safety tools and how they work. Evidence shows that children may benefit from increased awareness of reporting mechanisms at the point of restricting interaction with either a user or content.<sup>1837</sup> Evidence also shows that providing information about how to further restrict content or user interaction can be effective in influencing users to report, and that prompts can influence people to make safer choices.<sup>1838</sup>
- 18.288 We understand that supportive information will be most effective when presented only when necessary, such as in response to harmful content or users, and have changed the measure to reflect this.<sup>1839</sup> We are of the view that this is appropriate to make sure the measure can benefit children without contributing to alert fatigue that could undermine this, and other, measures.
- 18.289 This measure will help children to make informed choices about how to restrict harmful content or interactions online, giving them the confidence to effectively make use of online safety tools. By encouraging children to take further action, such as reporting, the measure will help to protect children, and other users, from online harm.

## Stakeholder feedback and our response

### Effectiveness of the measure

#### Our proposals

- 18.290 In our May 2024 Consultation, we set out that supportive information should be provided to children after they have taken action against content or a user.

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<sup>1837</sup> Awareness of flagging and reporting mechanisms among 13-17 yr olds is 57%. Source: Ofcom, 2024, Video-sharing Platform (VSP) Tracker Wave 6.

<sup>1838</sup> For example: Acquisti et al., 2017. [Nudges for Privacy and Security: Understanding and Assisting Users' Choices Online](#). ACM Computing Surveys, 50 (3). [accessed 26 March 2025]; European Commission, 2019. [Study on media literacy and online empowerment issues raised by algorithm-driven media services](#). [accessed 24 March 2025]; Ofcom, 2024. Behavioural insights for online safety: understanding the impact of video sharing platform (VSP) design on user behaviour; Tussyadiah I., Miller G., Li S. and Weick M., 2021. [Privacy nudges for disclosure of personal information: A systematic literature review and meta-analysis](#). PLoS One, 16 (8). [accessed 26 March 2025]; US Food and Drug Administration, 2019. [Communicating Risks and Benefits: An Evidence-Based User's Guide](#). [accessed 22 March 2025].

<sup>1839</sup> This is also supported by the wider evidence base about the risk of alert fatigue. For example, Ofcom research with children aged 13-17 identified unintended consequences of alerts, including alert fatigue and desensitization from overly frequent or repetitive notifications, creating a risk that users ignore or dismiss them reflexively. Source: Ofcom, 2024. Consulting children on proposed safety measures against online grooming. In addition, a systematic review of browser alerts found that lower-frequency, well-timed notifications sustain user attention. It recommended that alerts should only be deployed when necessary to reduce annoyance. Source: Shepherd & Renaud, 2018. [How to Design Browser Security and Privacy Alerts](#).

## Summary of responses

18.291 Google suggested that supportive information would be “most useful to the user before they use a content restriction tool”.<sup>1840</sup>

### Our decision

18.292 Having considered this feedback, we have decided not to change the measure as suggested. We remain of the view set out at consultation that the provision of information after children have taken action against content can prompt them to take onwards actions, such as reporting of harmful content or user accounts.<sup>1841</sup> In addition, we note that Measure PCU F1 and PCS F4 on age-appropriate supportive materials already achieves Google’s suggestion by setting out that children are made aware of the user tools available to them and how to use these tools.

## Impacts on service providers

### Direct costs of implementation

18.293 In our May 2024 Consultation, we set out the estimated direct one off and ongoing costs of implementing this measure. Our estimates assumed that services have functionalities that allow users to take restrictive action both against another account and against content. We estimated relatively small costs in developing the information to present to users, and larger one-off costs related to technical system changes to trigger the provision of information at the point where a user restricts interaction with an account or content.

18.294 We estimated that one-off costs could be in the region of £28,000 to £113,000 and ongoing annual maintenance costs approximately of £7,000 to £28,000 per year. The exact cost would depend on the complexity and existing functions of the system and the extent of the supportive information that is provided. Costs will be higher where services have both types of functionalities – to take restrictive action against another account and against content – and lower where they only have one of the two. Where service providers have implemented the equivalent measure in our Illegal Content Codes (ICU F2) when a child user takes actions against user accounts, the incremental cost of this measure is likely to be reduced.<sup>1842</sup>

### Our decision

18.295 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on services is therefore unchanged.<sup>1843</sup> See paragraph 18.33 for an explanation of age assurance costs in relation to this measure.<sup>1844</sup>

### Potential indirect costs

18.296 In our May 2024 Consultation, we considered that this measure could lead to a higher volume of reports due to supportive information being provided to children when they block or mute an account, including details on how to report content or accounts. While

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<sup>1840</sup> Google response to May 2024 Consultation, p.40.

<sup>1841</sup> See ‘How this measure works’, paragraphs 18.285-18.288.

<sup>1842</sup> For a fuller description of our assessment of the impact on services in respect of this measure, see paragraphs 21.160 to 21.168 in our May 2024 Consultation. See Chapter 8, Volume 2 of our December 2024 Statement (U2U settings, functionalities and user support) for a detailed discussion of the evidence, costs, and impacts of Measures ICU F2.

<sup>1843</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>1844</sup> See Annex 3 for details on the cost of highly effective age assurance if a provider chooses to use this to target this measure.

this may increase the costs of handling additional reports, it should also improve children's safety online by helping services to identify and take action on harmful content. This may improve user experience and engagement, and therefore have some indirect benefits for the service.

- 18.297 We defined content restriction tools in our May 2024 Consultation as “[u]ser tools that allow users to privately (i.e. not visible to any other user of the service, including the creator of the content) restrict their interaction with a piece of content or kind of content, so that less or none of that content appears in their content feed in the future.” We made clear that tools primarily intended to express an opinion about content rather than to restrict interaction with content would not constitute a content restriction tool.<sup>1845</sup>

### Summary of responses

- 18.298 Children we spoke to about this measure, and a stakeholder responding to Measure ICU F2 in our November 2023 Consultation, expressed concern about the impacts of the measures related to user friction or inconvenience.
- 18.299 When discussing this measure, children suggested that they were open to being presented with information if it was accessible, short, and not presented via notifications that build unnecessary friction into the user experience. Some felt that they did not want or need additional information when they simply disliked content, noting that they tended to scroll past it or use a ‘not interested’ button in response to this. However, children were more open to receiving information when they took action against harmful content.<sup>1846</sup>
- 18.300 In its response to Measure ICU F2 in our November 2023 Consultation, Snap Inc. raised a concern that the measure could create an overly burdensome experience for children. It further suggested that children should be given the option to dismiss future supportive information after displaying the information at the first instance of the child taking a triggering action.<sup>1847</sup>

### Our decision

- 18.301 We have considered this feedback and have decided to change this measure to clarify that supportive information should only be provided to children when they use a content restriction tool that allows them to signal that they consider the content they are restricting to be harmful.
- 18.302 We recognise that content restriction tools will often be used for reasons unrelated to harm. We agree with the children we spoke to about this measure that it would likely be ineffective and disproportionate to apply the measure every time a child uses a content restriction tool. This could dissuade children from using such tools and create an overly burdensome experience. We have therefore decided to target this measure to instances in which there is an indication of potential harm, as this is when supportive information will be relevant and beneficial to children. This includes when a child uses a content restriction tool to indicate that a piece of content is harmful, and might be inclined to further protect themselves from it (for example, by using blocking or reporting tools).

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<sup>1845</sup> See the statement glossary (Annex 7) for a full definition of content restriction tools, including examples of what might constitute a content restriction tool.

<sup>1846</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1847</sup> Snap Inc. response to November 2023 Consultation, p.21.

- 18.303 As such, the measure now includes that a service provider should only implement this measure with respect to content restriction tools where such tools:
- allow children to specify why they are restricting content; and
  - this function allows children to signal that they consider the content they are restricting to be harmful.
- 18.304 In practice, we expect this measure to capture follow-up options allowing children to indicate that content has caused them distress, upset them or made them feel uncomfortable, even if they do not use the exact language of “harmful”, “distressing”, “upsetting” or “uncomfortable” but instead use equivalent language. This allows flexibility for services to consider their user base when choosing the language for their follow up options and future proofs this measure to new and evolving language to express these experiences. Service providers should consider any indication that a child feels more than mere disinterest or dislike towards the content as an indicator to provide the child with supportive information.
- 18.305 We are not changing the application of this measure with respect to blocking, muting and reporting functionalities. Service providers should still provide supportive information to children when they block, mute, or report the conduct of another user, as well as when they report content or use a content restriction tool to restrict content that they consider to be harmful.
- 18.306 We do not agree with Snap Inc.’s suggestion that children should be given an option to dismiss future supportive information after displaying the information the first time a user takes a triggering action, as this could weaken the efficacy of the measure. In addition, the changes described at paragraphs 18.282-18.283 should help target the delivery of supportive information and minimise any unnecessary disruption to user experience.

## Rights

### Freedom of expression and association

#### Our final rights assessment

- 18.307 In our May 2024 Consultation, we provisionally concluded that the impact on user’s rights to freedom of expression and association were very similar to that for Measures PCU J1 (blocking/muting) and PCU J3 (invitation to group chats). We considered the impact would be minimal in that any further restriction users chose to make as a result of the provision of information would be an informed choice by that user.<sup>1848</sup> Stakeholders did not provide any feedback to our proposed rights assessment for this measure.
- 18.308 We have updated our rights assessment since our May 2024 Consultation and consider that there will be some limited interference with users’ rights to association and freedom of expression and services’ freedom of expression but that any interference will be proportionate to the benefits to children’s safety. As set out in our May 2024 Consultation, this measure could interfere with users’ rights as it will create friction in their online experience. Where users find that the provision of information adds unnecessary friction, they may be dissuaded from taking action against harmful users and content. If this were to result in such users being exposed to more harmful content as a result, this could make

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<sup>1848</sup> Volume 5, May 2024 Consultation, p.390.

them feel less able to express themselves and control who they associated with via blocking, muting, reporting and content restriction functionalities.

- 18.309 We also acknowledge that where the provision of information persuades users to take further restrictive action against content and users, this could have an impact on the content and users that they have access to on the service. However, the design of the measure seeks to limit frictions to the user experience or the risk of a user inadvertently taking further action as a result of the information, as we recommend that the information presented should be clear, comprehensible and easy for a child user to understand and displayed prominently to them. Where users are persuaded to restrict certain users or content that they consider harmful, this may cause them to feel that they are safer online, meaning they may feel more willing to share ideas and information online.
- 18.310 Since our May 2024 Consultation, we have narrowed the application of this measure to only content restriction tools that allow users to specify why they are restricting content and this function allows users to signal that they consider the content they are restricting to be harmful. Having considered this change to the measure, we do not consider that it gives rise to any additional impacts, and indeed may further limit interference with users' rights to freedom of expression and association by limiting the instances in which information on onwards restrictive action against content or users is shown.
- 18.311 We have concluded that any potential interference with users' or services' rights to freedom of expression and association on the service is likely to be minimal and proportionate in light of the positive benefits to children from understanding how to limit their exposure to harmful content and users.

## **Privacy and data protection**

### **Our final rights assessment**

- 18.312 In our May 2024 Consultation, we considered that the impact of this measure on the right to privacy and data protection was minimal and proportionate. We did not receive stakeholder feedback on our assessment of the privacy and data protection impacts of this measure.
- 18.313 We have decided to maintain our data protection and privacy assessment and consider that the impacts on these rights are minimal and proportionate. We recognise that the processes established to implement this measure might generate new personal data or involve processing existing data for new purposes (if the service provider considers it appropriate to retain information about the user using reporting or content restriction tools, or the reports themselves – for example, for prioritisation or training purposes). However, the measure does not recommend that service providers retain users' personal data. Where the mechanisms put in place to implement our proposed measure involve personal data processing, providers must comply with relevant data protection legislation, including applying appropriate safeguards to protect the rights of both children (who merit special consideration) and adults who may submit reports or use content restriction tools. Providers should refer to relevant guidance from the ICO.<sup>1849</sup>
- 18.314 We have concluded that the impact of this measure on the privacy rights of users is limited where providers comply with relevant data protection laws and proportionate to the safety benefits to children.

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<sup>1849</sup> ICO, UK GDPR guidance and resources; and Online safety and data protection.

## Who this measure applies to

### Our position at consultation

- 18.315 In our May 2024 Consultation, we proposed applying this measure to providers of large user-to-user services likely to be accessed by children that are multi-risk for content harmful to children.
- 18.316 We proposed that this measure would apply where a service provider offers the relevant functionalities, giving children the option to: block, mute or report other user accounts; report content; or use a content restriction tool. This includes instances where these functionalities are applied by our other measures, as well as service providers who may choose to implement the relevant functionalities.

### Summary of responses

- 18.317 The Scottish Government said that the measure should apply to “large, medium and high risk online services as well as multi risk ones”,<sup>1850</sup> while Inkbunny suggested that the measure would be “useful even if not multi risk”.<sup>1851</sup> We also received feedback about the level of identified risk and size of service for services to be in scope of this measure. Several stakeholders said that all our proposed User Support measures should apply to all services, regardless of size or risk profile.<sup>1852</sup>

### Our decision

- 18.318 Having considered these stakeholder responses, we have decided not to change who the measure applies to in terms of risks or size of service.
- 18.319 We expect the benefit to children's safety from this measure to be significant for large services that are multi-risk. There is likely to be a higher volume of content harmful to children on such services, and we also expect that they are more likely to have a range of relevant functionalities. As a result, a greater number of users, including children, are likely to use tools to restrict their interaction with other accounts or content. They therefore stand to benefit from having a better understanding of how these tools work and what next steps they can take.
- 18.320 We do not consider it proportionate to apply this measure to a wider range of services. The costs of this additional measure for smaller services may be substantial (in addition to the other measures they would already be implementing), and the risk of unintended user impacts from this measure may be higher on such services. In addition, the incremental benefits for this measure are likely to be smaller for these services given their more limited reach. We also note that these services will be within scope of other measures that will help give children information and control over important elements of their experience online (e.g., User Reporting and Complaints Measures in Section 16 and Measure PCU F1 which sets out that smaller multi-risk services provide age-appropriate user support materials covering a range of functions).
- 18.321 As set out in Section 10 of this statement, we recognise that this measure may potentially have benefits for some single risk services; however, we have decided not to extend this

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<sup>1850</sup> Scottish Government response to May 2024 Consultation, p.13.

<sup>1851</sup> Inkbunny response to May 2024 Consultation, p.18.

<sup>1852</sup> C3P response to May 2024 Consultation, pp.29-30; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.73-74; xHamster response to May 2024 Consultation, p.13.

measure to single risk services at this stage. We will continue to collect evidence and information about the impact of this measure before considering this further.

- 18.322 We have concluded that our approach is proportionate considering the scale and severity of the relevant harms online, our analysis of the effectiveness of the measure, the costs to service providers of implementing it, and its limited interference with the rights of users and services.

### Other considerations

- 18.323 In addition to analysing stakeholder feedback, we have also further considered the terminology used in the measure, which has led us to make a clarification.
- 18.324 In our December 2024 Statement, we updated terminology to clarify that Measure ICU F2 (i.e. the equivalent supportive information measure in our Illegal Content Codes) applies to the reporting of another user or user's conduct.
- 18.325 We have decided to make the same clarification for this measure. As such, supportive information should be provided to children when they report another user's conduct, as well as when they report content.<sup>1853</sup> This change is intended to make clear to providers the supportive information that should be presented to children when they submit a report about another user account. The change also clarifies the type of complaint that would trigger the provision of supportive information, namely complaints by users and affected persons that they consider that the provider is not complying with a child safety duty.<sup>1854</sup> Such duties may relate to the conduct of users (not just content) including those that relate to risks posed by user behaviour.

## Measures PCU F3, PCU F4 and PCU F5: Signpost children to support at important points in the user journey

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### Introduction

- 18.326 In our May 2024 Consultation, we proposed that service providers in scope of this measure should signpost children to appropriate support at three important points in their online user journey.<sup>1855</sup> The aim of this measure was to mitigate the impact of harm to children posed by all kinds of primary priority content (PPC) and bullying content, and to reduce the likelihood of children posting, reposting or searching for such content in future.

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<sup>1853</sup> 'Reporting conduct' is an action that can be taken against a user account. The action of reporting conduct relates to the safety duty to operate a complaints procedure, including in relation to when the provider is not complying with their safety duties to protect children.

<sup>1854</sup> Section 21(5)(b) of the Act.

<sup>1855</sup> In our May 2024 Consultation, we referred to this measure as US5 or PCU E3. This measure has now been split into three separate measures (PCU F3, PCU F4 and PCU F5). For ease and to align with the Protection of Children Codes, we will refer to these measures as PCU F3-5 throughout.

18.327 We received feedback from a wide variety of respondents on our proposed approach,<sup>1856</sup> with some expressing support for the measure.<sup>1857</sup> Other stakeholders had concerns about aspects of our approach, including the points at which children are signposted to support,<sup>1858</sup> the identification of bullying content,<sup>1859</sup> the provision of support information,<sup>1860</sup> costs and implications of the measure,<sup>1861</sup> data protection considerations,<sup>1862</sup> and which services the measure applies to.<sup>1863 1864</sup>

## Our decision

- 11.4 Since consultation, we have decided to split this measure into three separate measures, each representing one important point when service providers should signpost children to support in their user journey. This change is reflected in the Codes and is intended to improve clarity for service providers:
- Measure PCU F3: signposting when children report relevant harmful content.
  - Measure PCU F4: signposting when children post or repost relevant harmful content.
  - Measure PCU F5: signposting when children search for relevant harmful content.
- 11.5 Having considered stakeholder feedback, we have decided to make a change to the measures. Before signposting to support provided by a third-party organisation, service providers should now have regard to any terms or conditions published by the organisation relating to use of its helpline or information and support (as the case may be), including whether the service provider must obtain the organisation's consent to signpost to their resources.
- 11.6 In addition, following further consideration post-consultation we have decided to make the following changes to the measures:

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<sup>1856</sup> This measure has some similarities with Measure ICS F3 in our December 2024 Statement (see Chapter 8 of Volume 2). As such, we also consider feedback provided in respect of Measure ICS F3 in our November 2023 Consultation.

<sup>1857</sup> ICO response to May 2024 Consultation, p.13; NICCY response to May 2024 Consultation, p.36; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals; Parenting Focus response to May 2024 Consultation, p.33; Trust Alliance Group response to May 2024 Consultation, p.2; Welsh Government response to May 2024 Consultation, p.14.

<sup>1858</sup> C3P response to May 2024 Consultation, p.31; Google response to May 2024 Consultation, pp.40-41; NSPCC response to May 2024 Consultation, p.68.

<sup>1859</sup> Google response to May 2024 Consultation, pp.40-41.

<sup>1860</sup> Google response to May 2024 Consultation, p.41; Meta Platforms Inc. response to May 2024 Consultation, Annex, pp.38-39; Microsoft response to May 2024 Consultation, p.17; National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) response to May 2024 Consultation, p.21; NSPCC response to May 2024 Consultation, p.68; Samaritans response to November 2023 Consultation, p.5.

<sup>1861</sup> Google response to May 2024 Consultation, p.41; Mid Size Platform Group response to May 2024 Consultation, pp.12-13; NSPCC response to May 2024 Consultation, p.49; Snap Inc. response to May 2024 Consultation, p.27.

<sup>1862</sup> ICO response to May 2024 Consultation, p.13.

<sup>1863</sup> C3P response to May 2024 Consultation, pp.30-31; Nexus response to May 2024 Consultation, p.11; Office of the Children's Commissioner for England response to May 2024 Consultation, pp.73-74; xHamster response to May 2024 Consultation, p.13.

<sup>1864</sup> Stakeholder responses and our updated decision regarding the flexibility of this measure, our approach to the production of information for children and which users the measure applies to are considered and addressed in the 'Summary of stakeholder feedback on our approach proposed at consultation' sub-section, paragraphs 18.10-18.33.

- The organisations service providers signpost to must be accessible to children in the UK.
- We have changed Measure PCU F3 (signposting when children report) to set out that providers should signpost children to appropriate support as soon as possible after reporting content, including when the nature of the reported content is unclear:
- If there is an indication when a child reports content that it relates to one or more of the harms in-scope of this measure for which a service has a high or medium risk, service providers should signpost the child to support related to those harms.
- If there is an indication when a child reports content that it may be harmful but does not indicate a specific harm, or the nature of the reported content is unclear, service providers should signpost the child to support related to every harm in-scope of this measure for which the service has a high or medium risk.
- If there is an indication when a child reports content that it is not harmful or does not relate to one or more of the harms in-scope of this measure for which a service has a high or medium risk, service providers do not need to signpost the child to support.

11.7 The full text of the measures can be found in the Protection of Children Code of Practice for user-to-user services and they are referred to as PCU F3, PCU F4 and PCU F5.

## How these measures work

11.8 Providers of services in scope of these measures should signpost children to appropriate support at important points in their online user journey:

- Measure PCU F3 (signposting when children report): When a child reports content that might constitute bullying, suicide, self-harm or eating disorder content, or when a child reports any content if the provider does not have methods to identify the kind of content being reported when a report is submitted. This applies to all user-to-user services at medium or high risk for one or more of bullying, suicide, self-harm or eating disorder content.
- Measure PCU F4 (signposting when children post/repost): When a service provider is made aware that a child posts or reposts content that might constitute bullying, suicide, self-harm or eating disorder content. This applies to large user-to-user services that have posting or reposting functionalities on parts of the service that are accessible by children;<sup>1865</sup> are medium or high risk for one or more of bullying, suicide, self-harm or eating disorder content; and the provider has means, processes or methods to make them aware that a user has posted or reposted content that might constitute bullying, suicide, self-harm or eating disorder content.<sup>1866</sup>

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<sup>1865</sup> The children's safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

<sup>1866</sup> In practice, the same means, processes or methods that cause this measure to be triggered may also cause providers to suspect that content is harmful to children, meaning that they should review and assess it in line with our content moderation Measure PCU C1. Where providers have identified harmful content on their service, they should take swift action to prevent and protect children from encountering it, in line with Measure PCU C2. Together, these measures should ensure that the child posting or reposting harmful content is supported and that other children are prevented and protected from encountering that content on the service.

- Measure PCU F5 (signposting when children search): When a child searches for suicide, self-harm or eating disorder content. This applies to all user-to-user services that have user-generated content searching functionalities on parts of the service that are accessible by children;<sup>1867</sup> are medium or high risk for one or more of suicide, self-harm or eating disorder content; and have methods enabling them to identify when a user searches for suicide, self-harm or eating disorder content.<sup>1868</sup>
- 11.9 Providers in scope of each measure need only signpost to appropriate support in relation to harms for which their services have a medium or high risk.
- 11.10 Signposting should occur as soon as possible after a report is submitted, or as soon as possible after the service provider is made aware that a child has posted, reposted, or searched for content that might constitute relevant harmful content.
- 11.11 Providers should signpost to appropriate support that relates to the type of harm the child has reported, posted, reposted or searched for.<sup>1869 1870</sup> If a provider does not have methods to identify the kind of content being reported when a report is submitted, the provider should signpost to appropriate support for all the relevant harms their service has a medium or high risk for when a child submits a report.
- 11.12 If a provider uses harmful content proxies<sup>1871</sup> to identify when a user posts or reposts harmful content (for which their service has a medium or high risk), the provider should signpost to appropriate support for all relevant harms that the service has a medium or high risk for that are captured by the relevant harmful content proxy.
- 11.13 ‘Appropriate support’ can take various formats, such as written or audio-visual materials, interactive on-service chatbots, links to webpages or helpline numbers. However, to be appropriate, the support must be:
- accessible to children in the UK;
  - comprehensible and suitable in tone and content for the youngest person permitted to use the service without the consent of a parent or guardian;
  - produced by, or in consultation with, one or more expert third-party organisations that have expertise in the type of harm to which the support relates.
- 11.14 Service providers should consult the terms and conditions published by third-party organisations to determine whether consent is required to signpost to their staffed support

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<sup>1867</sup> The children’s safety duties in section 12 of the Act only apply to such parts of the service as it is possible for children to access – see section 13(5).

<sup>1868</sup> We have a similar measure for search services. Measure PCS F3 sets out that large general search services provide crisis prevention information to users who search for suicide, self-harm or eating disorder content.

<sup>1869</sup> The type of harm a user has reported, posted, reposted or searched for could be determined by asking users to categorise content during the reporting process, through the use of human or automated content moderation, or by maintaining a list of relevant search terms. Services should regularly update such lists in recognition of the changing nature of relevant search terms. See our Guidance on Content Harmful to Children for advice on developing and maintaining such lists.

<sup>1870</sup> We acknowledge the risk of harmful content being misidentified, which could mean some children are not signposted to support or are signposted to the wrong support. We consider that measures PCU D2, PCU C5 and PCU C7 would help to mitigate this risk. Furthermore, we consider that the benefits of targeted signposting outweigh the risks of signposting incorrectly.

<sup>1871</sup> The concept of harmful content proxy applies where a provider assesses content that it suspects to be harmful against its terms of service rather than making a harmful content judgement. If it decides such content is in breach of those applicable terms, that content would be ‘harmful content proxy’.

(for example, a helpline) or unstaffed support (such as a webpage or blog post). Where a service provider chooses to signpost to a staffed helpline, they should signpost to helplines that are able to support children throughout the UK and, where possible, operate a 24/7 service.

- 11.15 Service providers may signpost to public sector support without seeking consent to do so if that support is suitable for children and relevant to the harm in question.
- 11.16 Service providers should apply this measure to all United Kingdom users, unless they have been determined to be an adult using highly effective age assurance.

## How these measures protect children

- 11.17 Both children and experts recognise the value of timely and appropriate signposting to support resources for children exposed to suicide content, self-harm content, eating disorder content or bullying content.<sup>1872</sup> There is also significant evidence, including from children, in favour of signposting to appropriate support when children report, post, repost, or search for such content.<sup>1873</sup> By signposting children to support at specific points in the user journey when they may be affected by harmful content, Measures PCU F3-5 will mitigate the impact of that harm, providing children with helpful information and resources when it is relevant to them and they are likely to be receptive to it.
- 11.18 These measures recognise that even in the context of other measures which aim to reduce exposure to harmful content and create a safer online environment, some children may occasionally encounter (or even perpetuate) harmful content online. These measures are important in reducing the impact of any residual harms when children report, post, repost or search for harmful content online.
- 11.19 We therefore consider that these measures are likely to reduce the impact of harm to children from suicide content, self-harm content, eating disorder content, and bullying content at points in the user journey when they are most in need of support. After receiving support, some children may be more inclined to report and less inclined to post, repost or search for such content in future. This should additionally reduce the likelihood of other children encountering such content.

## Stakeholder feedback and our response

### The points at which children are signposted to support

#### Our proposals

- 11.20 In our May 2024 Consultation, we proposed that children should be signposted to appropriate support when they: 1) report harmful content; 2) post or repost harmful content; and 3) search for harmful content.

#### Summary of responses

- 11.21 Three stakeholders suggested that children should be signposted to appropriate support at additional points in the user journey. The NSPCC suggested signposting should be provided

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<sup>1872</sup> See 'Evidence for the effectiveness of signposting to address certain risks of harm' under Measure US5 in our May 2024 Consultation (Volume 5, pp.395-396).

<sup>1873</sup> See 'Evidence for signposting at this intervention point' under each Measure US5 intervention point in our May 2024 Consultation (Volume 5, pp.398-399 (reporting); pp.401-402 (posting or reposting); pp.403-404 (searching)).

when a child’s “content is removed from a site due to it being identified as harmful” and when “they have been impacted by content which has broken a platform’s terms of service”.<sup>1874</sup> C3P suggested signposting should be provided when children “engage with harmful content, including commenting, liking, saving, or sharing”.<sup>1875</sup> Google suggested that information should be provided to users about the effects of reporting content, before they take a reporting action.<sup>1876</sup>

## Our decision

- 11.22 Having considered stakeholder feedback, we have decided not to make changes to the measures.
- 11.23 We agree with the NSPCC that children should be signposted to support when content that they have posted or reposted is removed for being harmful. While we are not including this as a stand-alone measure in the Codes, we consider that when a service takes action on a child’s content for being harmful, including removing it, the child would already be signposted to appropriate support under Measure PCU F4. This measure sets out that providers must signpost to appropriate support when they are made aware that a child has posted or reposted harmful content. As set out in our May 2024 Consultation, providers are likely to become aware that a child has posted or reposted harmful content when reviewing it as part of their content moderation processes. Where such processes result in a service provider taking action on a child’s content for being harmful, the point at which the provider becomes aware that a child has posted or reposted harmful content will coincide with this action, including when the child’s content is removed. We therefore expect that, under the measure as currently set out, where a service takes action on a child’s content, including removing it, the child will be signposted to support appropriately. We do not consider it necessary to separately set out that appropriate support is provided when a child’s content is actioned for being harmful.
- 11.24 In respect of C3P’s suggestion, we consider that providing support when children otherwise engage with harmful content (as in, liking, commenting or saving), or when harmful content has an impact on them would represent a significant expansion of the measures, and we do not consider there is currently sufficient evidence to warrant this. We are conscious of the risk of alert fatigue, especially considering other measures proposed in the Codes which set out informational interventions.<sup>1877</sup> Under Measure PCU F2, we already stipulate the provision of additional information when children report or restrict harmful content and suggesting further notifications when children comment on, like or save such content may be disproportionate and counter-productive.
- 11.25 Finally, in respect of Google’s suggestion, we note that Reporting and Complaints Measure PCU D3 already sets out that services should provide useful information as part of their reporting and complaints functions before a report or complaint is submitted. We are not amending Measure PCU F3 (signposting when children report) to include that children receive information before they take a reporting action.

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<sup>1874</sup> NSPCC response to May 2024 Consultation, p.68.

<sup>1875</sup> C3P response to May 2024 Consultation, p.31.

<sup>1876</sup> Google response to May 2024 Consultation, p.41.

<sup>1877</sup> For example, Measures PCU J3 and PCU F2 in the Protection of Children Codes for user-to-user services, Measure PCS F3 in the Protection of Children Codes for search services, Measure ICU F2 in the Illegal Content Codes for user-to-user services, and Measures ICS F2 and ICS F3 in the Illegal Content Codes for search services.

## Identification of bullying content

### Our proposals

- 11.26 In our May 2024 Consultation, we set out that support information should be provided when services have measures that enable them to identify when a user posts, reposts or searches for harmful content, including eating disorder content, suicide and self-harm content and bullying content. We also proposed that support information should be provided regardless of whether a provider has existing means to enable them to identify reports about this content.

### Summary of responses

- 11.27 Google suggested “that a proportionality requirement” should be included “given the difficulty in accurately identifying bullying content”.<sup>1878</sup>

### Our decision

- 11.28 We have considered this feedback and have decided not to make changes to Measures PCU F3 (signposting when children report) and PCU F4 (signposting when children post or repost), both of which apply in relation to bullying content.
- 11.29 As noted in Section 6 of the Children’s Register and the Guidance on Content Harmful to Children in Volume 2, we acknowledge that bullying can be difficult to identify. However, we also provide examples of how bullying can manifest on services and of the contextual factors for services to consider.<sup>1879</sup> We do not consider there to be sufficient reason to exclude bullying content from these measures, particularly given the risk of harm to children who are exposed to bullying content. Service providers at medium or high risk of bullying content need only provide bullying-related support when a child reports content that might constitute bullying content (or when they report any content, if the service cannot identify content types at the time of reporting), or when a service provider is made aware that a user has posted or reposted content that might constitute bullying content. In line with our Content Moderation measures (Section 14 of this statement), we do not recommend that services should introduce new measures to identify when users report, generate, upload, share or search for different kinds of harmful content if they do not already have such measures in place.

## Provision of support information

### Our proposals

- 11.30 In our May 2024 Consultation, we recommended that appropriate support could take various formats, such as written or audio-visual materials, interactive on-service chatbots, or helpline numbers. We encouraged providers to have regard to research suggesting some children and young people want clear, brief, on-service support for mental health, and may prefer text-based interventions such as direct messaging to verbal communication when seeking help.<sup>1880</sup> We did not provide specific details of support organisations that service providers could signpost to, but set out that we understand there are a range of organisations and resources available.

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<sup>1878</sup> Google response to May 2024 Consultation, pp.40-41.

<sup>1879</sup> See Section 6 of the Register and Section 7 of our Guidance on Content Harmful to Children.

<sup>1880</sup> Cohen, R., Rifkin-Zybutz, R., Moran, P., Biddle, L., 2022. [Web-based support services to help prevent suicide in young people and students](#). [accessed 24 March 2025].

## Summary of responses

- 11.31 Some stakeholders provided feedback regarding the type of support information that should be recommended.
- 11.32 The National Research Centre on Privacy, Harm Reduction and Adversarial Influence Online (REPHRAIN) suggested that in addition to signposting to formal helplines, service providers should also include other support avenues “including more informal arrangements”.<sup>1881</sup> By contrast, in its November 2023 Consultation response regarding Measure ICS F3 on the provision of suicide crisis prevention information on search services, Samaritans argued that any support services signposted as part of the measure should be 24/7 services due to the constantly available nature of the internet.<sup>1882</sup>
- 11.33 Other stakeholders suggested that Ofcom should take steps to assist support organisations. Microsoft advocated that we “work with UK government agencies and providers to compile appropriate suggested resources and support services”, suggesting this would “reduce the potential burden on support services”.<sup>1883</sup> Similarly, the NSPCC asked us “to bolster the [support] organisations” that services might signpost users towards.<sup>1884</sup>
- 11.34 Regarding the production of support information, Meta Platforms Inc. noted the need for flexibility regarding “appropriate support” being developed in consultation with expert third parties, and that not every individual support may be “produced by or in consultation with” a third party organisation, as in practice knowledge may have been built up in-house based on conversations with experts.<sup>1885</sup>
- 11.35 Relatedly, Google were of the view that service providers should be able to surface the required information outside of in-app features, providing the example of help centres.<sup>1886</sup>

## Our decision

- 11.36 Having considered stakeholder feedback, we have decided not to make changes to the measures.
- 11.37 In respect of REPHRAIN’s suggestion, we remain of the view that the type of support signposted to by services should meet our definition of “appropriate support”.<sup>1887</sup> This definition is intended to ensure a minimum standard of support for children in crisis. We think there is a risk that the type of ‘informal support’ suggested by REPHRAIN would not meet this definition, suggesting it would not be compatible with the outcomes of these measures. For example, informal support may be hyper-local and it may be harder for services to determine the suitability of such support for children. Where such arrangements would be beneficial for children, we expect that expert-third parties would be aware of, and might subsequently recommend them, to children.

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<sup>1881</sup> REPHRAIN response to May 2024 Consultation, p.21.

<sup>1882</sup> Samaritans response to November 2023 Consultation, p.5.

<sup>1883</sup> Microsoft response to May 2024 Consultation, p.17.

<sup>1884</sup> NSPCC response to May 2024 Consultation, p.68. We note that the NSPCC made a similar point in response to Measure ICS F3 in our November 2023 Consultation, p.45. It suggested that we consider how we could use income generated from fines levied under the Act to fund the support organisations cited in the measures relating to child sexual abuse material (CSAM) warnings and crisis prevention, particularly where those organisations provide helplines that “require significant resources”.

<sup>1885</sup> Meta Platforms Inc. response to May 2024 Consultation, Annex, p.39.

<sup>1886</sup> Google response to May 2024 Consultation, p.41.

<sup>1887</sup> Set out in ‘How these measures work’, paragraphs 18.334-18.342.

- 11.38 We note Samaritan’s feedback about signposting to 24/7 support services. However, we do not consider that the type of crisis support offered by a 24/7 staffed service will always be appropriate for the intervention points targeted by these measures. Instead, we consider that allowing a broader range of support would better meet the measures’ objectives. It is for service providers to determine the best type of support to provide for their user base when applying each measure. We have therefore decided not to change the measures. However, we encourage service providers that choose to signpost to staffed support (and have obtained consent to do so, if this is dictated by the terms and conditions of the support organisation) to signpost to services with 24/7 provision where possible. This reflects evidence that children may require support outside of regular office hours.<sup>1888</sup>
- 11.39 We have also decided not to change the measures to include a list of approved support organisations, or to recommend that Ofcom supports the organisations to which providers signpost. We have taken a principles-based approach to these measures, providing minimum requirements for what constitutes appropriate support.<sup>1889</sup> We do not consider that a list of recommended support organisations would be sufficiently future proof as it risks discouraging new entrants to the support organisation market and removes flexibility for providers to signpost to support appropriate for their service. However, we recognise that expert organisations could experience significant increased demand for support as a result of these measures, which is why we are including that service providers have regard to any terms published by the relevant organisation relating to the use of its helpline or information and support (as the case may be) including as to obtaining its consent. This approach gives support organisations a greater level of control over whether the demand for their support will increase due to these measures, allowing them to plan and resource effectively.
- 11.40 Regarding Meta Platforms Inc.’s feedback, we remain of the view that consulting third-party experts helps to ensure that any support information produced internally by service providers represents up to date ‘best practice’ in support provision for children. We consider that the effectiveness of support resources could be reduced if they are based only on in-house expertise, or on third-party input that was not provided in the specific context of developing those resources. We do not prescribe the level of involvement required to produce support information “in consultation with” expert third-party organisations, allowing some flexibility for services under these measures.<sup>1890</sup> Service providers who do not wish to consult third-parties when producing their own resources may choose to implement the measures by signposting to external resources produced by third-parties (provided they have consulted the organisation’s terms and conditions and have sought consent to signpost where this is required by the support organisation).

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<sup>1888</sup> In a September 2021 report, Mental Health Innovations found that 75% (three-quarters) of students who had contacted the Shout texting service for mental health support did so outside the hours of 9am to 5pm. Of the 27,600 students who had sought support from Shout for their mental health so far that year, 20% had texted between 10pm and 12am, 15% between 8pm and 10pm and 13% between 12am and 2am. Source: Mental Health Innovations, 2021. [Supporting student mental health. Insight into students seeking support.](#) [accessed 27 March 2025]

<sup>1889</sup> See ‘How these measures work’, paragraphs 18.334-18.342.

<sup>1890</sup> In Measure ICS F2 in our December 2024 Statement, we took a different approach regarding the provision of information on search services, suggesting that services should consult relevant experts when developing a CSAM warning message. This difference in approach is due to the highly specialised nature of CSEA deterrence.

- 11.41 Finally, we do not agree with Google’s suggestion that the measures should allow the presentation of support information outside of in-app features. These measures are intended to provide support to children at the point of need.

## Impacts on service providers

### Direct costs of implementation

- 11.42 In our May 2024 Consultation, we set out the estimated direct one-off and ongoing costs of implementing Measures PCU F3-5. These estimates are for the cost of sourcing the materials for signposting and the implementation of signposting for each measure, as described in ‘How these measures work’.
- 11.43 We estimated the one-off direct costs of sourcing or developing appropriate support resources for all four harms in scope of the measures to be in the region of £200 to £25,000 and the annual maintenance costs to be between £50 and £6,250.<sup>1891</sup> We noted that costs would be lower for providers only at risk of a subset of these harms. We also expected costs to scale with the size of the service provider. Costs are expected to be towards the low end of the estimate when the provider signposts to publicly available resources. Costs could be higher than the upper end of this estimate range (potentially significantly so) when services choose to produce resources that are more expensive to create, such as extensive audio-visual materials.
- 11.44 We estimated that implementing signposting for each measure would entail a one-off direct cost in the region of £2,000 to £18,000 (in addition to the costs of sourcing signposting materials set out in paragraph 18.369). Additionally, we expected ongoing costs of between £500 and £4,500 per annum.
- 11.45 For Measure PCU F3 (signposting when children report), we noted that costs may scale with the size of the provider. For example, providers of smaller services who include signposting to appropriate support in an acknowledgement of a report can be close to the lower bound of our estimate. Costs will be higher when the support is tailored to the specific kind of content a user has reported. For some services, this could be implemented in a relatively simple way by adding links to appropriate support in an acknowledgement of a report.<sup>1892</sup>
- 11.46 For Measure PCU F4 (signposting when children post/repost), we noted that the steps needed to implement this measure would vary based on the design of the service, the complexity of the signposting functionality to contact users who have posted or reposted a relevant kind of content, and the complexity of linking the information on who these users are to this signposting functionality.
- 11.47 We suggested that implementation costs for Measure PCU F4 can also vary based on existing content moderation systems. Costs are not necessarily expected to scale with the size of the service and could be high even for some smaller services. Where systems already exist for automating the content moderation process, adaptations may need to be made to enable details of the posting/reposting account(s) to be captured when the content is reviewed, incorporating this process into an automated content moderation workflow. Smaller services with less automation may face higher ongoing costs due to additional processing time for content moderators to capture information on all accounts that have

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<sup>1891</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>1892</sup> All services likely to be accessed by children should send an acknowledgement of a report following receipt of a complaint – see Measure PCU D4 in Section 16, User reporting and complaints, for further details.

posted the relevant content. Where service providers do not have the functionality to contact users who post or repost harmful content, which may be more likely on smaller services, the addition of this is likely to lead to costs towards the higher end of the range.

- 11.48 Although we provided the same cost ranges for Measure PCU F4 as for Measures PCU F3 and PCU F5, we also considered that there may be added complexity for Measure PCU F4 which increases the likelihood of costs reaching or exceeding the upper bound of our estimates. This includes designing a new user journey to identify the relevant points for intervention and incorporating the provision of appropriate support into relevant workflows, including where users may be contacted some time after they posted or reposted the content. Therefore, we identified greater uncertainty as to the range of costs associated with this measure.
- 11.49 For Measure PCU F4 we noted that we are not including that providers should introduce specific systems or processes enabling them to identify when a user posts or reposts suicide, self-harm, eating disorder, or bullying content. Therefore, there will not be any additional costs for such activities.
- 11.50 Finally, we acknowledged that the steps needed to implement Measure PCU F5 would vary based on the design of the service and the complexity of the signposting functionality. Providers should design these systems so appropriate support is automatically provided when they become aware of a child using suicide, self-harm or eating disorder related search terms. Providers may incur costs at the lower end of the range if they signpost to all available support resources, while providers are likely to incur costs at the high end of this range if they tailor the support resources to the specific search terms that a child uses. We have given service providers flexibility in how they choose to present these support resources. Therefore, smaller services can implement this measure at the lower end of our estimated range. We are not including as part of this measure that providers should introduce specific systems or processes that enable them to become aware when a user searches using terms related to suicide, self-harm or eating disorder content, and so this measure does not entail any additional costs for such activities.<sup>1893</sup>

### Summary of responses

- 11.51 Three stakeholders provided feedback relating to the costs of implementing Measures PCU F3-5.
- 11.52 While Mid Size Platform Group agreed that collaborating with third-party support organisations could bring benefits, they also encouraged flexibility in this approach, highlighting that “in practice requiring consent [from third-party support organisations] could put some services in a position of creating de facto partnerships with organisations which may, in turn, expect support or benefits of some kind, or seek a more formal role with the service”. It noted small and medium sized services might struggle to resource such relationships.<sup>1894</sup>
- 11.53 Relatedly, Google was concerned about “platforms being asked to meet additional compliance obligations” if they have systems to identify harmful content, which could “disincentivize” services from seeking to identify these types of content.<sup>1895</sup>

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<sup>1893</sup> For a fuller assessment of the impact of these measures on services, see paragraphs 21.251 to 21.270 in our May 2024 Consultation.

<sup>1894</sup> Mid Size Platform Group response to May 2024 Consultation, pp.12-13.

<sup>1895</sup> Google response to May 2024 Consultation, p.41.

- 11.54 The NSPCC questioned why we were not recommending services implement measures “that enable them to identify when a user posts or re-posts PPC” .<sup>1896</sup>

#### Our decision

- 11.55 We have considered stakeholder feedback and have decided to make a change to the measures from our position at consultation.
- 11.56 We acknowledge concerns raised by Mid Size Platform Group in respect of seeking consent. Our expectation is that most providers would be able to implement Measures PCU F3-5 without necessarily making payments to third parties. Any financial agreements that larger providers enter into with third-party organisations are a commercial matter for those providers. However, we have made a change to the measures to set out that where service providers signpost to support provided by third-party organisations, they should have regard to any terms published by the relevant organisation relating to the use of its helpline or information and support (as the case may be), including as to obtaining its consent. We have not altered our cost assumptions for the measures in light of this change.
- 11.57 Our changed position ensures that service providers do not signpost to support from a third-party organisation in a manner that violates the organisation’s terms. As well as requirements around consent, service providers should consider restrictions on referral to support services, copyright and trademark restrictions or other restrictions on third-party use of resources that may be set out in a support organisation’s terms.
- 11.58 Additionally, the measures offer some flexibility to service providers who do not wish to seek consent to signpost to support information, as they may still signpost to support from organisations that do not require consent to do so in their terms. They may also signpost to support provided by public sector organisations without seeking consent to do so.
- 11.59 While we acknowledge Google’s concern about disincentivising content identification, we do not consider that this warrants a change to the measures. We do not agree that becoming in scope of these measures would be sufficiently costly that services would look to remove their capabilities or be disincentivised to develop the capabilities to identify when users post, repost or search for harmful content. In part, this is because services without these capabilities are still in scope of Measure PCU F3 (signposting when children report) and will also fall in scope of Measure PCU F4 (signposting when children post/repost) if they have other means, methods or processes that make them aware when a user posts or reposts harmful content. This means they would have already incurred costs related to sourcing and developing signposting materials. Therefore, the cost reduction for removing content identification to avoid implementing Measures PCU F4 and PCU F5 (signposting when children search) is likely to be limited. We recognise the potential risk that some services may be disincentivised from seeking to identify these types of content, nevertheless, there are benefits to service providers that identify content type, which to some extent may counteract any disincentive they may have to remove these capabilities. We consider that where service providers have or develop these capabilities it will enable them to improve the quality of their services, for instance by improving their ability to track harms or providing data for training automated content moderation systems, where they use them.

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<sup>1896</sup> NSPCC response to May 2024 Consultation, p.49.

- 11.60 With regard to the NSPCC’s feedback, we recognise that not all providers currently have methods in place that enable them to identify when a user posts or reposts suicide, self-harm, eating disorder or bullying content. At this stage, we are deliberately not prescriptive about the means, methods and processes that services use to make themselves aware of harmful content, to allow providers flexibility to decide what is appropriate for their service.<sup>1897</sup> However, we are intending to consult on measures which set out that service providers use proactive technology for some types of harmful content in the coming months.
- 11.61 See paragraph 18.33 for an explanation of age assurance costs in relation to this measure.<sup>1898</sup>

### Potential indirect costs

- 11.62 In our May 2024 Consultation, we recognised that Measures PCU F3-5 could create additional friction for users. This could lead to indirect costs for services by potentially altering the user experience, reducing engagement, and (to some degree) having an impact on service revenue. The measures give service providers the flexibility to choose how to implement signposting, which helps mitigate some risks. However, it may be necessary to interrupt the user experience at critical intervention points to achieve the intended effect of the measures.

### Summary of responses

- 11.63 Some stakeholders raised concerns about the impact of the measures on the child user’s experience. Snap Inc. highlighted “a risk that intervention at some of the points identified by Ofcom in the user journey may lead to excessive or frequent notifications which could cause ‘alert fatigue’”.<sup>1899</sup>

### Our decision

- 11.64 We have considered Snap Inc.’s feedback and have decided to maintain the position we proposed at consultation. Reducing the frequency of signposting could create missed opportunities to provide children with support when they need it most. For Measures PCU F4 (signposting when children post/repost) and PCU F5 (signposting when children search), a reduction in the frequency of signposting might mislead children into thinking that certain types of harmful content are acceptable. We may reconsider optimum frequency in the future if we become aware of relevant updated evidence.

## Rights

### Freedom of expression and association

- 18.328 [Our final rights assessment](#)
- 11.65 In our May 2024 Consultation we considered that the impact on users’ rights to freedom of expression and association would be limited as the presentation of appropriate support may serve as a potential friction in user journeys, though the measures do not prevent users from engaging with content should they wish to do so.<sup>1900</sup> We did not receive any

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<sup>1897</sup> Section 14 of this statement, Content Moderation for all user-to-user services.

<sup>1898</sup> See Annex 3 for details on the cost of highly effective age assurance if a provider chooses to use this to target this measure.

<sup>1899</sup> Snap Inc. response to May 2024 Consultation, p.27.

<sup>1900</sup> Volume 5, May 2024 Consultation, p.404.

feedback from stakeholders regarding the freedom of expression or freedom of association impacts of Measures PCU F3-5.

- 11.66 We remain of the view that any impact on users' and services' rights to freedom of expression and association is limited and proportionate to the benefits to children. These measures may have an impact on users, including children and adults, where services apply the measures to all users because they have not implemented highly effective age assurance. The measures might also add friction for users who create, share or engage with beneficial and non-harmful suicide, self-harm or eating disorder content, such as recovery content, as users may be signposted to appropriate support where such content is mischaracterised as being harmful. While the presentation of appropriate support may serve as a potential friction in user journeys, potentially having an impact on providers' freedom of expression and users' freedom of association, users are not prevented from engaging with content should they wish to do so.
- 11.67 Taking these considerations, and the benefits to children into consideration, we consider the interference of Measures PCU F3-5 with users' and services' freedom of expression and association to be proportionate to the safety benefits to children, by providing appropriate support to children when they have encountered harmful suicide, self-harm and eating disorder content.

## Privacy and data protection

### Our final rights assessment

- 11.68 In our May 2024 Consultation, we provisionally concluded that depending on how service providers decide to implement Measures PCU F3-5, it could result in a greater or lesser impact on users' privacy and data protection.
- 11.69 In its feedback on Measures PCU F3-5, the ICO referred to its Children's Code, noting that, provided other data protection requirements are met, the related processing is likely to meet the data protection fairness requirement. It also said that the measures may involve the processing of special category data about a person's general or mental health, and services should consult ICO resources about how to do this in compliance with data protection law.<sup>1901</sup>
- 11.70 We have considered the ICO's feedback and agree that services should implement Measures PCU F3-5 in a manner compliant with data protection laws. We also agree that if services do so, the impact on the rights to privacy and impacts on data protection are minimal and proportionate to the benefits of supporting children at important points in their user journey. We acknowledge that the processes established to implement these measures might generate new personal data or involve processing existing data for new purposes (if the service provider considers it appropriate to retain information about the user using reporting, posting or searching functionalities themselves – for example, for prioritisation or training purposes). However, the measures do not suggest or require that service providers retain users' personal data and are unlikely to go beyond what they would ordinarily process in analysing a report, post or search request under their reporting and content moderation processes in any event.
- 11.71 Services that choose to process additional personal data or special category data (for example, health data) in implementing these measures would need to comply with relevant

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<sup>1901</sup> ICO response to May 2024 Consultation, p.13.

data protection legislation, including applying appropriate safeguards to protect the rights of both children (who merit special consideration) and adults who would be affected by these measures. Providers should refer to relevant guidance from the ICO.<sup>1902</sup>

- 11.72 Taking these considerations, and the benefits to children into consideration, we consider the interference of this measure with users' and services' freedom of expression and association to be proportionate to the safety benefits to children, by providing supportive information to them when they have encountered harmful suicide, self-harm, eating disorder and bullying content.

## Who this measure applies to

### Our position at consultation

#### Measure PCU F3: when children report harmful content

- 11.73 In our May 2024 Consultation, we proposed to apply Measure PCU F3 to all user-to-user services likely to be accessed by children that have a medium or high risk for one or more of the following harms: suicide content, self-harm content, eating disorder content, or bullying content.

#### Measure PCU F4: when children post or repost harmful content

- 11.74 In our May 2024 Consultation, we proposed to apply Measure PCU F4 for large user-to-user services likely to be accessed by children that have a medium or high risk for one or more of the following harms: suicide content, self-harm content, eating disorder content, or bullying content. We recommended these services signpost children to appropriate support when they post or repost a relevant kind of content for which the service is at risk, if:
- they offer users the ability to post or repost content; and
  - they have means, processes or methods to make them aware when a user posts or reposts content that might constitute suicide, self-harm, eating disorder, or bullying content.

#### Measure PCU F5: when children search for harmful content

- 11.75 In our May 2024 Consultation, we proposed to apply Measure PCU F5 to all user-to-user services likely to be accessed by children that have a medium or high risk for one or more of the following harms: suicide content, self-harm content, or eating disorder content. We recommended these services signpost children to appropriate support when they search for harmful content using search terms related to a relevant kind of content for which the service is at risk, if:
- they offer users the ability to search for user-generated content; and
  - they have methods enabling them to identify when a user searches for suicide, self-harm, or eating disorders.

### Summary of responses

- 11.76 Some stakeholders provided feedback on the type of content that Measures PCU F3-5 should apply to. C3P argued that the measures should "be expanded to other types of content that is harmful to children, including violent, drug-related, and pornographic content".<sup>1903</sup> Similarly, Nexus recommended that the measures include "sexual abuse

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<sup>1902</sup> ICO, UK GDPR guidance and resources; and Online safety and data protection.

<sup>1903</sup> C3P response to May 2024 Consultation, p.31.

content, domestic abuse content, content containing or pertaining to violence against women and girls, and content containing or pertaining to racism, ableism, homophobia, transphobia”.<sup>1904</sup>

- 11.77 We also received feedback about the level of identified risk and size of service for services to be in scope of the measure. Several stakeholders said that all our proposed User Support measures should apply to all services, regardless of size or risk profile.<sup>1905</sup>

#### **Our decision**

- 11.78 Having considered this stakeholder feedback, we have decided to maintain our position from our May 2024 Consultation.
- 11.79 With respect to relevant risks, evidence shows that both children and experts in children’s mental health and wellbeing recognise the value of timely and appropriate signposting to support for children exposed to suicide, self-harm, eating disorder or bullying content.<sup>1906</sup> Current evidence suggests these measures may have limited benefits with respect to other kinds of harmful content, and our assessment is that extending them could be disproportionate. We have therefore decided to maintain the scope of these measures as proposed at consultation, applying Measures PCU F3 (signposting when children report) and PCU F4 (signposting when children post/repost) for suicide content, self-harm content, eating disorder content, and bullying content, and Measure PCU F5 (signposting when children search) for suicide content, self-harm content and eating disorder content
- 11.80 Measures PCU F3 and PCU F4 already set out that services should signpost to appropriate support when a child reports, posts or reposts bullying content. We consider that this might include some content deemed racist, homophobic, ableist, or transphobic, for example, which would trigger support under the measures as drafted. In addition, available evidence suggests that encountering abusive and hateful content (as opposed to being directly targeted by it) can lead to children becoming desensitised to abuse and hate, but this doesn’t necessarily create an immediate support need for the individual.<sup>1907</sup> While there are specific support resources available to victims and survivors of hate crime and abuse, we cannot assume that anyone who reports, posts, reposts or searches for violent, abusive or hateful content are themselves victims or survivors of hate crime or abuse, meaning it may not be appropriate to signpost to these resources.
- 11.81 With respect to feedback on the services that should fall in scope of these measures, we estimated that the costs of signposting for Measure PCU F3 (signposting when children report) are likely to be limited for smaller services due to the flexibility we provide in how services implement this measure. Given the benefits of signposting children to appropriate support and the requirement for all providers to have reporting processes for content harmful to children, we consider that Measure PCU F3 is proportionate for all services with relevant risks, regardless of size.
- 11.82 The total costs of Measure PCU F4 (signposting when children post/repost) are difficult to estimate accurately. We anticipate that implementation could be more complex and thus

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<sup>1904</sup> Nexus response to May 2024 Consultation, p.11.

<sup>1905</sup> C3P response to May 2024 Consultation, p.30; Office of the Children’s Commissioner for England response to May 2024 Consultation, pp.73-74; xHamster response to May 2024 Consultation, p.13.

<sup>1906</sup> May 2024 Consultation, Volume 3, Section 7.2, Suicide and self-harm content; Section 7.3, Eating disorder content; Section 7.5, Bullying Content.

<sup>1907</sup> See Sections 5 and 7 of the Children’s Register.

more costly than Measures PCU F3 and PCU F5. Our analysis suggests that the costs for Measure PCU F4 do not necessarily scale with the size of the service and may in fact be greater for smaller services if they have to develop an appropriate capability to contact users who have posted or reposted content after it has been moderated. On balance, we considered the measure proportionate for providers of large services with the relevant risks and functionalities.

- 11.83 The costs of signposting for Measure PCU F5 (signposting when children search) are likely to depend on the complexity of the service, with smaller services that are typically less complex incurring costs at the lower end of our estimated range. This measure only applies to providers of user-to-user services that enable users to search for content and can identify when a user searches using terms related to suicide, self-harm, or eating disorders. Well in line
- 11.84 We consider it proportionate to apply Measures PCU F3 and PCU F5 to all sizes of service. However, we do not consider it proportionate to apply Measure PCU F4 to smaller services. We have concluded that our approach is proportionate considering the scale and severity of the relevant harms online, our analysis of the effectiveness of the measures, the costs to service providers of implementing them, and their limited impact on user rights. Therefore, we have decided that the service providers these measures apply to are as proposed in our May 2024 Consultation, outlined in paragraphs 18.399 – 18.401 above.

## Other considerations

- 11.85 Following further post-consultation consideration, we have decided to clarify the type of support that a child should be signposted to when they report content under Measure PCU F3.
- 11.86 Where it is clear that a child has reported harmful content in-scope of Measure PCU F3 for which a service has a high or medium risk, the child should be signposted to support related to that type of harmful content. However, there is a different expectation when it is not clear what type of content a child has reported; in this case, the child should be signposted to support for all types of harmful content in-scope of Measure PCU F3 for which a service has a high or medium risk. This clarification will ensure that children can be signposted to support as soon as possible after submitting a report, avoiding any delay while providers consider whether the report relates to harmful content in scope of this measure.
- 11.87 In addition, we are also clarifying that service providers should signpost children to support if they identify harmful content using content proxies. Where providers choose to assess content against their terms of service rather than by making harmful content judgements, and they establish that a violative piece of content may relate to suicide, self-harm, eating disorders or bullying (even if these harms are not separately identified), the provider should still signpost children to appropriate support for the harms that the service has a high or medium risk for when children report, post or repost such content.
- 11.88 We have also decided to make a change to each measure to include that the support organisations service providers signpost to must be accessible to children in the UK. We consider this is necessary for support to be appropriate for UK users.

# 19. Search features, functionalities and user support

## What is this section about?

In this section we set out the Codes measures for search features, functionalities and user support, with some changes.

Search service providers design and implement features and functionalities to enhance the user search experience on their service. However, these can have the unintended consequence of making it easier for children to encounter content harmful to them.

Through these measures we seek to embed safety into the design of search functionalities and provide children with the appropriate information, tools and support they need to have safe experiences on search services. The measures are broadly equivalent to two of the measures in our December 2024 Statement on Protecting People from Illegal Harms Online, adjusted to cover content harmful to children.

## What decisions have we made?

Number in the Codes	Recommended measures	Who should implement this <sup>1908</sup>
PCS F1	Offer users a means to easily report predictive search suggestions relating to PPC and PC. If a clear and material risk is identified, take appropriate steps to ensure the reported predictive search suggestion is not recommended to any users	Providers of large general search services which use a predictive search functionality
PCS F3	Provide crisis prevention information in response to search requests that contain general queries or queries seeking specific, practical or instructive information regarding suicide, self-harm and eating disorders	Providers of large general search services

## Why have we made these decisions?

PCS F1 will address the risk of children encountering primary priority content that is harmful to children (PPC) and priority content that is harmful to children (PC) in search results after selecting a predictive search suggestion that directs them towards that content. The removal of suggestions that search service providers have identified as presenting a risk of PPC or PC will reduce the accessibility of this content to children.

<sup>1908</sup> These measures relate to providers of services likely to be accessed by children.

PCS F3 addresses the risks presented by suicide, self-harm and eating disorder content on search services. It will disrupt user journeys that might otherwise lead to such content and provide timely assistance to children who may be experiencing a mental health crisis.

## Introduction

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- 19.1 Search services enable access to a wide range of websites. This means that they can act as a gateway to content that is harmful to children, particularly if children are actively searching for such content.<sup>1909</sup> This includes primary priority content that is harmful to children (PPC) such as content encouraging, promoting, or providing instructions for suicide, self-harm and eating disorders, as well as priority content that is harmful to children (PC).<sup>1910</sup>
- 19.2 Search service providers design and implement features and functionalities to enhance the user's search experience on their services. However, evidence indicates that some search functionalities (such as predictive search) can also have the unintended consequence of making it easier for children to encounter content harmful to them (whether inadvertently or when seeking it out).<sup>1911</sup>
- 19.3 To better protect children online, it is vital that providers of search services embed safety into the design of search functionalities and provide children with the appropriate information, tools and support they need to navigate the risks on their services. This includes making it easy for all users<sup>1912</sup> to report when a search feature or functionality has directed them towards harmful content.
- 19.4 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation) we proposed two measures to address the risks associated with search features and functionalities. This section details the responses we received to our May 2024 Consultation and outlines how we have reached our final decisions. We first summarise and consider the responses we received on our overall approach to this area. We then address the responses on individual measures.

## What are the duties regarding features, functionalities, and user support on search services?

- 19.5 Search service providers must meet their children's safety duties under section 29 of the Online Safety Act 2023 (the Act). These include taking steps to: (i) minimise the risk of children encountering PPC, PC and non-designated content (NDC) and (ii) effectively

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<sup>1909</sup> Section 12 of [the Children's Register of Risks](#) (Children's Register) and Section 15 of this volume explain how the indexing and ranking systems used by search services contribute to the risk of children encountering content that is harmful to them.

<sup>1910</sup> As set out in Section 12 of the Children's Register (see sub-section 'General search services'), there is evidence that young people and children search for some kinds of potentially harmful content on search services, including suicide content. Throughout this section we use the established and widely understood term 'self-harm' to refer to 'an act of deliberate self-injury', as specified in the definition of 'primary priority content' in section 61(4) of the Act. We explain the reasons for using this terminology further in Section 3 of the Children's Register.

<sup>1911</sup> See Section 12 of the Children's Register, sub-section 'Predictive search'.

<sup>1912</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

mitigate the risks and impact of harm to children on search services.<sup>1913</sup> Where proportionate, these steps should cover (but are not limited to):<sup>1914</sup>

- the design of functionalities, algorithms, and other features relating to the search engine;
- functionalities allowing control (especially by children) over the content that is encountered in search results;<sup>1915</sup>
- content prioritisation; and
- user support measures.

19.6 The first measure in this section aims to ensure that providers mitigate the risk that predictive search functionalities may lead children to search for, and then encounter, content harmful to them in or via the search results. The crisis prevention measure aims to mitigate the risk of harm children face from suicide, self-harm and eating disorder content by providing supportive information to children searching for that content.

## Interaction with Illegal Harms

19.7 In our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement), we set out three measures regarding search functionalities and user support in the Illegal Content Codes of Practice (Illegal Content Codes) for search services. The measures for the reporting and removal of predictive search suggestions (Measure ICS F1) and suicide crisis prevention (Measure ICS F3) are broadly equivalent to the measures in this section, with adjustments where appropriate to ensure they cover content harmful to children.

19.8 We set out a detailed discussion of the evidence, costs and impacts of Measures ICS F1 and ICS F3 in Chapter 9, Volume 2 of our December 2024 Statement.

## Summary of stakeholder feedback on our overall approach proposed at consultation

19.9 This sub-section summarises the responses we received on our overall approach to search features, functionalities and user support, and the decisions we have taken in response.

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<sup>1913</sup> Section 29(2) of the Act sets out a duty to take or use proportionate measures relating to the design or operation of the service to – a) effectively mitigate and manage the risks of harm to children in different age groups, as identified in the most recent children’s risk assessment of the service and b) mitigate the impact of harm to children in different age groups presented by search content that is harmful to children. Section 29(3) sets out a duty to operate a service using proportionate systems and processes designed to – a) minimise the risk of children of any age encountering search content that is PPC that is harmful to children and b) minimise the risk of children in age groups judged to be at risk of harm from other content that is harmful to children encountering search content of that kind. Source: Legislation.gov.uk, 2023. Online Safety Act 2023.

<sup>1914</sup> Section 29(4)(b), (c), (d), and (e) of the Act.

<sup>1915</sup> We are not recommending measures relevant to functionalities that allow users to control the content they encounter in search results, especially by children, (section 29(4)(c)) in the first iteration of the Protection of Children Codes as we have not seen sufficient evidence that doing so would be effective or proportionate at this stage. Although existing safe search functions implemented by certain providers may operate as a user control, Measure PCS C2 in Section 15 recommends that child users should not be given the ability to switch off the safety setting and we are therefore not recommending it as a user control measure.

## Our approach to vertical search services

### Our proposals

19.10 In our May 2024 Consultation, we distinguished between two kinds of search service:

- General search services, which operate by means of an underlying index of URLs and enable users to search the internet by inputting search requests.
- Vertical search services, which enable users to search for specific topics, products or services offered by third-party operators. These operate by live querying of selected websites using an Application Programming Interface (API) or equivalent means.<sup>1916</sup>

19.11 We proposed to apply the measures in this section to general search services as they act as a gateway to any content that exists on the internet, including content harmful to children.

19.12 Vertical search services have an inherently lower risk of children encountering harmful content given the far narrower scope of content presented to users. This content comes from pre-determined and often professional (or curated) locations on the web. We had also not seen evidence to suggest that the features and functionalities on such services play a role in the dissemination of PPC and PC. Our analysis suggested that, due to the lower risks associated with vertical search services, the benefits of the measures were likely to be smaller when applied to such services. For this reason, we proposed not to apply the measures to vertical search services, regardless of size.

### Summary of responses

19.13 Mid Size Platform Group supported our proposed approach and encouraged us to retain proportionality by ensuring that vertical search services are exempt from unnecessary requirements as they inherently pose lower risks, due to the fact that they do not index websites from across the open web and have a high degree of control over their content.<sup>1917</sup>

### Our decision

19.14 Having considered stakeholder feedback, we have decided to confirm our proposal for the measures to apply to general search services only.

## Our approach to generative artificial intelligence

### Our proposals

19.15 In our May 2024 Consultation, we asked stakeholders if they considered it technically feasible to apply the proposed measures relating to search features, functionalities and user support to search services that use generative artificial intelligence (GenAI). This may include where search services have integrated GenAI into their functionalities or where standalone GenAI services perform search functions and meet the definition of a 'search service' for the purposes of the Act.

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<sup>1916</sup> See paragraphs 1.52 to 1.57 in our Overview of regulated services for further discussion of these two categories of search service. Source: Ofcom, 2024. [Overview of regulated services](#). [accessed 8 April 2025]

<sup>1917</sup> Mid Size Platform Group response to May 2024 Consultation on Protecting Children from Harms Online, p.10. It also explicitly expressed support for this approach in its response to our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation). Mid Size Platform Group response to November 2023 Consultation, p.3.

## Summary of responses

- 19.16 In addition to the stakeholder responses we set out in Section 15 (see sub-section ‘Generative artificial intelligence’), the National Society for the Prevention of Cruelty to Children (NSPCC) argued it is “both technically feasible and highly desirable” for providers to apply Measures PCS F1 and PCS F3 to any GenAI functionalities used to perform search functions, or which are integrated into search functions.<sup>1918</sup>

## Our decision

- 19.17 Where a service that uses GenAI meets the definition of a ‘search service’ for the purpose of the Act, it may be in scope of the Code measures set out in this section if it meets the specifications set out under ‘Who this measure applies to’ for each of the measures.<sup>1919</sup>
- 19.18 Having considered stakeholder feedback, we expect it will be technically feasible for search services to implement the search features, functionalities and user support measures set out in this section in a way that is compatible with the ongoing development and use of GenAI on regulated search services. This is because we have left flexibility for providers to decide how to implement the measures in the most effective way for their services. For instance, we are not prescribing how providers should display the crisis prevention information under Measure PCS F3.<sup>1920</sup> In addition, we have not received any evidence indicating that the measures would not be technically feasible for GenAI functionalities.
- 19.19 We set out our broader approach to addressing the risk of harm to children from GenAI in Section 15.

## What children told us

- 19.20 In our deliberative engagement, the children we spoke to agreed that reporting and complaints mechanisms (including under Measure PCS F1) should be easy to use. Many did not expect that the proposals in this area would dramatically change their online experience, partly due to their own negative experiences with current reporting and complaints tools where reports led to no action or feedback. In addition, the children we spoke with felt that reporting and complaints tools are reactive. They appreciated measures to address online safety that they felt were more proactive.<sup>1921</sup>
- 19.21 The children we spoke to also saw the provision of support resources and information (including under Measure PCS F3) as valuable, so long as the support reaches those who actually need it. They stressed the importance of ensuring the support provided is tailored to individual needs and experiences to make sure it is effective and meaningful. As with reporting tools, some children felt the proposals might have a limited effect. They raised concerns about how services would accurately identify users in need of support.<sup>1922</sup> We

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<sup>1918</sup> National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, p.71.

<sup>1919</sup> In particular, where it meets the definition of ‘large general search service’ and, in the case of Measure PCS F1, if it uses a predictive search functionality in a child-accessible part of the service. We define ‘general search service’ in paragraph 19.10 of this section and in the Protection of Children Codes of Practice for search services.

<sup>1920</sup> In so far as the information should be (i) prominently displayed so that it is the first information users encounter in search results and (ii) comprehensible and suitable in tone and content for as many users as possible, including children.

<sup>1921</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>1922</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

discuss additional feedback from children relating to Measure PCS F3 in paragraphs 19.100 and 19.132.

## Measure PCS F1: Reporting and removal of predictive search suggestions

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### Introduction

- 19.22 In our May 2024 Consultation, we proposed that providers of large general search services that operate predictive search functionalities should offer users a means to easily report predictive search suggestions that present a risk of encountering PPC or PC. We said that providers should consider whether the wording of the reported predictive search suggestion presents a clear and logical risk of children encountering PPC or PC. In such cases, providers should ensure the suggestion is not recommended to any users.<sup>1923</sup>
- 19.23 The aim of this proposed measure was to reduce the risk of predictive search functionalities suggesting search terms which could lead children to encounter PPC and PC.
- 19.24 Several stakeholders expressed support for the measure.<sup>1924</sup> Others raised concerns on aspects of our proposed approach, including the practical feasibility of determining whether a predictive search suggestion presents a ‘clear and logical’ risk,<sup>1925</sup> and the proposal to exclude smaller search services from the scope of the measure.<sup>1926</sup> One stakeholder made suggestions for a more prescriptive approach to the display of the reporting option under the measure.<sup>1927</sup>

### Our decision

- 19.25 Having considered stakeholder feedback, we have decided to make changes. We proposed in our May 2024 Consultation that providers should determine whether the wording of a reported predictive search suggestion presents a ‘clear and logical’ risk of users encountering PPC or PC. We have decided to revise this threshold to a ‘clear and material’ risk. This change addresses feedback relevant to this measure which we received in response to our November 2023 Consultation on Protecting People from Illegal Harms online (November 2023 Consultation), which we think is equally applicable to Measure PCS F1.
- 19.26 In addition, having considered the measure further since our May 2024 Consultation, we have decided to remove the proposed recommendation that, when considering whether the reported predictive search suggestion presents a risk of users encountering PPC or PC, providers should review the suggestion in light of their publicly available statement. This is

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<sup>1923</sup> In our [May 2024 Consultation](#), we referred to this measure as SD1 or PCS E2. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCS F1 throughout.

<sup>1924</sup> Dean, J. response to May 2024 Consultation, p.20; NSPCC response to May 2024 Consultation, p.70; The Centre for Excellence for Children’s Care and Protection (CELCIS) response to May 2024 Consultation, p.18. Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals. In addition, two stakeholders expressed support for the measure’s counterpart in the November 2023 Consultation: 5Rights Foundation response to November 2023 Consultation, p.33; National Trading Standards eCrime team response to November 2023 Consultation, p.15.

<sup>1925</sup> Google response to November 2023 Consultation, p.70; [X].

<sup>1926</sup> C3P response to May 2024 Consultation, p.32.

<sup>1927</sup> C3P response to May 2024 Consultation, pp.32-33.

because we do not consider that this provision would increase the effectiveness of the measure.

- 19.27 The measure also now states that users should be given a means to easily report predictive search suggestions which they consider ‘direct users towards PPC or PC’ instead of ‘which they consider increase the risk of user exposure to either, or both, of PPC or PC’. We consider that this language is clearer and more accurately reflects the risk that the measure seeks to address. In addition, this wording aligns with the framing of the counterpart Measure ICS F1 recommended in our Illegal Content Codes.
- 19.28 The full text of the measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS F1.

## How this measure works

- 19.29 Predictive search functionalities are algorithmic features embedded in the search entry field of a search service. When a user begins to input a search request, the algorithm predicts the rest of the request and suggests possible related search terms to help users make more relevant searches. Predictions are based on many factors including a user’s past queries, other user queries, locations, and trends.<sup>1928</sup>
- 19.30 To effectively implement this measure, service providers in scope of this measure should:
- offer users a means to report predictive search suggestions which they consider direct users towards PPC or PC;<sup>1929</sup>
  - consider whether the wording of the reported suggestion presents a clear and material risk of users encountering PPC or PC; and
  - if they identify such a risk, take appropriate steps to ensure that the functionality no longer recommends the reported suggestion to any user on child-accessible parts of the service.<sup>1930</sup>

## Reviewing reported predictive search suggestions

- 19.31 Under step (b) in paragraph 19.30, service providers in scope of this measure should determine whether the wording of the reported suggestion presents a clear and material risk of users encountering PPC or PC. In this context:
- ‘Clear’ refers to there being an obvious risk of encountering PPC or PC based on the wording of the predictive search suggestion. The determination should be reasonable and based on good judgement.
  - ‘Material’ refers to it being likely that the predictive search suggestion will lead to PPC or PC in practice. Where a suggested query is unlikely to return such content, we would

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<sup>1928</sup> Google Search Help. [How Google autocomplete predictions work](#). [accessed 1 April 2025]; Microsoft Support. [How Bing delivers search results](#). [accessed 1 April 2025].

<sup>1929</sup> We have created a measure for reporting predictive search suggestions that is separate to our user reporting and complaints measures (see Section 16). This is because we do not consider predictive search suggestions to be ‘search content’ covered by the reporting and complaints sections of the Act (sections 31 and 32) as they are generated by a separate underlying ranking algorithm that does not operate by means of the search engine.

<sup>1930</sup> The children's safety duties in section 29 of the Act only apply to such parts of the services as it is possible for children to access – see section 30(5).

not expect providers to take steps to ensure that the functionality no longer recommends the predictive search suggestion.

- ‘Encountering PPC or PC’ refers to both content harmful to children that users come across via the featured snippets available in the search results and to content they might come across within one click through the blue hyperlinks in the search results. We do not expect providers to consider the risk of encountering PPC or PC on user journeys more than one click away from the search results.

- 19.32 The reporting mechanism should be made available, and the subsequent action taken in relation to suggestions considered to present a risk should be applied, to all search service users in the UK, irrespective of age and whether they are logged in or are using the service without an account.
- 19.33 Although we have not made any recommendations prescribing a timeframe for reviewing and acting on reports on predictive search suggestions, we encourage providers to do so promptly to maximise the benefits of this measure.

## How this measure protects children

- 19.34 Where PPC or PC exists online, there is a risk that children can encounter that content via general search services and that predictive search suggestions may direct children towards this content.<sup>1931 1932</sup>
- 19.35 In our May 2024 Consultation, we set out evidence indicating how the removal of suggestions deemed to present a risk of encountering antisemitic content could materially reduce the likelihood of users (including children) encountering such content in the search results.<sup>1933</sup> Given the overlaps between antisemitic content and hate and abuse content (a kind of PC), we consider it reasonable to assume that the removal of suggestions deemed to present a risk of other kinds of PPC or PC under this measure would be similarly effective at reducing the risk of encountering such content.
- 19.36 The measure is likely to be most beneficial for children who are not actively searching for PPC or PC, but who may inadvertently (or out of curiosity) click on a predictive search suggestion that leads to it when prompted. There may also be an incidental benefit to the wellbeing of children who would be distressed by a suggestion that clearly directs them to encounter PPC or PC, but who would not take further action to search for such content when prompted.<sup>1934</sup>

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<sup>1931</sup> See Section 12 of the Children’s Register, sub-section ‘General search services’, for further evidence relating to the presence of content harmful to children on search services, including pornography. In its response to our 2022 Illegal Harms Call for Evidence, for example, Samaritans suggested that predictive search can increase the discoverability of harmful suicide and self-harm content. Source: Samaritans response to 2022 Ofcom Call for Evidence: First phase of online safety regulation.

<sup>1932</sup> We acknowledge that content associated with some PC harms, such as bullying, is less likely to surface via predictive search functionalities given evidence of how bullying manifests online. However, as explained in paragraph 19.34, we consider that where any category of PC exists on the web, including on social media sites and other online forums, predictive search could make it easier for children to encounter this content.

<sup>1933</sup> See paragraph 22.43 in Volume 5 of the May 2024 Consultation.

<sup>1934</sup> There is some evidence of this occurring among users in relation to child sexual abuse material (CSAM) and we consider it reasonable to assume a similar effect might occur when users are prompted to search for content that is harmful to children. Source: Constine, J., 2019. [Microsoft Bing not only shows child sexual abuse, it suggests it](#), TechCrunch, 10 January. [accessed 1 April 2025].

- 19.37 We anticipate that making the reporting mechanism available to all users will increase the size of these benefits through potentially increasing the number of reports and drawing service providers' attention to potentially harmful predictive search suggestions.<sup>1935</sup> Applying the subsequent action taken in relation to suggestions considered to present a risk to all users will also help to ensure that the protections of the measure are available to all children.<sup>1936</sup>
- 19.38 The measure is unlikely to provide any significant benefit to children actively searching for PPC or PC, as they can still type in specific search requests to locate the results they want. That said, the measure may provide a small benefit in reducing the ease of accessibility of PPC and PC to this user group by removing suggestions that may otherwise speed up the user journey to encountering harmful content.

## Stakeholder feedback and our response

### Ensuring users can easily report predictive search suggestions

#### Our proposals

- 19.39 In our May 2024 Consultation, we proposed to allow flexibility for providers to design their reporting functions under the measure, so long as they allow users to easily report predictive search suggestions.

#### Summary of responses

- 19.40 We received feedback from one stakeholder suggesting a more prescriptive approach to the display of the proposed reporting tool for predictive search suggestions. The Canadian Centre for Child Protection (C3P) suggested that we should clarify where and when service providers should make the reporting tool available to users. For example, it suggested that we recommend providers make the tool available without the user having to carry out the search containing the harmful suggestion. It also suggested we should recommend a standardised approach to how providers display reporting tools, such as setting a minimum font size and colour to ensure the options are easily accessible.<sup>1937</sup>

#### Our decision

- 19.41 Having considered C3P's suggestions, we have decided not to change the measure to recommend a prescriptive approach to displaying reporting options at this stage.
- 19.42 We agree with C3P's feedback that tools for reporting should be easily accessible. Our wider research into reporting and complaints processes suggests that users are less likely to engage with such processes where the process is not easy to find or use.<sup>1938</sup> Providing users with a means to easily report predictive search queries under this measure should improve current practice by effectively reducing barriers to reporting.<sup>1939</sup> Doing so will, in turn, raise

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<sup>1935</sup> Ofcom, Online Experiences Tracker Research has found that adults are more likely to report or flag harmful content online than 13-17-year-olds (34% vs 23% respectively). Base: Users 13+: 5116. As published in: [Online Experiences Tracker \(Wave 7\)](#). [accessed 1 April 2025].

<sup>1936</sup> Even if they are not logged in, have not undergone highly effective age assurance, or are accessing the service from an adult's account. We discuss our decision not to recommend highly effective age assurance for search services in Section 15.

<sup>1937</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, pp.32-33.

<sup>1938</sup> See Section 16.

<sup>1939</sup> For example, Google Search gives users the option to "report inappropriate predictions" on the search bar.

providers' awareness of problematic search suggestions that might otherwise remain undetected.

- 19.43 A reporting tool that is only available after a user has conducted a search would not, in our view, be easily accessible if the positioning of the tool required users to first click through a reported search suggestion and scroll through search results that may contain PPC or PC before they can report.
- 19.44 However, we have decided not to change the measure to be more prescriptive at this stage. We consider it appropriate to allow providers discretion to design their reporting functions (for example, to align with their existing interface), so long as they allow users to easily report predictive search suggestions. Providers should consider any factors that will be helpful in achieving this outcome, such as the location of signposting to the reporting function, the point at which it appears in the search journey, and the size and colour of any text. In doing so, service providers may find it useful to review the provisions on ensuring reporting tools and complaints processes are easy to find and access under Measure PCS D2 as set out in Section 16.

## Effectiveness of user reporting versus proactive measures

### Our proposals

- 19.45 In our May 2024 Consultation, we recognised that some large general search service providers may already take proactive steps to minimise predictive search risks, rather than relying on user reporting. However, we proposed not to recommend the use of automated systems for identifying harmful search suggestions as we had seen limited information on the technical operations and underlying policies governing automated approaches.

### Summary of responses

- 19.46 One stakeholder raised concerns that the reactive nature of Measure PCS F1 (as a user reporting measure) would limit its effectiveness if not used alongside more proactive measures.<sup>1940</sup>
- 19.47 In response to our November 2023 Consultation, 5Rights Foundation argued that the predictive search measure should be considered “complementary” to other safety by design measures that shift responsibility for safety onto service providers (rather than onto users).
- 19.48 Several stakeholders also called for more proactive, preventative ‘upstream’ measures as part of a wider concern that the Codes were insufficiently focused on safety by design. We discuss this feedback in Section 9.<sup>1941</sup>

### Our decision

- 19.49 We have considered 5Rights Foundation’s concerns. We understand that the providers of some general search services proactively use automated systems to identify and prevent

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This option is written in grey italics at the bottom of the suggestion box, in a font size smaller than the text it surrounds. Microsoft Bing offers an option to provide feedback on its “suggest” feature at the bottom of the search results page, or through clicking on the “settings” option at the side of the homepage and scrolling down to click on a “feedback” option. Source: Ofcom desk research conducted 6 March 2025.

<sup>1940</sup> 5Rights Foundation response to November 2023 Consultation, p.33.

<sup>1941</sup> See sub-section ‘Safety by Design’.

the suggestion of potentially harmful predictions that violate their terms of service.<sup>1942</sup> We recognise that such practices might address these stakeholder concerns but have decided not to change the measure at this stage.

- 19.50 We recognise the important role that automated tools can play in improving online safety. We will therefore keep the evidence available under review and may consider a more proactive approach in future if warranted.
- 19.51 In the meantime, we expect the reporting channels under Measure PCS F1 to work alongside any automated approaches that service providers choose to deploy. Improved reporting processes under this measure may help service providers to strengthen their existing proactive moderation systems for predictive search functionalities by using the outcomes of user reports made in line with this measure. For example, Google explained that it already aggregates and collects predictive search suggestions reported by users that violate its terms of service to help improve the algorithms that underpin its proactive moderation of predictive search suggestions over time.<sup>1943</sup>

## Reviewing and acting on reports

### Our proposals

- 19.52 In our May 2024 Consultation, we proposed that providers should review reported predictive search suggestions to determine if the reported suggestion presents a clear and logical risk of users encountering PPC or PC. We proposed that, if providers identify such a risk, they should take appropriate steps to ensure that the reported suggestion is no longer recommended to any users.

### Summary of responses

- 19.53 In response to our November 2023 Consultation, two stakeholders expressed concerns about how the process of determining whether a predictive search suggestion presents a risk of directing users towards illegal content would work in practice.
- 19.54 Google expressed concerns that the clear and logical risk threshold for taking action on reported predictive search suggestions was too low, and argued that the nature of search suggestions would make it challenging to rule out the possibility of users encountering illegal content when clicking on them.<sup>1944</sup> [3<].<sup>1945</sup>

### Our decision

- 19.55 Having considered stakeholder feedback relating to the ‘clear and logical’ threshold, we have decided to change the wording of this measure.
- 19.56 In developing this measure, we intended the original ‘clear and logical’ threshold on which we consulted to be higher than some stakeholders interpreted in response to our November 2023 Consultation. We do not expect providers to remove every reported predictive search suggestion that presents any risk of users encountering PPC or PC should they click on it. Such an approach could be disproportionate for service providers as well as having a potentially negative effect on user rights.

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<sup>1942</sup> Google Search Help, How Google autocomplete predictions work; Microsoft Bing, How Bing delivers search results.

<sup>1943</sup> Ofcom/Google meeting, 24 July 2024, subsequently confirmed by Google by email on 9 August 2024.

<sup>1944</sup> Google response to November 2023 Consultation, p.70.

<sup>1945</sup> [3<].

- 19.57 We have therefore decided to change the wording of this measure (PCS F1) to make clear that we expect providers to determine whether the risk of encountering PPC or PC via the predictive search suggestion is ‘clear’ and ‘material’. We have removed the additional qualifier ‘logical’ as we consider that it serves the same function as the word ‘clear’. We provide a description of the terms ‘clear’ and ‘material’ in relation to this measure in paragraph 19.31. This is consistent with the approach we recommended for the equivalent measure in our Illegal Content Codes, as set out in the December 2024 Statement.
- 19.58 We offer flexibility for providers both in how they determine whether a predictive search suggestion presents a clear and material risk of directing users to PPC or PC and in how they ensure it is not recommended to users. We are not expecting providers to conduct analysis of each of the search results returned by every reported predictive search suggestion to assess whether and how much PPC or PC is returned (though they may choose to do so if they consider it appropriate).

### Impacts on service providers

- 19.59 In our May 2024 Consultation, we explained that providers can implement Measure PCS F1 by adapting the reporting and complaints systems that they need to operate as a direct requirement of the Act. We estimated this would entail one-off direct costs between £10,000 and £40,000 and maintenance costs typically between £2,500 and £10,000 per year. There would also be additional costs for the review of reported predictive search suggestions, which are likely to vary with the size and risk of the service.
- 19.60 For service providers who have implemented the predictive search measure in the Illegal Content Codes, we expected that the one-off costs would be substantially lower, but that the ongoing costs to review reported predictive search suggestions would not be. For providers that already have mechanisms for users to report predictive search suggestions, there would still be an increase in costs to review user reports of predictive search suggestions to the extent that existing policies do not adequately cover PPC and PC.<sup>1946</sup>
- 19.61 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.<sup>1947</sup>

## Rights

### Freedom of expression

- 19.62 As explained in Section 2 of this Statement, Article 10 of the European Convention on Human Rights (ECHR) upholds the right to freedom of expression. This encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by a public authority. It is a qualified right, and Ofcom must exercise its duties under the Act in a way that does not restrict this right unless satisfied that it is necessary and proportionate to do so.<sup>1948</sup>

### Our final rights assessment

- 19.63 In our May 2024 Consultation, we considered that any interference with the right to freedom of expression would be limited and proportionate to the benefits associated with

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<sup>1946</sup> For a fuller description of our assessment of the impact on service providers, see paragraphs 22.56-22.60 in Volume 5, May 2024 Consultation.

<sup>1947</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>1948</sup> A qualified right is a right that can be restricted in certain circumstances to balance the rights of the individual with the needs of another, or of the wider community.

this measure. We did not receive specific stakeholder feedback on the impact of this measure on freedom of expression.

- 19.64 Having considered the changes made to the measure, we have not identified any additional impacts on the right to freedom of expression. While we acknowledge that the measure may have an impact on the availability of some reported predictive search suggestions, the removal of suggestions would not prevent users (including adult users who this measure will also affect) from inputting search requests or accessing search content in or via search results. Furthermore, changing the threshold for taking action on predictive search suggestions to 'clear and material risk' in response to stakeholder feedback should further minimise any potential impact on the right to freedom of expression, as it clarifies a higher threshold for taking action (see paragraphs 19.56 to 19.58). Therefore, to the extent that the measure could amount to an interference with the rights of users, website operators or search service providers, we consider it would be minimal and proportionate to the measure's overall legitimate aim of minimising the risk of children encountering PPC and PC after clicking on a predictive search suggestion.

### **Privacy and data protection**

- 19.65 As explained in Section 2 of this Statement, Article 8 of the ECHR confers the right to respect for an individual's private and family life. Any interference with this right must be in accordance with the law, pursue a legitimate aim, be proportionate to the legitimate aim, and correspond to a pressing social need. Article 8 underpins the data protection laws with which service providers must comply.

### **Our final rights assessment**

- 19.66 In our May 2024 Consultation, we considered that the impact of this measure would be limited where providers comply with relevant data protection laws. We did not receive stakeholder feedback regarding the privacy or data protection impacts of this measure.
- 19.67 Having considered the changes made to the measure, we remain of the view that the data protection and privacy implications of this measure are limited. We acknowledge that the processes established to consider and take action on reports might generate new personal data or involve processing existing data for new purposes. However, the measure does not require that service providers retain users' personal data. Where they do so, providers must comply with relevant data protection legislation, including applying appropriate safeguards to protect the rights of both children (who may require special consideration) and adults who may submit reports.<sup>1949</sup> We do not consider there to be any impacts on the right to privacy, other than those raised above in relation to data protection. We note that any personal information included in a report and handled by the provider is likely to have been provided freely by the reporting user.
- 19.68 Overall, and taking the benefits to children into consideration, we consider that any impact of this measure on the privacy rights of users is limited where providers comply with data protection laws and is proportionate to the safety benefits to children.

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<sup>1949</sup> Providers should refer to relevant guidance from the ICO, including: [ICO, Children's code guidance and resources](#) and [Online safety and data protection](#). [accessed 1 April 2025].

## Who this measure applies to

### Our position at consultation

- 19.69 In our May 2024 Consultation, we proposed that this measure should apply to providers of large general search services with predictive search functionalities likely to be accessed by children.

### Summary of responses

- 19.70 C3P argued that we should extend this measure (as well as Measure PCS F3) to all general search services, regardless of size, to ensure that all service providers meet their basic safety obligations. It argued that services aimed at children are “intended for, and generally used by, a smaller portion of the population”, and so are less likely to meet a size threshold based on total number of users.<sup>1950</sup>

### Our decision

- 19.71 We have considered the feedback from C3P.<sup>1951</sup> However, we have decided not to extend the measure to smaller general search services. The benefits of applying this measure to a service with limited reach are likely to be smaller due to the smaller user base. As we expect this measure to benefit children who are not intentionally looking for harmful content, there is limited risk of this measure resulting in children moving from large services to smaller services. Also, while the costs are likely to be relatively limited, they could still be substantial for a provider of a smaller general search service.
- 19.72 By contrast, we consider there to be substantial benefits to children’s safety from applying this measure to large general search services because these services: i) have large user bases (including many children), ii) are more frequently used for searches, and iii) use predictive search functionalities.
- 19.73 We have therefore decided to confirm that this measure applies to providers of large general search services likely to be accessed by children which use a predictive search functionality in a child-accessible part of the service. We have decided that this measure is proportionate for such services given the expected benefits and the capacity for large search services to implement it.
- 19.74 We encourage providers of smaller services with predictive search functionalities to consider implementing this measure, or to continue to do so if they already allow users to report predictive search suggestions. We will keep market developments under review and may consider extending this measure to smaller services if evidence suggests it is proportionate to do so.

## Other considerations

- 19.75 In our May 2024 Consultation, we proposed that providers should review reported predictive search suggestions in line with their publicly available statements to help them identify whether a reported suggestion presented a risk of users encountering PPC or PC.
- 19.76 We did not receive stakeholder feedback on this provision and have decided to remove it from the measure. Providers should continue to review the reported predictive search

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<sup>1950</sup> C3P response to May 2024 Consultation, p.32.

<sup>1951</sup> We address C3P’s wider feedback on determining the size of a service likely to be accessed by children in Section 10, sub-section ‘Applying measures based on service size.’

suggestions, but do not need to do so ‘in light of their publicly available statement’. We have made this change as we do not consider that reviewing the publicly available statement will increase the effectiveness of the measure, and therefore, it may create an unnecessary burden for providers. While publicly available statements should specify how providers will protect children from each kind of PPC and PC (along with NDC) (see Section 12), we have not recommended that publicly available statements should detail the nature of such content. Providers may instead find it helpful to refer to the Children’s Register or the Guidance on Content Harmful to Children for guidance on what we consider to be, or not to be, PPC and PC.

## Measure PCS F3: Providing suicide, self-harm and eating disorder crisis prevention information

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*Warning: this sub-section contains content that may be upsetting or distressing*

### Introduction

- 19.77 In our May 2024 Consultation, we proposed that providers of large general search services should provide crisis prevention information in response to search requests related to suicide, self-harm and eating disorders.<sup>1952</sup>
- 19.78 The aim of the proposed measure was to reduce the risk of children encountering these kinds of PPC in or via the search results and to mitigate the risk of very serious harm to children in that context through the provision of relevant support resources.
- 19.79 We received support for the measure from several stakeholders, including the NSPCC, the Scottish Government and the Centre for Excellence for Children’s Care and Protection (CELCIS).<sup>1953</sup> However, some stakeholders (including those that supported the measure) raised concerns or made comments on certain aspects of the measure. These included (but were not limited to): the harms it seeks to address,<sup>1954</sup> the relevance and availability of crisis prevention information,<sup>1955</sup> the challenge of evolving language used to search for harmful content,<sup>1956</sup> and the need for coordination between service providers and the

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<sup>1952</sup> In our May 2024 Consultation, we referred to this measure as SD2 or PCS E3. For ease and to align with the Protection of Children Codes, we will refer to the measure as PCS F3 throughout.

<sup>1953</sup> CELCIS response to May 2024 Consultation, p.18; Dean, J. response to May 2024 Consultation, p.20; NSPCC response to May 2024 Consultation, p.70; Scottish Government response to May 2024 Consultation, p.19. Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals. Some civil society organisations noted their support for the equivalent suicide crisis prevention measure in response to the November 2023 Consultation: Samaritans response to November 2023 Consultation, p.3. 5Rights Foundation also called for Ofcom to consider the NSPCC’s response on this crisis prevention measure. Source: 5Rights Foundation response to November 2023 Consultation, p.33.

<sup>1954</sup> Nexus response to May 2024 Consultation, pp.11-12; NSPCC response to May 2024 Consultation, p.70.

<sup>1955</sup> Microsoft response to May 2024 Consultation, p.17; Samaritans response to November 2023 Consultation, p.5; Scottish Government response to May 2024 Consultation, p.19; Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1956</sup> Molly Rose Foundation response to November 2023 Consultation, p.39.

third-party support organisations they signpost to.<sup>1957</sup> A few stakeholders also disagreed with our proposal to apply the measure to large general search services only.<sup>1958</sup>

## Our decision

19.80 Having considered stakeholder feedback, we have decided to make the following changes:

- We have changed the measure to remove the reference to ‘behaviours associated with an eating disorder’ from the description of ‘general queries’ that should trigger the presentation of crisis prevention. This change addresses feedback relevant to this measure which we received in response to the November 2023 Consultation.
- We have changed the measure to recommend that the crisis prevention information should include a helpline offering a 24/7 service that is available to all United Kingdom (UK) users, including children, irrespective of geographical location in the UK. This change also addresses feedback relevant to this measure which we received in response to the November 2023 Consultation.
- We have changed the measure to recommend that before signposting to information or helplines provided by a third-party support organisation, providers should have regard to any terms published by the relevant organisation relating to the use of its helpline or information and support, including whether the consent of that organisation is required when linking to it.

19.81 Having considered the measure further since our May 2024 Consultation, we have also made several clarificatory changes:

- We have removed the standalone reference to ‘suicide’ from the ‘specific, practical or instructive’ queries category, as we considered the reference to ‘suicide methods’ captured our policy intention.
- We have decided to clarify that the helpline should be associated with a reputable mental health organisation ‘with *capability* to provide crisis support’ regarding suicide, self-harm or eating disorders.
- We have decided to clarify that the mental health organisation from which providers source the information and support have ‘expertise in’ suicide, self-harm or eating disorders.
- We have also clarified that the information and support should be ‘suitable for children’ rather than ‘relevant to children’, as we considered this to be a clearer articulation of our policy intention.

19.82 The full text of this measure can be found in the Protection of Children Code of Practice for search services and it is referred to as PCS F3.

## How this measure works

19.83 To implement this measure, providers in scope of this measure should seek to detect search requests that fall within the following categories made on child-accessible parts of the

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<sup>1957</sup> Mid Size Platform Group response to May 2024 Consultation, pp.12-13; NSPCC response to May 2024 Consultation, p.70.

<sup>1958</sup> C3P response to May 2024 Consultation, p.32; East Riding Safeguarding Children Partnership (ERSCP) response to May 2024 Consultation, p.4.

service,<sup>1959</sup> and provide crisis prevention information in response to them. We consider these categories present a risk of leading children to encounter search content that encourages, promotes, or provides instructions for suicide, self-harm or eating disorders:

- General queries regarding suicide, self-harm and eating disorders: we intend this category to cover search requests that have a direct connection to suicide, self-harm and eating disorders but are not related to a specific method. This might include common terms such as ‘suicide’ and ‘kill yourself’ for suicide content, ‘self-harm’ or ‘cutting’ for self-harm content, or ‘pro-ana’ and ‘thinspiration’ for eating disorder-related content, for example.<sup>1960</sup> It may also include more sophisticated terms that reflect the evolving language used by vulnerable users in these communities, including searches using leet or modified words designed to bypass protections.<sup>1961</sup>
- Queries seeking specific, practical, or instructive information on suicide methods, self-harm or eating disorder behaviours: this category may encompass some searches for instructions or resources about the experience of using or carrying out one of those methods or behaviours.

19.84 We consider that providers are best placed to decide how to identify related search requests and to determine which search terms or requests should trigger the display of crisis prevention information within the categories outlined.

### Content of the crisis prevention information

19.85 Under this measure, the crisis prevention information should:

- be prominently displayed to users in the search results;
- be comprehensible and suitable in tone and content for as many users as possible, including children;
- include a 24/7 helpline operated by a reputable mental health organisation with capability to provide crisis support in relation to suicide, self-harm or eating disorders (as appropriate to the particular search request) that is available to all UK users (including children) irrespective of location in the UK; and
- include links to reliable and trustworthy professional support information that is suitable for children and made available through a reputable mental health organisation with expertise in suicide, self-harm or eating disorders.

19.86 Before signposting to information or helplines provided by a third-party support organisation under this measure, service providers in scope of this measure should have regard to any requirements set out in that organisation’s published terms relating to the use of its information or helpline. Where those terms make clear that signposting requires prior notice or consent, providers should provide notice or seek consent as relevant to act in accordance with the measure.

19.87 Providers can display crisis prevention information in several ways, including by prioritising crisis prevention services in search results or by providing crisis prevention information in a

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<sup>1959</sup> The children's safety duties in section 29 of the Act only apply to such parts of the services as it is possible for children to access – see section 30(5).

<sup>1960</sup> Borge, O., et al, 2021. [How Search Engines Handle Suicide Queries](#), *Journal of Online Trust and Safety*, 1 (1). [accessed 1 April 2025].

<sup>1961</sup> Leet speak or ‘l337 speak’ refers to an informal online language where numbers or special characters are used to replace vowels or consonants.

banner. Providers may offer this information in the format they consider appropriate so long as it is: (i) prominently displayed so that it is the first information users encounter in search results and (ii) comprehensible and suitable in tone and content for as many users as possible, including children.<sup>1962</sup>

- 19.88 The provision of crisis prevention information should apply to all search service users making relevant search requests, irrespective of age or whether the user is logged in or is using the service without an account.<sup>1963</sup>

## How this measure protects children

- 19.89 General search services can act as a gateway to online content that is harmful to children. Evidence indicates that suicide, self-harm and eating disorder content frequently appear in the search results on general search services and that this can be accessed with a single click from the main search results page.<sup>1964 1965</sup> In addition, research has found that young people specifically make internet searches for suicide methods and ideas that are likely to return harmful content.<sup>1966</sup>
- 19.90 The measure has two main benefits in addressing the risk presented by suicide, self-harm and eating disorder content that may be encountered on or via search services:
- disrupting the journey, which minimises the risk of encountering suicide, self-harm or eating disorder content; and
  - providing timely assistance to users who may be at a point of crisis.
- 19.91 If crisis prevention information is the first information that a child encounters in response to a search request relating to suicide, self-harm or eating disorders, this may effectively disrupt a search journey that might otherwise have led them to encounter PPC.<sup>1967</sup> While we recognise that this measure does not remove the risk of encountering these kinds of PPC entirely (as a user can ignore the warning and such content may remain accessible in the search results despite moderation), it is likely to effectively minimise the risk.

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<sup>1962</sup> See Section 12 for details on characteristics important in determining whether provisions are clear and accessible to children.

<sup>1963</sup> Section 227(2) of the Act.

<sup>1964</sup> Research by the Network Contagion Research Institute found that 22% of the 37,647 individual search results links they assessed across five search engine services contained content that celebrates, glorifies or instructs self-injurious behaviour within a single click from the main search results page. Source: [Ofcom, 2024. One Click Away: A Study on the Prevalence of Non-Suicidal Self Injury, Suicide, and Eating Disorder Content Accessible by Search Engines](#). [accessed 1 April 2025]. See Section 12 of the Children's Register, sub-section 'General search services', for further evidence.

<sup>1965</sup> Other research has highlighted that there is evidence of users – including children – encountering harmful content on pro-eating disorder and pro-suicide websites and blogs accessible via general search services. Source: See Section 12 of the Children's Register, sub-section 'General search services.'

<sup>1966</sup> A study that investigated 145 cases of suicide in young people under 20 years of age, including children, found that Internet use related to suicide (including internet searches for suicide methods, suicidal ideas posted on social media, or online bullying) was recorded in 30 (23%) deaths. Of the 16 individuals who had searched the internet for information about suicide methods, five died by a method they were known to have searched. Source: Appleby, M., et al, 2021. [Suicide in children and young people in England: a consecutive case series](#), *Lancet Psychiatry*, 3 (8). [accessed 1 April 2025].

<sup>1967</sup> We set out evidence indicating that prominently displaying crisis prevention information (as recommended by this measure) increases its effectiveness in paragraph 22.84 of Volume 5, May 2024 Consultation.

- 19.92 Providing supportive information and signposting to a 24/7 helpline that is available to all UK users, including children, will help children in distress or crisis to seek timely assistance, reducing the risk that they go on to harm themselves.<sup>1968</sup> This benefit may be significant given the potential severity of the risk of harm to children who encounter suicide, self-harm or eating disorder content while in distress.<sup>1969</sup>
- 19.93 The benefits from providing timely assistance might occur immediately (for example, if the child in question accesses crisis prevention information resources when the information disrupts their search journey) or later (for example, it may minimise the risk of harm through the child remembering the content of the message or returning to it later). In addition, signposting to support may help to validate children’s experiences and make them realise they are not alone.<sup>1970</sup>
- 19.94 Applying the measure to all users will help to ensure that providers present crisis prevention information to children even if they are not logged in, have not undergone highly effective age assurance, or are accessing the service from an adult’s account. This will effectively support compliance with the children’s safety duties.<sup>1971</sup>

## Stakeholder feedback and our response

### Harms the measure seeks to address

#### Our proposals

- 19.95 In our May 2024 Consultation, we proposed that providers should provide crisis prevention information in response to queries related to suicide, self-harm and eating disorders. We noted current industry practice in this area suggests that providing crisis prevention information is a technically feasible way for providers to minimise the risk of children encountering these kinds of PPC on their services.<sup>1972</sup> We acknowledged that we had

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<sup>1968</sup> This will also support the duty to effectively mitigate and manage the risks of harm to children under section 29(2) of the Act.

<sup>1969</sup> For example, research sampling the search history of individuals hospitalised for suicidal thoughts and behaviours identified that in 21% of cases, users had searched for information that matched their chosen suicide attempt method. Source: Ali, A., et al, 2021, [Internet Search Activity of Young People With Mood Disorders Who Are Hospitalized for Suicidal Thoughts and Behaviors: Qualitative Study of Google Search Activity](#). *JMIR Ment Health*, 8 (10) [accessed 1 April 2025]. While this research relates to suicide, we assess that the benefits outlined would extend to those searching for self-harm and eating disorder content.

<sup>1970</sup> In our May 2024 Consultation, we outlined evidence from academic studies suggesting that online self-help tools and support resources may be helpful for young people who have experienced suicidal feelings and other mental health concerns. Though the studies focused on user-to-user services, we consider this benefit also applies to search services. See Volume 5, May 2024 Consultation, paragraph 21.187.

<sup>1971</sup> We explain our rationale for not recommending highly effective age assurance for search services at this stage in Section 15.

<sup>1972</sup> Google aims to provide suicide crisis prevention information where users in the UK express “urgent intent” around suicide. Source: [Google response to 2023 Ofcom Call for Evidence: Second phase of online safety regulation](#). It partners with crisis support services to display a feature at the top of the search results which includes Samaritans’ helpline number and a link to its official website along with the facility to make a phone call via the mobile browser. Source: Samaritans, 2010. [Press release: Google and Samaritans: new search feature to help people looking online for information about suicide](#). [accessed 1 April 2025]; Ofcom desk research conducted 6 March 2025. Alongside this, it provides the number for Shout’s text service and a link to its official website. It signposts to the same resources for some queries relating to self-harm and eating disorders. For some eating disorder-related queries, it also provides each regional variation of the Beat helpline. Source: Ofcom desk research conducted 6 March 2025. Microsoft aims to provide links to suicide

considered proposing that providers display crisis prevention information in response to requests for other kinds of PPC and PC, but decided not to expand the measure to cover those harms at this time.<sup>1973</sup>

### Summary of responses

- 19.96 Two civil society organisations called for the measure to include additional harms beyond suicide, self-harm and eating disorders.
- 19.97 Nexus and the NSPCC expressed concern that our proposal does not recommend that service providers provide crisis prevention information for other kinds of harmful content.<sup>1974</sup> Nexus’ suggestions of additional kinds of content to cover included sexual abuse content and content related to racism and homophobia.<sup>1975</sup>
- 19.98 The feedback we received from children about ensuring support is received by those who actually need it (see paragraph 19.132) is also relevant to our consideration of the harms covered by this measure. One child, for instance, noted that receiving supportive information could be an annoyance if not needed.<sup>1976</sup>

### Our decision

- 19.99 Following consideration of stakeholder feedback and the evidence available, we have decided not to change the measure to recommend providing crisis prevention information in response to queries relating to pornography or any kinds of PC.
- 19.100 We have considered the feedback from children we spoke to as part of our deliberative engagement.<sup>1977</sup> In line with this feedback, we are concerned that expanding the scope of Measure PCS F3 could increase the risk of desensitising children by displaying crisis prevention information too frequently where there is limited risk of imminent harm to children.<sup>1978</sup> As well as the feedback from children, our research into user attitudes towards different types of interventions on services showed that participants became increasingly annoyed or apathetic towards interventions as exposure increased over time.<sup>1979</sup> We have

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prevention information resources where queries express “a possible suicide intent”. It provides Samaritans’ helpline number and a link to its website; alongside the number for emergency services, a link to the Campaign Against Living Miserably’s support page, and a depression screening test from Mental Health America. Source: Microsoft Support, How Bing delivers search results. It signposts to the same resources for some queries relating to self-harm but does not appear to provide crisis prevention information in response to eating disorder-related queries. Source: Ofcom desk research conducted 6 March 2025. Some smaller general search services (including Ecosia, AOL and Yahoo) display crisis prevention information in response to search requests that include terms relating to suicide and self-harm. Source: Ofcom desk research conducted 6 March 2025.<sup>1973</sup> We also said we may consider the role of supportive resources for harms such as intimate image abuse and controlling and coercive behaviour in our upcoming guidance on protecting women and girls. The NSPCC disagreed with this approach in its response. Source: NSPCC response to May 2024 Consultation, p.70. As both harms are out of scope of the Protection of Children Codes, we do not address this feedback in this statement. Our cross-cutting measures in the Illegal Content Codes seek to address a broad range of illegal harms including Intimate image abuse and controlling and coercive behaviour, as set out in our December 2024 Statement.

<sup>1974</sup> NSPCC response to May 2024 Consultation, p.70.

<sup>1975</sup> Nexus response to May 2024 Consultation, pp.11-12. Nexus’ suggestions also applied to Measure PCU F3 on user signposting.

<sup>1976</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1977</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>1978</sup> While we are aware that at least one of the large general search services currently signposts to supportive information in response to queries relating to suicide, self-harm and eating disorders, we have not seen any evidence of current practice for pornography or PC.

<sup>1979</sup> YouGov, 2023. [User Attitudes towards On-Platform Interventions](#). [accessed 1 April 2025].

therefore considered the evidence in support of including pornography and each kind of PC separately to determine whether the benefits of doing so outweigh this risk.<sup>1980</sup>

- 19.101 The available evidence on the impacts on children of encountering pornography or different kinds of PC focuses on the longer-term or cumulative impacts. While such impacts can undoubtedly be severe, they are less likely to present a risk of imminent harm requiring urgent crisis prevention. The exception to this is where children imitate dangerous stunts, challenges or harmful substances content they encounter, which could lead to serious injury or loss of life.<sup>1981</sup>
- 19.102 We note however that, when undertaking a dangerous challenge, the child is generally not in a situation of distress that may require immediate support. The need for support emerges in these cases once the challenge has been carried out with harmful consequences. Therefore, it is not clear that signposting to emergency medical services would support the duties to minimise the risk of encountering dangerous stunts.
- 19.103 Noting that there is a dedicated helpline for bullying (unlike for other kinds of PC), we also considered whether urgent crisis prevention would be appropriate to recommend for children seeking support after being bullied given they are likely to be experiencing distress. However, we do not consider that expanding the measure in this way would be effective. We expect crisis prevention information to be most effective where it disrupts the journey of a child deliberately seeking to encounter harmful content. Searches for help with bullying are very unlikely to surface harmful content in the search results, and instead are much more likely to already surface supportive information and resources.<sup>1982</sup> While we recognise evidence that bullying can lead to suicide and self-harm in children (see Section 6 in the Children's Register), where bullying leads children to make searches relating to suicide or self-harm while in a crisis, this will already be captured under the measure.
- 19.104 We will keep our decision not to change this measure under review as our evidence base develops.

## Detecting relevant search queries

### Our proposals

- 19.105 In the context of suicide, there is some evidence to suggest that user behaviour on search services moves from periods of speculative browsing to specific and purposeful searches on methods of harm as suicidal intent increases.<sup>1983</sup> We consider it reasonable to assume the same is likely to be true for searches related to self-harm and eating disorders.
- 19.106 In our May 2024 Consultation, we proposed that providers should detect and provide crisis prevention information in response to 'general queries regarding suicide, an eating disorder

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<sup>1980</sup> Some of the content types suggested by Nexus and NSPCC relate to priority offences under the Act. For the Protection of Children Codes, we have considered the evidence for extending the measure to include in-scope content (PPC and PC) only. We published our first iteration of the Illegal Content Codes in December 2024 which included a crisis prevention measure addressing illegal suicide content. We expect to iterate the Codes over time as our evidence base develops.

<sup>1981</sup> See Sections 8: Harmful substances content and 9: Dangerous stunts and challenges content of the Children's Register.

<sup>1982</sup> We are not aware of any evidence for the risks of encountering bullying content (as per the definition of 'priority content that is harmful to children' in section 62(5) of the Act) on search services. We anticipate this is because bullying content is often targeted at an individual and is enabled by user-to-user functionalities such as direct messaging. See Section 6 of the Children's Register.

<sup>1983</sup> Borge, O., et al, 2021. How Search Engines Handle Suicide Queries.

or behaviours associated with an eating disorder, or an act of deliberate self-harm’ and ‘queries seeking specific, practical or instructive information regarding suicide methods, about suicide, relating to an eating disorder or behaviours associated with an eating disorder, or relating to an act of deliberate self-harm’. The purpose of this was to ensure that the proposed measure effectively disrupted the search journeys of both children who may be searching for content at an earlier or speculative phase of browsing and those browsing purposefully for information about methods while in an extremely vulnerable state.

### Summary of responses

- 19.107 In response to our November 2023 Consultation, we received feedback from a few stakeholders related to the categories of search queries that trigger crisis prevention information.
- 19.108 Samaritans requested further clarity on the category of ‘general queries regarding suicide’, including whether it includes searches for online challenges or high-profile deaths by suicide. It argued we should include these types of queries in the categories of searches covered by the measure.<sup>1984</sup>
- 19.109 In addition, Samaritans highlighted that some items commonly used for suicide have everyday uses, and that there is a risk of inadvertently raising awareness of suicide methods if crisis prevention information is displayed when search requests about such items are made with no suicidal intention behind the search request. It commented that efforts to avoid this risk are not happening consistently across all search services.<sup>1985</sup>
- 19.110 The Molly Rose Foundation discussed the challenge of online communities using deliberately obscure search terms. It argued that service providers should have “ongoing detection and monitoring processes to track emerging changes in user behaviour and search terms” enabling them to take action accordingly.<sup>1986</sup>

### Our decision

- 19.111 In response to stakeholder feedback, we have decided to make one clarificatory change to the measure in relation to detecting relevant ‘general queries’ for the reasons set out in the following sub-sections. Separately, having considered the measure further since our May 2024 Consultation, we have also made clarificatory changes to the categories of search queries for which providers should display crisis prevention (see paragraph 19.81).

### Additional categories of search queries

- 19.112 We have reviewed the suggestion from Samaritans that we should recommend searches about high-profile deaths by suicide and online challenges as categories for which crisis prevent information should be displayed. We have decided not to change the measure to explicitly include these types of queries.

### *High-profile deaths by suicide*

- 19.113 We do not consider it necessary to prescribe that all searches related to a high-profile death by suicide should surface crisis prevention information. It is not clear that these searches are associated with users at a crisis point, nor that providing crisis prevention information

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<sup>1984</sup> Samaritans response to November 2023 Consultation, p.5.

<sup>1985</sup> Samaritans response to November 2023 Consultation, p.3.

<sup>1986</sup> Molly Rose Foundation response to November 2023 Consultation, p.39.

would serve to reduce the risk of harm to children (given that relevant searches likely to lead to PPC are already captured, as discussed in paragraph 19.115). We consider it appropriate to rely on a broader category so that providers can determine which queries related to high-profile deaths present a risk of encountering harmful content and provide crisis prevention information in response to these.

- 19.114 We also consider that there may be a risk of desensitising children if providers display crisis prevention information too frequently where there is limited risk of harm (see paragraph 19.100).<sup>1987</sup> For example, some searches related to high-profile deaths may be more likely to surface content that we do not consider to be harmful to children. This includes content that makes only fleeting references to suicide or includes brief descriptions or mentions of suicide methods that are well-known (for instance in an online news article). We set out further examples of these types of content in Section 3 of our Guidance on Content Harmful to Children.
- 19.115 We recognise that exposure to content about a high-profile death by suicide in search results could have potentially serious consequences for vulnerable children if they were to overly identify with the individual when encountering this content. This is due to the ‘contagion effect’.<sup>1988</sup> We consider this risk is already accounted for in the measure. Depending on their precise wording and the context in which they were made, some searches for high-profile deaths by suicide are likely to lead to PPC and would fall into the ‘general queries’ category (therefore triggering the display of crisis prevention information under this measure). This will help to reduce the risk of children encountering PPC, and thus the contagion effect that may occur as a result.
- 19.116 When assessing feedback from Samaritans on high-profile deaths by suicide, we also considered how its suggestion might extend to the other harms covered by Measure PCS F3. We expect, for instance, that exposure to content about a high-profile death from an eating disorder could have a similarly negative effect to suicide ‘contagion’.<sup>1989</sup> However, we do not consider it necessary to prescribe that providers should display crisis prevention in response to all searches related to a high-profile death due to an eating disorder (or more generally related to a high-profile person with an eating disorder) for similar reasons to those outlined in paragraphs 19.114 and 19.115.

#### *Online challenges*

- 19.117 Having discussed the application of the measure to dangerous stunts and challenges in paragraph 19.103, we are focusing our considerations of challenges here on those likely to lead to death. For similar reasons to those outlined in paragraphs 19.114 and 19.115, we do not consider it necessary to prescribe that all search requests citing online challenges likely to result in death should trigger the display of crisis prevention information.

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<sup>1987</sup> We discuss the risk of desensitising users in more detail in paragraph 19.100.

<sup>1988</sup> See Section 3 of the Children’s Register for a discussion on how the ‘contagion effect’ can present in online contexts.

<sup>1989</sup> In Section 4 of the Children’s Register, we explain that encountering eating disorder content has been linked to exacerbating eating-disordered behaviours and set out evidence of how eating disorder content can be encountered via influencer profiles that risk glamourising these illnesses. In addition, eating disorder related content can be harmful to people with an eating disorder – who are often competitive in nature and compare themselves negatively to others – by triggering their eating disorder ‘voice’ or behaviours. Source: Beat, [Media Guidelines for reporting on eating disorders](#). [accessed 1 April 2025].

- 19.118 For example, mental health crisis prevention information is unlikely to be relevant to a child searching for the name of an online challenge which may result in accidental death but where suicide or self-harm are not the intention. Conversely, a query which specifically mentions a suicide method involved in an online challenge may already be covered by the ‘queries seeking specific, practical, or instructive information’ category. In this instance, it would be the mention of the method - rather than the challenge itself - that would be the relevant factor in triggering the display of crisis prevention information.
- 19.119 We are therefore not changing the measure to recommend that service providers display crisis prevention information in response to queries around online challenges. Such challenges (where not specifically mentioning suicide, self-harm or eating disorders) are more directly captured under the PC category of dangerous stunts and challenges (as discussed at paragraph 19.102).<sup>1990</sup> The search moderation measures in Section 15 and the predictive search measure (PCS F1) will contribute to minimising the risk of children encountering this content and experiencing the harms associated with it.

#### Queries relating to suicide, self-harm and eating disorder methods

- 19.120 We have made a small change to the measure to remove the reference to ‘behaviours associated with an eating disorder’ from the description of the category ‘general queries’ in response to which providers should display crisis prevention information.
- 19.121 In deciding how to frame the categories of search queries captured by the measure, we have considered the risk of unintended consequences. We had particular regard to Samaritans’ concerns about inadvertently raising users’ awareness that an innocuous item can be used in or as a suicide method, if a provider was to display crisis prevention information in response to non-suicide related searches for that item. We recognise that this could increase the risk that vulnerable users imitate that method. We note evidence of this happening in other contexts - outside the UK, for example, there have been instances where the use of a novel suicide method increased after traditional media reported on the method.<sup>1991</sup> Though Samaritans’ feedback on inadvertently raising awareness of methods focused on suicide, we consider there to be a similar risk for eating disorders.<sup>1992</sup>
- 19.122 In respect of suicide and self-harm, we consider that the category of ‘general queries’ is appropriately narrow. However, having considered stakeholder feedback, we now consider that including the reference to ‘behaviours associated with an eating disorder’ could heighten the risk of inadvertently raising awareness of eating disorder methods. This is particularly the case given that general queries around eating disorder behaviours are likely to include several activities or items with innocuous uses. We have made a change to the measure to remove this reference to ensure the scope of requests under this category is not wider than intended.
- 19.123 Queries on eating disorder ‘behaviours’ will be covered by the category of search requests that seek ‘specific, practical, or instructive information.’ We consider that the emphasis on

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<sup>1990</sup> Section 62(8) of the Act.

<sup>1991</sup> Chen, F., Cheng, Q., and Yip, P. S. F., 2017. [Media effects of suicide methods: A case study on Hong Kong 1998-2005](#), *PLoS One*, 12 (4), [accessed 1 April 2025].

<sup>1992</sup> In Section 4 of the Children’s Register, we discuss evidence that some eating disorder content can teach users how to sustain an eating disorder by, for example, giving them ideas about how to restrict their diet. In Beat’s Media Guidelines for reporting on eating disorders, it advises people to avoid giving detailed accounts of eating disorder behaviours when reporting on eating disorders to avoid triggering those affected. Source: Beat, Media Guidelines for reporting on eating disorders.

‘specific, practical or instructive information’ will help to address the risk of inadvertently raising awareness of methods that have an innocuous use (as outlined at paragraph 19.121).

- 19.124 Under this category, we would not expect a clearly neutral query about an everyday item or activity that is also related to a suicide, self-harm or eating disorder method or behaviour to trigger crisis prevention information. For example, we would not expect providers to display crisis prevention information in response to a search request relating to laxatives where there is no additional connection to eating disorders in the query.
- 19.125 Instead, we expect providers to display crisis prevention information in response to method or behaviour related queries that they consider are likely to be motivated by a desire to access content that encourages, promotes or provides instructions for suicide, self-harm or an eating disorder (for example, where it is clear that the user is seeking practical instructions on how to use the method in question to take their life or engage in a behaviour associated with an eating disorder). In deciding which queries to display crisis prevention information in response to, providers may find it helpful to refer to the Guidance on Content Harmful to Children which sets out examples of content that we consider to be, or not to be, suicide, self-harm and eating disorder content.

#### Monitoring and detecting evolving language

- 19.126 We have considered feedback from the Molly Rose Foundation regarding evolving language used to search for harmful content. We recognise that search service providers who fail to stay up to date with evolving language relating to suicide, self-harm and eating disorders may be unable to provide crisis prevention information in response to searches using newer terminology. As a result, vulnerable children could be more likely to encounter harmful content related to suicide, self-harm and eating disorders and less likely to receive timely assistance to mitigate the risk of harm. As highlighted by the Molly Rose Foundation, our 2024 research on the prevalence of non-suicidal self-harm, suicide and eating disorder content accessible by search engines demonstrates that the language used by vulnerable communities can evolve as users seek to avoid detection.<sup>1993</sup> It is reasonable to assume that search queries may evolve as new language relating to suicide, self-harm and eating disorders emerges.<sup>1994</sup>
- 19.127 We do not consider that this feedback requires any change to the measure. We expect service providers to keep the search terms triggering the display of crisis prevention information under review to ensure that they effectively cover the categories outlined in paragraph 19.84. This should be the case whether a provider is using a keyword matching approach or a more sophisticated method such as one involving machine learning.<sup>1995</sup> This

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<sup>1993</sup> There is also evidence on user-to-user services that children are aware of codewords for PPC related harms that user-to-user service moderators are less likely to detect and which bypass support or signposting restrictions. Young people with lived experiences described using them to search for content such as suicide, self-harm and eating disorder content on user-to-user services. Source: Ofcom, 2024. Online Content: Qualitative Research. Experiences of children encountering online content relating to eating disorders, self-harm and suicide. Though indicative of young people’s search experience on user-to-user services, this research highlights children’s search behaviour and intent in searching for these kinds of content.

<sup>1994</sup> Ofcom, 2024. One Click Away: A Study on the Prevalence of Non-Suicidal Self Injury, Suicide, and Eating Disorder Content Accessible by Search Engines.

<sup>1995</sup> For example, Google Search is working with machine learning and improving its AI models to detect a wider range of personal crisis searches automatically and more accurately, including on topics such as suicide

will help to ensure that the crisis prevention information is effective in reaching as many children as possible who are searching for content on suicide, self-harm or eating disorders, whether they are using established or new terms relating to these harms.

## Ensuring crisis prevention information is relevant and available

### Our proposals

- 19.128 In our May 2024 Consultation, we proposed that service providers in scope of this measure should include reliable and trustworthy professional support information and signpost users to a helpline that is appropriate for children to use and is accessible by children in the UK. We noted that mental health and suicide prevention charities broadly welcome the existing crisis prevention efforts by providers of general search services.<sup>1996</sup>

### Summary of responses

- 19.129 A few stakeholders made suggestions around ensuring that crisis prevention support is available and relevant to the individual who receives it.
- 19.130 In response to our November 2023 Consultation, one respondent Samaritans argued that any support services signposted from search services should be available 24/7 due to the constantly available nature of the internet. It highlighted research suggesting that users purposefully browsing for suicide content may be in distress, therefore requiring access to immediate support.<sup>1997</sup>
- 19.131 To assist service providers in providing support relevant to those in the UK, Microsoft recommended that we collaborate with UK Government agencies and providers to compile appropriate resources for signposting under Measures PCU F3 and PCS F3.<sup>1998</sup>
- 19.132 The children we spoke to as part of our deliberative engagement recommended that support should be tailored to individual needs.<sup>1999</sup> The Scottish Government suggested reputable websites that providers could signpost users in Scotland to in response to searches related to self-harm, as well as for general mental health and wellbeing support for children and young people.<sup>2000</sup>

### Our decision

#### Availability of crisis prevention services

- 19.133 In response to feedback from Samaritans we have changed the measure to recommend that service providers signpost to a helpline offering a 24/7 service that is available to users of all ages and irrespective of location in the UK. This helpline should have the capability to provide crisis support regarding suicide, self-harm and eating disorders (as appropriate to the particular search request).<sup>2001</sup>

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and abuse. Source: Perez, S., 2022. [Google rolls out AI improvements to aid with Search Safety and 'personal crisis' queries](#). TechCrunch, 30 March. [accessed 1 April 2025].

<sup>1996</sup> See Volume 5, May 2024 Consultation, paragraph 22.81.

<sup>1997</sup> Samaritans response to November 2023 Consultation, p.5. It did not specify what research this point came from or provide any additional supporting evidence.

<sup>1998</sup> Microsoft response to May 2024 Consultation, p.17.

<sup>1999</sup> Ofcom, 2025. Consulting children on Protection of Children Online Safety proposals.

<sup>2000</sup> Scottish Government response to May 2024 Consultation, p.19.

<sup>2001</sup> On conducting desk research into the availability of 24/7 helplines, we found that several of these support services have upper age limits. We therefore considered it important to specify that the helpline should provide a service available to UK users that is suitable to all ages to ensure that support is available to as many users as possible. 24/7 services operating in the UK include Samaritans, Shout, and NHS 111.

- 19.134 Both the current large general search service providers already signpost users to 24/7 helplines in their suicide prevention information. We want to codify this practice given the times when people experience distress may not correlate with regular office hours. In a September 2021 report, for example, Mental Health Innovations found that 75% of students who had contacted the Shout texting service for mental health support did so outside the hours of 9am to 5pm.<sup>2002</sup> We consider it important that support is available in a timely manner for those in distress, both to disrupt their search journey to reduce the risk of encountering PPC, and to increase the likelihood that they receive support.
- 19.135 We recognise that setting out that service providers list a 24/7 helpline may reduce the pool of appropriate resources to which they can direct users. The existing practice of both large general search services is to signpost users to 24/7 services in response to certain suicide and self-harm related queries (and in response to certain eating disorder-related queries for one service). We expect that, under the measure, signposting to support will extend beyond current practice to cover a wider range of queries, particularly relating to self-harm and eating disorders. This may create some additional pressure for the support organisations providing 24/7 services. We have sought to address this through changing the measure to set out that providers should have regard to any terms published by the organisation that set out requirements as to the use of the helpline or any information they publish (including where consent or prior notice is required before signposting). We discuss this change, and the feedback we received relating to the capacity of helplines further in paragraphs 19.145 to 19.149.

#### Relevance of crisis prevention information

- 19.136 We have also considered feedback from children as part of our deliberative engagement suggesting that support should be tailored to individual needs. In particular, in light of the Scottish Government highlighting the availability of reputable organisations specific to Scotland, we have considered whether recommending that providers signpost to location-specific services and information would improve the effectiveness of the measure.
- 19.137 While we recognise the benefits of signposting children to nation-specific resources, we do not consider it proportionate at this stage to recommend a measure that would require providers to know the precise location of its users to signpost in such a targeted manner. There may also be limited nation-specific helplines available 24/7.
- 19.138 We consider that the measure will still offer important benefits by directing users towards resources that are relevant and available to users across the UK. It remains open to a service provider to offer additional nation-specific resources as part of its crisis prevention offering where relevant.
- 19.139 We expect service providers to ensure that the crisis prevention information they provide offers children support for the relevant kind of PPC indicated in their search query. This also addresses calls from children we spoke to in our deliberative engagement for support to be tailored to those who need it. We are not currently aware of any dedicated 24/7 helplines for eating disorders available in the UK. However, there are reputable mental health organisations that specialise in offering crisis support to people experiencing a range of

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<sup>2002</sup> Of the 27,600 students who had sought support from Shout for their mental health so far that year, 20% had texted between 10pm and 12am, 15% between 8pm and 10pm and 13% between 12am and 2am. Source: c. [Supporting student mental health. Insight into students seeking support](#). [accessed 1 April 2025].

difficulties, including in relation to suicide, self-harm and eating disorders.<sup>2003</sup> Providers should include such a helpline as part of their crisis prevention information for eating disorders, alongside links to more harms-specific information and support. If a 24/7 helpline dedicated to the relevant harm is available, providers can choose whether to signpost to that helpline or to a more general mental health helpline if it offers the relevant support. We have made a change to the measure to clarify this point which we set out in paragraphs 19.168 and 19.169. We encourage providers to stay abreast of developments in the support sector to ensure their crisis prevention information remains relevant.

- 19.140 Lastly, we have considered Microsoft’s suggestion to develop a list of approved support organisations and resources to which users should be signposted. We do not consider that this feedback requires any change to the measure. In our view, such a list would not increase the effectiveness of the measure because it is unlikely to be futureproof and may discourage new entrants to the support market. We consider it appropriate for service providers to conduct their own research as well as considering their existing relationship with support organisations or consulting other expert organisations where appropriate.

## Signposting to third-party support

### Our proposals

- 19.141 In our May 2024 Consultation, we said that we were not aware of concerns among third-party organisations that additional demand generated by the measure could lead to their support services becoming overwhelmed.

### Summary of responses

- 19.142 Stakeholders provided mixed feedback on the relationship between service providers and the third-party support organisations to which they signpost under our user support measures for search services and user-to-user services.
- 19.143 The NSPCC suggested we recommend search service providers should coordinate with any crisis prevention helpline or similar service that they intend to direct users towards, to ensure that they have capacity to cope with demand. It noted that would align with the user-to-user signposting measure (Measure PCU F3) in the draft Codes.<sup>2004</sup>
- 19.144 While the Mid Size Platform Group noted that some providers already partner with third-party support organisations, it expressed concern that requiring consent under Measure PCU F3 might lead those organisations to expect benefits from service providers in return for their consent, which could disadvantage smaller services. It called for a flexible approach to collaborating with third-party organisations to allow providers to take the approach best suited to their service.<sup>2005</sup>

### Our decision

- 19.145 We considered feedback from stakeholders and have decided to change the measure to recommend that providers signpost to helplines and resources provided by third-party

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<sup>2003</sup> We note that Google currently displays the Shout helpline in response to certain eating disorder-related queries. Source: Ofcom desk research conducted 6 March 2025. Shout is a general mental health support service but states it is able to provide text support “at any time of day or night” for those who are “struggling with [an] eating disorder and feel [they] have no support around [them]”. Source: Shout, 2021. [Looking after your mental health if you have an eating disorder](#). [accessed 1 April 2025].

<sup>2004</sup> NSPCC response to May 2024 Consultation, p.70. The NSPCC raised similar feedback in response to the November 2023 Consultation. Source: NSPCC response to November 2023 Consultation, p.45.

<sup>2005</sup> Mid Size Platform Group response to May 2024 Consultation, pp.12-13.

support organisations in line with any requirements set out in those organisations' published terms relating to the use of their information, support and helplines.

- 19.146 We expect Measure PCS F3 could lead to an increase in traffic to crisis prevention helplines and resources due to the expansion of services' current practices.<sup>2006</sup> An unexpected increase in demand for a helpline could risk it becoming overwhelmed, leaving it unable to provide support to vulnerable users. This would risk undermining the effectiveness of the measure.<sup>2007</sup>
- 19.147 The links to information and support resources that providers should include (in addition to the helpline) are unlikely to be affected by increased traffic as these resources do not offer one-to-one support. However, there may be additional factors providers should consider prior to linking to such resources in their crisis prevention information. These include, for example, any general restrictions on referral to the services, copyright and trademark restrictions or other restrictions on the third-party use of resources that may be set out in terms published by the organisation.
- 19.148 We have therefore decided to change the measure to set out that, before signposting to helplines and resources provided by third-party support organisations, providers should have regard to any requirements in those organisations' published terms. We have designed the provision to be flexible given that different support organisations may have different standard conditions on the use and presentation of their information (which may or may not include the need to obtain consent). In addition, we do not intend this to include any requirements regarding benefits or remuneration. We consider such conditions would be more likely to be set out in terms agreed between support organisations and specified third parties, rather in any general terms published by support organisations. We consider this will address the Mid Size Platform Group's concerns around making a prescriptive recommendation on obtaining consent from third-party organisations, while still enabling those organisations to plan for increased demand or flag if they are at capacity where their terms require prior notice or consent before signposting. This will reduce the risk of overwhelming support organisations (as raised by the NSPCC).
- 19.149 We did not set out any provisions on coordinating with third-party organisations under Measure ICS F3 in the Illegal Content Codes, which focuses on suicide content only. This is because we do not expect that measure to create any additional pressure for helplines due to the existing practices of large general search services, who already signpost to 24/7 suicide helplines. We recognise that providers in scope of Measures ICS F3 and PCS F3 may signpost to the same helplines under both measures in response to suicide-related search queries. In effect, this may mean that providers indirectly apply the provision to signpost to information or helplines provided by third-party support organisations in line with the requirements of their published terms when signposting under Measure ICS F3. We may look to align this in the Illegal Content Codes in future iterations, however in the meantime,

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<sup>2006</sup> While the existing large general search services already signpost users to 24/7 helplines in response to suicide and self-harm related queries, only one large general search service currently signposts to a 24/7 crisis prevention helpline in response to eating disorder-related queries.

<sup>2007</sup> This may be the case in particular for any new 24/7 eating disorder helplines that enter the market where a provider decides to include such a helpline in their crisis prevention rather than one of the existing 24/7 general mental health helplines.

we do not consider that this would place any meaningful additional burden on providers.<sup>2008</sup>

## Impacts on service providers

- 19.150 In our May 2024 Consultation, we noted that there will be an initial cost for providers that do not currently have this measure in place for their search services, along with ongoing costs to maintain and update the system to ensure it operates correctly. We estimated that this would entail one-off direct costs between £74,000 and £308,000 for services that do not currently have crisis prevention efforts in place, and maintenance costs typically between £19,000 and £77,000 per annum. We also envisaged that service providers will initially incur a small cost to identify reputable charities with helplines and resources related to suicide, self-harm and eating disorders. There will also be small ongoing costs to ensure that this helpline and resource information is kept up to date.
- 19.151 We expected that service providers already implementing our suicide crisis prevention Illegal Harms measure will incur one-off costs between £37,000 and £154,000 to expand their existing crisis prevention system to cover requests related to self-harm and eating disorders, along with incremental annual maintenance costs of around £9,500 and £38,500.<sup>2009</sup>
- 19.152 We did not receive stakeholder feedback on the costs of this specific measure. Our assessment of the impacts on service providers is therefore unchanged.<sup>2010</sup>

## Rights

### Freedom of expression and freedom of association

#### Our final rights assessment

- 19.153 In our May 2024 Consultation, we considered that the impact of this measure on the right to freedom of expression would be limited and proportionate. We did not receive specific stakeholder feedback on the impact of this measure on freedom of expression. Although we did not specifically consider the right to freedom of association in our May 2024 Consultation, we did for the equivalent measure in our December 2024 Statement and consider the potential impacts in the following sub-section.<sup>2011 2012</sup>
- 19.154 Having considered changes made to the measure, we maintain our assessment that the impact of this measure on the right to freedom of expression is proportionate due to its benefits to children. This measure seeks to address the potentially very severe harm that children might experience if they actively search for, or inadvertently encounter, content that encourages, promotes or provides instructions relating to suicide, self-harm and eating disorders via search services. While it may introduce some friction into user journeys

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<sup>2008</sup> We note that some general search services already have partnerships with crisis support organisations. Google, for example, notes that the information it surfaces comes from partnerships with recognised crisis support services Source: Google Search Help, [Find personal crisis information with Google Search](#). [accessed 1 April 2025].

<sup>2009</sup> For a fuller description of our assessment of the impact on service providers, see paragraphs 22.94-22.101 in Volume 5, May 2024 Consultation.

<sup>2010</sup> See Annex 3 for more information on our labour costs assumptions.

<sup>2011</sup> Article 11 of the ECHR sets out the right to associate with others which is also a qualified right that Ofcom must not restrict unless satisfied that it is necessary and proportionate to do so (see Section 2).

<sup>2012</sup> We did not receive any stakeholder feedback on the impact of the equivalent measure on freedom of association, as set out in paragraph 22.91 of Volume 4, November 2023 Consultation. Our final rights assessment is set out in paragraph 9.215 of Volume 2, December 2024 Statement.

(including those of adult users), the measure will not prevent users scrolling beyond the crisis prevention information and engaging with search results should they wish to do so. We therefore consider that any impact on the rights to freedom of expression of users, website or database operators, individuals imparting beneficial and non-harmful content regarding mental health conditions, or search service providers is proportionate and justified in achieving the legitimate objectives of the Act.

- 19.155 We acknowledge there may also be a potential impact on freedom of association. The presentation of crisis prevention information may build friction into the user journey where users need to scroll past this information to encounter search results that would enable them to connect with other individuals seeking support in connection with suicide, self-harm and eating disorders. However, as this measure will not prevent users from scrolling beyond the crisis prevention information and engaging with any supportive groups or communities presented in search results, we consider this impact to be proportionate and justified.

## Privacy and data protection

### Summary of responses

- 19.156 The Information Commissioner's Office (ICO) noted that the analysis of search requests to provide crisis prevention information may involve providers processing special category data relating to the health of users. It suggested that providers consult ICO resources about how to process special category data in compliance with data protection law.<sup>2013</sup>

### Our final rights assessment

- 19.157 In our May 2024 Consultation, we considered that the privacy impact of this measure would be limited where providers comply with relevant data protection laws.
- 19.158 We remain of the view that, while not required as part of this measure, the analysis of search requests may involve processing personal data of the user conducting the search to enable the provider to present results relevant to the user (although this may be no more than services ordinarily would process in delivering search results). Having considered feedback from ICO, we consider that there may be an additional impact insofar as the measure may involve the processing of special category data in relation to a user's mental health. Providers that choose to process additional personal data in analysing search requests or performing any other task associated with the provision of crisis prevention information will need to comply with relevant data protection legislation and should refer to relevant guidance from the ICO, in particular that relating to special category data.<sup>2014</sup> This would include applying appropriate safeguards to protect special category data, as well as to protect the rights of children (who may require special consideration) and adults. We do not consider there to be any additional impacts on the right to privacy beyond those assessed in relation to data protection. A user entering a search query can reasonably expect that the provider may process this information, along with other personal data, to return relevant search results.
- 19.159 Overall, where providers comply with data protection laws, we consider that the privacy impact of this measure is limited and proportionate to the benefits of mitigating and

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<sup>2013</sup> ICO response to May 2024 Consultation Online, p.14.

<sup>2014</sup> See ICO, [Special category data](#); UK GDPR guidance and resources; and Online safety and data protection. [accessed 1 April 2025].

managing the risk of harm to children posed by search content related to suicide, self-harm and eating disorders.

## Who this measure applies to

### Our position at consultation

19.160 In our May 2024 Consultation, we proposed that this measure should apply to providers of all large general search services likely to be accessed by children.

### Summary of responses

- 19.161 Some stakeholders raised concerns about our proposal to apply the measure to large search services only.
- 19.162 C3P (as discussed in paragraph 19.70 under Measure PCS F1) and East Riding Safeguarding Children Partnership (ERSCP) noted that some smaller search services used by children may not meet the definition of a large service. ERSCP argued that this may mean smaller providers do not signpost or support children with “acute mental health difficulties” and therefore leave them at risk of harm.<sup>2015</sup>

### Our decision

- 19.163 We have considered stakeholder concerns around only applying the measure to large search services. We have decided not to extend this measure to smaller general search services as the benefits of applying this measure to a service with limited reach are likely to be smaller. We do not have evidence that children would switch to smaller services purely to avoid crisis prevention information on large search services, as they can simply choose to ignore such information. Also, our analysis suggests that the implementation of this measure for smaller services could result in substantial costs in some scenarios that would not be proportionate.
- 19.164 By contrast, we consider that the benefits of applying this measure to large services are likely to be substantial given their large user bases (which may include many children) and that the costs are likely to be proportionate for such services. Many large general search services already have in place at least some form of the crisis prevention measure we are recommending. Also, we expect that operating a large general search service will require systems to effectively categorise search requests, which will decrease the cost of implementing crisis prevention if not already in place.
- 19.165 We have therefore decided to confirm that this measure applies to providers of all large general search services likely to be accessed by children.
- 19.166 Some smaller search services already provide crisis prevention information for suicide and self-harm related search queries. Though they may not be within the scope of this measure, we encourage them to continue to provide crisis prevention information where they currently do so, given the highlighted benefits. We also encourage them to consider extending their provision of crisis prevention resources to other harms such as self-harm and eating disorders. We will continue to monitor the market and may consider extending this measure to smaller services if evidence suggests it is proportionate to do so.

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<sup>2015</sup> C3P response to May 2024 Consultation, p.32; ERSCP response to May 2024 Consultation, p.4. We received similar feedback from Samaritans in response to our proposed measure around predictive search in our November 2023 Consultation: Samaritans response to November 2023 Consultation, p.3.

## Other considerations

- 19.167 In the May 2024 Consultation, we proposed that providers should include a helpline in their crisis prevention information that is associated with (and link(s) to information and support freely available through) a reputable mental health organisation, suicide prevention organisation, or organisation with expertise in acts of self-harm or eating disorders (as appropriate given the nature of the search request in question).
- 19.168 We have decided to change the measure to clarify that the helpline should be associated with a reputable mental health organisation with capability to provide crisis support regarding suicide, acts of self-harm or eating disorders (as appropriate to the search request in question). This is to make clear that the helpline should be able to provide relevant harms-based crisis support but does not need to specialise exclusively in one of these harms.
- 19.169 We have decided to clarify that the mental health organisation from which the information and support is sourced should have '*expertise in*' suicide, self-harm or eating disorders. As well as achieving greater clarity and brevity compared to the measure proposed in the Consultation, we consider that this reflects better the distinction between the two limbs of the crisis prevention information. While the role of the helpline is to provide one-to-one support to a user experiencing a mental health crisis, the links to information and support that we recommend providers include should direct users to more detailed advice and resources dedicated to the harm they are experiencing (requiring expertise in that harms area).

# 20. Combined impact assessment

## What is this section about?

In the preceding sections in this volume, we have assessed the individual impact of each of the measures in the codes in this statement. In this section, we assess the combined impact of the measures as a package. Having considered the combined impact on different groups of services, we consider the package of measures to be proportionate.

## Introduction

- 20.1 In Sections 11-19 we have assessed the impacts of each of the Protection of Children Codes (the Codes) and concluded that they are proportionate. The measures and who they apply to are set out in Table 1 and Table 2 in the 'Codes at a glance'.
- 20.2 In this section, we consider the combined impact of the measures overall by looking at:
- a) Whether each measure has distinct benefits that contribute to how the overall package of the Codes protect children online. This informs our views on whether the combined benefit of the package of measures may be significantly less than indicated when considering measures individually. For example, if two measures target the same harm and one is very effective at reducing it, it could be disproportionate to impose both measures. We therefore consider the extent to which the benefits of different measures overlap.
  - b) Whether the overall cost of the measures on service providers is proportionate, particularly for smaller services. In assessing this, we recognise that the costs of the whole package may be significant for some service providers, even where the cost of individual measures may not be significant.
- 20.3 Our assessment takes into account how the measures introduced as part of this Protection of Children package interact with the measures introduced in the Illegal Content Codes of Practice (Illegal Content Codes) in our December 2024 Statement on Protecting People from Illegal Harms Online (December 2024 Statement).
- 20.4 The combined impact assessment does not take into account Age Assurance Measures PCU B2 and PCU B3. These measures involve preventing children from accessing the entire service and are not intended to be implemented in combination with other measures. We therefore only consider the impacts of these measures individually (in Section 13).<sup>2016</sup>

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<sup>2016</sup> Measures PCU B2 and PCU B3 set out that services whose principal purpose is to host or disseminate primary priority content that is harmful to children (PPC) or priority content that is harmful to children (PC) should implement highly effective age assurance to prevent children from accessing the entire service. Where a service implements highly effective age assurance in this way, it can carry out a new Children's Access Assessment (CAA) and it would be expected to determine that it is no longer likely to be accessed by children and therefore not in scope of children's risk assessment duties, safety duties and other Protection of Children Codes measures. Services that are not likely to be accessed by children must still comply with the duties about CAA, which include a requirement to carry out a CAA every year and sometimes more frequently. See Ofcom's Children's Access Assessment Guidance.

## What we said at Consultation

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20.5 In our May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), we considered the impact of the overall package of measures that we proposed for providers of different kinds of services.<sup>2017</sup> We considered the impact for smaller services and large services with different characteristics and risk levels. This reflects that the applicability of different proposed measures was often linked to the outcome of a service's risk assessment, its size, or other service characteristics (such as the presence of certain functionalities). We provisionally concluded that the proposed package of measures applied for providers of different kinds of services was proportionate.

## Summary of responses

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20.6 We received a range of views from stakeholders in response to our May 2024 Consultation on the proposed package of measures for different services:<sup>2018</sup>

- a) Smaller service providers: Many respondents agreed with our proposal to apply certain measures for all services, regardless of size, risk or other characteristics.<sup>2019</sup> However, some disagreed with our proposals, suggesting they would be a disproportionate burden on smaller services.<sup>2020</sup> Some suggested that the cost burden could have adverse effects as it can negatively impact innovation or there is a risk that small services could cease operating.<sup>2021 2022</sup> On the other hand, several respondents suggested that more measures should apply to all services, regardless of size.<sup>2023</sup> Several stakeholders disagreed with using size to determine the services that are in scope of the measures.<sup>2024</sup> For example, one response argued that small services could “have an incredibly outsized impact on harm”.<sup>2025</sup> The National Society for the Prevention of Cruelty to Children (NSPCC) suggested that “services that pose the greatest risks to children must embed safety regardless of size”.<sup>2026</sup>

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<sup>2017</sup> [Protecting Children from Harms Online, May 2024 Consultation](#), Volume 5, Section 23.

<sup>2018</sup> Some stakeholders cross referred to their response to our November 2023 Consultation on Protecting People from Illegal Harms Online (November 2023 Consultation), in their response to the May 2024 Consultation on Protecting Children from Harms Online. These responses have also been included.

<sup>2019</sup> Dean, J. response to May 2024 Consultation on Protecting Children from Harms Online (May 2024 Consultation), p.13; Federation of Small Businesses (FSB) response to May 2024 Consultation, p.7; Meta Platforms Inc. response to May 2024 Consultation, pp.18-19; National Society for the Prevention of Cruelty to Children (NSPCC) response to May 2024 Consultation, pp.43-44.

<sup>2020</sup> Big Brother Watch response to May 2024 Consultation, p.49; FSB response to May 2024 Consultation, p.3; Name Withheld 3 response to May 2024 Consultation, p.5; Skyscanner response to May 2024 Consultation, p.12.

<sup>2021</sup> [Redacted]; The Digital Entertainment and Retail Association (ERA) response to May 2024 Consultation, p.9.

<sup>2022</sup> Name Withheld 3 response to our May 2024 Consultation, p.5.

<sup>2023</sup> C3P response to May 2024 Consultation p.9; Center for Countering Digital Hate (CCDH) response to May 2024 Consultation, p.9; Commissioner Designate for Victims of Crime Northern Ireland response to May 2024 Consultation, p.5; [Redacted]; Office of the Children's Commissioner for England response to May 2024 Consultation, p.52; Scottish Government response to May 2024 Consultation, pp.8-9. Stakeholders raised similar points in responses to the November 2023 Consultation, see 'Our approach to developing Codes' in December 2024 Statement, p.28.

<sup>2024</sup> Office of the Children's Commissioner for England response to May 2024 Consultation, p.52; Snap Inc. response to May 2024 Consultation, p.13. We note that Snap made a similar point in response to our November 2023 Illegal Harms Consultation (November 2023 Consultation), p.3.

<sup>2025</sup> Canadian Centre for Child Protection (C3P) response to May 2024 Consultation, p.15.

<sup>2026</sup> NSPCC response to May 2024 Consultation, p.42.

- b) Large service providers: Some respondents agreed with the proposed measures for large services.<sup>2027</sup> Several stakeholders disagreed with additional measures for large service providers, citing a negative impact on competition.<sup>2028</sup> The Scottish Government suggested that measures should go further for all large, high and medium risk services, not just for those that are both large and multi-risk for content harmful to children.<sup>2029 2030</sup>
- 20.7 The rest of this section sets out our decision on the proportionality of the overall package of measures in the Codes that apply to different groups of services. This takes into account the stakeholder responses summarised above.
- 20.8 We note that we respond to stakeholder feedback on our general approach to impact assessment and deciding who the measures apply to in Section 10.

## Our decision

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- 20.9 We consider the overall package of measures in the Codes to be proportionate, and we set out our reasoning below.

## Each individual measure delivers distinct benefits

- 20.10 Some measures in the Codes are aimed at improving overall safety online for children rather than targeting specific harms. They aim to establish robust governance and risk management processes, content (or search) moderation systems, clear and accessible reporting and complaints functions, and clear terms of service. Our assessment is that removing any single measure would diminish the overall effectiveness of the package. There are two reasons for this:
- a) Individual measures work in different ways to reduce the risk of harms to children online. For example, Governance and Content Moderation measures largely focus on ensuring the effective operation of various internal systems and processes that contribute to children's safety. Some other measures related to reporting and complaints and terms of service address issues related to end-user functionalities and experience, such as ease of use and accessibility.
  - b) Some measures are complementary, meaning that their combined benefit is higher than when considering measures individually. For example, better governance can support effective implementation of safety measures in general, and better reporting and complaints functions can lead to more effective content moderation. In combination these measures are expected to improve child safety online by ensuring children are more effectively protected from harmful content.
- 20.11 The Codes also include several measures which target specific risk factors, such as functionalities. This includes the Recommender Systems and User Support measures. These

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<sup>2027</sup> Association for UK Interactive Entertainment (Ukie) response to May 2024 Consultation, p.33; FSB response to May 2024 Consultation, p.5.

<sup>2028</sup> C3P response to November 2023 Consultation, p.12; Snap response to May 2024 Consultation, p.14; xHamster, response to May 2024 Consultation, p.8.

<sup>2029</sup> Scottish Government response to May 2024 Consultation, p.12.

<sup>2030</sup> Multi-risk for content harmful to children, means that they are medium or high risk for two or more kinds of content harmful to children (i.e. at least two across the four kinds of PPC, eight kinds of PC and any kinds of NDC where applicable).

measures are targeted to deliver benefits that are distinct from other measures, such as those related to governance and content moderation, which address internal systems and processes rather than end-user functionalities. For example, Measure PCU J1 allows children to block and mute other accounts and Measure PCU J2 allows children to disable comments; as such, these measures will help to tackle harms such as bullying content, which can manifest through different user functionalities. Collectively these measures provide children with more tools to ensure a safer experience online. We consider that these targeted measures will have significant incremental benefits over those that are more cross-cutting in nature.

- 20.12 Overall, we conclude that there is not significant duplication between the measures in codes. In many cases, they are likely to be complementary. Each measure has distinct benefits and contributes to reducing the risks of harms to children online (even in addition to the other measures in the package).

## **We apply very few measures for smaller low-risk service providers, beyond the specific requirements of the Act**

- 20.13 There are certain core safety measures that should be applied to providers of all user-to-user and all search services likely to be accessed by children to keep children safe online.<sup>2031</sup>
- 20.14 We recognise the concerns raised by some stakeholders that our proposed package of measures may be disproportionate for smaller low-risk services, which can lead to potential adverse effects. Applying lots of measures to providers of smaller low-risk services can be disproportionate to the limited benefits they could have to children on these services, and have a detrimental effect on these providers and on their users. This could include those run by small and micro businesses, charities and individuals. It will be against users' interests if the impact on providers of small low-risk services leads to reduced innovation, degradation in service quality or user experience, or to them ceasing to operate in the UK, with limited or no benefit in terms of increased safety.<sup>2032</sup>
- 20.15 Further to stakeholder feedback, we have considered our proposals and have reduced the number of measures that apply to smaller low-risk services compared to our consultation proposals.<sup>2033</sup> Most of the measures applied to smaller low-risk services are a direct result of specific requirements in the Act, over which we have limited discretion. We have applied very few additional measures to smaller low-risk services.<sup>2034</sup> As set out in the relevant Sections, we expect these measures to be fundamental for enabling compliance with the duties in the Act. The combined cost of these additional measures over which we have

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<sup>2031</sup> See list of the relevant measures in Table 1 and Table 2 in the 'Codes at a glance'.

<sup>2032</sup> As outlined in Section 8, low risk services will still need to regularly update their risk assessment to confirm if they are still low risk. Any changes to the services features and functionalities may bring these services in scope of more additional measures.

<sup>2033</sup> At consultation PCU D3 and PCU D4-6/PCS D3-5 were proposed for all services. We have reduced the number of services these measures apply to; this is explained in more detail in Section 16.

<sup>2034</sup> The additional measures we impose over which we have more discretion are for providers to name an individual accountable for compliance with child safety duties and reporting and complaints duties (PCU/PCS A2) and to have content moderation (or search moderation) functions to review and take actions against harmful content (PCU/PCS C1 and PCU C2). These apply to providers of all services. There is also a measure that sets out the conditions under which any U2U or search service can disregard manifestly unfounded complaints (PCU D14). This only applies where providers choose to do this, and we envisage it being relevant for services that receive a large volume of complaints rather than small services.

discretion is expected to be very low. We therefore consider them proportionate for all services.

- 20.16 We note that the overall cost of implementing the measures may be reduced where equivalent measures exist in the Illegal Content Codes. For example, PCU/PCS A2 sets out that service providers should name one accountable individual for compliance and child safety duties and there is an equivalent measure in the Illegal Content Codes. Providers of small services may be able to name the same accountable individual for compliance with the Illegal Content and Protection of Children Codes, reducing the overall cost of the two measures. Similarly, a service may choose to use the same complaints process for user complaints related to illegal content and content harmful to children.

## **The overall cost for other services is proportionate, given the benefits to children**

- 20.17 Providers of smaller services that are medium or high risk for content harmful to children are in scope of more measures compared to those that are low-risk.<sup>2035</sup> We recognise that the overall cost could be significant for some smaller services. Some small and micro businesses may struggle to resource the Codes. It is even possible that some services may cease to operate in the UK. Even if this were to happen, we do not consider it would mean that the measures are disproportionate, given the risks to children present on these services. We have assessed each measure as proportionate and the benefits of the measures do not overlap to a significant extent, so we consider the combined impact of the measures to be proportionate. In the case of a small number of measures, we have made adjustments to the services in scope to reflect our final assessment of those measures, taking into account stakeholder feedback.<sup>2036</sup>
- 20.18 We apply even more measures for providers of some large services.<sup>2037</sup> The overall package of measures could entail substantial costs. However, we generally expect providers of large services to have the resources to undertake these measures. Even if some providers of large risky services have more limited resources, the package of measures would still be proportionate given the benefits to children using these risky services. Where large services are low-risk, the measures applies for providers of these services have sufficient flexibility to allow the provider to implement them without high cost. We consider these costs justified even when large services assess themselves as low risk, as the relevant measures in the Codes will help them to manage and mitigate risks that can impact a significant number of children in a timely manner (See Section 10 for more details).
- 20.19 As set out earlier (paragraph 20.16), the overall cost of implementing the package of measures may be reduced for some service providers if some of the measures that apply to them have equivalent measures under the Illegal Content Codes. Where this is not the case, we still consider the overall impact proportionate because the measures will have significant impact in protecting children online from harms that are not addressed by the Illegal Content Codes.

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<sup>2035</sup> By smaller services we mean user-to-user and search services likely to be accessed by children. See the list of relevant measures that apply to them based on risk level in Table 1 and Table 2 in the 'Codes at a glance'.

<sup>2036</sup> Those measures are: PCU J1, PCU J2, PCU D3-6/PCS D3-5 and PCU B7.

<sup>2037</sup> We explain in Section 10 why we have decided to maintain our consultation proposal on the definition of large services and our general approach to apply more measures to large services compared to smaller ones.

## Conclusion

- 20.20 Based on our reasoning in the preceding sections we consider the overall package of measures in the Protection of Children Codes to be proportionate. Our assessment shows that each measure has distinct benefits and contributes to reducing the risks online to children, over and above the other measures in the package and to those measures in the Illegal Content Codes. While the overall cost could be significant for some services, we consider it proportionate given the risks of children encountering harmful content on such services and the incremental benefit of each measure in the package from reducing these risks. Therefore, we conclude that the package of measures is justified and proportionate, consistent with the assessments we have set out for each measure in earlier sections.

# 21. Statutory tests

In designing the Codes, the Online Safety Act 2023 (the Act) requires Ofcom to have regard to a number of principles and objectives, set out in Schedule 4 to the Act. The Communications Act 2003 (the 2003 Act) also places a number of duties on Ofcom in carrying out our functions.

In this section, we set out the matters to which we must have regard under the Act and the 2003 Act, and explain the reasons why we think the recommendations in the Codes meet them. We provide further information regarding Ofcom's duties relating to the preparation of the Codes in Volume 1 Section 2, our Legal Framework (Volume 5 Annex 4), and Volume 5 Annex 5, in which we set out our Equality Impact Assessment and Welsh language assessments.

## Background

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- 21.1 In designing the Codes, the Act requires us to have regard to a number of principles and objectives, set out in Schedule 4 to the Act. The 2003 Act also places a number of duties on Ofcom in carrying out our functions, including requiring us to have regard to the risk of harm to citizens presented by content on regulated services.
- 21.2 In Sections 9 to 21 in this volume, we set out the recommended Codes measures. An overview of these measures can be found in 'Codes at a glance', published separately, and our combined impact assessment of the measures can be found in Section 20. The measures themselves can be found in full in the 'Protection of Children Code of Practice for user-to-user services' and 'Protection of Children Code of Practice for search services'. We provide further information regarding Ofcom's duties relating to the preparation of the Codes in Volume 1 Section 2 and Volume 5 Annex 4.
- 21.3 We consider that the Codes measures meet the requirements set out in Schedule 4 to the Act and section 3 of the 2003 Act. In this section, we take each of the relevant requirements in turn and set out how we have met them.
- 21.4 In response to consultation, we received stakeholder feedback relevant to our duties under section 3 of the 2003 Act and Schedule 4 to the Act. We consider and respond to this feedback in the Overview of Codes (Section 9), Developing the Protection of Children Codes: Our framework (Codes framework) (Section 10) and in our analysis of individual measures set out in Sections 11 to 19 in this volume. Below we set out an overview of how the recommended measures fulfil the requirements of section 3 of the 2003 Act and Schedule 4 to the Act.

## Duties and principles

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### Ofcom's general duties

- 21.5 As required by section 3 of the 2003 Act, in making the recommendations in the Codes Ofcom has had regard to the matters set out below and to the risk of harm to citizens presented by content on regulated services.

Section 3(1): It shall be the principal duty of Ofcom, in carrying out their functions: a) to further the interests of citizens in relation to communication matters; and b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.

- 21.6 We have set out in this statement how recommended Codes measures will mitigate risks of harm to children online, thereby furthering their interests, as well as the interests of citizens in the UK more generally.
- 21.7 Much of what we know about the risks of harm to children and how they could be safer online comes from our programme of research<sup>2038</sup> where we have engaged with children and parents. Children have told us about what they want and need to live a safer life online, including the measures they would like to see service providers implement. To ensure we included the voices of children when we decided on the Codes recommendations, we carried out a deliberative engagement programme, asking over 110 children for feedback about online safety proposals, to understand their views of key aspects of the Codes. We discuss children's feedback related to specific measures in the relevant sections of this volume and the accompanying report.<sup>2039</sup>
- 21.8 We have considered the interests of consumers in relevant markets (particularly users of regulated services) as part of our assessment of the proportionality of our recommendations, including any potential impacts on the provision of services to users.<sup>2040</sup> We have considered the impact of our measures on adult and child users, including in light of our approach to age assurance, meaning that certain measures may apply to all users where a service is not using highly effective age assurance. We have also considered the rights of users and other interested persons in our rights assessment for each measure, where we consider any impacts of the measure on users' (children, and adults' where relevant) rights, including their rights to freedom of expression, data protection and privacy, as required by the Act.
- 21.9 We address the desirability of promoting competition in relevant markets in response to our section 3(4) duties below.

Section 3(3): In performing their duties under subsection (1), Ofcom must have regard in all cases to (a) the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and (b) any other principles appearing to Ofcom to represent best regulatory practice.

- 21.10 In the interest of transparency, accountability and fairness (and as required by the Act)<sup>2041</sup>, we consulted stakeholders on our proposals and published impact assessments for each of the measures we proposed to include in the Codes, as well as a combined impact assessment. Having considered stakeholder feedback in response, we have updated and set

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<sup>2038</sup> Ofcom's online safety research is published here: [Research, statistics and data - Ofcom](#).

<sup>2039</sup> Ofcom, 2025. [Consulting children on Protection of Children Online Safety proposals](#).

<sup>2040</sup> For brevity, in this section we refer to 'users' rather than 'United Kingdom users'. However, for the avoidance of doubt the measures discussed only apply to UK users of the service (as defined in section 227(1) of the Act).

<sup>2041</sup> Under section 3(3) of the 2003 Act, Ofcom must, in the performance of their duties under subsection (1), have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed. Ofcom must also have regard to any other principles appearing to us to represent best regulatory practice. This includes the public law duty to act fairly.

out clearly the evidence and assumptions used to arrive at our recommendations in each of the relevant sections. In Section 10 we explain how we approach impact assessments and summarise feedback on our overall approach.

- 21.11 Our impact assessments of measures consider effectiveness, costs, rights, and other relevant factors and explain why we consider the measures are proportionate to the benefits to children. We consider the proportionality of the package of the measures as a whole in Section 20. See our impact assessment guidance for more information on how we approach impact assessments.<sup>2042</sup>
- 21.12 The measures are informed by our assessment of the risks of harm to children (Volume 2). We prioritised developing measures that can effectively mitigate the significant risks identified in our analysis and those required by the Act and targeted the measures at the kinds of services which we think should be deploying them because this would lead to the greatest benefits given the risks they pose. Similarly, we consider that the approach set out in the Children's Risk Assessment Guidance (as discussed in Volume 3, Section 8) is a proportionate approach to ensuring that services understand the risks that they pose to children.
- 21.13 We consider the measures in the Codes to be a proportionate means of supporting services to meet the children's safety duties under the Act. Our reasoning for our final decisions about the Codes is set out in this statement, together with the evidence we have relied on in reaching our decisions, contributing to transparency and accountability.

Section 3(2)(g): In carrying out our functions, Ofcom are required to secure the adequate protection of citizens from harm presented by content on regulated services, through the appropriate use by providers of such services of systems and processes designed to reduce the risk of such harm.

- 21.14 The Children's Risk Assessment Guidance is intended to assist services in fulfilling their legal obligations in relation to the children's risk assessment duties.<sup>2043</sup> The Protection of Children Codes set out the measures we recommend service providers take to mitigate those risks. Both are informed by our own assessment of the risks of harm to children, as set out in our Children's Register of Risks (Children's Register) and Children's Risk Profiles. The measures are designed to reduce the risk of harm to children from content harmful to children, namely primary priority content that is harmful to children (PPC), priority content that is harmful to children (PC) and non-designated content that is harmful to children (NDC).
- 21.15 The Governance and Accountability (Section 11), Content Moderation (Section 14), Search Moderation (Section 15) and User Reporting and Complaints (Section 16) measures specifically concern the safer design and functioning of processes. The Terms of Service and Publicly Available Statements measures (Section 12) lay out the rights and responsibilities that a service provider and the users of their service have towards one another, ensuring that users understand the risks they face on relevant services and the measures service providers are taking to protect them from these risks.
- 21.16 The Age Assurance (Section 13), Recommender Systems (Section 17), User Support (Section 18), and Search Features, Functionalities and User Support (Section 19) measures concern

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<sup>2042</sup> Ofcom, 2023. Ofcom's approach to impact assessment.

<sup>2043</sup> Section 11 (user-to-user services) and section 28 (search services) of the Act.

safer systems and functionalities on user-to-user services, supporting a safety by design approach to safeguarding child users online.

Section 3(4A) In performing their duties under subsection (1) in relation to matters to which subsection (2)(g) is relevant, Ofcom must have regard to such of the following as appear to them to be relevant in the circumstances:

Section 3(4A)(a) The risk of harm to citizens presented by regulated services.

- 21.17 The Children's Register sets out the risks of harm to children from content harmful to children as we assess it to manifest in the current environment. These risks, alongside findings from services' children's risk assessments, largely inform what measures will be appropriate for a service provider to address the risk of harm to children.
- 21.18 The Guidance on Content Harmful to Children (Section 6 of Volume 2) sets out examples of content, or kinds of content, that we consider to be, or consider not to be, primary priority content and priority content that is harmful to children. The guidance is intended to support providers of Part 3 services that are likely to be accessed by children in making judgements about whether content on their service is content that is harmful to children as defined in the Act.
- 21.19 The measures included in the Codes vary across services based on their risk and size. Some of the measures included in the Codes apply to all services. These reflect steps that we expect all services should take to comply with the children's safety duties, regardless of their size and the risks they pose to children. Services that pose significant risks to children should take additional steps. The Codes also include a small number of measures for large services only, as there is significant scope to reduce the risk of harm for the many UK children that use them, and the providers have greater capacity to implement more costly measures.

Section 3(4A)(b) The need for a higher level of protection for children than for adults.

- 21.20 The measures in the Protection of Children Codes are designed to secure a higher level of protection for children than for adults. They are intended to ensure that services effectively manage and mitigate the risks of harm to children from content harmful to children:
- Governance and Accountability (Section 11): the measures establish good risk management practices that help services identify, manage and review the risks of harm to children. The Codes recommend that all services name a person accountable for children's safety.
  - Terms of Service and Publicly Available Statements (Section 12): the measures will ensure that children, and adults who care for them, understand the risks they face on relevant services and the measures service providers are taking to protect them from these risks.
  - Age Assurance (Section 13): the Age Assurance measures will prevent children from accessing services whose principal purpose is the dissemination of content that is harmful to them and will protect children from accessing harmful content.
  - Content Moderation for user-to-user services (Section 14) and Search Moderation for search services (Section 15): the measures will ensure that service providers can take swift action to protect children when they become aware of harmful content present on their service or in search results.

- User Reporting and Complaints (Section 16): the measures recommend that services have to accept reports of content harmful to children from all users. These measures will ensure that reporting and complaints systems and processes are implemented in ways that increase transparency and accessibility of complaints processes to allow users to easily report the presence of content harmful to children on the service.
- Recommender Systems on user-to-user services (Section 17): recommender systems can contribute to the amplification of harmful content and be a significant pathway for children to encounter harmful content. The Recommender Systems measures ensure that content indicated potentially to be harmful to children is not recommended to them or given a low degree of prominence.
- User Support for user-to-user services (Section 18): the measures recommend that services make available tools and information that provide children with the ability and understanding to control their own user journey; give them more control over the users and content that they encounter online; and ensure they have access to supportive information to help them make safer choices.
- Search features, functionalities and user support (Section 19): the measures embed safety into the design of search functionalities and provide children with the information, tools and support they need to have safe experiences on search services.

21.21 In particular, some measures are targeted at users who are children through the use of highly effective age assurance, offering them a higher level of protection than adults. This includes some aspects of PCU C2 in Content Moderation and PCU E1 and PCU E2 in Recommender Systems. In some cases we provide the option for services to either use highly effective age assurance to target the measure to children or apply the measure to all users, such as for the User Support measures. While we have not recommended the use of highly effective age assurance for search services at this stage, Search Moderation measure PCS C2 recommends that filtering of PPC is applied for all users determined to be children, and providers may employ any existing means to determine this (which may or may not include highly effective age assurance).

Section 3(4A)(c) The need for it to be clear to providers of regulated services how they may comply with their duties set out under the Act.

- 21.22 Our recommendations, and the explanation in this statement of our decisions and how the measures work, aim to provide clarity and tangible steps that services can take to meet their duties in the Act.
- 21.23 The Guidance on Content Harmful to Children is intended to support service providers that may need to make judgements about whether content available on or via their service amounts to content that is harmful to children as defined in the Act. The Children's Risk Assessment Guidance is intended to help services understand how they can comply with their duties to carry out a children's risk assessment. The Guidance for Part 3 services on highly effective age assurance (Part 3 HEAA Guidance) supports all service providers in understanding whether any age assurance they have in place is highly effective, and supports user-to-user services in understanding how they may implement highly effective age assurance for the purpose of meeting their duties under section 12(3) and 12(4) of the Act.
- 21.24 We have explained in Section 10 that the Act provides that services likely to be accessed by children and which choose to implement the measures in the Codes, will be considered as

complying with relevant duties (paragraph 10.5). We have also explained that service providers may seek to comply with their safety duties by choosing to take alternative measures, and what they must do if they decide to take this route (paragraphs 10.6-10.7).

Section 3(4A)(d) The need to exercise their functions so as to secure that providers of regulated services may comply with such duties by taking measures, or using measures, systems or processes, which are (where relevant) proportionate to (i) the size or capacity of the provider in question, and (ii) the level of risk of harm presented by the service in question, and the severity of the potential harm.

- 21.25 The Children's Risk Assessment Guidance takes account of the nature and size of services, for example in recommending what evidence providers should take into consideration to support their risk assessments.
- 21.26 We have clearly identified in the Codes the types and sizes of services that we recommend adopt each measure, for the reasons given in each relevant section of this statement, with more demanding expectations placed on services that pose greater risk of harm to children, even if they are smaller services. We also recommend a small number of the measures for large services only, because we do not consider it would be proportionate to apply them to smaller services.
- 21.27 Where appropriate the measures are designed to give a degree of flexibility so that services can tailor their approach to their context, taking into account factors including their size and capacity, as well as the risks on the service. For example, Governance and Accountability Measure PCU A7 and PCS A7 (Section 11) on training certain individuals working for the provider on the service's approach to compliance is not prescriptive as to the form of the training; it is expected that the training provided by a large service with high risk for a number of kinds of content harmful to children will need to be longer and more detailed compared to that of a small service with medium risk for two kinds of content harmful to children.

Section 3(4A)(e) & (f) The desirability of promoting the use by providers of regulated services of technologies which are designed to reduce the risk of harm to citizens presented by content on regulated services; and the extent to which providers demonstrate, in a way that is transparent and accountable, that they are complying with their duties.

- 21.28 Having had regard to the desirability of promoting the use of technologies which are designed to reduce the risk of harm to users presented by content on regulated services and to the seriousness of the harms concerned, we have decided to not recommend in the Codes the use of any specific technologies at this time. This is to allow services flexibility to implement measures in a way that is cost-effective and proportionate to the circumstances of the services and to enable outcome based approaches.
- 21.29 For example, Content Moderation measures PCU C1 and PCU C2 and Search Moderation measures PCS C1 and PCS C2 do not recommend that providers use specific kinds of proactive technology to detect any particular categories of harmful content. We are currently reviewing evidence on the use of automated tools to proactively detect content harmful to children, which we intend to consult on in the coming months. The measures for Content Moderation for user-to-user services and Search Moderation (see Section 14 and Section 15) allow for service providers to use a combination of automated tools and human review to moderate content.

- 21.30 In the Part 3 HEAA Guidance we set out a non-exhaustive list of age assurance methods that are capable of being highly effective, giving providers flexibility as to the method(s) they implement, provided that their overall age assurance process meets our four criteria.

Section 3(4): Ofcom must also have regard, in performing those duties, to such of the following as appear to them to be relevant in the circumstances [...] (b) the desirability of promoting competition in relevant markets, (d) the desirability of encouraging investment and innovation in relevant markets; (h) the vulnerability of children and of others whose circumstances appear to Ofcom to put them in need of special protection; (i) the needs of persons with disabilities, of the elderly and of those on low incomes; (j) the desirability of preventing crime and disorder; (k) the opinions of consumers in relevant markets and of members of the public generally; (l) and the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and urban areas.

- 21.31 Section 3(4) of the 2003 Act sets out other matters to which Ofcom must, to the extent they appear to Ofcom relevant in the circumstances, have regard, in performing its duties.
- 21.32 Where appropriate, in developing the measures, we have had regard to the desirability of promoting competition and encouraging investment and innovation. In the discussion of the Codes framework (Section 10) we consider stakeholder responses to our May 2024 Consultation on Protecting Children from Harms Online (our May 2024 Consultation) regarding the impact of measures on competition and innovation. We have considered how measures with a significant fixed cost of implementation could materially impact on the feasibility of new entrants to the market. This influenced the approach we took to which measures should apply to which types and sizes of service.
- 21.33 For example, in respect of the search features, functionalities and user support measures (Section 19), we decided that measures should only apply to large general search services, taking into account that costs could be substantial for smaller services and not proportionate.
- 21.34 Similarly, the User Support measures (for user-to-user services) for blocking and muting other users' accounts and disabling comments have been updated further to consultation to change their application to services that are high risk for relevant harms and services with over 700,000 users that are medium risk for relevant harms. Having considered responses we decided that these measures could result in significant direct and indirect costs for service providers in scope. We have therefore changed the services in scope of these measures to avoid disproportionate impacts on some small services, which could otherwise have negative implications for competition and innovation.
- 21.35 We have received stakeholder feedback on some measures that our approach will cause user drop off and may in some cases cause services to leave the UK market. We respond to this feedback in our impact assessment of the individual measure sections in this statement and in Codes framework (Section 10).
- 21.36 As set out above, we have considered the interests of consumers in relevant markets as part of our impact assessments of the measures, including any indirect impacts on consumers in cases where the measures could affect competition, investment and innovation in respect of the online services that they use.
- 21.37 We consulted on our equality impact assessments and Welsh language assessments and have published our final assessments at Annex 5. These assess the impact of the Codes on

persons who may be vulnerable, including children and others whose circumstances appear to put them in need of special protection. Our equality impact assessment also has regard to the impact of the Codes on persons with disabilities, the elderly, those on low incomes and the different interests of persons in different parts of the UK, different ethnic communities within the UK and persons living in rural and urban areas. This includes consideration of the impact of the Codes on opportunities to use the Welsh language and it being treated no less favourably than the English language.

## Appropriateness and principles

21.38 As required by paragraph 1 of Schedule 4 to the Act, Ofcom has considered the appropriateness of provisions of the Codes of Practice to different kinds and sizes of Part 3 services and to providers of differing sizes and capacities and we have set out our reasons for applying some Codes recommendations to services of different kinds, sizes and capacities.<sup>2044</sup>

21.39 We have had regard to the principles in Schedule 4, as follows:

Paragraph 2(a): providers of Part 3 services must be able to understand which provisions of the code of practice apply in relation to a particular service they provide.<sup>2045</sup>

21.40 Ofcom has clearly identified in the Codes which measures apply to what types and sizes of services, for the reasons given in each relevant section of this statement.

Paragraph 2(b): the measures described in the code of practice must be sufficiently clear, and at a sufficiently detailed level, that providers understand what those measures entail in practice.<sup>2046</sup>

21.41 Having regard to the need for it to be clear to providers of regulated services how they may comply with their duties, Ofcom has aimed to be as clear as possible and to include an appropriate level of detail in the Codes, consistent with acting proportionately.

21.42 In response to our May 2024 Consultation, some stakeholders said that the measures should be more prescriptive and asked for further clarification and detail. Others called for us to allow providers greater flexibility to tailor measures to their own circumstances and services. In response to stakeholder feedback, we have clarified the wording of some measures which we discuss in detail in the relevant sections of this volume. We respond to feedback on our approach to the ‘safe harbour’ and calls for greater flexibility in Overview of Codes (Section 9).

21.43 We have sought to be sufficiently detailed and precise while ensuring the Codes are technically feasible and proportionate for the wide range of services in scope of the Act. Our approach to the Codes strikes the balance between providing certainty about what providers need to do and allowing them flexibility to implement measures in a way that works in the context of their own services and is proportionate.

Paragraph 2(c): the measures described in the code of practice must be proportionate and technically feasible: measures that are proportionate or technically feasible for providers of a

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<sup>2044</sup> See also section 3(4A)(d) of the 2003 Act.

<sup>2045</sup> See also section 3(4A)(c) of the 2003 Act.

<sup>2046</sup> See also section 3(4A)(c) of the 2003 Act.

certain size or capacity, or for services of a certain kind or size, may not be proportionate or technically feasible for providers of a different size or capacity or for services of a different kind or size;

- 21.44 We have clearly identified in the Codes which measures apply to what types and sizes of services, for the reasons given in each relevant section of the statement. We have considered proportionality and technical feasibility, where appropriate, as part of our assessment of impacts across this statement. See in particular the sub-sections 'Impact on service providers' in Sections 11-19 which set out the impact on service providers of each of the measures we recommend, and Section 20 which discusses the combined impact on providers of the Codes as a whole.
- 21.45 We have taken into account evidence of current practice by user-to-user and search service providers who are already taking steps that are similar or related to measures that we recommend. We consider effectiveness, costs, rights impacts, and other relevant factors in our assessment of proportionality. We recommend the more demanding measures for services that pose greater risk of harm to children, even if they are smaller services. At the same time, certain measures are recommended for large services only, taking into account the capacity of smaller services to implement and the effectiveness of certain measures in the context of smaller or large services respectively. For further detail on our approach for which measures apply to what services, please see Section 10 and Section 20.
- 21.46 As set out regarding our obligations under section 3(4A)(e) and (f) of the 2003 Act above, having regard to the technical feasibility and proportionality of implementing measures, we have decided to not recommend the use of any specific technologies in the Codes at this time. This is to allow flexibility in implementation in a way that is cost-effective and proportionate to the circumstances of the services and to enable outcome based approaches.
- 21.47 We received stakeholder feedback on who the measures apply to. Some stakeholders called for more measures to apply to more services while others noted that this could be disproportionate and expressed concerns about the impact of regulation on small services. We address this in Section 10 and Section 20.

Paragraph 2(d): the measures described in the code of practice that apply in relation to Part 3 services of various kinds and sizes must be proportionate to Ofcom's assessment under section 98 of the risk of harm presented by services of that kind or size.

- 21.48 We have identified the relevant risks of harm that the measures address, and explained why we consider each measure is proportionate in the light of those harms. As required by section 3(4A)(b)(ii) of the 2003 Act, in considering proportionality we have had regard to the severity of the potential harm as well as the level of risk of harm, as identified in the Children's Register (see Volume 2, Section 4). Where appropriate, we have clearly identified in the Codes which measures would apply to what types and sizes of services, for the reasons given in each relevant section of this statement. Overall, the Codes place more demanding expectations on services that pose greater risk of harm to children, even if they are smaller services, because this is where measures have the greatest potential to support safer experiences for children online.
- 21.49 Having regard to the desirability of encouraging investment and innovation in the markets for regulated services and these technologies, our recommendations provide sufficient flexibility for services. Our impact assessment for each measure, as well as our combined

impact assessment, also takes into account the cost to services as we acknowledge additional costs can affect investment and innovation.

## Ofcom's online safety objectives

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### User-to-user services

21.50 As required by paragraph 3 of Schedule 4 to the Act, we have ensured that the recommendations are compatible with the pursuit of the applicable online safety objectives for user-to-user services as set out in this sub-section.

21.51 All the measures in the Codes, in line with paragraph 11 of Schedule 4, relate only to the design or operation of a Part 3 service (a) in the United Kingdom, or (b) as it affects United Kingdom users of the service.

Paragraph 4(a)(i): a service should be designed and operated in such a way that the systems and processes for regulatory compliance and risk management are effective and proportionate to the kind and size of service.

21.52 The Governance and Accountability measures (Section 11) have all been designed to take into account the kind and size of service, with the application of measures adapted as appropriate. For example, measures PCU A1, and PCU A4 only apply to large U2U services (and in the case of PCU A4, where these are also multi-risk). For measures PCU A3, PCU A5, PCU A6 and PCU A7, smaller services will only be within scope if they are multi-risk. Our assessment is that this approach will have material benefits to children's safety without undue impact on smaller services. We therefore consider these measures to be compatible with this objective.

Paragraph 4(a)(ii): a service should be designed and operated in such a way that the systems and processes are appropriate to deal with the number of users of the service and its user base.

21.53 As set out in Section 10, we have considered the size of services in our assessment of whether the application of certain measures is proportionate. In Content Moderation for user-to-user services (Section 14), User Reporting and Complaints (Section 16) and User Support for user-to-user services (Section 18) we have set out the systems and processes measures which we recommend providers should have regard to including the number of users of the service and its user base.

21.54 When designing the Codes, we have sought to balance the benefits to children with the capacity of a provider to implement the measure for its user base (including consideration of the size of that user base). For example in relation to Recommender Systems Measure PCU E3 (enabling children to provide negative feedback), we recognise that there are likely to be substantial costs associated with introducing a user feature to allow users to express negative feedback on content recommended to them and taking this into account in the design and operation of their recommender systems. We do not consider it proportionate to apply this measure to smaller services, as our assessment is that the costs and complexity of this measure are likely to be disproportionate on services with fewer users and consequently lower volumes of content. For such services we have recommended Recommender System measures PCU E1 and PCU E2 which we do consider appropriate even for services with fewer users.

Paragraph 4(a)(iii): a service should be designed and operated in such a way that United Kingdom users (including children) are made aware of, and can understand, the terms of service.

- 21.55 We consider the measures are compatible with this objective. Terms regarding the protection of children should contain all information mandated by the Act (Measure PCU G1) which ensures transparency with users and the public, including how children are to be protected from harmful content, any proactive technology used to safeguard children (what, when and how such technology is used) and details on complaints handling and resolution. These terms should also be clear and accessible (Measure PCU G3), particularly in relation to four key areas: findability (easy to find and clearly signposted), layout and formatting (in a way that helps users understanding), language (comprehensible for the youngest person permitted to use the service without consent), and useability (compatible with assistive technologies that may be required by some children). The terms should be clearly signposted to the public, including to those who do not use or are not signed up for the service.

Paragraph 4(a)(iv): a service should be designed and operated in such a way that there are adequate systems and processes to support United Kingdom users.

- 21.56 In relation to User Reporting and Complaints (Section 16), Recommender Systems on user-to-user services (Section 17) and User Support (Section 18), we consider our recommendations are compatible with this objective. In this statement we typically refer to 'users' rather than 'United Kingdom users' for brevity. For the avoidance of doubt, the measures discussed only apply to UK users of the service as defined in section 227(1) of the Act.
- 21.57 For example, the User Support measures PCU F1, PCU F2 and PCU F3 seek to equip child users with knowledge of the features, functionalities and processes on services that can support their safety. Under these measures user-to-user services should make publicly available user support materials that inform users, including child users, about relevant processes and ensure their comprehensibility to child users. We also have recommended measures to increase users' knowledge of mute, block, report functionalities and content restriction tools, including regarding further action that can be taken by child users to protect themselves from harmful content or interactions when they have used one such tool. In relation to PPC, we have recommended that users be signposted to appropriate support if they post, repost, report or search for such content on a user-to-user service, building safeguarding into the user journey when child users encounter harmful content.
- 21.58 The User Reporting and Complaints Measure PCU D2 recommends that systems and processes should be easy to access and easy to find, helping child users report harmful content to the service provider. Service providers should also design reporting and complaints processes so that child users can understand what they need to do to raise a complaint or report harmful content. Measure PCU D3 recommends users are provided with information about what information will be shared with other users, if at all. This will help build trust and transparency about what happens when a complaint is made, child users in particular were concerned that their complaint would be shared with other users.
- 21.59 Other measures (PCU D4-6) recommend providing information about how long it might take to consider a complaint and what action might be taken if it is upheld.

Paragraph 4(a)(vi): a service should be designed and operated in such a way that the service provides a higher standard of protection for children than for adults.

- 21.60 One of the objectives of the Act is to secure a higher standard of protection online for children than adults.<sup>2047</sup> This objective runs through our policy proposals and our decisions to date, including our December 2024 Statement on Protecting People from Illegal Harms Online (our December 2024 Statement) and our January 2025 Age Assurance and Children's Access Statement (our January 2025 Statement).
- 21.61 As noted at paragraph 21.20, the measures in the Protection of Children Codes are designed to secure a higher level of protection for children than for adults. In particular, some measures are targeted at users who are children through the use of highly effective age assurance, offering them a higher level of protection than adults. This includes Content Moderation measures PCU C1 and C2 and Recommender Systems measures PCU E1 and E2. In addition, some measures recommend that providers either target the measures at users who are children, or apply the measures to all users. This includes the User Support measures.
- 21.62 Under measures PCU B2 and PCU B3, providers of services whose principal purpose is the hosting or dissemination of either PPC or PC should use highly effective age assurance to prevent children from accessing the entire service. Under Measure PCU B4, providers of services that do not prohibit one or more kinds of PPC (or who do prohibit such content but cannot take it down from the service) should use highly effective age assurance to ensure that children are prevented from encountering PPC identified on the service. Under Measure PCU B5, providers of services that do not prohibit one or more kinds of PC for which they are medium or high risk (or who do prohibit such content but cannot take it down from the service) should use highly effective age assurance to target protections for children from identified PC. Under Measures PCU B6 and PCU B7, services that have recommender systems should use highly effective age assurance to ensure that content indicated potentially to be harmful to children is excluded from children's recommender feeds. In contrast, once a user is determined to be an adult, no such restrictions on that kind of content are recommended in the Codes.

Paragraph 4(a)(vii): a service should be designed and operated in such a way that the different needs of children at different ages are taken into account.

- 21.63 Service providers have a duty, as part of their children's risk assessment, to assess their user base, including separate consideration to children in different age groups on the service and assessing how the design and use of the service affects the level of risk of harm to children – see Children's Risk Assessment Guidance at Section 8 in Volume 3. We therefore consider that this objective will be secured in particular via the children's risk assessment duties and the Children's Risk Assessment Guidance. The Children's Register and Children's Risk Profiles include further guidance on the developmental stages of children in different age groups in the context of content harmful to children, to help services consider the risk of harm to children (see Volume 2 Sections 4 and 5).
- 21.64 We also consider our recommendations are compatible with this objective. We have amended the Content Moderation measures (Section 14), and the Recommender Systems measures (Section 17) to recommend that providers should consider the findings of their

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<sup>2047</sup> Section 1(3)(b)(i) of the Act

children's risk assessments regarding risks to children in different age groups as a factor when designing the part of their system relating to the appropriate action to take on PC and NDC.

- 21.65 Where a provider identifies that children in certain age groups are at a greater risk of harm from PC or NDC, we consider it is likely to be appropriate to take stronger moderation actions to minimise the risk of those children encountering PC or NDC.

Paragraph 4(a)(viii): a service should be designed and operated in such a way that there are adequate controls over access to the service by adults.

- 21.66 The measures in the Codes are designed to create safer experiences for children online in line with the children's safety duties under the Act, while preserving the rights of adult users to access legal content. This is consistent with the need for a higher level of protection for children than for adults.<sup>2048</sup> We are therefore not recommending any measures that are designed to control access to user-to-user services by adults. However, the Age Assurance (Section 13) measures described above will also have the effect of ensuring adults are not prevented from accessing, and have a less restricted experience of, user-to-user services.

Paragraph 4(a)(ix): a service should be designed and operated in such a way that there are adequate controls over access to, and use of, the service by children, taking into account use of the service by, and impact on, children in different age groups.

- 21.67 In Section 13 we explain that the recommended Age Assurance measures are compatible with this objective, and how we have taken into account use of the service by, and impact on, children in different age groups. We have also amended the Content Moderation measures (Section 14) and the Recommender Systems measures (Section 17) to recommend that providers should consider children's ages as a factor when designing the part of their system relating to the appropriate action to take on PC and NDC.
- 21.68 For more information on children in different age groups and risks see the Children's Register.

Paragraph 4(b): a service should be designed and operated so as to protect individuals in the United Kingdom who are users of the service from harm, including with regard to:

- algorithms used by the service,
- functionalities of the service, and
- other features relating to the operation of the service.

21.69

- 21.70 All our recommendations seek to protect users, specifically children, from harm. In particular, in relation to Governance and Accountability (Section 11), Age Assurance (Section 13), Content Moderation (Section 14), User Reporting and Complaints (Section 16), User Support (Section 18) and Recommender Systems (Section 17), we consider our recommendations to be compatible with this objective.
- 21.71 For example, the Governance and Accountability measures are integral to ongoing risk management and promote safety by design by embedding children's safety at the heart of

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<sup>2048</sup> Section 3(4A)(b) of the Act.

decision-making processes and allowing providers to adapt to changes that pose risks of harm to children. We have also included measures in User Support (Section 18) to address some of the potential risks around the functionalities that service providers may use, to provide children with options to have greater control over these and recommend that they are signposted to support if they utilise these options. The Recommender Systems measures (Section 17) are intended to address the role that algorithmic systems can play in increasing the risk of users encountering certain types of harmful content. The measures aim to support the responsible monitoring of these systems so that providers can manage these risks.

- 21.72** We have not at this stage consulted on recommending measures relating to paragraph 4(a)(v) – “(in the case of a Category 1 service) users are offered features to increase their control over certain categories of content that they encounter and the users they interact with” – given it is specific to Category 1 services only. We will explore proposed measures for categorised services in greater detail in Phase 3 of Ofcom’s work.

## Search services

- 21.73** As required by paragraph 3 of Schedule 4 to the Act, we have ensured that the recommendations are compatible with the pursuit of the applicable online safety objectives as set out in this sub-section.
- 21.74** All the measures in the Codes, in line with paragraph 11 of Schedule 4, relate only to the design or operation of a Part 3 service (a) in the United Kingdom, or (b) as it affects United Kingdom users of the service.

Paragraph 5(a)(i): a service should be designed and operated in such a way that the systems and processes for regulatory compliance and risk management are effective and proportionate to the kind and size of service.

- 21.75** The Governance and Accountability measures (Section 11) have all been designed to take into account the kind and size of service, with the scope of measures adapted as necessary. For example, measure PCS A1 applies to a large general search service, while PCS A4 applies to large search services that are multi-risk. Large general search services are within scope of measures PCS A3, PCS A5, PCS A6 and PCS A7, whereas smaller services will only be within scope if they are multi-risk. Therefore applying these measures to large search services will have material benefits to children’s safety without undue impact on smaller services. We therefore consider these measures to be compatible with this objective.

Paragraph 5(a)(ii): a service should be designed and operated in such a way that the systems and processes are appropriate to deal with the number of users of the service and its user base.

- 21.76** As set out in Section 10, we have considered the size of services in our assessment of whether the application of certain measures is proportionate. In Search Moderation (Section 15) and Search Features, Functionalities and User Support (Section 19), we have set out a number of measures recommending services use systems and processes to reduce the risk of harm, and in deciding on these, we have sought to balance the benefits to children with the capacity of a provider to implement the measure for its user base (including consideration of the size of that user base).

- 21.77 For example, Measures PCS F1 (reporting and removal of predictive search suggestions) and PCS F3 (provide crisis prevention information in response to search requests about suicide, self-harm and eating disorders) only apply to large general search services. The benefits of applying these measures to large services are likely to be substantial given their large user bases (which may include many children) and that the costs are likely to be proportionate for such services. We have decided not to extend these measures to smaller general search services as the benefits of applying the measures to a service with limited reach are likely to be smaller and could result in substantial costs in some scenarios that would not be proportionate. We consider this to be compatible with this objective.
- 21.78 This reasoning also applies in relation to Governance and Accountability measures PCS A1 and PCS A4, which only apply to large general search services and large search services respectively (and in the case of PCS A4 where the service is multi-risk). We consider these to be compatible with this objective.

Paragraph 5(a)(iii): a service should be designed and operated in such a way that United Kingdom users (including children) are made aware of, and can understand, the publicly available statement referred to in sections 27 and 29.

- 21.79 We consider the measures in Terms of Service and Publicly Available Statements (Section 12) are compatible with this objective. Publicly available statements should contain all information mandated by the Act (Measure PCS G1), which ensures transparency for users and the public, including how children are to be protected from harmful content, any proactive technology used to comply with safety duties, and complaints handling and resolution. Measure PCS G3 sets out that publicly available statements should be clear and accessible, considering factors relating to findability, layout and formatting, language and usability. Publicly available statements should be clearly signposted to the public, including to those who do not use or are not signed up for the service.
- 21.80 In making these recommendations, we have also considered our duty in section 3(4A)(f) of the 2003 Act to have regard to the extent to which providers of regulated services demonstrate, in a way that is transparent and accountable, that they are complying with their duties set out in the Act.

Paragraph 5(a)(iv): a service should be designed and operated in such a way that there are adequate systems and processes to support United Kingdom users.

- 21.81 We consider that the Search Moderation (Section 15) and Search Features, Functionalities and User Support (Section 19) measures are compatible with this objective. In this statement we typically refer to 'users' rather than 'United Kingdom users' for brevity. For the avoidance of doubt, the measures discussed only apply to UK users of the service as defined in section 227(1) of the Act.
- 21.82 Measure PCS F3 recommends that service providers signpost to a helpline offering 24/7 service to all UK users (including children), irrespective of age and geographical location. It also recommends that crisis prevention information be comprehensible and suitable in tone and content for as many United Kingdom users as possible (including children).

Paragraph 5(a)(v): a service should be designed and operated in such a way that the service provides a higher standard of protection for children than for adults.

- 21.83 As noted at paragraph 21.20, the measures in the Protection of Children Codes are designed to secure a higher level of protection for children than for adults.
- 21.84 The Search Moderation measures aim to target moderation actions at child users so far as practicable. Measure PCS C1 recommends that appropriate moderation be taken for all users, other than those determined to be an adult on reasonable grounds. Measure PCS C2 recommends a more restrictive moderation action (filtering) for users the provider has determined to be child users.
- 21.85 We have also recommended in PCS C5 (prioritisation) that providers should consider, when setting a prioritisation policy, the severity of potential harm to child users that may arise if they encounter the search content.

Paragraph 5(a)(vi): a service should be designed and operated in such a way that the different needs of children at different ages are taken into account.

- 21.86 We have amended Search Moderation measure PCS C1 to recommend that providers consider the risk of harm to children in different age groups as a factor when deciding what (if any) action to take on PC and NDC. We suggest that it might be appropriate for providers to consider taking a more protective approach to moderation for children under the age of 16, who evidence suggests may be at greater risk of harm.
- 21.87 User Support measure PCS F1 ensures that providers in scope of the measure should develop age appropriate user support materials for children. The materials should include at least one of the following elements: visual, audio-visual or interactive elements. This is to support children engaging with and understanding the materials.

Paragraph 5(b): a service should be assessed to understand its use by, and impact on, children in different age groups.

- 21.88 Service providers have a duty, as part of their children's risk assessment, to assess their user base, including the number of children in different age groups on the service. Additionally, service providers must assess the impact of the risk of harm to children in different age groups on their services – see Children's Risk Assessment Guidance at Section 8 in Volume 3. We therefore consider that this objective will be secured in particular via the children's risk assessment duties and the Children's Risk Assessment Guidance. The Children's Register and Children's Risk Profiles include further guidance on the developmental stages of children in different age groups in the context of content harmful to children, to help services consider the risk of harm to children (see Volume 2 Sections 4 and 5). We also consider our recommendations, in particular relating to Governance and Accountability (Section 11), are compatible with this objective.

Paragraph 5(c): a search engine should be designed and operated so as to protect individuals in the United Kingdom who are users of the service from harm, including with regard to:

- algorithms used by the search engine,
- functionalities relating to searches (such as a predictive search functionality), and
- the indexing, organisation and presentation of search results

- 21.89 In Governance and Accountability (Section 11), Search Moderation (Section 15) and Search Features, Functionalities and User Support (Section 19) we consider our recommendations to be compatible with this objective. For example, the Governance and Accountability

measures are integral to ongoing risk-management and support a safety-by-design approach by embedding children's safety at the heart of decision-making processes and allowing providers to adapt to changes that pose risks of harm to children.

- 21.90 Additionally, measure PCS F1 in Section 18 on the reporting and removal of predictive search suggestions seeks to address the risk of predictive search functionalities directing children towards harmful content. It does so by recommending that reporting tools for predictive search suggestions are easily accessible. The removal aspect of this measure also protects users by ensuring that any reported predictive search suggestion found to present a risk is not recommended to other users in future.

## Schedule 4 requirements on Content of Codes of Practice: age assurance

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- 21.91 Paragraph 12 of Schedule 4 sets out the requirements of the age assurance measures of the Codes of Practice. Paragraph 12(1) of Schedule 4 to the Act describes the inclusion of age assurance in a code of practice as a measure recommended for the purpose of compliance with any of the duties set out in section 12(2) or (3) or 29(2) or (3) of the Act. It further explains that sub-paragraph (2) sets out some further principles in addition to those in paragraphs 1 and 2 (general principles) and 10(2) (freedom of expression and privacy), which are particularly relevant.

Paragraph 12(2): In deciding whether to recommend the use of age assurance, or which kinds of age assurance to recommend, Ofcom must have regard to the following:

- a) the principle that age assurance should be effective at correctly identifying the age or age-range of users;
- b) relevant standards set out in the latest version of the code of practice under section 123 of the Data Protection Act 2018 (age-appropriate design code);
- c) the need to strike the right balance between (i) the level of risk and the nature, and severity, of potential harm to children which the age assurance is designed to guard against, and (ii) protecting the right of users and (in the case of search services or the search engine of combined services) interested persons to freedom of expression within the law;
- d) the principle that more effective kinds of age assurance should be used to deal with higher levels of risk of harm to children;
- e) the principle that age assurance should be easy to use, including by children of different ages and with different needs;
- f) the principle that age assurance should work effectively for all users regardless of their characteristics or whether they are members of a certain group;
- g) the principle of interoperability between different kinds of age assurance.

- 21.92 In Section 13 Age Assurance, we discuss our measures for user-to-user services regarding age assurance, including how we have had regard to the factors set out in paragraph 12(2)(a) – (2)(g) of Schedule 4 (see above) in developing the policy that has informed the measures and the The Guidance for Part 3 services on highly effective age assurance (Part 3 HEAA Guidance). We reserve the more wide reaching measures to age-gate an entire service (PCU B2 and PCU B3) to those services that have the highest likelihood of children encountering content that is harmful to them, balancing the risk of harm to children and to

users' and interested persons' rights to freedom of expression and to privacy.<sup>2049</sup> The Part 3 HEAA Guidance supports all service providers in understanding whether any age assurance they have in place is highly effective, and supports user-to-user services in understanding how they may implement highly effective age assurance for the purpose of implementing the recommended Age Assurance measures.

## Schedule 4 requirements on Content of Codes of Practice: Content of codes of practice: general

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### User-to-user services

- 21.93 Codes of practice that describe measures recommended for the purpose of compliance with a duty set out in section 12(2) or (3) of the Act (safety duties protecting children) must include measures in each of the areas of a service listed in section 12(8). This provision applies to the extent that inclusion of the measures in question is consistent with:
- Ofcom's duty to consider the appropriateness of provisions of the Code of Practice to different kinds and sizes of Part 3 services and to providers of differing sizes and capacities;
  - the principle that the measures described in the Code of Practice must be proportionate and technically feasible: measures that are proportionate or technically feasible for providers of a certain size or capacity, or for services of a certain kind or size, may not be proportionate or technically feasible for providers of a different size or capacity or for services of a different kind or size; and
  - the principle that the measures described in the Code of Practice that apply in relation to Part 3 services of various kinds and sizes must be proportionate to Ofcom's assessment (under section 98) of the risk of harm presented by services of that kind or size.
- 21.94 We have made recommendations for user-to-user services in each of the areas of a service listed in section 12(8) as follows:
- regulatory compliance and risk management arrangements – see Governance and accountability (Section 11)
  - design of functionalities, algorithms and other features – see User reporting and complaints (Section 16), Recommender systems (Section 17) and User support (Section 18)
  - policies on terms of use – see Terms of service and publicly available statements (Section 12) and Content moderation (Section 14)
  - policies on user access to the service or to particular content present on the service, including blocking users from accessing the service or particular content – see Age assurance (Section 13)
  - content moderation, including taking down content – see Content moderation (Section 14)
  - functionalities allowing users to control the content they encounter – see User support (Section 28) and Recommender systems (Section 17)
  - user support measures – see User support (Section 18)

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<sup>2049</sup> PCU B2 and PCU B3 recommend highly effective age assurance to age gate entire services whose principal purpose is the hosting or dissemination of PPC (PCU B2) and PC (PCU B3).

- staff policies and practices – see Governance and accountability (Section 11), and Content moderation (Section 14).
- 21.95 All of the measures have been assessed for their impact on users’ rights in line with paragraph 10(1)-(3) of Schedule 4 to the Act which requires measures described in a Code of Practice which are recommended for the purpose of compliance with any of the relevant duties, to be designed in the light of the following principles:
- The importance of protecting the rights of users and (in the case of search services or combined services) interested persons to freedom of expression within the law.
  - The importance of protecting the privacy of users.
- 21.96 We considered the rights impacts of each measure, including the rights to freedom of expression and privacy separately in the preceding sections and have explained why we consider they are justified and proportionate. We do not think the analysis is different taking all the measures collectively. Overall, we are satisfied that our recommendations are compatible with human rights.

## Search services

- 21.97 Codes of Practice that describe measures recommended for the purpose of compliance with a duty set out in section 29(2) or (3) of the Act (safety duties protecting children) must include measures in each of the areas of a service listed in section 29(4). This provision applies to the extent that inclusion of the measures in question is consistent with:
- Ofcom’s duty to consider the appropriateness of provisions of the Code of Practice to different kinds and sizes of Part 3 services and to providers of differing sizes and capacities;
  - the principle that the measures described in the Code of Practice must be proportionate and technically feasible; and
  - the principle that the measures described in the Code of Practice that apply in relation to Part 3 services of various kinds and sizes must be proportionate to Ofcom’s assessment (under section 98) of the risk of harm presented by services of that kind or size.
- 21.98 We have made recommendations for search services in the following areas of a service listed in section 29(4) as follows:
- regulatory compliance and risk management arrangements – see Governance and accountability (Section 11)
  - design of functionalities, algorithms and other features relating to the search engine – see User reporting and complaints (Section 16), Search features, functionalities and user support (Section 19 )
  - user support measures – see User support (Section 18) specifically Measure PCS F1, and Search features, functionalities and user support (Section 19)
  - staff policies and practices – see Governance and accountability (Section 11) and Search moderation (Section 15)
- 21.99 Ofcom did not consider it proportionate to recommend measures in relation to one area of a service listed in section 29(4): functionalities allowing users to control the content they encounter in search results. In order to secure adequate protection for children, we decided it would not be appropriate to recommend that the moderation actions set out in the measures in Search moderation (Section 15) be applied for child users in a way that could

be controlled by child users (for example, changed or turned off). We will consider whether it would be proportionate to recommend measures in this area in future iterations.

21.100 All the measures have been assessed for their impact on users' rights in line with paragraph 10(1)-(3) of Schedule 4 to the Act which requires measures described in a code of practice which are recommended for the purpose of compliance with any of the relevant duties, to be designed in the light of the following principles:

- The importance of protecting the rights of users and (in the case of search services or combined services) interested persons to freedom of expression within the law.
- The importance of protecting the privacy of users.

21.101 We considered the rights impacts of each measure including the rights to freedom of expression and privacy separately in the preceding sections and have explained why we consider they are justified and proportionate. We do not think the analysis is different taking all the measures collectively. Overall, we are satisfied that our recommendations are compatible with human rights.