

# Summary of each section

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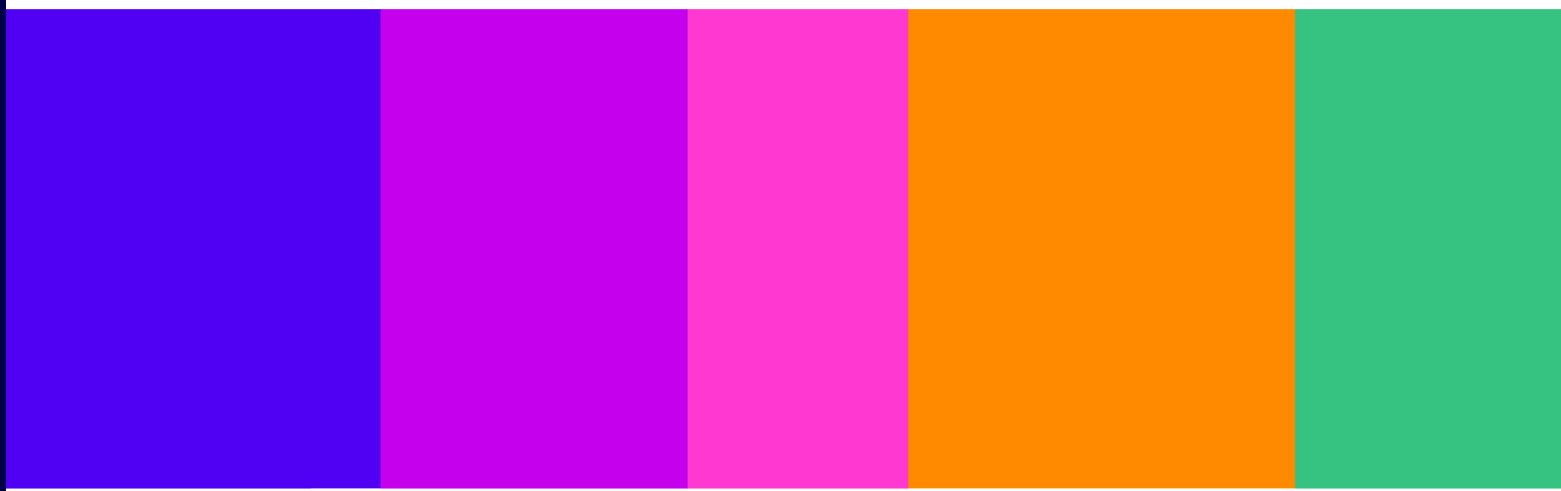
**Giving users more choice, control and trust in their online experience**  
Additional duties for Category 1 services

## Consultation

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For more information on this publication, please visit [ofcom.org.uk](https://www.ofcom.org.uk)



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# 1. Overview

- 1.1 This document sets out a summary of each section of our consultation on the additional duties that apply to providers of Category 1 services. It is intended to help stakeholders navigate and engage with our consultation, and so gives a general overview of our proposals and feedback we want.
- 1.2 We have produced a [high level overview](#) for this consultation. The full detail of our proposals and the underlying rationale are set out in the full document.
- 1.3 You can find out more about how to respond to our consultation in [Annexes 1-5](#). This consultation closes on **2 October 2026**.

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# 2. Volume 1: Introduction and approach

## 1. Introduction to this consultation

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### About this section

This consultation is part of the third phase of Ofcom’s implementation of the Online Safety Act 2023, which focuses on bringing greater transparency, accountability and user choice to some of the most widely used online services in the UK. These services are known as ‘Category 1 services’, and have additional duties relating to user empowerment, user identity verification, news publisher content, journalistic content, content of democratic importance, terms of service, complaints, and freedom of expression and privacy impact assessments.

This introduction sets out the background to these duties and the scope of the consultation. It also provides an overview of Ofcom’s role and duties, including how we have considered human rights, economic growth and equality in our impact assessments.

### What input we would like

- Do you have any comments on our equality impact assessment and Welsh language assessment set out at Annex 1?

## 2. Our approach to the additional duties

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### About this section

These duties look to embed enhanced levels of choice, control and trust in users’ online experiences.

In this section we set out the desired outcomes in implementing the duties, in line with the objectives in the Act. These are that:

- users have greater choice and control over their online experience,
- there are appropriate safeguards to support free expression and open debate, and
- providers are consistent and accountable to their users.

All Category 1 service providers will need to take action to achieve these. We have looked to embed flexibility in our proposed approach so providers can implement our proposals in an effective and proportionate way to secure these outcomes.

This section also sets out our framework for developing the Additional Duties Code.

### What input we would like

- Do you have any comments on our overarching approach to implementing the Category 1 services additional duties, including the guiding principles for our approach, and framework for the Additional Duties Code?
- Do you have any comments on our combined impact assessment at Annex 6?

# 3. Volume 2: User empowerment and user identity verification

## 3. Introduction to volume 2

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### About this volume

This volume sets out our provisional recommendations relating to the user empowerment and user identity verification duties in the Online Safety Act 2023 (the Act).

These duties are about giving adult users of Category 1 services greater choice and control over the content they see and the people they interact with. This is one of the key online safety objectives set out in the Act.

Specifically, these duties require Category 1 service providers to assess the likelihood of adult users encountering certain types of content on their service, and offer them features and tools to control their exposure to this content. The relevant kinds of content are: content promoting suicide or self-harm, content promoting eating disorders, abusive content, and content inciting hatred on their service. The duties also require providers to give adult users the option to both verify their identity to the service, and to filter out non-verified users of that service. These duties do not mean that providers should require users to use these features, but rather offer users the choice to do so.

We are consulting on the following draft Code measures and guidance:

- guidance on categories of content relevant for the user empowerment duties,
- guidance on providers' duty to assess the likelihood of adult users encountering relevant content,
- a code of practice with measures to help providers comply with their duties to offer users tools and features to control their exposure to relevant content and non-verified users, and
- guidance on providers' duties to offer optional user identity verification.

This introduction section provides a high-level overview of the relevant duties and our approach to implementing them. It also explains how to navigate this volume.

## 4. Guidance on Relevant Content

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### Our proposals

The user empowerment duties in the Act require providers to offer their adult users more options to manage their exposure to 'relevant content', which is defined in the Act as: content promoting suicide or self-harm; content promoting eating disorders; abusive content; and content inciting hatred on their service.

Ofcom is required to produce guidance for providers relating to this content, for the purposes of these duties in the Act. This draft guidance provides further explanation on what

content amounts to relevant content. This guidance will help service providers identify relevant content accurately.

Our proposed approach to this draft guidance is similar to the Guidance on Content Harmful to Children. This is to promote regulatory consistency and coherence, given that the categories of relevant content are the same as those in scope of the protection of children duties. We have however included additional evidence in this draft Guidance on Relevant Content which is specifically relevant for adult users.

### What input we would like

- Do you agree with our proposed approach to explain the content categories the same way as the categories in the Guidance for Content Harmful to Children? Please provide supporting reasoning and evidence for your views.
- Do you have any further comments on the draft Guidance on Relevant Content, published as part of this consultation (including on our assessment on the causes and impacts of relevant content, specificity of examples, and inclusion of contextual information)?
- Do you have any evidence to support our draft Guidance on Relevant Content?

## 5. User Empowerment Assessment Guidance

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### Our proposals

The Act requires Ofcom to provide guidance to help providers conduct a suitable and sufficient assessment of the likelihood of adult users encountering relevant content on their service. This will enable providers to have a good understanding of how adult users might encounter relevant content on their service, and therefore what tools and features they should offer on their service so that users can better manage their exposure to this content. Providers' assessments will also determine which of the draft User Empowerment Code measures apply to their service.

We propose that providers use the following four-step process to make this assessment:

- **Step 1 – Understand what content needs to be assessed.** We recommend that providers consult the Guidance on Relevant Content. Providers may also find it useful to consider the Illegal Content Risk Assessment Guidance, the Children's Risk Assessment Guidance, and the Children's Register of Risks.
- **Step 2 – Assess the likelihood of adult users encountering relevant content and assign a likelihood level.** Providers should assess the likelihood of adult users encountering this content on their service using our guidance. We recommend that providers consider the incidence of each category of relevant content on their service, the way the service is used, whether the service possesses risk factors which could increase the likelihood of encounters with this content and consider the effectiveness of the existing controls.
- **Step 3 – Decide measures to offer to adult users based on the likelihood level and record the outcomes of the assessment.** Once providers have assessed how likely users are to encounter relevant content, they should consult the Additional Duties Code to identify which measures to take to meet their duties to offer users features to increase their control over their exposure to such content.

- **Step 4 – Report on measures, review process and update accordingly.** This step ensures that the assessment stays up to date and effective.

Our proposed guidance also sets out how providers' assessments should consider the likelihood of adult users encountering relevant content which particularly affects them, such as vulnerable users, in line with the requirements in the Act.

The proposed approach to this draft guidance is broadly consistent with the Illegal Content and the Children's Risk Assessment Guidance, while ensuring that each piece of guidance reflects the relevant duties in the Act. We consider this supports regulatory consistency and coherence across the online safety regime, thus enabling compliance.

This draft guidance should be read in conjunction with the Guidance on Relevant Content.

### What input we would like

- Do you agree with our proposed approach for the draft User Empowerment Assessment Guidance? In particular, do you agree with our proposal to align our guidance with the Illegal Content and Children's Risk Assessment Guidance? Please provide any supporting reasoning and evidence for your comments.
- Do you have any further comments on the draft User Empowerment Assessment Guidance, published as part of this consultation?

## 6. Proposed approach to the user empowerment Code measures

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### About the user empowerment Code measures

The user empowerment duties in the Act require providers to offer features that help adult users control what relevant content they see and who they can interact with on their service.

Ofcom is required to recommend Code measures that providers can adopt to comply with these duties. Our proposed user empowerment Code measures aim to empower all adults, including vulnerable users, to better tailor their online experience.

We are proposing eight measures, which are set out in the next four sections of this volume:

- An easy to access and default settings measure,
- content-specific measures,
- content-agnostic measures, and
- A filter tool measure.

This section provides an overview of the relevant duties and our proposed high-level approach for the user empowerment Code measures. It explains our proposal to apply measures based on the providers' assessment of the likelihood of users' encountering relevant content on their service, and whether providers prohibit relevant content in their terms of service. It also sets out how we have sought to embed flexibility and alignment with the wider online safety regulatory framework, where relevant and appropriate.

## 7. Default control feature settings and accessibility

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### Our proposals

The Act requires providers to offer tools that adults can use to increase their control over relevant content. Providers must make sure these features are easy to access. They must also let adult users decide, for each of these tools, whether to keep the default setting or change it. The Act says that all adult users must be given the chance to decide this at the earliest opportunity.

Ofcom is required to recommend Code measures that providers can adopt to comply with these duties.

We propose to include the following measure in the Additional Duties Code:

| Measure number | Proposed measure   |
|----------------|--|
| ADU A1         | A measure to give all registered users the chance at the earliest possible opportunity to retain or change <b>the default settings</b> for each control feature offered, and that control features are <b>easy to access</b> . |

This measure replicates the statutory requirements in the Act relating to control features being easy to access and to default settings. For default settings, we recommend that users should be given the option to retain or change the default setting when they first encounter a control feature, and for as long as they have not yet made a decision on default settings. The default settings part of the measure would apply to all proposed features, except the content determination and reporting measures explained in section 8. We also propose to recommend that all of the proposed features except for the content determination measure are easy to access.

### What input we would like

- Do you agree with the proposed easy to access and defaults measure? Please provide supporting reasoning and evidence for your views.

## 8. Content-specific code measures

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### Our proposals

The user empowerment duties in the Act specify that providers must offer features that adult users can use to either reduce their likelihood of encountering relevant content, or be alerted to the presence of that content.

Ofcom is required to recommend Code measures that providers can adopt to comply with these duties.

This section sets out our proposed user empowerment Code measures which target, or aid the targeting of, content that a provider has determined to be relevant content. We refer to these as 'content-specific' measures.

The measures we propose are:

| Measure number | Proposed measure  |
|----------------|---|
| ADU A2         | <b>A content determination measure</b> in which we propose that providers have systems and processes in place to determine whether content is one or more of the following kinds of relevant content: suicide or self-harm content, eating disorder content, and abuse and hate content |
| ADU A3         | A measure to <b>give all adult users the choice not to encounter one or more categories of relevant content</b>   |
| ADU A4         | A measure to <b>give all adult users the choice to be alerted to the presence one or more categories of relevant content</b>  |
| ADU A5         | A measure to give all adult users the ability to <b>report suspected relevant content</b>   |

We propose that these measures should apply to all Category 1 service providers where users have a more than negligible likelihood of encountering relevant content on the service, unless the providers prohibit all relevant content in their terms of service.

The proposed content determination measure aims to support the ‘not encountering’ and ‘alerting’ measures to work effectively. For these two proposed measures, providers could for example give users the option to not see relevant content in their feed, or have a warning or blur applied to that content. Our proposed reporting measure would enable users to report relevant content to the provider.

We have taken a flexible approach to designing these proposed measures, so providers are able to implement them in a way that fits the way their service operates and will be most effective for their users.

### What input we would like

- Do you agree with the inclusion of these four proposed content-specific measures: (1) content determination, (2) not encountering, (3) alerting, and (4) reporting? Please provide supporting reasoning and evidence for your views.
- Do you agree that, for the purposes of these content-specific measures, providers should apply the measures to the following three categories of relevant content: (i) suicide and self-harm content (ii) eating disorder content, and (iii) hate and abuse content? Please provide supporting reasoning and evidence for your views.
- Do you agree with the flexibility we are offering providers over the technical actions in how they meet the not encountering and alerting measures? Please provide supporting reasoning and evidence for your views.

## 9. Content-agnostic code measures

### Our proposals

The proposed user empowerment Code measures in the previous section are largely targeted at content that a provider has determined to be relevant content, or that a user reports as such. However, we know that in some cases, providers' systems and processes are not able to capture all relevant content and some can remain on the service.

We are therefore also proposing the following measures, which aim to ensure adult users still have options to manage their exposure to relevant content where it has not been determined as such by the provider. We refer to these as 'content-agnostic measures'.

These proposed measures complement the content-specific measures by empowering users with additional options to control their exposure to relevant content.

| Measure number | Proposed measure   |
|----------------|--|
| ADU A6         | A measure to give all registered adult users the option to: <ul style="list-style-type: none"><li>• <b>block</b> individual user accounts on the service,</li><li>• block all unconnected user accounts (<b>global blocking</b>) on the service, and</li><li>• <b>mute</b> individual user accounts on the service</li></ul> |
| ADU A7         | A measure to give all registered adult users the option to <b>disable comments</b> on their own posts  |

We propose these content-agnostic measures would apply to all Category 1 services with a more than a negligible likelihood of users encountering relevant content, even if the provider prohibits all categories of relevant content on the service.

Our proposed content-agnostic measures also closely align with existing user controls measures in our Illegal Content and Protection of Children Codes of Practice to ensure regulatory consistency

### What input we would like

- Do you agree with the inclusion of these two proposed measures: (1) blocking/muting, and (2) disabling comments? Please provide supporting reasoning and evidence for your views.

## 10. Filtering out non-verified users

### Our proposals

Providers have a duty under the Act to offer a filter tool to all adult users on their service that, when applied:

- prevents non-verified users from interacting with the content of filter tool users; and

- reduces the likelihood of filter tool users from encountering the content of non-verified users.

We have taken a flexible approach to designing this proposed measure, which would allow providers to determine which functionalities the filter tool would apply to. We are proposing two objectives that providers should consider in implementing the measure.

| Measure number | Proposed measure   |
|----------------|--|
| ADU A8         | <p>A provider should offer users a filter tool that achieves the outcomes specified in the Act. A provider should consider the following objectives in deciding how it implements the filter tool:</p> <ul style="list-style-type: none"> <li>• <b>Objective 1:</b> The filter tool should apply to functionalities or parts of the service where doing so would benefit users, in particular by improving user safety</li> <li>• <b>Objective 2:</b> The filter tool should not apply to a functionality or part of the service in a way that would materially interfere with the core offering of the service</li> </ul> |

This proposed measure applies to all providers of Category 1 services, in line with the requirements in the Act. Our proposed flexible and objectives-led approach aims to ensure that all providers can implement this proposed measure in a way that is effective and proportionate. The two proposed objectives look to ensure that providers implement the measure in a way that advances benefits to users (including improving user safety), as well as avoiding undue disruption to how services operate and undue interference with user rights. We consider that providers are best placed to decide which functionalities to apply the filter tool to, in order to achieve these objectives.

#### What input we would like

- Do you agree with our approach to the proposed filter tool measure? Please provide supporting reasoning and evidence for your views.
- Do you agree with the proposed objectives that providers should meet in determining which functionalities to apply the filter tool to? Please provide supporting reasoning and evidence for your views.

## 11. User identity verification

### Our proposals

Category 1 service providers have a duty under the Act to offer adult users the option to verify their identity on the service. This duty does not require any user to verify their identity to use a service, only that providers offer users the option to do so.

We are required under the Act to produce guidance to help providers comply with their duties relating to optional user identity verification. This section sets out our proposed approach to this guidance.

The identity verification duties in the Act arose from concerns that anonymity fuels online abuse. Evidence shows that being able to create anonymous or fake user profiles or having anonymous users is a risk factor for a range of illegal harms. Giving users the opportunity to verify and allowing users the opportunity to filter out non-verified users could go some way to mitigating these risks.

We have proposed a flexible approach for providers in designing their verification scheme, since the purpose(s) for identity verification scheme and what may be appropriate will differ between the range of Category 1 providers.

We are proposing that providers design, operate and communicate their identity verification schemes in line with four principles:

- **Relevance:** the attributes being checked are relevant to the purpose(s) of the verification scheme.
- **Reliability:** the identity verification offered is reliable, so that providers can have confidence that users actually have the attributes they claim to have, and users have confidence in the process.
- **Inclusivity:** the identity verification process is inclusive, so that no adult user is unduly excluded from being able to verify.
- **Clarity:** the process is clear, so that users understand what identity verification means in practice on the service.

We consider these principles strike the right balance between the scheme meeting its purpose, users having confidence in it and understanding the process, and making sure users are not unduly excluded from being able to verify. They also look to mitigate risks from poorly operated schemes

### What input we would like

- Do you agree with our proposed approach to the draft User Identity Verification Guidance? Please provide supporting reasoning and evidence for your views. In particular:
  - > Do you agree with our definitions relating to identity verification? Please provide supporting reasoning and evidence for your views.
  - > Do you agree that the identity verification offered by providers should be consistent with the proposed four principles? Please provide supporting reasoning and evidence for your views.
- Do you have any further comments on the draft User Identity Verification Guidance, published as part of this consultation?

# 4. Volume 3: News publisher content, journalistic content and content of democratic importance, and freedom of expression and privacy impact assessments

## 12. Introduction to volume 3

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### About this volume

This volume sets out our proposals for how providers should meet the duties under the Act to implement greater protections for news publisher content, journalistic content and content of democratic importance. It also sets out our approach to how providers can meet their duties to conduct and publish assessments of the impact of safety measures on freedom of expression and privacy, which includes assessing impacts on the availability and treatment of news publisher and journalistic content.

These duties recognise the influential role that online services play in disseminating news and political content in the UK and aim to uphold free expression of this content, while defending the essential role of a free press in our society. Our proposals look to ensure that providers do not unduly or arbitrarily restrict access to this content, so users can more freely create, share and access content that supports open debate and a democratic society.

We are consulting on the following draft Code measures and guidance:

- guidance on providers' duties relating to news publisher content,
- a code of practice with measures providers can adopt to comply with their duties to relating to journalistic content and content of democratic importance,
- guidance on the factors that may indicate whether content is journalistic content or content of democratic importance, and
- guidance to help providers comply with their duties in relation to freedom of expression and privacy impact assessments.

In this introductory section, we set out our proposals for implementing these duties and explain how these duties interact with each other and other parts of the Act.

## 13. News Publisher Content Guidance

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### Our proposals

The Act requires providers to protect news publisher content on Category 1 services. News publisher content is defined in the Act as any content generated directly by a recognised

news publisher, or content generated by a recognised news publisher that has been re-uploaded or shared by another user.

Providers must not take action against news publisher content or a recognised news publisher without first notifying the recognised news publisher and giving them the opportunity to make representations, with exceptions in certain circumstances.

Ofcom is required to produce guidance to support providers in complying with their duties in relation to news publisher content. Our draft guidance sets out:

- how providers can determine which users are recognised news publishers by putting in place a process for recognised news publishers to identify their presence on a service;
- how providers can identify news publisher content, both generated directly by recognised news publishers and shared by other users;
- what constitutes ‘taking action’ towards news publisher content or recognised news publishers, and
- what the notification process entails, including the information the notification must include, and the factors providers should consider when setting timeframes.

#### What input we would like

- Do you agree with our proposed approach to the draft News Publisher Content Guidance? Please provide your reasoning and any supporting evidence. In particular:
  - > Do you agree with the proposed technical approaches for identifying recognised news publishers and news publisher content? Are you aware of alternative methods that have not been explored in the draft guidance?
  - > Are you aware of any technical means of identifying news publisher content when it is uploaded to or shared on a service by users who are not themselves recognised news publishers?
  - > Are there any additional factors you consider providers should take into account when setting or applying relevant timeframes?
- Do you have any further comments on the draft News Publisher Content Guidance, published as part of this consultation?

## 14. Journalistic content and content of democratic importance

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### Our proposals

The Act places duties on providers to use proportionate systems and processes to take into account the importance of the free expression of journalistic content and content of democratic importance when making moderation decisions. It also requires providers to provide a dedicated and expedited complaints procedure for journalistic content, and to ensure the systems and processes regarding content of democratic importance apply consistently across a wide diversity of political opinion.

These duties do not prevent providers from taking any action against journalistic content or content of democratic importance. They do, however, require providers to consider the importance of free expression when taking action, to ensure that this content is not unduly restricted.

Ofcom is required to recommend Code measures that providers can adopt to comply with these duties. We propose the following seven measures.

| Measure number | Proposed measure   |
|----------------|--|
| ADU B1         | A provider should <b>specify in their internal content policies</b> how they will take into account the importance of the free expression of journalistic content and content of democratic importance when making decisions about how to treat these types of content   |
| ADU B2         | A provider should <b>specify in their internal user sanctions policies</b> how they will take into account the importance of the free expression of journalistic content and content of democratic importance when making decisions about whether to sanction users generating, uploading or sharing journalistic content or content of democratic importance                    |
| ADU B3         | A provider should <b>give individuals working in content moderation training and materials</b> on how to take into account the importance of the free expression of journalistic content and content of democratic importance when making moderation decisions and decisions about whether to apply a sanction to a user generating, uploading or sharing these types of content |
| ADU B4         | A provider should give <b>volunteers in content moderation materials</b> on how to take into account the importance of the free expression of journalistic content and content of democratic importance when making moderation decisions and decisions about whether to apply a sanction to a user generating, uploading or sharing these types of content                       |
| ADU B5         | A provider should <b>train staff who are involved in the design and operational management of a service</b> in its approach to compliance with the duties to protect journalistic content and content of democratic importance   |
| ADU B6         | A provider should <b>have a dedicated and expedited complaints procedure for journalistic content</b>  |
| ADU B7         | A provider should <b>review upheld appeals relating to content of democratic importance and check for patterns or significant evidence</b> of failure to apply their policies consistently across a wide diversity of political opinion  |

These measures apply to all providers of Category 1 services. We consider the proposed measures are sufficiently flexible for all providers to implement them in a proportionate and effective way, including providers with little journalistic content and content of democratic importance present on their services.

We have also produced draft guidance on the factors that may indicate whether content is journalistic content or content of democratic importance, which providers can use to help them determine whether content falls into these categories. These factors are: the subject

matter of the content; the purpose of the content; who the content was generated, uploaded or shared by; and where the content appears on the service.

#### **What input we would like**

- Do you agree the inclusion of these seven proposed measures: (1) internal content policies (2) user sanctions policies (3) training for individuals working in content moderation (4) materials for volunteers in content moderation (5) compliance training for operational staff (6) dedicated and expedited complaints for journalistic content (7) review of upheld complaints for content of democratic importance? Please provide supporting reasoning and evidence for your views.
- Do you agree with our approach to the draft Indicative Factors Guidance? Please provide supporting reasoning and evidence for your views.

## **15. Freedom of expression and privacy impact assessments**

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#### **Our proposals**

The Act places additional duties on Category 1 service providers in relation to freedom of expression and privacy, which require providers to carry out, update and publish assessments on the impact of safety measures and policies on freedom of expression and privacy.

This section sets out our approach to the draft guidance which is intended to help providers comply with these duties. Our draft guidance sets out a high-level framework that providers can draw on when conducting their impact assessments, and guidance on what providers should publish. This includes:

- setting out a recommended four-step process that providers may adopt to carry out impact assessments that are structured, evidence based and clearly documented;
- providing guidance on updating impact assessments and keeping them under review;
- providing guidance on how providers can factor in impacts on the treatment and availability of news publisher content or journalistic content;
- providing guidance on what providers are required to publish to comply with the obligations to publish impact assessments and the publicly available statement; and
- how providers can make those publications clear and accessible.

#### **What input we would like**

- Do you agree with our approach to the draft Freedom of Expression and Privacy Impact Assessment Guidance? Do you have any suggestions as to what further information might usefully be included in the guidance? Please provide supporting reasoning and evidence for your views.

# 5. Volume 4: Terms of service and complaints

## 16. Introduction to volume 4

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### About this volume

Terms of service typically lay out the rights and responsibilities that a service provider and the users of their service have towards one another. They usually contain information about how a service functions, including who is allowed to use the service, what rules are in place for users accessing the service and what actions a provider may take to enforce these rules to uphold the terms of service and protect users from harm.

Complaints procedures are important mechanisms for providers to become aware of concerns from users about a service. They help to make providers aware of problems on a service, specifically any failures to comply with their obligations under the Act or shortcomings in the operation and enforcement of a service's terms.

Category 1 service providers will be subject to additional duties to be more transparent, consistent and accountable to their users in relation to the rules set out in their terms of service. They must also offer complaints procedures that enable users of these services to raise complaints about how the providers are carrying out their duties.

In this volume, we set our approach to the draft Terms of Service Guidance and Code measures relating to terms of service and complaints. Our proposed Code measures and guidance look to help providers comply with their additional duties in respect of terms of service and complaints procedures.

## 17. Terms of service Code measures

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### Our proposals

The Act requires providers to include certain provisions in their terms of service regarding their user empowerment, journalistic content, content of democratic importance and complaints duties.

Providers must ensure that the majority of these provisions are clear and accessible, and provisions in relation to journalistic content and content of democratic importance must be applied consistently.

Ofcom is required to recommend Code measures that providers can adopt to comply with these duties. We propose the following two measures.

| Measure number | Proposed measure |
|----------------|------------------|
|----------------|------------------|

|               |   |
|---------------|---|
| <b>ADU D1</b> | A provider <b>should include certain provisions in their terms of service</b> regarding their user empowerment, content of democratic importance, journalistic content and complaints. Provisions in relation to journalistic content and content of democratic importance must be applied consistently |
| <b>ADU D2</b> | A provider should ensure certain terms of service are <b>clear and accessible</b> by considering: findability, layout and formatting, language and usability  |

These two proposed measures will help to ensure that provisions regarding important policies and procedures are covered in the providers' terms of service, are explained in a clear and accessible way and are applied consistently. This would improve transparency for users, and accountability on the part of service providers.

These measures apply to all providers. These two proposed measures also closely align with existing terms of service measures in our Illegal Content Codes of Practice and Protection of Children Codes of Practice, as well as our draft Terms of Service Guidance.

#### What input we would like

- Do you agree with the inclusion of these two proposed measures on: (1) substance and (2) clear and accessible terms of service. Please provide supporting reasoning and evidence for your views.

## 18. Complaints Code measures

### Our proposals

The Act requires providers of Category 1 services to operate a complaints procedure that lets users and affected persons submit complaints where they believe that a provider is not complying with the following additional category 1 duties:

- user empowerment,
- content of democratic importance,
- news publisher content,
- journalistic content, and
- freedom of expression and privacy.

These additional complaints routes must be easy to use, accessible and transparent.

Ofcom is required to recommend Code measures that providers can adopt to comply with these duties. We propose the following three measures.

| Measure number | Proposed measure   |
|----------------|--|
| <b>ADU C1</b>  | A provider should have systems and processes in place which <b>enable users and affected persons to make complaints</b> about non-compliance |

|               |  |
|---------------|--|
|               | with certain duties in a way which allows the provider to take appropriate action                                    |
| <b>ADU C2</b> | A provider should have <b>complaints systems and processes</b> that are easy to find, easy to access and easy to use |
| <b>ADU C3</b> | A provider should take <b>appropriate action for complaints</b> about non-compliance with certain duties             |

Enabling users to make certain types of complaints can help to ensure that providers are accountable to users, and treat users fairly.

These measures apply to all categorised services. They are closely aligned with equivalent complaints measures in the Illegal Content Codes and Protection of Children Codes, as well as the recommendations on complaints procedures in our draft Terms of Service Guidance.

### What input we would like

- Do you agree with the inclusion of these three proposed measures on: (1) enabling complaints (2) easy to find, access and use complaints procedures (3) appropriate action for complaints. Please provide supporting reasoning and evidence for your views.

## 19. Terms of Service Guidance

### Our proposals

This section sets out our proposed approach to our draft Terms of Service Guidance, which we are required to produce by the Act.

This guidance sets out how providers of Category 1 services can comply with their additional duties regarding terms of service and complaints procedures. These duties require providers to set out clearly their rules for using a service, enforce these rules consistently, and give users the ability to hold them to account when they fail to do so. They also look to safeguard against selective or arbitrary moderation action and uphold users' rights.

These duties apply to any content covered in providers' terms, which is not otherwise in scope of the illegal content or protection of children duties or is not consumer content. They are therefore broader than the terms of service Code measures covered in section 17 'Terms of service Code measures' of this consultation.

Our draft guidance includes recommendations in three key areas:

- providing clear, accessible and sufficiently detailed terms of service,
- acting in accordance with terms of service, and
- operating clear, accessible and transparent complaints procedures.

Our guidance helps providers to comply with these duties by setting out practical steps that aim to: reduce barriers to engagement by making terms clear and easy to use; inform users about how content and behaviour are treated and what actions may result; promote confidence in complaints tools so users can hold providers to account; and ensure consistent application of terms through systems and processes that align human and automated

content moderation with the terms of service. We provide examples to support service providers in implementing our recommendations in practice, including the development of standardised decision-making frameworks for terms of service breaches and appropriate moderator training to ensure consistent application of those terms.

These recommended steps look to promote greater transparency, consistency and accountability in providers' terms of service and complaints procedures.

### **What input we would like**

- Do you agree with our approach to the draft Terms of Service Guidance? Please provide supporting reasoning and evidence for your views.
- Do you have any further comments on the draft Terms of Service Guidance, published as part of this consultation?