

Volume 4: Terms of service and complaints

Giving users more choice, control and trust in their online experience

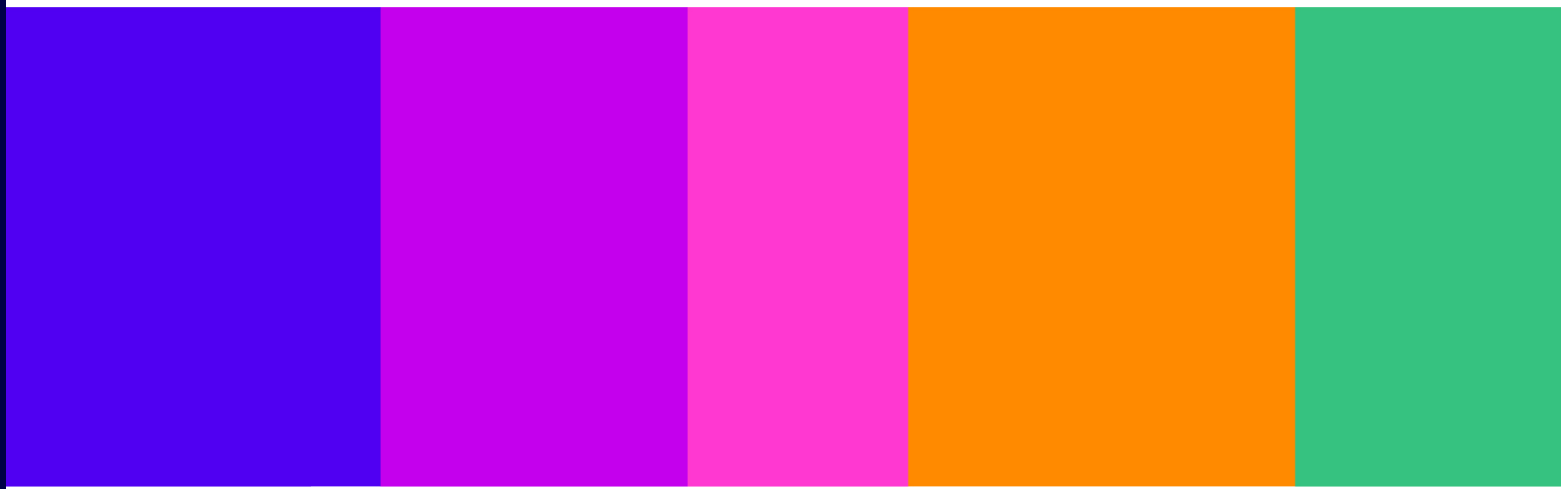
Additional duties for Category 1 services

Consultation

Published 10 July 2026

Closing date for responses: 2 October 2026

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



Contents

Section

1. Introduction to volume 4	3
2. Terms of service Code measures.....	9
3. Complaints Code measures.....	22
4. Terms of Service Guidance	34

1. Introduction to volume 4

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.

Introduction

- 1.1 This volume covers our proposals in relation to the additional duties for Category 1 service providers (providers) that relate to terms of service and complaints procedures.
- 1.2 We are required under the Online Safety Act 2023 (the Act) to produce a code of practice describing measures recommended for the purpose of compliance with certain terms of service and complaints duties.¹ We are also required under the Act to provide guidance to assist providers to comply with further separate duties relating to terms of service, reporting and complaints.²
- 1.3 For the Additional Duties Code of Practice for Category 1 Services:
 - The relevant duties include the terms of service requirements set out in the user empowerment, content of democratic importance,³ journalistic content⁴ and complaints duties.⁵ These require providers to include specific provisions in their terms of service in relation to these duties, and to ensure that these provisions are clear and accessible, or easily accessible and, in the case of journalistic content and content of democratic importance, applied consistently.

¹ Section 41(3) and (10) of the Act.

² Section 73 of the Act.

³ Section 17(4)-(5) of the Act.

⁴ Section 19(7)-(8) of the Act.

⁵ Section 21(3) of the Act.

- They also include the general duties about complaints procedures.⁶ These require providers to operate a complaints procedure for users and affected persons to be able to complain if they consider a provider is not complying with their duties relating to user empowerment, content of democratic importance, news publisher content, journalistic content, and freedom of expression and privacy.
- 1.4 For the draft Terms of Service Guidance, the relevant duties are set out in sections 71 and 72(3)-(7) of the Act. These require providers to use proportionate systems and processes to ensure that taking down or restricting access to regulated user-generated content, and suspending or banning users, is only carried out in accordance with their terms of service. Providers must enforce consistently any provisions in their terms of service related to these actions.⁷ The provisional title for this guidance is ‘Promoting Consistency and Accountability Through Terms of Service: Guidance for Providers of Category 1 Services on Compliance with Sections 71 and 72(3)-(7) of the Online Safety Act 2023’, though we refer to this as the ‘Terms of Service Guidance’ for short throughout this volume.
- 1.5 While the proposed Additional Duties Code measures for terms of service and complaints and the draft Terms of Service Guidance differ in scope and effect, they do share some common aims. Taken together, they are concerned with promoting transparency, consistency and accountability in the way that providers will treat content and users on a service. They aim to equip users with an appropriate amount of clear and accessible information to allow them to understand what providers will do in relation to content that is prohibited in their terms of service, so that – in the event this does not occur – users and affected persons are able to hold the provider to account through complaints.
- 1.6 We have combined proposals for both the additional terms of service and complaints duties into one volume. We consider the additional duties related to terms of service and complaints to be thematically linked, as they both aim to achieve the outcome of greater transparency, consistency and accountability. We note that the underlying duties for the draft Terms of Service Guidance (sections 71-72 of the Act) also make this link, as these duties cover additional requirements relating to both terms of service and complaints.

Why are terms of service and complaints procedures important for users?

- 1.7 In this sub-section we explain the importance of having clear and effective terms of service and complaints procedures, as context for our proposed Additional Duties Code measures and draft Terms of Service Guidance.

Terms of service

- 1.8 Terms of service provide important information to users about the rules of using a service, including the types of content or behaviour that may or may not be allowed on a service. This information can help users make informed choices about whether and how to use a service. For terms to function well, they need to be clear and accessible to users who wish to read them.

⁶ Section 21(2) and (6) of the Act.

⁷ Reference to ‘provisions in terms of service’ throughout this document excludes provisions on illegal harms and protection of children, as well as consumer content (see paragraph 19.8-19.9 of this volume).

- 1.9 However, research and evidence suggest that terms of service can often be inaccessible to users. Terms of service are often long, confusing and require advanced reading skills to understand, meaning they are often unsuitable for many users.⁸
- 1.10 Furthermore, most users do not engage with terms of service or spend minimal time reading them. Ofcom research found that UK internet users (including children) rarely access terms when visiting websites of apps,⁹ and other evidence also suggests that users who do read them spend limited time doing so.¹⁰ Most people choose to accept terms and conditions without reading them and many say they do not understand them.¹¹ However, research suggests that users are more likely to access and engage with terms when they are designed in such a way as to encourage this, for example, by presenting information using short statements and summaries.¹² The duties in the Act to make terms of service clear and accessible reflect the role that design choices can have in encouraging users to access and read terms of service.
- 1.11 There is also a perception that some providers may not consistently act in accordance with their terms of service.¹³ The government has stated that duties requiring providers to act consistently and in accordance with terms of service are intended to promote transparency and accountability and empower users, and to prevent providers “arbitrarily removing content” and “failing to remove content that they profess to prohibit.”¹⁴

Complaints procedures

- 1.12 The complaints procedures required by the Act provide a route for users to raise concerns, including about whether a provider is not complying with their duties under the Act.¹⁵

⁸ In one survey, 55% of surveyed users did not correctly understand what a privacy policy told them. Source: Ibdah, D. et al., 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]; Other evidence showed only 44% of survey respondents felt they understood well the terms and conditions of different applications and services. Source: Taloustutkimus Oy (Turja, T. and Sandqvist, S.), 2021. [The use of digital services 2021: Summary report](#). [accessed 16 April 2024]; Ofcom, 2023. [Regulating Video-Sharing Platforms \(VSPs\). Our first 2023 report: What we’ve learnt about VSPs’ user policies](#).

⁹ Note: 33% of 16- to 24-year-olds reported ever needing to access social media terms and conditions, decreasing to 19% for all respondents. Source: Ofcom, 2023. [Platform Terms and Accessibility](#). Question 1: Have you ever needed to access terms of service/guidelines on social media?

¹⁰ Obar, J.A. and Oeldorf-Hirsch, A. 2020. [The biggest lie on the internet: ignoring the privacy policies and terms of service policies of social networking services](#), *Information, Communication and Society*, 23 (1). [accessed 15 May 2026].

¹¹ Doteveryone (Miller, C. et al.), 2020. [People, power and technology: The 2020 digital attitudes report](#). [accessed 15 May 2026]. In one study, 45% of participants (aged 18+) said they often signed up to services online without understanding the terms; Unicef (Hartung, P.), 2020. [The children’s rights-by-design standard for data use by tech companies](#). [accessed 15 April 2026].

¹² Kitkowska et al., 2022. Online Terms and Conditions: Improving User Engagement, Awareness, and Satisfaction through UI Design; Ofcom, 2024. Promoting user engagement with Terms and Conditions.

¹³ Ofcom’s Online Experience Tracker shows that, of the total respondents who encountered something potentially harmful online but chose not to take action, over one in five who did not take any action following their encounter with a potential harm believed that taking action would not make any difference or be acted on. This research focused on user experiences of harmful content, rather than content prohibited by terms. However, the types of content covered by the prompted list of harm types typically intersect with content prohibited by most services’ terms. Source: Ofcom, 2026. [Online Experiences Tracker, Wave 9](#); See also Ofcom, 2026. [Exploring how internet users navigate sensitive and harmful content](#).

¹⁴ [Hansard, HL vol 829, col 1335](#) (12 September 2023).

¹⁵ Although complaints procedures can be understood as a broader category also including reports (as is the case for the complaints procedures covered in the draft Terms of Service Guidance), reports typically allow users to flag content or behaviour breaching terms to the attention of individuals working in content

Complaints procedures typically allow users to express concerns regarding the adequacy, accuracy or consistency of the service’s own systems, decisions or enforcement processes. Clear and accessible complaints procedures are essential to enable users to bring to a providers’ attention any content or behaviour prohibited by the terms of service, and highlight instances where its systems and processes are not working in line with the terms of service.¹⁶

- 1.13 For a complaints procedure to function well, users must be able to understand how to submit a complaint and what they can expect from a provider in terms of the action it will take and how it will communicate with the complainant. Research suggests that users are more likely to engage with complaints procedures when they are easy to find and simple to use, with clear signposting.¹⁷ Streamlining the complaints procedure to include only the steps that are reasonably necessary reduces friction for the user and encourages more users to complete a complaint.¹⁸

Duties relevant to this volume

- 1.14 The specific duties relevant to each proposed Code measure or piece of guidance are set out in the corresponding section in this volume. For clarity, we have provided **Table 16.1**, which maps each of the relevant additional duties to the corresponding proposed Code measure or guidance document.

Table 16.1: Map of relevant additional duties to corresponding proposed Codes measure or guidance document

	Proposed Additional Duties Code measures: Terms of service	Proposed Additional Duties Code measures: Complaints procedures	Draft Terms of Service Guidance
User empowerment: Section 15(7) and (8) ¹⁹	✓		

moderation. In this volume where we discuss ‘complaints procedures’ in relation to the draft Terms of Service Guidance, we also include reporting functions. Where we discuss the proposed Additional Duties Code measures for complaints procedures, this covers complaints only and does not include reporting.

¹⁶ Ofcom research on experiences of potential online harms shows that 32% of users who have encountered potential online harms during the previous 4 weeks reported or flagged the content after seeing it. In other Ofcom research with internet users aged 16+ who have ever reported other users on social media and video sharing platforms, reasons for given for reporting included posting inappropriate or offensive content (63%), reporting a fake account (48%), perceived violation of platform rules (38%), harassment (21%) and sending inappropriate content e.g. via direct message (17%). Sources: Ofcom, 2026. [Online Experiences Tracker, Wave 9](#); Ofcom, 2024. [Terms and conditions and content controls](#), Question 21.

¹⁷ Ofcom, 2023. [Behavioural insights for online safety: understanding the impact of video sharing platform \(VSP\) design on user behaviour](#), pp.6-7.

¹⁸ Kantar Public Behavioural Practice for Ofcom (Ratajczak, M. et al.), 2022. [Ofcom online trials: Reporting mechanisms of video sharing platforms](#).

¹⁹ Duty to include clear and accessible provisions in terms specifying which control features are offered and how users may take advantage of these, as well as to summarise findings of most recent assessment under section 14 of the Act.

	Proposed Additional Duties Code measures: Terms of service	Proposed Additional Duties Code measures: Complaints procedures	Draft Terms of Service Guidance
Content of democratic importance: Section 17(4) and (5) ²⁰	✓		
Journalistic content: Section 19(7) and (8) ²¹	✓		
Complaints about non-compliance with certain duties: Section 21(2) ²²		✓	
Complaints about non-compliance with certain duties: Section 21(3) ²³	✓		
Act in accordance with terms: Section 71 ²⁴			✓

²⁰ Duty to include clear and accessible provisions in terms of service specifying the policies and processes that are designed to take account of the importance of the free expression of content of democratic importance, including how this is taken into account when making moderation decisions in regard to content of democratic importance. These must be applied consistently.

²¹ Duty to include clear and accessible provisions in terms of service specifying what methods will be used to identify whether content present on the service is journalistic content, how the importance of free expression of journalistic content is to be taken into account when making moderation decisions in regard to journalistic content, and the policies and processes for handling complaints in relation to content which is, or considered to be, journalistic content. These must be applied consistently.

²² Duty to operate a complaints procedure which allows for relevant complaints to be made, appropriate action to be taken by the provider in response, and is easy to access, easy to use (including by children) and transparent. Relevant complaints for providers of Category 1 services are set out in section 21(6) and relate to: user empowerment (section 15), content of democratic importance (section 17), news publisher content (section 18), journalistic content (section 19), and freedom of expression and privacy (section 22(4), (6), or (7)).

²³ Duty to include in provisions in terms of service which are easily accessible (including to children) specifying the policies and processes that govern the handling and resolution of relevant complaints.

²⁴ Duty to operate a service using proportionate systems and processes designed to ensure that a provider does not take down regulated user-generated content from the service, restrict users' access to regulated user-generated content, or suspend or ban users from using the service, except in accordance with the terms of service. This does not apply in respect of illegal content, content harmful to children, consumer content, or actions needed to comply with other legal obligations.

	Proposed Additional Duties Code measures: Terms of service	Proposed Additional Duties Code measures: Complaints procedures	Draft Terms of Service Guidance
Further terms of service duties, including reporting and complaints about relevant content: Section 72(3)-(7) ²⁵			✓

Structure of this volume

- 1.15 This volume is split into the following sections:
- a) Section 13 covers our proposed Additional Duties Code measures relating to terms of service.
 - b) Section 14 covers our proposed Additional Duties Code measures relating to complaints procedures.
 - c) Section 15 covers our draft Terms of Service Guidance.
- 1.16 We have published the draft versions of the guidance and Code measures that we are consulting on here: [draft Terms of Service Guidance](#) and [draft Additional Duties Code](#).

²⁵ Duty to operate a service using proportionate systems and processes designed to ensure the provider enforces its terms of service, and ensures that terms of service which make provision about taking down regulated user-generated content, restricting access to it, or suspending or banning users are clear and accessible, sufficiently detailed and applied consistently. Duty to also allow users and affected persons to easily report relevant content (defined in section 74) or a user they consider should be suspended or banned, to operate a complaints procedure that allows for relevant complaints (set out in section 72(8)) to be made, provide for appropriate action to be taken in respect to these complaints, and ensure the complaints procedure is easy to access, easy to use and transparent.

2. Terms of service Code measures

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
ADU D1	A provider should include certain provisions in their terms of service 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
ADU D2	A provider should ensure certain terms of service are clear and accessible 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.

Introduction

- 2.1 As we explain in Section 16 'Introduction to Volume 4', paragraph 16.8, terms of service contain important information about how a service functions, including who is allowed on a service and the rules for using the service.

- 2.2 The Act requires providers of Category 1 services (providers) to include certain provisions in their terms of service regarding their user empowerment, journalistic content, content of democratic importance and complaints duties.²⁶
- 2.3 In this section, we set out two measures we are proposing to include in the draft Additional Duties Code that providers can adopt to comply with the relevant terms of service duties.
- 2.4 Providers' broader duties relating to user empowerment, journalistic content and content of democratic importance, beyond those that relate to terms of service, are covered in Volumes 2 and 3 of this consultation. Section 18 'Complaints code measures' of this volume addresses providers' duties relating to their procedures for complaints about their non-compliance with specific duties.

Relevant duties

- 2.5 The Act requires providers to include specific provisions in their terms of service:
- **User empowerment.** Providers must include clear and accessible provisions in their terms of service specifying which control features they offer and how users can use them.²⁷ Providers must also include in their terms a summary of the findings from their most recent assessment carried out under section 14(2) of the Act.²⁸
 - **Content of democratic importance.** Providers' terms of service must specify the policies and processes that are designed to take into account the importance of the free expression of content of democratic importance. These provisions should explain, in particular, how they make decisions about how to treat such content (especially decisions about whether to take it down or restrict access to it) and whether to take action against a user generating, uploading or sharing such content.²⁹ These explanations must be clear, accessible and applied consistently.³⁰
 - **Journalistic content.** Providers' terms of service must specify which policies and processes are designed to take into account the importance of free expression of journalistic content when making decisions about how to treat such content (especially decisions about whether to take it down or restrict access to it) and whether to take action against a user generating, uploading or sharing such content.³¹ Providers must also specify the methods they use to identify journalistic content on the service, and the policies and processes for handling complaints in relation to journalistic content (or content which is considered to be journalistic content).³² These explanations must be clear, accessible and applied consistently.³³

²⁶ Sections 15(7)-(8), 17(4)-(5), 19(7)-(8), and 21(3) of the Act. There are separate requirements under section 38(2) of the Act, for Category 1 providers to include clear and accessible provisions in their terms of service about any proactive technology which is used by the service for the purpose of compliance with their fraudulent advertising duties. Under section 64 of the Act, providers also have to include provisions in their terms of service related to identity verification. See draft User Identity Verification Guidance in Volume 3 and for more details.

²⁷ Section 15(7) of the Act.

²⁸ Section 15(8) of the Act.

²⁹ Section 17(4) of the Act.

³⁰ Section 17(5) of the Act.

³¹ Section 19(7)(b) of the Act.

³² Section 19(7)(a) and (c) of the Act.

³³ Section 19(8) of the Act.

- **Complaints.** Providers’ terms of service must include easily accessible (including to children) provisions that specify the policies and processes that govern the handling and resolution of complaints of a relevant kind. ‘Relevant’ in this context means complaints concerning the provider’s compliance with its duties under the Act in relation to user empowerment, content of democratic importance, news publisher content, journalistic content, and freedom of expression and privacy (which we refer to as ‘complaints procedures’).³⁴

2.6 We refer to these duties as the ‘relevant terms of service Code duties’ throughout this section.

Our approach to the Code measures

2.7 The Act requires Ofcom to take into account several factors when developing Codes – see Volume 1, Section 2 ‘Our approach to the additional duties’, which sets out statutory tests and impact assessment framework. In preparing our proposed terms of service measures, we have also considered evidence of current industry practice and responses to our March 2024 Additional duties for categorised services Call for Evidence (our March 2024 Call for Evidence).

2.8 The two proposed measures reflect the core requirements in the Act and are aligned with existing terms of service measures in our Illegal Content Codes of Practice and Protection of Children Codes of Practice.

Who our measures apply to

2.9 We are proposing that all the Additional Duties Code measures should apply to all providers of Category 1 services. These services are among the most widely used online services in the UK, and many people’s online experiences will be shaped by their use. However, we recognise that Category 1 services are diverse in scope, and there is no one-size-fits-all approach to compliance. We have therefore also proposed to embed flexibility in our proposed approach, particularly for proposed Measure ADU D2 on clarity and accessibility.

Alignment with other parts of the regulatory framework

2.10 As we set out in Volume 1, Section 2 ‘Our approach to the additional duties’, we consider that there is benefit in maintaining a consistent regulatory approach across our Codes. We expect this will help providers to more easily comply with the relevant terms of service Code duties, as they should be already implementing similar measures as part of their compliance with their illegal content and/or children’s safety duties.

2.11 We have therefore sought to align our proposals with equivalent terms of service measures in the Illegal Content Codes and Protection of Children Codes, and proposed measures in the draft Fraudulent Advertising Code.

2.12 We have also looked to align our proposed measures with the draft Terms of Service Guidance recommendations, specifically those that relate to clarity and accessibility of providers’ terms of service, and providers’ having complaints procedures for users.³⁵

³⁴ Section 21(3) and (6) of the Act.

³⁵ See Measure ADU C2 (Providers of Category 1 services should have easy to find, easy to access and easy to use complaints systems and processes).

Measure ADU D1: The substance of providers' terms of service

Explanation of the measure

- 2.13 The Act requires that terms of service must contain certain provisions in relation to user empowerment, content of democratic importance, journalistic content and complaints procedures. The Act requires providers to apply the provisions in relation to journalistic content and content of democratic importance consistently.
- 2.14 To reflect this, our proposed measure recommends that providers should include provisions in their terms of service in relation to:
- **User empowerment.** This means what user empowerment control features are offered on the service and how users can use them, and a summary of the most recent assessment under section 14 of the Act (user empowerment assessment).
 - **Content of democratic importance.** This refers to the policies and processes providers have designed to ensure that they take into account the importance of the free expression of content of democratic importance, including in particular when they are making decisions about how to treat such content (especially decisions about whether to take it down or restrict users' access to it) and whether to take action against a user generating, uploading or sharing such content.
 - **Journalistic content.** This should explain what methods providers use to identify journalistic content, how they take into account the importance of free expression when they are making decisions about how to treat journalistic content (especially decisions about whether to take it down or restrict users' access to it) and whether to take action against a user generating, uploading or sharing such content, and the policies and processes for handling complaints in relation to content which is, or is considered to be, journalistic content.³⁶
 - **Complaints.** The terms should describe the policies and processes for handling complaints in relation to a provider's non-compliance with the user empowerment, content of democratic importance, journalistic content, news publisher content or freedom of expression and privacy duties.
- 2.15 This proposed measure adapts ICU G1 and ICU G2 in the Illegal Content Codes and PCU G1 and PCU G2 in the Protection of Children Codes.
- 2.16 The proposed measure would also set out that providers must apply provisions in the terms of service relating to content of democratic importance and journalistic content consistently.³⁷
- 2.17 This proposed measure applies to terms of service for UK users. However, providers may choose to adopt a single version of their terms of service that covers UK users and users in other jurisdictions.

³⁶ This refers to the duty on providers to have a dedicated and expedited complaints procedure for journalistic content under section 19 of the Act, which is a separate complaints procedure to that required under section 21.

³⁷ See sections 17(5) and 19(8).

Effectiveness at ensuring terms of service include relevant provisions

- 2.18 This proposed measure reflects the requirements of the Act by specifying the information that providers should include in their terms of service in relation to the user empowerment, content of democratic importance, journalistic content and complaints duties. It also supports the consistent application of provisions relating to content of democratic importance and journalistic content and helps users to understand how such content is treated.
- 2.19 The proposed measure closely reflects the wording of the relevant provisions of the Act and is consistent with the measures on the substance of providers' terms of service in the Illegal Content Codes and Protection of Children Codes.³⁸ We consider the requirements set out in the duties are sufficiently clear for services to implement without further elaboration by Ofcom.
- 2.20 We also consider that this proposed measure, in replicating the clear requirements of the Act, will help to ensure that providers are being transparent with users about important aspects of their service. As noted in Volume 1, Section 1 'Introduction to this consultation', paragraphs 1.49-1.50, service transparency and accountability are part of the government's strategic priorities for online safety

Impacts and costs

- 2.21 The requirements for providers to include the substantive provisions outlined in their terms of service is a direct requirement of the Act.³⁹ We have therefore not considered any direct costs to providers or indirect effects associated with this proposed measure as part of our impact assessment.

Rights

Freedom of expression and freedom of association

- 2.22 As explained in Volume 1, Section 1 'Introduction to this consultation', 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 upholds the right to freedom of association with others. Articles 10 and 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 proportionate to the legitimate aim pursued. As noted in Section 1, 'Introduction to this consultation', we start from the position that this proposed measure is prescribed by law, in pursuit of a legitimate aim, and corresponds to a pressing social need.
- 2.23 We consider the relevant duties, as reflected in our proposed measure, could have some positive impacts on users' freedom of expression and association. This is because users would be consistently provided with information regarding providers' policies and processes for handling complaints about non-compliance with certain duties. These include duties regarding the protection of content which is important for public discourse

³⁸ See Measures ICU G1 and ICU G2 in the Illegal Content Codes and Measures PCU G1 and PCU G2 in the Protection of Children Codes, which set out requirements relating to the substance of providers' terms of service, including, where relevant, their consistent application.

³⁹ Sections 15(7), 17(4) and 19(7) of the Act.

(journalistic content and content of democratic importance) as well as those relating specifically to freedom of expression.

- 2.24 We acknowledge that there would be impacts on providers’ right to freedom of expression, as they would be required to include certain information in their terms of service. However, we consider that these impacts are limited and are as a result of the duties in the Act rather than our proposed measure.
- 2.25 Overall, we consider proposed Measure ADU D1 would have positive impacts on users’ rights to freedom of expression and association. To the extent that there would be impacts on providers’ right to freedom of expression, we consider the interference to be limited and proportionate to the Act’s legitimate objective of ensuring providers act consistently and are accountable to users, which this proposed measure is intended to help providers to secure.

Privacy

- 2.26 As explained in Volume 1, Section 1 ‘Introduction to this consultation’, Article 8 of the ECHR confers the right to respect for an individuals’ private and family life. Article 8 is a qualified right, and we must exercise our duties under the Act in a way that does not restrict this right unless satisfied that is proportionate to the legitimate aim pursued. As noted in relation to freedom of expression and association, we start from the position that this proposed measure is prescribed by law, in pursuit of a legitimate aim, and corresponds to a pressing social need. Article 8 underpins the data protection laws with which providers must comply.
- 2.27 We do not consider the proposed measure would result in an interference with users’ right to privacy. Providers would not be required to collect or process private information or personal data in order to include the relevant provisions in their terms of service.
- 2.28 We consider the proposed measure could have some positive benefits on user’s privacy, as users would be provided with information regarding providers’ policies and processes for handling complaints about non-compliance with certain duties, including those relating to privacy specifically.
- 2.29 Given the above, we do not consider the proposed measure would interfere with users’ right to privacy and could have positive impacts on this right.

Measure ADU D2: Ensuring certain terms of service are clear and accessible

Explanation of the measure

- 2.30 The Act requires the majority of the provisions set out in Measure ADU D1 to be clear and accessible.⁴⁰ To achieve this, our proposed measure recommends that providers design their terms of service in line with the following four factors when drafting provisions of their terms:

⁴⁰ Providers are not required to ensure that provisions relating to the user empowerment assessment summary under section 15(8) are clear and accessible, and for the section 21 on complaints provisions, providers are only required to ensure that these are “easily accessible”, including to children.

- **Findability.** Provisions should be easy to find, in that users can locate them in the terms and they are clearly signposted to the public (including to those who do not use or are not signed up for the service).
- **Layout and formatting.** Providers should lay out and format provisions in a way that helps users read and understand them.
- **Language.** Providers should write provisions in language that can be understood by the youngest individual permitted to use the service without the consent of a parent or guardian.
- **Usability.** Providers should design provisions to be compatible with assistive technologies, including keyboard navigation and screen-reading technology.⁴¹

2.31 This proposed measure adapts ICU G3 in the Illegal Content Codes and PCU G3 in the Protection of Children Codes.

Effectiveness at ensuring clear and accessible provisions in the terms of service

2.32 The four factors we have set out as part of proposed Measure ADU D2 in relation to findability, layout and formatting, language, and usability are important, given the underlying aim of the additional duties is to improve providers' transparency and accountability and enable users to make informed choices about using the service.

2.33 Noting that clear and accessible terms of service provisions are a requirement in the Act, we consider that the four factors offer a flexible approach that would allow all providers in scope to comply with the duties in the Act in a proportionate way.

2.34 This is because the evidence on what specific design choices are best for clarity and accessibility of terms of service is not always clear-cut. Category 1 services are also varied – they feature different types of content and have different users with different needs in different contexts. This means that a single, prescriptive approach would not be appropriate for all services. For example, some providers may choose to make their terms of service available in multiple languages or formats to better meet the needs of their users, provided that the terms achieve outcomes consistent with the four factors set out in paragraph 17.14.

2.35 Therefore, we consider providers will generally be best placed to judge what approach to presenting provisions in their terms of service is most likely to make them clear and accessible.

2.36 We also consider that a more flexible and outcomes-based approach would be more effective to help providers comply with the duties. Our proposed measure looks to provide clarity on the target outcomes, while also allowing providers flexibility in how they choose to present and structure their terms of service to meet the relevant duties. We therefore focus the remainder of our analysis on these outcomes and the factors that we consider are important for ensuring that provisions are clear and accessible.

2.37 This approach is consistent with the measures on the clarity and accessibility of providers' terms of service in the Illegal Content Codes and the Protection of Children Codes, which

⁴¹ This measure replicates Measures ICU G3 in the Illegal Content Codes and PCU G3 in the Protection of Children Codes.

include the same four factors we are proposing to recommend in this measure.⁴² The same rationale and evidence for those measures also apply for this proposed measure.⁴³ We have therefore focused our analysis below on additional evidence gathered since we finalised those Codes, largely through our March 2024 Call for Evidence.

Findability

- 2.38 Evidence suggests users can struggle to find providers' terms of service.⁴⁴ One respondent to our March 2024 Call for Evidence highlighted that terms can be hard to locate and that providers could make them easier to find.⁴⁵ Some respondents provided specific suggestions for ensuring that terms are easily visible publicly or before sign-up. This was highlighted by civil society respondents, who emphasised that terms should be presented at multiple points during the use of the service.⁴⁶ Presenting terms of service in a clear and accessible way was also described as an ongoing practice by an industry respondent.⁴⁷
- 2.39 We therefore consider that being able to find a provider's terms of service is key to them being accessible, and so are proposing 'findability' as a target outcome for this proposed measure. This sets out that providers' terms need to be intuitive to find and straightforward to reach – in other words, a user needs to only take a small number of steps to access them. Making terms of service available to all potential users promotes transparency and enables users to make informed decisions about whether, and how they use a service. This is in line with our recommendations around user reporting and complaints measures in our Illegal Content Codes and Protection of Children Codes and our proposed Additional Duties Code measures for the complaints duties in section 21 of the Act.

Layout and formatting

- 2.40 Clear presentation of provisions can help users find and understand relevant information.⁴⁸ Civil society and industry respondents to our March 2024 Call for Evidence, as well as our review of publicly available terms of service, highlighted several ways to ensure clear and accessible written layouts and formats. These included:
- the use of summary provisions to help support users' understanding of complex language or 'legalese',⁴⁹

⁴² See Measure ICU G3 in the Illegal Content Codes and Measure PCU G3 in the Protection of Children Codes, which set out requirements relating to the clarity and accessibility of providers' terms of service.

⁴³ See paragraphs 17.28-17.43 of our November 2023 Consultation on Protecting People from Illegal Harms Online and paragraphs 10.62-10.76 of our December 2024 Statement on Protecting People from Illegal Harms Online for our rationale and evidence relating to Measure ICU G3. See paragraphs 19.44-19.68 of our May 2024 Consultation on Protecting Children from Harms Online and paragraphs 12.82-12.85 of our April 2025 Statement on Protecting Children from Harms Online for our rationale and evidence relating to Measure PCU G3.

⁴⁴ Ofcom research found that among a sample of internet users aged 16+ who have ever needed to access terms of a social media service, 16% have at least once been unable to find the terms. Ofcom, 2023. [Platform Terms and Accessibility](#), Question 2.

⁴⁵ Samaritans response to March 2024 Call for Evidence, p.1.

⁴⁶ 5Rights response to March 2024 Call for Evidence, p.3; Samaritans response to March 2024 Call for Evidence, p.1.

⁴⁷ [3].

⁴⁸ Behavioural Insights Team, 2019. [Best practice guide: Improving consumer understanding of contractual terms and privacy policies. Evidence-based actions for businesses](#). [accessed 26 March 2026].

⁴⁹ AGENCY response to March 2024 Call for Evidence, p.1; [3]; Pinterest. [Terms of Service](#). [accessed 12 May 2026].

- the use of videos, text and images to illustrate a provider’s important rules and principles,⁵⁰
- providing links to detailed policies in specific areas or examples of policy applications, to avoid presenting overly complex terms;⁵¹ and
- presenting terms in multiple formats for different ages, utilising non-textual formatting where appropriate to support children’s comprehension.⁵²

2.41 In summary, these stakeholder responses and evidence suggest that layout and formatting are important factors in how easy it is for users to understand terms of service. The evidence also suggests that there are a variety of ways that providers could present their terms of service to promote clarity and accessibility. We are therefore proposing that providers should lay out and format relevant provisions in a way that helps users read and understand them, while giving them the flexibility to determine how to achieve this in their own circumstances.

Language

2.42 Terms are often long, confusing and require advanced reading skills to understand,⁵³ meaning they are unsuitable for many users, especially children.⁵⁴

2.43 Several respondents to our March 2024 Call for Evidence, including providers and organisations advocating for users, highlighted that provisions should be in clear language understandable for the range of users on a service (including children).

2.44 Based on the available evidence and stakeholder responses, we consider that using clear, accessible language is important for users (including children) to be able to understand providers’ terms. Therefore, the proposed measure recommends that providers write their terms in a way that means the youngest individual permitted to use the service (without consent of a parent or guardian) can understand them.

⁵⁰ LinkedIn, 2025. [User Agreement](#). [accessed 12 May 2026]; Samaritans response to March 2024 Call for Evidence, p.1.

⁵¹ LinkedIn, 2025. [accessed 12 May 2026]; Samaritans response to March 2024 Call for Evidence, p.1.

⁵² 5Rights response to March 2024 Call for Evidence, p.2.

⁵³ One study showed 55% of surveyed users did not correctly understand what a privacy policy told them Source: Ibdah, D. et al., 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 12 May 2026]; In another, only 44% of survey respondents felt they understood well the terms and conditions of different applications and services. Source: Taloustutkimus Oy (Turja, T. and Sandqvist, S.), 2021. [The use of digital services 2021: Summary report](#). [accessed 12 May 2026]; Ofcom, 2023. [Regulating Video-Sharing Platforms \(VSPs\). Our first 2023 report: What we’ve learnt about VSPs’ user policies](#).

⁵⁴ A thematic analysis of terms and conditions on 20 social media platforms and two mobile phone operating systems concluded, “terms and conditions are often too long and difficult to understand, especially for younger users.” Source: Schneble, C.O. et al., 2021. [Social media terms and conditions and informed consent from children: Ethical analysis](#), *JMR Pediatrics and Parenting*, 4 (2). [accessed 12 May 2026]; 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 12 May 2026]; and Children’s Commissioner for England, 2017. [Growing up digital: A report of the Growing Up Digital Taskforce](#). [accessed 16 March 2026]

Usability and ensuring provisions are compatible with assistive technology

- 2.45 In the UK, one in four people report having a disability.⁵⁵ Some users (including children) with a disability may require certain tools to make use of terms of service. However, terms of service may not always be accessible to users who rely on assistive technology.⁵⁶
- 2.46 Several industry and civil society respondents to our March 2024 Call for Evidence indicated that they are aware of the need to ensure their terms of service are accessible to a range of users.⁵⁷ One respondent also noted that their provisions are accessible with screen readers.⁵⁸ 5Rights Foundation referenced compliance with the Web Content Accessibility Guidelines as a potential means for ensuring terms are accessible.⁵⁹ For example, the Guidelines encourage content to be structured so that reading order is clear, which is important for those using assistive technologies, and is keyboard accessible.⁶⁰
- 2.47 In light of the available evidence and stakeholder feedback, we consider that usability is an important factor for providers to consider in ensuring their terms of service are accessible, and so we are proposing to specify that provisions should be compatible with assistive technologies. We believe this will counter the concerns raised by stakeholders and also support equality for users with protected characteristics (see our equality impact assessment at Annex 1).

Impacts and costs

Direct financial costs for service providers

- 2.48 All providers of Category 1 services that are in scope of this proposed measure are already in scope of the similar Illegal Content Codes Measure ICU G3, and the Protection of Children Codes Measure PCU G3 if they are likely to be accessed by children. We consider that providers will be able to implement this proposed measure by adapting or extending what they have already done for the equivalent Illegal Content Codes and Protection of Children Codes measures. We therefore expect that the incremental costs of this proposed measure will be comparatively low.
- 2.49 We consider providers will face an additional cost above those estimated in our December 2024 Statement on Protecting People from Illegal Harms Online (our December 2024 Statement)⁶¹ and our April 2025 Statement on Protecting Children from Harms Online (our

⁵⁵ According to estimates from the Department for Work and Pensions, 16.8 million people in the UK had a disability in the 2023/24 financial year. This represents 25% of the total population. Source: Department for Work and Pensions (2026). [Family Resources Survey: financial year 2023 to 2024](#). [accessed 3 July 2026].

⁵⁶ Ofcom research found that one in ten (11%) adults aged 16+ have experienced difficulty reading text online because it was not keyboard navigable or it was difficult to navigate using a keyboard. The same proportion had difficulty reading text online because it was not compatible or was difficult to use with screen-reading technology. Source: Ofcom, 2023. [Platform Terms and Accessibility](#), Question 6.

⁵⁷ 5Rights Foundation response to March 2024 Call for Evidence, pp.3-4; AGENCY response to March 2024 Call for Evidence, p.1; [X].

⁵⁸ [X].

⁵⁹ 5Rights Foundation response to March 2024 Call for Evidence, p.4. The Guidelines encourage reading sequences to be 'programmatically determined', meaning assistive technologies such as screen readers can identify and present content in the correct order, which is important for those using assistive technologies, and to be keyboard accessible, among other best practices.

⁶⁰ Web Accessibility Initiative, 2023. [Web Content Accessibility Guidelines \(WCAG\) 2.1 W3C Recommendation 21 September 2023](#). [accessed 12 May 2026].

⁶¹ Ofcom, 2025. [Illegal content Codes of Practice for user-to-user services](#).

April 2025 Statement),⁶² to ensure the additional provisions covered by this proposed measure are formatted in a way that facilitates understanding, including for children. We expect this will result in a one-off additional cost of between £1,000 and £1,500.⁶³

- 2.50 Providers may also incur further costs to ensure that the additional provisions are expressed in a language that is comprehensible to the youngest person permitted to use the service. We expect this will result in a one-off additional cost of between £2,000 and £3,500.⁶⁴
- 2.51 The costs of this proposed measure will vary depending on the length of the terms of service and complexity of the provider’s design choices. We also expect these costs to vary between services of different types and with different functionalities. For example, we would expect the design of clear and accessible terms to be of a higher cost for providers with more complex user empowerment features. Additionally, as the recommendations in the proposed measure are framed at a relatively high level, providers would retain a significant degree of flexibility about how best to implement them in a proportionate manner.
- 2.52 We do not anticipate any additional costs for providers to make terms easy to find. The suggested user interface changes would already have been implemented to align with the equivalent Illegal Content Codes measure. Likewise, ensuring provisions are navigable and compatible with screen readers would also have been addressed under that measure. Therefore, we expect no further costs beyond those estimated in our December 2024 Statement.

Indirect effects

- 2.53 We have not identified any significant indirect effects associated with this proposed measure.

Rights

Freedom of expression and freedom of association

- 2.54 We consider that our proposed measure would have positive impacts on users’ freedom of expression and association rights, as it should help providers ensure that the relevant provisions within the terms of service are clear and accessible. As a result of provisions being clear and accessible, users would likely receive better-quality information about the rules of using a service, which could also help users make an informed choice about whether to use the service.
- 2.55 In particular, this proposed measure will help providers make clear to users their approach to journalistic content and content of democratic importance. By having clear and accessible terms of service on this point, users will have a better understanding about how decisions about these types of content – which are highly protected forms of speech under Article 10 of the ECHR – will be made with regard to the principle of free expression.
- 2.56 Additionally, by providers having clear and accessible provisions in their terms of service regarding the complaints procedures required under section 21 of the Act, this would help

⁶² Ofcom, 2025. [Protection of Children code of practice for user-to-user services](#).

⁶³ Cost estimates are taken from our April 2025 Statement.

⁶⁴ Cost estimates are taken from our April 2025 Statement.

users to understand how the complaints procedures work, making them more likely to use these procedures where appropriate and thereby exercise their rights.

- 2.57 We also consider that there are limited impacts on providers' freedom of expression as a result of our proposed measure. While we acknowledge that a provider may take particular action as a result of this proposed measure – for example, in considering the findability, layout, formatting, usability and language of terms of service – we consider that any interference with providers' freedom of expression here is proportionate. This is because we have taken a flexible approach to designing the proposed measure, and it is up to providers to ultimately determine how to implement the recommendations.
- 2.58 In summary, we consider this proposed measure would have positive impacts on users' rights to freedom of expression and association. To the extent that this measure involves interference with providers' right to freedom of expression, we consider the interference to be limited and proportionate to the Act's legitimate objective of ensuring providers act consistently and are accountable to users, which this proposed measure is intended to help providers to secure.

Privacy

- 2.59 We do not consider the proposed measure would result in an interference with users' right to privacy. Providers would not be required to collect or process private information or personal data in order to make certain provisions in their terms of service clear and accessible.
- 2.60 We consider that by having clear and accessible terms of service, users would gain a greater understanding of how a provider operates their service in several key respects, which could in turn have a positive impact on their privacy. For example, users would understand the control features available to them under the user empowerment duties, which would provide them with additional options for deciding how to share their personal information and content online and who encounters what they share online.
- 2.61 Given the above, we do not consider the proposed measure would interfere with users' right to privacy and could have positive impacts on this right.

Provisional conclusion

- 2.62 The Act requires providers of Category 1 services to include specific provisions in their terms of service, and for those provisions to be clear and accessible. Proposed Measure ADU D1 reflects the requirements of the Act by specifying the information that providers must include in their terms, and by proposing to recommend that the provisions relating to journalistic content and content of democratic importance are applied consistently. Proposed Measure ADU D2 sets out four main factors, which are important to ensure that relevant provisions are clear and accessible: findability, layout and formatting, language, and usability. We consider that these measures will improve the clarity and accessibility of provisions in terms, supporting transparency and in particular helping users understand how decisions about journalistic content and content of democratic importance are made, and how complaints are handled.
- 2.63 We consider that this outcomes-based approach best accommodates the diversity of Category 1 services and allows providers flexibility in how they meet the duties. Providers are already subject to similar requirements under the Illegal Content Codes, and where relevant, the Protection of Children Codes. We provisionally consider that the incremental

costs of implementing these measures are likely to be relatively small and proportionate to the benefits of users being able to find and understand important information. We therefore provisionally conclude that the proposed measures are effective and proportionate, and we propose to recommend that providers implement these measures to ensure that their terms include the required provisions and that those provisions are clear and accessible to users.

Consultation questions

- 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.

3. 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
ADU C1	A provider should have systems and processes in place which enable users and affected persons to make complaints about non-compliance with certain duties in a way which allows the provider to take appropriate action
ADU C2	A provider should have complaints systems and processes that are easy to find, easy to access and easy to use
ADU C3	A provider should take appropriate action for complaints 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.

Introduction

- 3.1 Enabling users to make certain types of complaints can help to ensure services are safe by design, accountable, and respect users' rights and treat them fairly.
- 3.2 The Act places several duties on Category 1 service providers (providers) relating to complaints. This includes a duty under section 21(2) and (6) of the Act to operate a

complaints procedure which enables users to complain to a provider if they believe that the provider is not complying with certain duties (which we refer to as the ‘complaints duty’).

- 3.3 This section sets out three proposed measures in the draft Additional Duties Code that providers could adopt to comply with the complaints duty.

Relevant complaints duties

- 3.4 Section 21(2) of the Act requires all providers of user-to-user services to operate a complaints procedure that:
- allows for relevant kinds of complaints to be made;
 - provides for appropriate action to be taken by the provider of the service in response to relevant kinds of complaints; and
 - is easy to access, easy to use (including by children) and transparent.
- 3.5 Section 21(6) sets out that for providers of Category 1 services, ‘relevant kinds of complaints’ are complaints by users and affected persons if they consider that the provider is not complying with a duty set out in:
- section 15 (relating to user empowerment);
 - section 17 (relating to content of democratic importance);
 - section 18 (relating to news publisher content);
 - section 19 (relating to journalistic content);⁶⁵ or
 - section 22(4), (6) or (7) (relating to freedom of expression and privacy).
- 3.6 Section 227(2) of the Act makes clear that for the purposes of references in the Act to a ‘user’ of a service, it does not matter whether the person is registered to use a service. Therefore, all users and affected persons must be able to make relevant complaints for Category 1 services, regardless of whether they are registered with the service or logged into the service.
- 3.7 The Act only requires providers to accept relevant complaints from users and affected persons in the UK.⁶⁶ This means that to comply with the Act, providers either need to be able to recognise relevant complaints for Category 1 services from complainants in the UK, or they need to handle all complaints as though they were relevant complaints for Category 1 services from complainants in the UK.

⁶⁵ This is separate to the duties in section 19(3) and (4) of the Act for providers to have a dedicated and expedited complaints procedure available to users who generate, upload or share journalistic content on the service and to creators of journalistic content. More information about these duties is in Section 14 ‘Journalistic content and content of democratic importance’.

⁶⁶ The Act defines ‘affected person’ as a “person, other than a user of the service in question, who is in the United Kingdom and who is (a) the subject of the content, (b) a member of a class or group or people with a certain characteristic targeted by the content, (c) a parent of, or other adult with responsibility for, a child who is a 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 that other adult is a user of the service or is the subject of the content” (sections 21(7) and 20(5) of the Act). See section 8(3)(b) of the Act in relation to the scope of the duty under section 21 of the Act in relation to complaints.

Our approach to the Code measures

- 3.8 The Act requires Ofcom to take into account several factors when developing Codes – see Volume 2, Section 2 ‘Our approach to the additional duties’, which sets out statutory tests and impact assessment framework. In preparing our proposed Code measures for complaints, we have also considered evidence of current industry practice and responses to our March 2024 Additional duties for categorised services Call for Evidence (our March 2024 Call for Evidence).
- 3.9 The three proposed measures reflect the core requirements in the Act and complement our existing complaints measures in our Illegal Content Codes of Practice and Protection of Children Codes of Practice.

Who our measures apply to

- 3.10 We are proposing that all the Additional Duties Code measures should apply to all providers of Category 1 services. These services are among the most widely used online services in the UK, and many people’s online experiences will be shaped by their use. However, we recognise that Category 1 services are diverse in scope, and there is no one-size-fits-all approach to compliance. We have therefore proposed to embed flexibility in our proposed approach.

Alignment with other parts of the regulatory framework

- 3.11 As we set out in Volume 1, Section 2 ‘Our approach to the additional duties’, we consider that there is benefit in maintaining a consistent regulatory approach across our codes. We expect this will help providers to more easily comply with the complaints duty, as they should be already implementing similar measures as part of their compliance with their illegal content and/or children’s safety duties.
- 3.12 We have therefore sought to align our proposals with equivalent complaints measures in the Illegal Content Codes and Protection of Children Codes.
- 3.13 We have also looked to align our proposed measures with the draft Terms of Service Guidance recommendations, specifically those that relate to having effective complaints functions for users.

Measure ADU C1: Enabling complaints

Explanation of the measure

- 3.14 The Act requires providers to enable users and affected persons to complain if they believe that the provider is not complying with their duties relating to user empowerment, content of democratic importance, news publisher content, journalistic content, or freedom of expression and privacy.⁶⁷
- 3.15 Our first proposed measure replicates the requirements in the Act, and therefore recommends that providers should have systems and processes which enables users and

⁶⁷ Section 21(2) and (6) of the Act.

affected persons to make each relevant kind of complaint in a way which will ensure that the provider will take appropriate action in relation to them.⁶⁸

Effectiveness at ensuring providers enable users to make relevant complaints

- 3.16 As this proposed measure reflects the requirements of the Act, we have not considered its effectiveness in detail. This aligns with the equivalent measures in our Illegal Content Codes and Protection of Children Codes, where our approach to effectiveness is not set out in detail.⁶⁹
- 3.17 We do not consider it necessary to specify any further detail in this proposed measure beyond the requirements set out clearly in the Act. We consider that it is appropriate to allow providers the flexibility to use the means they consider most effective to enable relevant kinds of complaints to be made and to take the necessary appropriate action. This flexible approach means that providers could use the proposed measure to develop effective complaints procedures that are appropriate for their service and typical users.
- 3.18 We set out the impact, costs and rights assessment for this measure together with Measures ADU C2 and C3 from paragraph 18.49-18.72.

Measure ADU C2: Having easy to find, easy to access and easy to use complaints systems and processes

Explanation of the measure

- 3.19 The Act requires relevant complaints procedures to be easy to access, easy to use (including by children) and transparent.
- 3.20 We propose to recommend that providers achieve this by ensuring that their complaints systems and processes are easy to find, easy to access and easy to use, including by ensuring that:
- the processes for making relevant kinds of complaints should be easy to find and accessible (which we consider will help providers to meet the requirement for these procedures to be easy to access and transparent);
 - the complaints processes should be designed so that they only include reasonably necessary steps (which we consider will help providers to meet the requirement for these procedures to be easy to use (including by children)); and
 - complainants should be able to provide supporting information when complaining (which we consider will help providers to meet the requirement for these procedures to be easy to use (including by children)).
- 3.21 In this proposed measure we also recommend that providers should:

⁶⁸ This measure adapts Measure ICU D1 in the Illegal Content Codes and measure PCU D1 in the Protection of Children Codes, which require providers to have complaints processes that enable users and affected persons to submit relevant complaints and secure that providers take appropriate action in response.

⁶⁹ See Volume 2, Section 6 of our [December 2024 Statement on Protecting People from Illegal Harms Online](#) and Volume 4, Section 16 of our [April 2025 Statement on Protecting Children from Harms Online](#) for the relevant reporting and complaints measures.

- consider the accessibility needs of UK users, having regard to the relevant information the provider holds on its UK user base, industry standards and good practice as to the design of the service, to ensure the complaints process is accessible to disabled people, as well as to consider how comprehensible the complaints process will be (based on the likely reading age of the youngest individual permitted to use the service without parental consent); and
- design the complaints process to ensure usability for those dependent on assistive technologies, including keyboard navigation and screen-reading technology.⁷⁰

Effectiveness at ensuring complaints processes are easy to access, easy to use and transparent

- 3.22 The primary benefit of complaints systems and processes that are easy to find, access and use is that they will make it easier for users and affected persons to submit a complaint when they believe that a provider is not complying with their duties related to user empowerment, content of democratic importance, news publisher content, journalistic content, and freedom of expression and privacy. This approach is consistent with the complaints measures in the Illegal Content Codes and the Protection of Children Codes.⁷¹
- 3.23 Having complaints systems and processes that are easy to find, access and use should also enable the general benefits of complaints procedures as set out in Section 16 ‘Introduction to volume 4’, including allowing users and affected persons to challenge decisions, raise their concerns, and feel confident that the provider will consider and respond properly.
- 3.24 We discuss the benefits of each component in turn below.

The processes for making relevant complaints easy to find and accessible

- 3.25 Having complaints processes that are easily accessible helps to ensure that users and affected persons are able to make relevant complaints, and promotes transparency for those individuals. As noted in paragraph 18.19 this is an explicit requirement of the complaints duty. In response to our March 2024 Call for Evidence, several respondents from civil society organisations raised the importance of clear and accessible reporting and complaints processes.⁷²
- 3.26 Respondents also highlighted that certain design choices can limit access to complaints procedures; for example, where such procedures are only available to logged-in users, this may prevent some users from raising concerns.⁷³
- 3.27 Research shows that if complaints systems are difficult to find or hard to understand, users and affected persons will be less likely to use them. Making them more visible, such as by

⁷⁰ This measure adapts ICU D2 in the Illegal Content Codes and PCU D2 in the Protection of Children Codes.

⁷¹ See Measure ICU D2 in the Illegal Content Codes and Measure PCU D2 in the Protection of Children Codes, which set out requirements on the clarity and accessibility of providers’ complaints processes.

⁷² Kick It Out first response to March 2024 Call For Evidence, p.2; Royal Mencap Society response to March 2024 Call for Evidence, pp.4-6; Samaritans response to March 2024 Call for Evidence, pp.2-4; The Cyber Helpline response to March 2024 Call For Evidence, p.4; Trust Alliance Group response to March 2024 Call for Evidence, p.2.

⁷³ The Cyber Helpline response to March 2024 Call For Evidence, p.4; Trust Alliance Group response to March 2024 Call for Evidence, p.4.

placing a 'flag icon' on the main options bar instead of a drop-down menu, can increase how often users and affected persons submit complaints.⁷⁴

- 3.28 This may in turn improve providers' awareness of user and affected persons' concerns and potential discrepancies between the Act and their processes, enabling them to take timely and effective action in response.
- 3.29 The evidence in this sub-section shows that there are different ways of ensuring complaints are easy to find and accessible. We are therefore proposing to give providers the flexibility in this measure to determine what this looks like for their own circumstances, rather than prescribing specific tools or design options.

Complaints processes should only include reasonably necessary steps

- 3.30 To help reduce barriers to users submitting complaints, we propose to recommend that complaints processes should only include reasonably necessary steps. Limiting the number of steps required to submit a complaint to only those that are reasonably necessary helps to make the complaints process quicker. It also ensures that prospective complainants are not deterred from submitting complaints, whether that is because it takes too long or because the process is not easy to follow.
- 3.31 Evidence suggests that reducing friction in complaints procedures – for example, by improving the visibility of reporting tools and simplifying user choices – can make the process easier to use and could encourage greater engagement. Ofcom behavioural evidence has indicated that users were less likely to engage with reporting and complaints mechanisms where these were not easily noticed, including where the reporting function was hidden behind an ellipsis.⁷⁵
- 3.32 We consider that reducing the number of steps to only those that are reasonably necessary could improve the user experience when making complaints.

Complainants should be able to provide supporting information when complaining

- 3.33 We consider that the ability to provide supporting information is important for users and affected persons who are submitting relevant complaints to providers.
- 3.34 If users and affected persons are unable to provide supporting information, providers may not have the necessary information to make informed judgements and therefore may decide not to uphold valid complaints. There may also be a risk that complainants will consider the complaints procedure difficult to use as a result, which may in turn discourage future complaints.
- 3.35 The primary benefit of this part of the proposed measure is that by allowing complainants to provide supporting information, complaints about a provider's failure to comply with its duties are more likely to be clear and detailed, helping providers to respond quickly and effectively to resolve the issues raised.

⁷⁴ Ofcom's research into the impact of behaviourally informed designs for content-reporting processes and mechanisms for video-sharing platforms found that raising the prominence of the reporting function increased the likelihood of reporting legal but potentially harmful content and categorising it accurately, while not appearing to increase over-reporting of neutral content. Source: Ofcom, 2023. [Behavioural insights for online safety: understanding the impact of video sharing platform \(VSP\) design on user behaviour](#), pp.6-7.

⁷⁵ Kantar Public Behavioural Practice for Ofcom (Ratajczak et al.), 2022. [Ofcom online trials: Reporting mechanisms of video sharing platforms](#).

- 3.36 Allowing complainants to provide supporting information can improve the clarity of complaints while reducing the likelihood of vexatious complaints being made simply to cause disruption. In practice, supporting information can help providers to distinguish between genuine complaints and those that are unwarranted, enabling complaints to be handled more effectively. The additional information included in a complaint can make the providers' assessment more accurate and they can then make better-informed decisions about how to handle it.
- 3.37 While this part of the proposed measure gives providers flexibility on what type of supporting information they will accept, they should consider the needs of their users and other affected persons and meet the overall outcome of creating an easy to use and accessible complaints procedure.

Accessibility for users and affected persons

- 3.38 Making complaints systems and processes accessible helps to ensure that users and affected persons can submit relevant complaints. The accessibility of complaints systems and processes is particularly important for those who may face additional barriers to using online services or navigating complaints systems, including children, users with disabilities and other users with accessibility needs. For example, some users may rely on assistive technologies such as keyboard navigation and screen readers.⁷⁶ Ofcom research has found that some adults have experienced difficulty reading text online where it was not keyboard navigable or compatible with screen-reading technology.⁷⁷ Ensuring that complaints processes are accessible and easy to use increases the likelihood that such users will be able to raise concerns.
- 3.39 We recognise that providers, and the systems they operate, cannot guarantee that every user will find it easy to submit a complaint in all circumstances. However, by considering the accessibility needs of their UK users, including users who rely on assistive technologies, providers should be able to design complaints systems and processes that are usable by the largest possible number of users and affected persons.
- 3.40 We set out the impact, costs and rights assessment for this proposed measure together with proposed Measures ADU C1 and C3 from paragraph 18.49-18.72.

Measure ADU C3: Appropriate action for complaints

Explanation of the measure

- 3.41 The Act requires providers to operate complaints procedures that ensure appropriate action is taken in response to relevant kinds of complaints.
- 3.42 This proposed measure sets out that complaints about non-compliance with the duties should be directed towards the most relevant individual or team to be processed. Providers should nominate an individual or team who is responsible for resolving this.⁷⁸
- 3.43 Such complaints should be handled within timeframes the provider has determined are appropriate. We have not specified timeframes for handling these complaints, as in some

⁷⁶ Web Aim, 2022. [Keyboard Accessibility](#). [accessed 12 May 2026].

⁷⁷ Ofcom, 2023. [Platform Terms and Accessibility](#), Question 6.

⁷⁸ This measure adapts ICU D12 in the Illegal Content Codes and PCU D13 in the Protection of Children Codes.

cases resolving them may require changes to internal systems, processes or governance arrangements, which could reasonably take time to implement.

Effectiveness at ensuring providers take appropriate action in response to complaints

- 3.44 By recommending that complaints are handled by the most appropriate individuals or teams, we consider the proposed measure supports a clear and structured complaints procedure, while allowing providers to respond appropriately to the specific issues raised.
- 3.45 We have taken a flexible approach to designing this proposed measure. As complaints may relate to any aspect of the relevant duties, the steps required to resolve them will depend on the nature of the issue raised. Providers are therefore best placed to determine which internal teams or functions have the relevant expertise and authority to investigate and address different types of complaint. We consider that this will enable proportionate and effective responses.
- 3.46 In line with this approach, we have not been prescriptive in setting timescales for handling complaints, allowing providers the flexibility to determine what is appropriate for their service.
- 3.47 This approach adapts the one taken in our Illegal Content Codes and Protection of Children Codes,⁷⁹ where we focused on ensuring that providers have effective internal processes in place to handle complaints, rather than taking a prescriptive approach to how complaints should be resolved.
- 3.48 Overall, we expect this measure will lead to more effective complaints procedures and better outcomes for users, by ensuring that complaints are handled by the most appropriate individuals or teams.

Impacts and costs for Measures ADU C1, C2 and C3

Direct financial costs for service providers

- 3.49 Our proposals for Measure ADU C1 for enabling complaints closely follow the requirements in the Act and leaves the widest possible discretion to providers on how to achieve what is required. We therefore consider that its impacts are required by the Act. We propose that providers could decide the most appropriate and proportionate approach for their own service. This is consistent with our approach in the Illegal Content Codes and the Protection of Children Codes.
- 3.50 The proposals for Measure ADU C2 discuss how we are proposing to recommend providers meet their duties in the Act relating to the ease of access, ease of use and transparency of complaints systems and processes. We are not proposing to specify precisely how providers should design their complaints systems and processes but instead propose to set out high-level requirements that give providers flexibility to decide how to achieve what is required. This means providers can decide the most appropriate and proportionate approach for their own contexts.
- 3.51 This measure is similar to Illegal Content Codes Measure ICU D2 and Protection of Children Codes Measure PCU D2. We expect all Category 1 service providers to be in scope of at

⁷⁹ See Measures ICU D12 in the Illegal Content Codes and PCU D13 in the Protection of Children Codes, which set out requirements relating to providers taking appropriate action in response to relevant complaints.

least ICU D2, and in scope of PCU D2 if they are likely to be accessed by children. We therefore believe Category 1 service providers would likely be able to implement this measure by adapting and/or extending the complaints systems and processes they have already implemented for ICU D2, and PCU D2 if applicable, and incur only small additional costs in the process. Any potential increase in costs would be mitigated by the flexibility of our proposals.

- 3.52 Changes to make complaints systems and processes easy to find, easy to use and easy to access may entail some small direct one-off costs for designing any required changes. There may also be engineering costs of testing and implementing those changes and further maintaining a complaints procedure, as providers would need to ensure it continues to meet the requirements over time. These implementation costs would depend on the complexity of the complaints process the provider chooses to adopt.
- 3.53 Providers may also incur small additional one-off costs to update their complaints procedures so that they cover duties relating to user empowerment, content of democratic importance, news publisher content, journalistic content, or freedom of expression and privacy. This is because providers will need to ensure that it is equally easy to use the complaints function for these purposes.
- 3.54 We also consider there will be ongoing costs of considering complaints. As the complaints procedure is made easier to find and use, the volume of complaints may increase, thereby increasing the costs of operating a complaints system. We expect these costs will rise in line with the number of complaints received and therefore expect costs will scale proportionately with the expected benefits of the measure.
- 3.55 Regarding our proposals for Measure ADU C3, all Category 1 service providers are in scope of the Measure ICU D12 in the Illegal Content Codes, and Measure PCU D13 in the Protection of Children Codes where services are likely to be accessed by children. We therefore consider providers will incur only low incremental costs to extend the use of their systems and processes to implement this measure.
- 3.56 We expect providers will incur some incremental costs to extend these existing measures to cover duties relating to user empowerment, content of democratic importance, news publisher content, journalistic content, or freedom of expression and privacy, as required under section 21(6) of the Act. These costs include one-off costs associated with nominating an individual or team to deal with complaints. We do not expect there to be additional ongoing costs associated with the proposed directing of complaints towards the most relevant individuals or teams as the complaints would have to be processed in any case.
- 3.57 By proposing to allow providers flexibility in how they choose to implement the recommendation, we have aimed to make our proposed measure both proportionate and suitable for a wide range of Category 1 services. We have not been prescriptive in setting specific timescales for handling complaints, allowing providers the flexibility to determine what is appropriate for them. We expect that this flexibility will mitigate any incremental costs arising from the proposed measure.

Indirect effects on service providers

- 3.58 There is a small chance that Measure ADU C1 may lead to an increase in manifestly unfounded complaints. However, we expect such complaints to rise broadly in line with genuine complaints, as improved accessibility to the complaints system will affect both types equally. As a result, any increase in manifestly unfounded complaints should scale

proportionately with the expected benefits of the measure. We also consider that allowing users to provide supporting information when submitting complaints may help providers to better differentiate between vexatious and genuine complaints, thereby reducing some of the additional costs associated with any increase in vexatious complaints.

- 3.59 We have not identified any significant indirect effects associated with our proposals for Measure ADU C1.

Rights assessment for Measures ADU C1, C2 and C3

Freedom of expression and freedom of association

- 3.60 As explained in Volume 1, Section 1 ‘Introduction to this consultation’, 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 upholds the right to freedom of association with others. Articles 10 and 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 proportionate to the legitimate aim pursued. As noted in Volume 1, Section 1 ‘Introduction to this consultation’, we start from the position that these proposed measures are prescribed by law, in pursuit of a legitimate aim, and corresponds to a pressing social need.
- 3.61 We consider that our proposals for Measures ADU C1 and C2 should have positive impacts on users’ and affected persons’ rights to freedom of expression and association, as both measures should result in there being clear routes to challenge circumstances where users and affected persons feel that providers are failing to comply with specific duties in the Act that affect these rights.
- 3.62 We consider that recommending providers have complaints systems and processes that are easy to find, easy to access and easy to use – which help providers to meet the requirements in the Act to have a complaints procedure that is easy to access, easy to use (including by children) and transparent – should enable users and affected persons to be able to make these types of complaints more easily. They should therefore be encouraged to use the complaints procedure where appropriate, which empowers them to express themselves and helps to safeguard their rights.
- 3.63 We also consider that allowing prospective complainants to submit relevant information or supporting material could also positively benefit their rights. This is because prospective complainants may feel that their complaints require context to be considered appropriately (and subsequently deemed legitimate) and may consider not complaining if they are unable to provide additional context to strengthen their case. Being able to submit supporting information is an important way of establishing context and therefore may encourage more prospective complainants to use the procedure if they consider that they will be able to properly express their concerns.
- 3.64 Additionally, we consider that recommending providers nominate a responsible individual or team responsible for processing relevant kinds of complaints should enable the complaints procedure to run more efficiently, thereby helping to safeguard users’ rights. We also consider that these proposed measures will help give users and affected persons confidence that appropriate action will be taken in response to their complaints.
- 3.65 We also consider that there are limited impacts on providers’ freedom of expression as a result of these proposed measures. While we acknowledge that a provider may take

particular action because of these measures, in particular to ensure that appropriate action is taken in response to relevant kinds of complaints, we consider that any interference with providers' freedom of expression here is largely as a result of the requirements of the Act and is proportionate. This is because we have taken a flexible approach to designing the proposed measures, and it is up to providers to ultimately determine how to implement the recommendations.

- 3.66 In summary, we consider these proposed measures would have positive impacts on users' rights to freedom of expression and association. To the extent that these measures involve interference with providers' right to freedom of expression, we consider the interference to be limited and proportionate to the Act's legitimate objective of ensuring providers are accountable to users, which these measures are intended to help providers to secure.

Privacy

- 3.67 As explained in Volume 1, Section 1 'Introduction to this consultation', Article 8 of the ECHR confers the right to respect for an individual's private and family life. Article 8 is a qualified right, and we must exercise our duties under the Act in a way that does not restrict this right unless satisfied that is proportionate to the legitimate aim pursued. As noted in relation to freedom of expression and association, we start from the position that these proposed measures are prescribed by law, in pursuit of a legitimate aim, and correspond to a pressing social need. Article 8 underpins the data protection laws with which providers must comply.
- 3.68 We consider that our proposals for Measures ADU C1 and C3 would interfere with users' privacy. Our recommendation in proposed Measure ADU C1 that providers allow the submission of relevant information or supporting material when making a complaint may result in the processing of private information or personal data. Under proposed Measure C3, taking appropriate action may result in an action that impacts users' and affected persons' privacy and/or requires providers to process their personal data.
- 3.69 However, in both cases providers will need to ensure that any personal data is processed in accordance with its obligations under UK data protection legislation, including the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR).⁸⁰ This includes the data protection principles set out in the UK GDPR, such as lawfulness, fairness and transparency and data minimisation. Providers may wish to consider relevant guidance from the Information Commissioner's Office.⁸¹
- 3.70 We consider that providers can and should implement the measures in a way which minimises the amount of personal data that is processed so that it is no more than is needed to handle and respond appropriately to the complaint, in line with the principle of data minimisation.
- 3.71 These proposed measures could also have a positive impact on individuals' right to privacy by providing greater transparency and accountability around decisions made in respect of complaints, which could include those relating to users' private information.
- 3.72 In summary, we acknowledge that this measure involves interference with individuals' right to privacy, as we have explained above. However, we consider the interference is

⁸⁰ Information Commissioner's Office (ICO). [UK GDPR guidance and resources](#). [accessed 12 May 2026].

⁸¹ See guidance from the ICO [A guide to the data protection principles | ICO](#)

proportionate to Act's legitimate objective of ensuring providers are accountable to users, which these measures are intended to help providers to secure.

Provisional conclusion for Measures ADU C1, C2 and C3

- 3.73 The Act requires providers to operate complaints procedures for providers' non-compliance with duties relating to user empowerment, content of democratic importance, news publisher content, journalistic content, and freedom of expression and privacy. These complaints procedures must be easy to access, easy to use (including by children) and transparent, and providers must ensure appropriate action is taken in response.
- 3.74 The proposed measures in this section reflect these requirements by recommending that providers have easy to find, easy to access and easy to use complaints systems and processes in place which enable users and affected persons to easily make complaints that allow the provider to take appropriate action. We also propose to recommend a form of appropriate action for providers to take in response to these complaints, by directing the complaint towards the most relevant individual or team to be processed. We consider that these proposed measures will help to ensure accountability and fair treatment, and safeguard users' rights by enabling them to raise relevant concerns.
- 3.75 We consider that this approach accommodates the diversity of Category 1 services, and allows providers flexibility in the design of their complaints procedures. Given that Category 1 service providers may be implementing similar measures under the Illegal Content Codes and, where relevant, the Protection of Children Codes, we provisionally consider that the incremental costs of implementing these measures are likely to be relatively small and proportionate to the benefits for users and affected persons. We therefore provisionally conclude that the proposed measures are effective and proportionate and are proposing to recommend that Category 1 service providers implement these measures to meet the complaints duty set out in the Act.

Consultation questions

- 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.

4. 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?

Introduction

- 4.1 Providers of Category 1 services (providers) are subject to additional duties regarding terms of service ('terms') and complaints procedures – together the 'additional sections 71 and 72(3)-(7) duties' – set out in sections 71 and 72(3)-(7) of the Act.⁸²
- 4.2 Section 73 of the Act requires Ofcom to produce and publish guidance which will assist providers in complying with these additional sections 71 and 72(3)-(7) duties. To fulfil this obligation, we propose to issue our [draft Terms of Service Guidance](#), which we have published alongside this volume. Our proposals for the Terms of Service Guidance are set out in the following section.
- 4.3 The additional sections 71 and 72(3)-(7) duties require providers to operate their services using systems and processes designed to ensure that they only remove or restrict access to regulated user-generated content, or ban or suspend users, where this is consistent with their terms. Providers must ensure such terms are clear, accessible, sufficiently detailed and applied consistently.
- 4.4 In relation to complaints procedures, providers are required to have processes in place which allow users and affected persons to make certain complaints (see from paragraph 19.12). The complaints process must allow the provider to take appropriate action in response to complaints and must be easy to access, easy to use and transparent.
- 4.5 The goal of these duties, and therefore the draft Terms of Service Guidance, is to promote transparency, consistency and accountability in the actions that providers take in relation to users and their content.⁸³
- 4.6 Providers are also subject to separate duties related to terms of service and reporting and complaints. These include duties covering illegal content and protection of children which apply to all providers, and other additional duties on providers of Category 1 services only which are set out elsewhere in this consultation.⁸⁴ See Section 16 'Introduction to Volume 4' for more information.

Relevant duties

Additional duties regarding terms of service

- 4.7 Under section 71(1) of the Act, providers are required to operate a service using proportionate systems and processes which are designed to ensure that they do not, except where doing so is in accordance with their terms of service:

⁸² We use the term 'complaints' to cover both flags from users and/or external experts such as trusted flaggers about user content and behaviour (often called 'reports'), and submissions through complaints systems which raise concerns about the adequacy, accuracy or consistency of a provider's systems, decisions or enforcement processes.

⁸³ The draft guidance is separate to our proposed measures in the Additional Duties Code which relate to terms of service and complaints ('terms and complaints Code measures'), also published in draft form alongside this consultation. See Sections 17 'Terms of service Code measures' and 18 'Complaints Code measures'.

⁸⁴ Some duties related to protection of children only apply to providers of services likely to be accessed by children.

- take down regulated user-generated content,⁸⁵
- restrict users' access to regulated user-generated content, or
- suspend or ban users from their service.

4.8 This requirement does not apply to actions taken by the provider:

- to comply with their illegal content and child safety duties;⁸⁶ or
- to avoid criminal or civil liability, if it might reasonably be expected to arise without the action being taken.⁸⁷

4.9 The duty also does not apply to:

- consumer content or terms of service which deal with the treatment of consumer content;
- the removal of, or restriction of access to, user-generated content on the basis that a user has committed an offence in generating, uploading or sharing it on the service;⁸⁸
- suspending or banning a user on the basis that:
 - they have committed an offence in generating, uploading or sharing content on the service;⁸⁹ or
 - they are responsible for, or have facilitated, the presence or attempted placement of fraudulent advertisements on the service;⁹⁰ or
 - consumer content and terms of service which deal with the treatment of consumer content.⁹¹

4.10 Section 72(3) requires providers to operate a service using proportionate systems and processes to ensure that they enforce all provisions set in terms regarding the prohibition or restriction of any specific types of regulated user-generated content, or the banning or

⁸⁵ The definition of regulated user content can be found in section 55 of the Act. Broadly, it refers to any type of content which is generated, uploaded or shared by a user of the service, other than: emails, SMS messages, MMS messages, one-to-one live aural communications, comments and reviews on provider content, news publisher content, and identifying content that accompanies any of the content in this list (other than news publisher content).

⁸⁶ Section 71(2)(a) of the Act. This duty does not apply in relation to action taken by providers to comply with section 10(2) and (3) (illegal content duties) and section 12(2) and (3) (children's safety duties) of the Act. For example, this duty would not apply where a provider uses hash matching to meet its illegal content duties, or where the provider uses age assurance to restrict children's access to content to meet its children's safety duties. It would still apply where a provider uses hash matching or age assurance more generally (i.e., where the provider uses these more widely than what is needed to comply with the illegal content and children's safety duties).

⁸⁷ See section 71(2)(b) of the Act. Criminal or civil liability includes liability under laws outside of the UK.

⁸⁸ Section 71(3)(a) of the Act. Offence is defined in section 71(1) as including an offence under the law of a country outside the UK.

⁸⁹ Section 71(3)(b)(i) of the Act.

⁹⁰ Section 71(3)(b)(ii) of the Act. 'Fraudulent advertisement' is defined in section 38(3) of the Act (in relation to Category 1 services). It refers to a paid-for advertisement (see section 236 of the Act) which amounts to an offence specified in section 40 of the Act and which is not regulated user-generated content in relation to the service.

⁹¹ Section 71(4) of the Act. 'Consumer content' is defined in section 74(3) of the Act. It refers to (a) regulated user-generated content that is, or is directly connected with content that is, an offer to sell goods or to supply services; (b) regulated user-generated content which amounts to an offence under [Chapter 1 of Part 4 of the Digital Markets, Competition and Consumers Act 2024](#); or (c) any other regulated user-generated content in relation to which an enforcement authority has functions under that Chapter.

suspension of users. A provider must also ensure that those terms of service are applied consistently.⁹²

- 4.11 These terms must be clear, accessible and written in sufficient detail to enable users to be reasonably certain whether the service provider would be justified in taking the specified action in a particular case.⁹³

Additional duties regarding complaints

- 4.12 Providers must operate a service using systems and processes that allow users and affected persons to easily report any relevant content⁹⁴ or user accounts that they consider violate the provisions outlined in paragraph 19.10.⁹⁵
- 4.13 Providers are also subject to duties regarding complaints. Specifically, they must have a complaints procedure in place which:
- allows for certain kinds of complaints to be made, as outlined in paragraph 19.14;
 - provides for appropriate action to be taken by the provider in response to such complaints; and
 - is easy to access, easy to use (including by children) and transparent.⁹⁶
- 4.14 The certain kinds of complaints are complaints about:
- content that users or affected persons consider is relevant content;
 - failures by the provider to comply with the duties set out in section 72(1), (3) or (5);
 - removal or restriction of a user's content on the basis that it is relevant content; and
 - suspension or banning of a user.⁹⁷
- 4.15 Providers must include provisions in their terms setting out the policies and processes that govern the handling and resolution of these types of complaints. These provisions must be easily accessible, including to children.⁹⁸

Duty on Ofcom to issue guidance

- 4.16 Under section 73 of the Act, Ofcom must produce guidance for providers to assist them in complying with their duties set out in sections 71 and 72(3)-(7). Ofcom must publish this guidance, and any revised or replacement guidance.

⁹² Section 72(4)(b) of the Act.

⁹³ Section 72(4)(a) of the Act. The duties in section 72(3) and (4) do not apply in relation to provisions in the terms of service which are included under sections 10(5) and 12(9) of the Act to explain what providers are doing to comply with their illegal content and children safety duties, or to provisions in the terms of service which deal with the treatment of consumer content. See section 72(9) of the Act.

⁹⁴ 'Relevant content' is defined in section 74(5) of the Act. It refers to regulated user-generated content that is prohibited, or access to which is restricted, by terms of service (other than terms of service which make provisions related to illegal content, content that is harmful to children, or consumer content).

⁹⁵ Section 72(5) of the Act.

⁹⁶ Section 72(6) of the Act.

⁹⁷ Section 72(8) of the Act.

⁹⁸ Section 72(7) of the Act.

Our approach to the Terms of Service Guidance

Purpose and role of the guidance

- 4.17 The additional sections 71 and 72(3)-(7) duties are intended to ensure providers set out clearly and accessibly how they will treat content and implement what they have set out consistently.⁹⁹ In doing so, the duties aim to promote greater accountability of providers to their users and promote trust by giving standards against which a provider's actions and decisions can be judged.
- 4.18 The Terms of Service Guidance will assist providers to comply with these duties by setting out practical steps providers can take which, when implemented, aim to:
- reduce barriers to engagement with terms by making them suitably clear and accessible;
 - allow users to be informed about what they can expect from providers in terms of how content and behaviour is treated on the service, including which types of content and behaviour will result in what specific actions being taken;
 - promote user confidence in complaints tools, so that they are better able to hold providers to account for any failures to apply provisions found in terms; and
 - ensure that providers act consistently and in accordance with their terms, through the adoption of systems and processes designed to reduce variation between individuals working in content moderation and ensure actions taken by both human moderators and automated content moderation (ACM) systems align with terms of service.
- 4.19 Providers will not be not obliged to follow the steps set out in the Terms of Service Guidance, provided any alternative steps they take secure compliance with the duties. However, when assessing compliance with the duties and considering enforcement action, Ofcom will consider whether a provider has acted in accordance with the steps outlined in the guidance.
- 4.20 In preparing this draft guidance, we have sought to promote greater transparency, consistency and accountability through terms of service by reducing barriers to user engagement with terms. Our approach has also sought to give proper regard to freedom of expression and the right of providers to design and operate their services in a way which suits their users and the circumstances and characteristics of their service (in compliance with their duties under the Act).

Alignment of suggested steps with measures set out in Illegal Content Codes and Protection of Children Codes

- 4.21 The suggested steps in the draft Terms of Service Guidance also align with measures that have been recommended to providers in the Illegal Content Codes of Practice and Protection of Children Codes of Practice, to promote regulatory consistency.
- 4.22 The steps suggested reflect the same core expectations that underpin the Illegal Content Codes and the Protection of Children Codes. Specifically, they recommend that providers should:

⁹⁹ [Hansard, HL vol 827, col 689](#) (1 February 2023).

- operate their service according to provisions which are set out clearly and accessibly in terms;
- implement those provisions consistently through appropriate governance, training and oversight (including where ACM tools are used); and
- provide complaints procedures that are transparent, easy to use and which allow users and affected persons to raise concerns about the actions or inactions of providers and seek redress.

Structure of the guidance

4.23 The draft Terms of Service Guidance is divided into three sections on:

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

4.24 We explain our proposals in full in the rest of this section.

Our proposals

Providing clear, accessible and sufficiently detailed terms of service

4.25 In this section of our draft Terms of Service Guidance, we propose practical steps that we recommend providers take to achieve improvements in four areas:

- a) clarity,
- b) accessibility,
- c) sufficient detail, and
- d) transparent communication of changes.

4.26 The first three of these areas provide guidance on steps that providers should take to comply with the specific additional sections 71 and 72(3)-(7) duties for terms to be clear, accessible and written in sufficient detail. The fourth area relates to transparent communication of changes, which we consider to be an integral part of ensuring that terms of service are clear, accessible and sufficiently detailed.

4.27 The use of confusing or hard-to-understand language, and design of terms which make them difficult to navigate can reduce users' ability to access the information they need.¹⁰⁰
¹⁰¹

4.28 To promote accountability and transparency, terms of service should therefore set out relevant information which users are readily able to access and understand. Improving readability may therefore encourage greater engagement with terms, although we acknowledge that there may be a natural ceiling to the proportion of users who actually

¹⁰⁰ A 2021 survey found that 44% of respondents felt they understood the terms and conditions of different applications and services well. Source: Taloustutkimus Oy (Turja, T. and Sandqvist, S.), 2021. [The use of digital services 2021: Summary report](#). [accessed 26 April 2026].

¹⁰¹ In a 2023 survey of UK internet users aged 16+, 48% of respondents who had accessed terms of service said that they had been able to find all the information they needed every time they did so, and 45% had issues finding the terms, or finding the right information they needed from them. 55% of those who reported not being able to find the information they needed cited confusing language, and 59% presentation that was complex and/or hard to navigate. Source: Ofcom, 2023. Platform Terms and Accessibility, Questions 2 and 4.

access terms or spend the requisite time reading them, as evidence suggests that such behaviour is currently rare.^{102 103}

Clarity

- 4.29 The draft Terms of Service Guidance sets out that providers should:
- write terms, at a minimum, in English using plain, non-legalistic language, defining unavoidable jargon where necessary;
 - pitch terms at a reading level aligned with that of the youngest user permitted to use the service without parental consent; and
 - avoid designing terms in such a way that reduces navigability.
- 4.30 Terms of service can often be complex, confusing and difficult to understand, particularly for child users. Research shows that using simpler language makes it easier for people to understand terms of service.¹⁰⁴
- 4.31 Many respondents to our March 2024 Additional duties for categorised services Call for Evidence (our March 2024 Call for Evidence) highlighted the importance of language which was suitable for all, with a particular focus on the needs of children. Providers emphasised that they seek to ensure their terms of service are clearly written, concise and easy to understand.¹⁰⁵ Amongst these respondents were some providers who expressed support for the duties regarding clarity and accessibility, and indicated that terms on their service would likely meet these obligations without the need for any changes.
- 4.32 We consider it is important that terms are available in English, as this is the predominant language in the UK.¹⁰⁶ However, we acknowledge that it may also be possible and desirable for providers to publish terms in other languages, including those commonly spoken by users based in the UK. We have therefore specified that terms should be written in English ‘as a minimum’.
- 4.33 How terms are structured and presented can affect users’ ability to find and engage with information. For example, providing information across multiple pages or sections may make it harder for users to locate specific information. However, we recognise that such approaches can also have benefits, such as making terms feel less overwhelming. Our draft

¹⁰² Obar, J.A. and Oeldorf-Hirsch, A., 2020. [The biggest lie on the internet: ignoring the privacy policies and terms of service policies of social networking services](#), *Information, Communication and Society*, 23 (1). [accessed 29 January 2026].

¹⁰³ An Ofcom study found that 33% of 16-24-year-olds reported ever needing to access social media terms and conditions, decreasing to 19% for all respondents (16+). Source: Ofcom, 2023. [Platform Terms and Accessibility](#), Question 1: Have you ever needed to access terms of service/guidelines on social media?

¹⁰⁴ Research from the Behavioural Insights Team found that simplifying terms of service from a university graduate to a 14-year-old’s reading level increased comprehension by 16.9% among adults with education to GCSE level or below. This suggests that a lower reading age and policies that use clear language can be beneficial for adult and child users. Source: Behavioural Insights Team, 2019. [Contractual terms and privacy policies: how to improve customer understanding](#). [accessed 27 April 2026].

¹⁰⁵ 5Rights response to March 2024 Call for Evidence, pp.1-2; AGENCY response to March 2024 Call for Evidence, p.1; [§<].

¹⁰⁶ In 2021, 98.2% of people in England and Wales spoke English (or, in Wales, Welsh) either as their main language or ‘well’, according to the Office for National Statistics (ONS), and so publishing terms in English will be effective in allowing the vast majority of users in the UK to understand them. Source: ONS, 2021. [Language, England and Wales: Census 2021](#). [accessed 23 April 2026]; Equivalent figures in Scotland and Northern Ireland are 98.6% and 95.4%.

guidance on navigability therefore frames these design choices as examples of what providers should avoid where possible and appropriate.

Accessibility

- 4.34 We consider that providers' terms should be accessible in two ways: accessible for those with disabilities and easy to find for all users. As such, the draft Terms of Service Guidance proposes that providers should consider doing the following actions:
- designing and formatting terms so that they can be understood without unreasonable effort, including by those with disabilities;
 - making terms easy to locate through proactive signposting at key points and in key locations; and
 - making terms readily accessible to both users and non-registered users and affected persons without the need to sign in.
- 4.35 Our draft guidance includes further detail and examples on how providers can achieve this.
- 4.36 A number of responses to our March 2024 Call for Evidence highlighted the need for providers to ensure their terms of service are accessible to a range of users, in line with our proposed recommendations.¹⁰⁷
- 4.37 In addition, we consider that seeking appropriate input from experts when designing or updating terms can help to achieve accessibility, which our draft guidance notes. Such experts may be able to advise providers about how changes affect the accessibility of terms for particular groups, including child users or users with a disability. The importance of external consultation was also emphasised by Samaritans, who suggested that policies related to suicide and self-harm should be tested by people with lived experience to ensure that they are sensitive and accessible to vulnerable individuals.¹⁰⁸
- 4.38 In relation to 'findability', we consider that ensuring terms are clearly signposted will help to ensure that terms are truly accessible, as evidence shows that some users do not engage with terms because they are not easily able to locate them.¹⁰⁹ Furthermore, we consider access to terms for non-registered users is essential to allow those who are considering using a service to make informed decisions before sign-up. We also consider this would allow individuals who are not users but are affected by content or behaviour on the service to obtain information regarding complaints procedures.

Sufficient detail

- 4.39 We propose that providers should give users clear information in their terms of service covering:
- the behaviour and content which is prohibited on the service;
 - the actions which may be taken by the provider, where such behaviour or content is identified as being in breach of the terms of service;

¹⁰⁷ 5Rights response to March 2024 Call for Evidence, pp.1-4; AGENCY response to March 2024 Call for Evidence, p.1; [3].

¹⁰⁸ Samaritans response to March 2024 Call for Evidence, p.1.

¹⁰⁹ Among a sample of internet users aged 16+ who had ever needed to find terms of a social media service, 14% said they had experienced not being able to find these terms. Ofcom, 2023. [Platform Terms and Accessibility, Question 3.](#)

- the means of recourse users have to challenge action or if they believe action has been taken that is not in accordance with the provisions set out in terms; and
 - what can be expected from a provider in terms of acting to uphold the rules regarding other users (or content that other users post).¹¹⁰
- 4.40 We also propose that provisions should be specific enough to ensure any user able to access the service can reasonably judge whether a piece of content or type of behaviour is prohibited or allowed on the service. Our draft Terms of Service Guidance sets out a list of areas that providers should cover in sufficient detail.
- 4.41 Published content policies, integrated into terms of service, form an essential part of how a service provider explains its expectations to users and describes how it will enforce those expectations. We consider that sufficiently detailed provisions in these areas would help users to access and interact with a service with an adequate understanding of the types of behaviour that are appropriate under the terms, and the types of behaviour that will result in actions such as content removal or user sanctions.
- 4.42 Stakeholder responses to our March 2024 Call for Evidence largely supported this.¹¹¹ Providers drew particular attention to approaches that they have taken to ensure that users understand their rights and obligations easily.^{112 113}
- 4.43 We are aware of the potentially beneficial role of case studies in helping users to understand how terms of service are applied in practice. We also consider that it may be useful to include information on contextual factors that providers take into account in making decisions, as this may help users understand the complexities of judgements about potential violations of terms. We propose to include this in the Terms of Service Guidance as another example of how providers can present terms in sufficient detail.
- 4.44 Our proposal reflects the need for providers to balance comprehensiveness with accessibility when considering what level of detail is sufficient in their terms of service. We consider this important for three reasons. First, evidence suggests that users are dissuaded from engaging with terms when they are too long, due to the time and effort it would take to read and understand them.¹¹⁴ Our own research, conducted in 2023, showed that many providers' terms are very lengthy, requiring up to 64 minutes to read in full.¹¹⁵ Children, in particular, find long paragraphs of text inaccessible, discouraging meaningful

¹¹⁰ Where it is not technically feasible for a provider to take content-level action (e.g., in some end-to-end encrypted direct messaging environments), this should be clearly set out in the terms of service, including an explanation of what action will be taken if the provider becomes aware that prohibited content has been posted on the service, for example, through a user report.

¹¹¹ Canadian Centre for Child Protection response to March 2024 Call for Evidence, p.1; Digital Policy Alliance response to March 2024 Call for Evidence, p.1.

¹¹² TrustPilot response to March 2024 Call for Evidence, pp.1-2.

¹¹³ Google response to March 2024 Call for Evidence, pp.5-6.

¹¹⁴ Ibdah et al. found that 34.4% of participants surveyed felt that the length of privacy policies discouraged users from reading them, concluding that "most users are not willing to dedicate time towards reading long policies that are difficult to comprehend". Source: Ibdah et al., 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 29 January 2026].

¹¹⁵ Ofcom, 2023. [Regulating Video-Sharing Platforms \(VSPs\). Our first 2023 report: What we've learnt about VSPs' user policies](#), p.12.

engagement.¹¹⁶ Second, there is a risk that providing extensive detail in published terms could enable bad actors' attempts to circumvent moderation. Detailed descriptions of detection thresholds, enforcement triggers or deciding factors in edge cases may act as a guide for bad actors on how to adapt their behaviour and content to a provider's policy in order to avoid their content being detected and/or acted upon.¹¹⁷

- 4.45 Third, however, sufficient detail is needed to ensure that users can understand actions taken by providers. Respondents to our March 2024 Call for Evidence stated the importance of providers offering sufficient explanation for key terms and thresholds without disclosing so much detail that policies become impractical or create security risks.¹¹⁸

Transparent communication of changes

- 4.46 We propose that the draft Terms of Service Guidance should recommend that providers should ensure any changes to the terms of service are communicated in a way which is transparent to users, following the principles of accessibility and clarity. The draft guidance also sets out steps providers should consider when doing so, which reflect common project management practice, such as building this into project plans and maintaining change logs.

- 4.47 This is in line with evidence submitted by Samaritans in response to our March 2024 Call for Evidence, which called for updates or amendments to policies to be effectively communicated to users in a timely manner.¹¹⁹ One provider highlighted its effort to ensure transparent communications surrounding their terms of service, stating that it regularly updates its terms to ensure that users understand them.¹²⁰ We consider that, without clear communications regarding changes or updates, users will be unlikely to understand how their experience on a service may change. Communicating changes transparently will allow users to have an accurate and up-to-date understanding of prohibited content and behaviour, actions which may arise from such content or behaviour, and details about processes which they may engage with or which may otherwise affect them (such as moderation processes and complaints procedures).

- 4.48 Accountability is at the heart of our approach to the draft Terms of Service Guidance. The steps we outline in section 4 of our draft guidance are intended to enable providers to comply with their duties to act in accordance with terms of service – neither exceeding nor falling short of the standards set by the provisions in their terms – and help them to do this consistently.

- 4.49 There is evidence that UK adult users have content taken down without understanding why this was done, and in some cases, they believe that their content did not violate the providers' terms.¹²¹

¹¹⁶ Sources: Schneble, C.O. et al., 2021. [Social media terms and conditions and informed consent from children: Ethical analysis](#), *JMR Pediatrics and Parenting*, 4 (2). [accessed 12 May 2026]; Children's Commissioner for England, 2017. [Growing up digital: A report of the Growing Up Digital Taskforce](#). [accessed 16 March 2026] Mental Health Foundation response to 2023 Call for Evidence, p.7.

¹¹⁷ Kominers, S.D. and Shapiro, J.M., 2024. [Content moderation with opaque policies](#), *National Bureau of Economic Research*, 32156 (February 2024). [accessed 23 April 2026].

¹¹⁸ Google response to March 2024 Call for Evidence, p.7; Open Rights Group response to March 2024 Call for Evidence, pp.1 and 2.

¹¹⁹ Samaritans response to March 2024 Call for Evidence, p.1.

¹²⁰ [3].

¹²¹ Among UK adult internet users who had had content they posted online removed in the previous six months, around three in ten (32%) said they do not understand why it was taken down, and a similar proportion (29%) said they do not think it breached the service's policies. While respondents were not asked

- 4.50 Users also report regularly encountering types of content which are typically prohibited by terms, such as misinformation and bullying or harassment.¹²² This suggests that users' expectations about content removal which could be explained in terms are not matching their experiences when using the service.
- 4.51 Concerns about inaction regarding prohibited content, or arbitrary removal of content that is not prohibited in terms, can lead to perceptions of reduced service accountability and erode user trust in providers' systems and processes. Such concerns also provide an inconsistent and uncertain experience for users and may potentially discourage users from reporting or complaining about content, potentially resulting in less prohibited content being identified and removed by the provider.¹²³

Acting in accordance with terms of service

Consistency between external and internal policies

- 4.52 Our draft Terms of Service Guidance proposes to recommend that providers should have internal and external policies that are in alignment and contain similar basic information, thereby promoting transparency for users. We also propose to suggest that published external content policies should not contain the same precise level of detail as contained in providers' internal policies, to avoid giving bad actors sufficient information which allows them to bypass moderation.
- 4.53 Content policies set out the standards that govern the types of content and behaviours that are permitted or prohibited on a service. They are integrated into providers' terms of service, either directly or through the use of hyperlinked references, and are the primary means for providers to communicate expectations to users, and state how they will uphold such expectations through enforcement.
- 4.54 Content policies typically exist in two forms: user-facing external content policies (used to communicate to users what behaviour and content is and is not allowed on the service) and more detailed, operational internal content policies (which guide a provider's moderation and enforcement operations).
- 4.55 We acknowledge that internal and external policies serve two different purposes. However, we consider it vital that both policies are consistent so that no action may be justified by the internal policy that cannot also be said to be justified in the external one (or vice versa). For external terms to meaningfully promote accountability and trust, they need to be consistent with the internal policies that guide the actions of individuals working in content moderation.
- 4.56 Our proposals are consistent with recognised best practice standards which emphasise that published terms should accurately reflect the criteria applied in internal moderation

which service content was taken down from, given that Category 1 services are among those with the largest user bases in the UK, we consider it very likely that some of these experiences will have involved Category 1 services. Source: Ofcom, 2026. [Online Experiences Tracker, Wave 9](#).

¹²² Ibid.

¹²³ Research shows users encountering online hate and abuse "often stopped reporting or challenging online hate... [seeing] it as a poor return on their investment of time and emotional energy, since action was not always taken or because the sheer volume of hateful content led to feelings of futility... feeling further anger and disappointment when no action was taken by the platforms, or they did not get their desired outcome." Source: Ofcom, 2023. [Qualitative research into the impact of online hate](#); See also Ofcom, 2026. Exploring how users navigate sensitive and harmful content.

processes, and vice versa. This is to ensure that users can understand and anticipate how decisions are made.

Ensuring consistency in human moderation

- 4.57 We propose that our Terms of Service Guidance suggest that providers should ensure that terms are enforced consistently and in such a way that similar behaviour in similar situations should lead to the same enforcement action. We propose to set out several examples of steps providers may take to achieve this, including the use of standardised decision frameworks, calibration exercises and ongoing review of moderation decisions.
- 4.58 We also propose to suggest that providers deliver additional training to individuals working in content moderation where terms of service change (e.g., through alteration or addition of provisions) to ensure they are up to date with the latest version of terms. Our draft guidance also notes the factors that might influence inconsistent decision-making.
- 4.59 Evidence submitted to our November 2023 Call for Evidence emphasised the continued importance of human moderation within broader moderation systems. One provider explained that human moderation remains a critical component of their overall approach, particularly where automated systems may struggle to interpret context or nuance.¹²⁴
- 4.60 Inconsistency can lead to users perceiving that a provider's enforcement decisions are biased, arbitrary or preferential to certain types of users over others, undermining perceptions of fairness and legitimacy in moderation decisions.¹²⁵
- 4.61 Evidence suggests that this can, in turn, decrease users' trust in systems and processes, which may make them less likely to engage in processes such as reporting functions which can promote safety on a service.¹²⁶ Where this is the case, accountability would be further reduced and individuals working in content moderation would have fewer opportunities to review and act on prohibited regulated user-generated content and behaviour, potentially resulting in users being exposed to more prohibited content.
- 4.62 We consider the provision of training to individuals working in content moderation to be instrumental to achieving consistent application of terms. Well-designed training helps ensure that moderation decisions align with a provider's policies and supports consistency across teams. Therefore, the draft Terms of Service Guidance states that training should ensure that individuals working in content moderation have a shared understanding of a services' rules and their application.
- 4.63 We consider that this outcome could also be achieved by using a standardised decision framework and conducting regular calibration exercises alongside ongoing review, to mitigate the risk of variation in moderation systems. This is reflected in the examples set out in the draft guidance.

Consistency with terms when using Automated Content Moderation systems

- 4.64 Providers often use ACM systems to support the content moderation process by detecting, assessing and/or taking action on content that violates a service's terms, or other policies. ACM systems rely on algorithms and, increasingly, may incorporate machine learning or

¹²⁴ [§<].

¹²⁵ Ofcom, 2023. [Qualitative research into the impact of online hate](#); Ofcom, 2026. Exploring how users navigate sensitive and harmful content.

¹²⁶ Ma et al., 2023. '[How Do Users Experience Moderation? A Systematic Literature Review](#)', *Proceedings of the ACM on Human-Computer Interaction*, 7 (CSCW2). [accessed 3 March 2026].

other artificial intelligence techniques, requiring management of the trade-offs between false positives and false negatives.

- 4.65 We propose that where providers use ACM systems, they should design the ACM systems in such a way as to ensure consistency (as far as is technically feasible) between the decisions made by such technology and the policies outlined in terms of service. We consider this important to ensuring providers achieve compliance with their duties to act consistently and in accordance with their terms. Disparities between actions as set out in terms and actions taken by ACM systems can contribute to a lack of trust among users in providers' policies and processes.¹²⁷
- 4.66 We also propose to suggest that, in practice, consistency between ACM systems and terms of service can be supported by configuring the technology to strike an appropriate balance between precision and recall, and by assessing its performance against benchmarks decided at design stage.¹²⁸
- 4.67 For larger services, these assessments are often carried out through quality assurance processes.¹²⁹ In order to meaningfully improve the ACM technology being assessed, quality assurance processes should be suitably designed and implemented.
- 4.68 We propose to highlight the following in the draft Terms of Service Guidance as areas which should be considered when designing a quality assurance process: the cadence at which the process is carried out, the appropriateness of the sample which is used, and the expertise of the individuals overseeing the process.
- 4.69 We note that for providers using ACM systems, the proposals in our draft Proactive Technology Guidance may be a useful resource to guide design of such systems.¹³⁰ Subject to our final decision on the guidance in our forthcoming Statement on Additional Safety Measures, we would expect to include reference to this in the final Terms of Service Guidance.

Operating clear, accessible and transparent complaints procedures

- 4.70 Complaints procedures are central to ensuring that providers uphold their terms of service in a way that is fair and consistent. The steps that we outline in our draft guidance relating to this area are intended to assist providers to comply with their duties to ensure that complaints mechanisms are easy to access and use, and transparent so that users understand what happens after they submit a complaint. Evidence suggests that users find complaints procedures difficult to find and burdensome to complete, and that some do not complete the process due to a belief that providers will not act on their reports.¹³¹

¹²⁷ Ibid. [accessed 23 April 2026].

¹²⁸ In the technical literature, the need to make trade-offs between a high rate of 'false positives' and a high rate of 'false negatives' is referred to as the tension between 'recall' and 'precision' rates. A high recall rate means few false negatives have been returned. A high precision rate means that few false positives have been returned.

¹²⁹ Zhu, X. et al., 2023. '[Content Quality Assurance on Media Platforms with User-Generated Content](#)', *Journal of Theoretical and Applied Electronic Commerce Research*, 18. [accessed 28 April 2026].

¹³⁰ Ofcom, 2025. [Proactive Technology Draft Guidance, Additional Safety Measures – Annex 6](#).

¹³¹ Ofcom's Online Experiences Tracker shows that, of those who experienced potentially harmful content on a service but who chose to take no action, 23% said that they did not think reporting would make a difference or be acted upon and 9% because they did not know what to do or who to inform. Three per cent said that they

Complaints procedures that are easy to find, access and use

- 4.71 The Act requires providers to put in place certain complaints procedures that are easy for users and affected persons to access and use.
- 4.72 To meet this requirement, our draft guidance states that information about complaints procedures should be presented in clear, simple language which can be understood by the youngest users permitted on the service without parental consent. It also sets out that reporting tools should be prominently located to ensure they can be readily found by both users and affected persons.
- 4.73 We also propose to recommend that information on complaints procedures and interacting with reporting tools should be available to all users and non-users, including those using assistive technologies. This ensures that individuals who may be affected by content or behaviour on a service, but who are not users, can still access the provider's complaints procedures. Our draft guidance also emphasises that procedures must be transparent. Such transparency in the handling of complaints helps to maintain the trust of users (and others affected by content or behaviour on a service).
- 4.74 Research indicates that when complaints functions are not clearly signposted or are overly complex, users are less likely to engage with them. Making these tools easier to see means users are more likely to report issues.¹³²
- 4.75 Additionally, evidence gathered through our March 2024 Call for Evidence highlighted the importance of clear and accessible complaints procedures. Several respondents raised the need for complaints procedures that are accessible and easy to follow,¹³³ particularly for users with learning difficulties.¹³⁴ Some stakeholders also stated that requiring users to be logged in to submit a report can create barriers to reporting, particularly for those who do not have an account with the service.¹³⁵
- 4.76 This evidence demonstrates that unclear, hard-to-locate or restrictive complaints procedures can discourage users from raising concerns. We consider the recommended steps in our draft guidance would help to lessen these barriers.

Appropriate action

- 4.77 Providers are required to ensure that their complaints procedure allows for appropriate action to be taken by the provider of the service in response to the types of complaints set out in paragraph 19.14. By doing so they will be able to identify and address breaches of terms of service, correct errors or inconsistencies, and promote accountability to users.
- 4.78 We propose that the Terms of Service Guidance set out that providers can comply with this duty by designing and operating a complaints procedure which:

did not take action because they did not have the time. Source: Ofcom, 2026. Online Experiences Tracker, Wave 9.

¹³² Ofcom, 2023. [Behavioural insights for online safety: understanding the impact of video sharing platform \(VSP\) design on user behaviour](#), pp.6-7.

¹³³ Kick It Out second response to March 2024 Call for Evidence, pp.8, 9, 11 and 12; Royal Mencap Society response to March 2024 Call for Evidence, pp.4-6; Samaritans response to March 2024 Call for Evidence, pp.3-4; The Cyber Helpline response to March 2024 Call for Evidence, p.4; Trust Alliance Group response to March 2024 Call for Evidence, p.4.

¹³⁴ Royal Mencap Society response to March 2024 Call for Evidence, pp.4-6.

¹³⁵ The Cyber Helpline response to March 2024 Call for Evidence, p.4; Trust Alliance Group response to March 2024 Call for Evidence, pp.2 and 4.

- subjects any piece of content or instance of user behaviour which has been complained about to prompt review in order to assess whether it is in breach of provisions set out in terms, and – if found to be in breach – subjects the content or user to an appropriate enforcement action as set out in terms;
- acknowledges receipt of complaint, including by providing: indicative timeframes in which the complainant can expect the complaint to be considered and responded to; possible outcomes of the complaint; and confirmation that the provider will inform the user or affected person concerned (the ‘complainant’) about its decision;
- gives the complainant the option to opt out of further communication from the service on the complaint being considered; and
- confirms the outcome of the complaint to complainants, e.g., confirms whether the provider has decided to remove content, restrict content, add a content warning or label, sanction or ban or suspend the user who posted the content, or take no further action.

- 4.79 Evidence suggests that users and affected persons often face long waiting times before their complaint is responded to, and in some cases receive no response at all.¹³⁶ There is also evidence of inconsistency between services in the provision of acknowledgement of receipt of a complaint, or information about how a complaint will be handled.¹³⁷ Furthermore, the potentially harmful nature of some content which may be complained about, and the potentially harmful effects of inaccurate moderation on an individual whose account or content has been acted upon, means that there is potential for the reporting process to be distressing for complainants.¹³⁸
- 4.80 Delayed or missing responses to complaints may contribute to perceptions that complaints are not treated seriously or that they have no effect, potentially reducing willingness to engage with the process and therefore reducing provider accountability to users and user trust. Additionally, some complainants may be adversely affected by being involved with an ongoing complaints process but still wish to engage with it in a limited way initially to prompt action by the provider.
- 4.81 We consider that these risks can be effectively mitigated by giving complainants the following information on receipt of the complaint: indicative timeframes, possible actions to be taken and that further communications of a decision will be provided. Complainants should also be given the opportunity to opt out from further communications about the complaint, where they so wish. Those who do not choose this opt-out should be told what the decision regarding their complaint is when it is made.
- 4.82 In line with our approach regarding illegal content complaints and complaints about content that is harmful to children, we do not propose to suggest a specific length of time which should be given as indicative of when a complaint will be considered, as we recognise the need for flexibility for providers.

¹³⁶ Refuge, 2021. [Unsocial Spaces Report](#), pp.7 and 25. [accessed 30 April 2026]. Ofcom, 2026. Exploring how users navigate sensitive and harmful content.

¹³⁷ Cover, R. et al., 2025. [‘Reporting online abuse to platforms: Factors, interfaces and the potential for care’](#), *Convergence*, 32 (1). [accessed 30 April 2026].

¹³⁸ Ibid.

Categories of complaints

- 4.83 We propose to recommend in the draft Terms of Service Guidance that providers should allow complainants to select one or more categories to which their complaint belongs. We propose that these categories should be suitably granular and should correspond to the categories of prohibited behaviour in the terms of service.
- 4.84 Allowing this can help to ensure that the complaint is assessed against the correct policy area and provision, allowing the service provider to take appropriate action. This proposed recommendation reflects the duty on providers to have a complaints system which allows appropriate action to be taken.

Impacts and costs

- 4.85 This sub-section assesses the impact of our proposed recommendations included in the draft Terms of Service Guidance. We assess the potential impact on providers of engaging with the draft guidance and implementing the recommendations to the extent these go beyond what is required of providers to comply with the duties in the Act.

Direct financial costs for providers

- 4.86 Providers who choose to engage with the final guidance may incur small costs in familiarising themselves with its content and considering how to take forward its actions and recommendations. Providers must still determine how to meet their responsibilities under the Act, so we anticipate that becoming familiar with the guidance will only add minimal extra cost.
- 4.87 Providers that implement the recommendations in the draft Guidance may incur additional one-off and ongoing costs. This may include, for example, costs associated with revising terms of service to ensure they are clear and accessible. Section 72(4)(a) of the Act requires providers to ensure that terms are clear and accessible, and we propose that Measure ADU D2 recommends providers have clear and accessible terms of service in relation to the additional duties on user empowerment, content of democratic importance, journalistic content and complaints. Providers that also follow the final guidance may incur small additional costs to ensure that other parts of their terms meet the same standard, for example, by aligning the reading age with that of the youngest user permitted to access the service without parental consent.
- 4.88 Providers have already been recommended to implement the relevant terms measures in the Illegal Content Codes and Protection of Children Codes.¹³⁹ Some recommendations in the final guidance will align with these existing recommendations and are therefore likely to result in only incremental costs for providers. For example, our Illegal Content Codes already recommend that providers give indicative timeframes for responding to complaints about illegal content. Providers may incur incremental costs if, in following the final guidance, they apply this approach more broadly to all complaints.
- 4.89 **Table 19.1** sets out the suggested steps in the draft guidance and outlines the potential costs providers may incur by following this guidance, including potential additional costs beyond those associated with complying with the Act and implementing the proposed Code measures.

¹³⁹ Ofcom, 2025. [Illegal content Codes of Practice for user-to-user services](#); Ofcom, 2025. [Protection of Children Code of Practice for user-to-user services](#).

4.90 If providers choose to follow the draft guidance they will incur small costs to ensure their terms of service and complaints procedures are clear, accessible and transparent. Providers may also incur moderate or substantial costs in establishing a standardised decision-making process for individuals working in content moderation and providing regular training to ensure consistent standards across moderation teams. We consider these costs to be provisionally proportionate, as they support transparency, consistency and accountability in providers' actions towards users and their content, and facilitate compliance with the Act.

Table 19.1: Suggested guidance steps and potential costs for providers

Summary of suggested step	Potential costs for providers
<p>Ensure terms of service are readily understandable to users, using clear and simple language and avoiding jargon or legalistic terms (or clearly defining such terms where unavoidable).</p>	<p>Providers will incur costs for these steps as part of implementing Measure ADU D2 in Section 17.</p>
<p>Avoid using scripts or formats in terms that cannot be processed by assistive technologies.</p>	
<p>Align the reading age of their terms with that which can be presumed of the youngest user permitted to access the service without parental consent, and consider testing whether this has been achieved using appropriate tools.</p>	<p>Providers will incur costs to align the reading age of their terms as part of Measure ADU D2 in Section 17, and may incur small additional costs to test that the intended reading age has been achieved.</p>
<p>Publish terms in English as a minimum.</p>	<p>No additional cost for providers.</p>
<p>Design terms in way that supports navigability and avoids unnecessary fragmentation across pages or sub-sections.</p>	<p>Small one-off staff costs to design terms in a way that supports navigability.</p>
<p>Design and format their terms in a way that allows all users to understand them without unreasonable effort.</p>	<p>Small one-off costs to ensure the design and format of the terms are clear.</p>
<p>Ensure terms are accessible to registered users and non-registered affected persons, without requiring them to log in.</p>	<p>Minimal one-off costs to update webpages to ensure terms are easily accessible across the service.</p>
<p>Signpost terms at appropriate points in the user journey.</p>	
<p>Make terms readily accessible from a suitable number of locations on the service.</p>	

Summary of suggested step	Potential costs for providers
<p>Include sufficient detail in terms explaining the policies and processes that may result in content or users being actioned against. It should be clear to users what behaviour or content is prohibited on the service, and what actions providers may take against users or content as a result. Terms should also include information on complaints procedures available to users and affected persons.</p>	<p>Small one-off costs for providers if they need to revise their terms to ensure the provisions are clear and detailed.</p>
<p>Communicate changes to terms in a way which follows principles of accessibility and clarity.</p>	<p>Small ongoing costs to clearly communicate changes to terms with users.</p>
<p>Apply terms consistently so that comparable behaviour in comparable circumstances results in equivalent enforcement outcomes.</p>	<p>Providers may incur moderate one-off costs to design a standardised decision-making process and deliver initial training to ensure individuals working in content moderation share a consistent understanding of the terms.¹⁴⁰</p> <p>Providers may also face ongoing costs to update this training regularly and conduct calibration exercises to reduce inconsistency.</p>
<p>Provide training which ensures all individuals working in content moderation have a shared understanding of terms.</p>	
<p>Use standardised decision-making frameworks across all moderation teams and regions.</p>	
<p>Conduct calibration exercises to identify and reduce inconsistency in moderation decisions.</p>	<p>Small ongoing staff costs to quality-assure decisions and test that process are fit for purpose.</p>
<p>Implement ongoing reviews of moderation decisions and processes (e.g., quality assurance processes) to ensure that processes are fit for purpose (in that they are consistent with provisions in terms, and consistently applied)</p>	
<p>Ensure internal policies are consistent with external terms, while avoiding replicating the detail of internal policies in external ones.</p>	<p>Small one-off staff costs to ensure terms are consistent, with ongoing costs to ensure any changes are reflected in both.</p>
<p>Ensure that where actions are taken by ACM, these ACM systems are consistent with terms, testing this at regular intervals against appropriate benchmarks.</p>	<p>Moderate one-off costs to design a framework for testing ACM systems against terms, and ongoing costs to run this test at regular intervals.</p>
<p>Have a complaints procedure in place which is easy for users and affected persons to find, access and use. Provide information on complaints procedures in clear, simple language matching the reading age of the youngest potential user of the service able to use the service without parental consent.</p>	<p>Providers will incur small one-off costs to review and update their complaints system using clear and simple language, with ongoing costs to maintain this language when procedures change.</p>

¹⁴⁰ As training is already recommended in the Illegal Content Codes and Protection of Children Codes, any additional costs for providers may be incremental where they can incorporate this step into existing training programmes.

Summary of suggested step	Potential costs for providers
<p>Ensure appropriate action in response to complaints, by acknowledging receipt of complaints (providing those making the complaint with indicative timeframes and possible outcomes when doing so), allowing complainants to opt out of future communications regarding their complaint, promptly reviewing their complaint, and notifying complainants of the outcome of their complaint (unless they have opted out).</p>	<p>Providers may incur small one-off costs to update systems to acknowledge receipt of complaints, and to allow users and affected persons to opt out of future complaints.</p> <p>Providers may incur increased ongoing staff costs to process complaints within specified timeframes and to notify complainants of the outcome of complaints.</p>
<p>Provide transparent complaints procedures, including providing users making a complaint with indicative timeframes in which their complaint will be considered and responded to.</p>	
<p>Provide reporting tools which are simple to use, using simple language matching the reading age of the youngest potential user of the service able to use the service without parental content, and display reporting tools prominently.</p>	<p>Minimal one-off staff costs to adjust the user-experience design to support these steps.</p>
<p>Ensuring that all users and non-users, including those with disabilities using assistive technologies, can access information on complaints procedures and interact with reporting tools.</p>	
<p>Allow users to select a relevant category which their complaint relates to.</p>	
<p>Make reporting tools and information regarding complaints procedures available to all individuals viewing the service, without the need to be logged in.</p>	
<p>Design systems and processes so that users need to take only reasonably necessary steps to submit a complaint.</p>	

Indirect effects

4.91 We have not identified any significant indirect costs associated with the draft guidance steps.

Rights

Freedom of expression and freedom of association

4.92 As explained in Volume 1, Section 1 'Introduction to this consultation', 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 upholds the right to freedom of association with others. Articles 10 and 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 proportionate to the legitimate aim pursued. As noted in Volume 1, Section 1 'Introduction to this consultation', we start from the position that the draft guidance is prescribed by law, in pursuit of a legitimate aim, and corresponds to a pressing social need.

- 4.93 The purpose of the draft guidance is to explain to providers how we propose they can implement processes to comply with their duties in the Act, which are prescriptive as to the outcomes that must be achieved. We acknowledge that there may be interference with users' freedom of expression rights where, because of providers adopting the proposed steps for acting in accordance with their terms of service, users find that their access to certain content is restricted or that their accounts are suspended or banned. This interference is potentially significant, particularly if that judgement is incorrect. However, we consider that such an interference is largely due to the requirements in the Act rather than our proposals. We have also designed the suggested steps to mitigate these impacts so far as possible, in particular regarding the risk of incorrect moderation. For example, we have suggested providers train individuals working in content moderation in their terms of service; that standardised decision-making frameworks are used; and that providers implement ongoing reviews of moderation decisions and processes to ensure these processes are fit for purpose. We also note that it remains open to 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 prohibit on their service and whom they allow to access that content under their terms.
- 4.94 We further consider the proposed recommendations in the draft Terms of Service Guidance regarding consistent enforcement of terms of service could also support users' freedom of expression rights by reducing the risk of arbitrary or erroneous take-down of content, banning or suspension of users.
- 4.95 We also provisionally consider that by following steps to provide a complaints procedure (including appeals), and to have clear and easily accessible provisions in the terms of service in relation to this, users should be more likely to understand how these complaints procedures work. This should increase the likelihood of users using these procedures where appropriate and therefore being supported to pursue their rights to freedom of expression and mitigate any unjustified interference with these rights.
- 4.96 Additionally, we consider that the draft guidance would also have a positive impact on users' freedom of expression and association rights, as it should help providers ensure that the relevant provisions within the terms of service are clear and accessible. As a result of provisions about prohibited regulated user-generated content and banning or suspending of users being clear and accessible, users are likely to receive better-quality information about the rules of using a service, which could also help users to make informed choices about whether to use the service.
- 4.97 We acknowledge that our proposals for how providers can comply with their duties in relation to acting in accordance with their terms of service will to an extent interfere with providers' right to freedom of expression. However, we consider the degree of interference to be limited and largely to arise from the requirements of the Act and their own choices as to what kinds of content they wish to restrict or allow under their terms, rather than the guidance.

4.98 In summary, we consider the draft guidance would have positive impacts on users’ rights to freedom of expression and association. To the extent that it involves interference with providers’ right to freedom of expression, we consider the interference to be limited and proportionate to the Act’s legitimate objective of ensuring providers act consistently and are accountable to users, which this draft guidance is intended to help providers to secure.

Privacy

4.99 As explained in Volume 1, Section 1 ‘Introduction to this consultation’, Article 8 of the ECHR confers the right to respect for an individual’s private and family life. Article 8 is a qualified right, and we must exercise our duties under the Act in a way that does not restrict this right unless satisfied that is proportionate to the legitimate aim pursued. As noted in relation to freedom of expression and association, we start from the position that this draft guidance is prescribed by law, in pursuit of a legitimate aim, and corresponds to a pressing social need. Article 8 underpins the data protection laws with which providers must comply.

4.100 We consider that the proposed draft guidance would have some impact on users’ and affected persons’ privacy. For example, our recommended steps on the design of complaints procedures in particular may involve processing of personal data; and content moderation actions could directly affect users’ and affected persons’ privacy rights to the extent they impact on private communications.

4.101 We note that providers would need to ensure that any personal data is processed in accordance with its obligations under UK data protection legislation, including the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR).¹⁴¹ This includes the data protection principles set out in the UK GDPR, such as lawfulness, fairness and transparency and data minimisation. Providers may wish to consider relevant guidance from the Information Commissioner’s Office.¹⁴²

4.102 In respect of our proposed recommendations regarding complaints procedures, we expect providers to implement the recommendations in a way which minimises the amount of personal data that is processed so that it is no more than is needed to handle and respond appropriately to the complaint, in line with the principle of data minimisation.¹⁴³

4.103 Overall, we acknowledge that this draft guidance involves interference with individuals’ right to privacy, as we have explained above. However, we consider the interference is proportionate to Act’s legitimate objective of ensuring providers act consistently and are accountable to users, which this draft guidance is intended to help providers to secure.

Provisional conclusion

4.104 We consider that our draft Terms of Service Guidance sets out a proportionate approach for how providers can comply with their additional sections 71 and 72(3)-(7) duties. In particular, we consider that the three substantive sections – providing clear, accessible and sufficiently detailed terms of service; acting in accordance with terms of service; and providing clear, accessible and transparent complaints procedures – work together to help users and affected persons understand the standards that apply on a service, the actions that may be taken where those standards are not met, and the processes available to raise concerns or challenge decisions. We consider that this approach enables users to

¹⁴¹ Information Commissioner’s Office (ICO). [UK GDPR guidance and resources](#). [accessed 12 May 2026].

¹⁴² See guidance from the ICO. [A guide to the data protection principles](#).

¹⁴³ ICO. [A guide to the data protection principles](#). [accessed 12 May 2026].

understand and exercise their rights, while allowing providers flexibility in how they design and operate their systems and processes, given the range and diversity of Category 1 services. This allows providers to use existing systems and processes, which they may already have in place if they are following our Illegal Content Codes and Protection of Children Codes, and so keep costs relatively low.

Consultation questions

- 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?