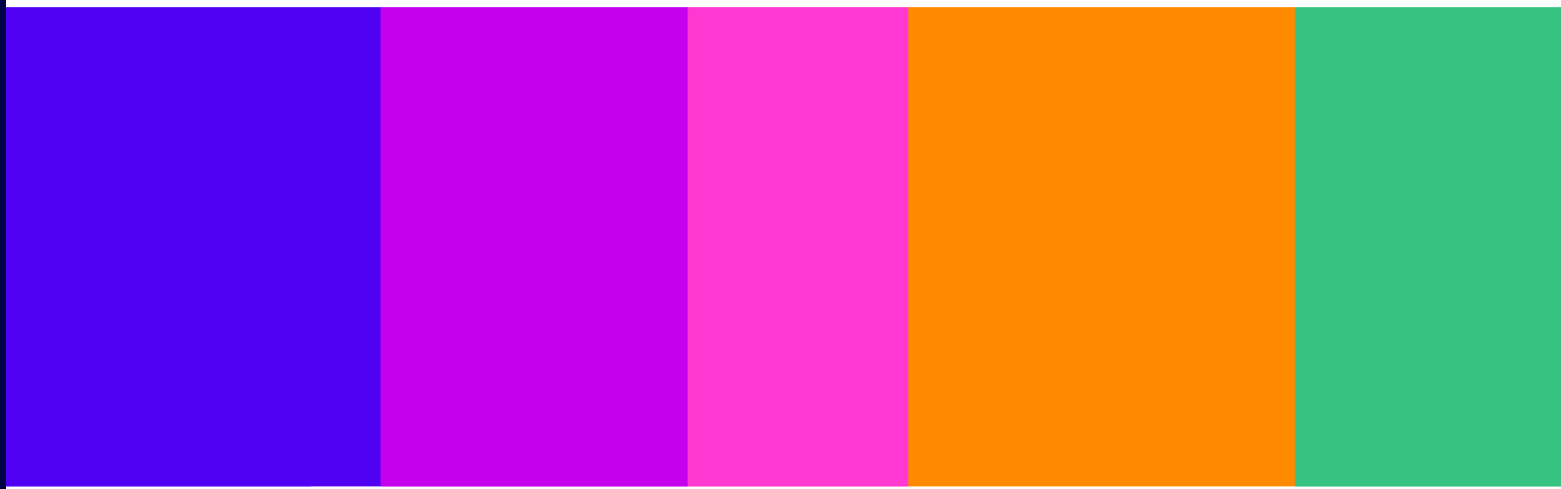


Protecting people from illegal harms online

Annex 4: Equality Impact Assessment and
Welsh Language assessment

Annexe

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Contents

A4. Equality Impact Assessment and Welsh Language Assessment	3
Equality Impact Assessment	3
Welsh Language Assessment	7

A4. Equality Impact Assessment and Welsh Language Assessment

- A4.1 This annex outlines our Equality Impact Assessment and Welsh Language Assessment for all the decisions in this Statement.
- A4.2 These assessments help us to comply with our duties under section 3 of the Communications Act 2003 to have regard to relevant factors. In particular, due to overlap with the protected characteristics under the Equality Act 2003 and the Northern Ireland Act 1998, we have had regard as a part of our Equality Impact Assessment to the vulnerability of those whose circumstances appear to put them in need of special protection and the needs of persons with disabilities and of the elderly.
- A4.3 We have also considered the impacts of our measures on different demographics, including those on low incomes, and the different interests of different ethnic communities within the UK, as these indirectly impact on groups with protected characteristics.
- A4.4 In addition, we have had regard to the different interests of persons in different parts of the UK but note that the measures we recommend apply to the UK as a whole. Furthermore, while we have had regard to the different interests of persons living in rural and urban areas, we do not consider that there is any relevant difference in these interests for the purposes of our decisions in this document.

Equality Impact Assessment

- A4.5 We have given careful consideration to whether the decisions in this document will have a particular impact on persons sharing protected characteristics (including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or the fostering of good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.
- A4.6 In our November 2023 Consultation, we explained that some of our proposals would have a positive impact on persons sharing protected characteristics and noted that most of these impacts were likely to come from our Codes of Practice proposals. We did not consider that any of our proposals would have a detrimental impact on those groups.
- A4.7 While we have decided to broadly confirm our proposals, we have made some amendments since our November 2023 Consultation. These revisions were made in view of further evidence and feedback submitted in response to the Consultation. Broadly, the changes serve to affirm our commitment to enabling positive impacts for persons sharing protected characteristics. Additionally, we have concluded in this revised Equality Impact Assessment that our decisions will not have any negative impacts on persons with protected characteristics, or on equality of opportunity or the fostering of good relations.

- A4.8 In addition, we have included information in relevant regulatory documents to ensure that providers have appropriate regard to the needs of people with protected characteristics. In our Risk Assessment Guidance, we explain that services in scope should consider the demographics of their UK user base, including groups with protected characteristics. Our Register of Risks (the 'Register') includes evidence of the harm from illegal content experienced by vulnerable users, and particularly users with multiple protected characteristics; this information is also summarised in our Risk Profiles.
- A4.9 As detailed in this annex, examples of groups that might disproportionately experience and be negatively affected by an illegal harm include, but are not limited to, women and girls impacted by harms relating to child sexual exploitation and abuse (CSEA), cyberstalking, harassment and intimate image abuse; races (and ethnicities) which may be subject to disproportionate harassment, threats and abuse; and vulnerable users including children who may be particularly psychologically impacted by illegal harms including material that may amount to offences such as encouraging or assisting serious self-harm.
- A4.10 As explained in our Consultation, we consider that most of the positive impacts of our decisions on certain groups are likely to come from the recommended measures in our Codes of Practice in the following areas.

Terms of service and publicly available statements

- A4.11 Our measures that relate to the comprehensibility of language used in a provider's terms of service and publicly available statements may benefit those with protected characteristics which could affect their level of literacy.
- A4.12 Benefits could also accrue to younger users, those who may not possess English as a first language (which can be associated with race) or those with relevant disabilities (for example, a learning disability, or visual or motor impairment).
- A4.13 We have also made specific recommendations in relation to providers' terms of service and publicly available statements for the benefit of users of assistive technologies, including keyboard navigation and screen reading technology.

Reporting and complaints

- A4.14 Our measure recommending that providers make complaints systems easy to find, access and use is intended to encourage users to report illegal content. This measure specifically recommends that the needs and accessibility requirements of children, and users with disabilities (for example, a learning disability, vision or motor impairment) are considered so that they can easily access and use complaints procedures. We have made specific recommendations for the benefit of users of assistive technologies including keyboard navigation and screen reading technology.
- A4.15 Since our Consultation, we have extended our proposals to improve the ease and accessibility of reporting. For example, we have clarified that a complaints process should only include reasonably necessary steps so that it is a less burdensome and lengthy process for a complainant; that (as required by the Act) providers should allow non-registered users to make relevant complaints, which may, for example, be of particular use to parents of child users; and that service providers should consider the likely accessibility needs of their UK user base. Having a complaints procedure that is easy to find, access and use should enable the reporting of further illegal content, thus reducing the risk of harm.

- A4.16 Furthermore, we have amended our measure on acknowledging complaints to recommend an opt out so that users can choose whether they receive an acknowledgement and indicative timeframe for their complaint. This opt-out will provide benefits for users who do not want to receive an acknowledgment due to safeguarding concerns, for example, where such an acknowledgment could pose a safety risk to vulnerable users who may be in abusive or coercive situations. As explained in the Register, young women, as well as women from minority ethnic and racial backgrounds, appear to be disproportionately at risk of coercive control, and we therefore expect this decision to have a positive impact on these groups, giving them greater agency over their reporting choices.
- A4.17 Having regard to the needs of people in different parts of the UK, we have added Police Scotland and the Police Service of Northern Ireland to our list of recommended trusted flaggers.¹

Content and search Moderation

- A4.18 Our measures recommending that providers of large and multi-risk services have content policies and appropriate training should improve moderators' awareness of issues affecting groups with protected characteristics and the consistency of decision making in relation to them.
- A4.19 We are recommending that providers should have regard to the languages in which UK users encounter content when they resource their content moderation functions. This is likely to benefit speakers of languages other than English. This in turn, may have positive impacts for those of nationalities other than English, who may be of many different races.
- A4.20 The implementation of an effective content moderation function should improve outcomes for any group disproportionately subject to threats, abuse and harassment, which is likely to include most groups with protected characteristics.

Child sexual abuse material (CSAM) hash matching, CSAM URL detection and grooming mitigations

- A4.21 Our recommendations will also help to provide additional protections for children. As CSAM and child abuse more generally disproportionately affect women, our recommendations will also provide additional protection for them. Since our Consultation, we have made several changes to clarify the scope of our measures relating to CSAM hash matching, URL detection, and grooming, to ensure that service providers understand how to implement the measures effectively.
- A4.22 Notably, we have expanded the CSAM hash matching measure to include all file-storage and file-sharing services that are at a high risk of image-based CSAM regardless of their monthly number of UK users. This will bring more services into scope of our measures, increasing their positive equality impact and increasing protections for women and girls, who as noted are disproportionately affected by CSAM.
- A4.23 We have also amended our automated content moderation and search moderation measures to ensure that the arrangements operated by the organisation(s) from which hash databases or URL lists are sourced for identifying or assessing suspected CSAM do not

¹ For the most part, our assessment is that the needs of users in different parts of the UK are met equally well by all our decisions.

plainly discriminate on the basis of protected characteristics (such as sex or race). This change is intended to address potential risks relating to bias.

- A4.24 We have also put in place measures for services likely to be accessed by children, to ensure children receive information about the complaints process. We expect that this will encourage them to report illegal content.

Service design, user blocking and turning settings to private

- A4.25 Our measures on allowing users to block and mute other user accounts, and to disable comments, should positively impact those with protected characteristics, including women who tend to disproportionately face issues online such as harassment and stalking. These measures should also positively affect people from different races, religions, sexual orientation, those with disabilities, those of different political opinions and those who have undergone gender reassignment, as they too tend to disproportionately experience certain types of abuse, including hate speech (where relevant) and harassment.
- A4.26 We are making a change to the blocking, muting and comment controls measure to specifically recommend that services make these functionalities known and accessible to users. This should further improve the positive impact of our proposals, particularly for those with a low technology literacy such as young children.

Search

- A4.27 Our recommendations in relation to predictive search results are likely, in our view, to reduce the likelihood of users being prompted to run searches for hate speech, which, in turn, should benefit those groups with protected characteristics who tend to be targeted by such speech.
- A4.28 Our crisis prevention measure for providers of large, general search services will provide vulnerable users experiencing mental health issues with supportive information when searching for suicide-related queries. Such users are likely to disproportionately include groups with protected characteristics. In view of consultation feedback, we have recommended that the crisis prevention information provided should include a 24/7 helpline. This should have a positive impact for those vulnerable users by disrupting potentially harmful searches and helping them to seek timely assistance.

Other changes

- A4.29 The changes we have made to our Illegal Content Judgement Guidance (ICJG) should help providers make illegal content judgements and therefore facilitate the take down of illegal content effectively. They will have a positive impact where the harms we seek to address (such as cyberflashing and intimate image abuse) disproportionately affect women and girls and other vulnerable users. More generally, to the extent that those with protected characteristics are disproportionately at risk from illegal content, our ICJG will have a positive impact, in that it will make those groups safer. To the extent that providers might currently treat content posted by some groups differently from content posted by others, our Guidance may have some positive impact in this respect too.
- A4.30 In response to our November 2023 Consultation, the Welsh Government raised a concern that services only operating within the relatively small Welsh demographic may not meet the user base threshold for some of our measures, thereby potentially resulting in less

protection for Welsh speakers. Many of our measures will also apply to small multi-risk services which could include services directed at specific demographics. Users of such services will therefore also receive the benefit of the protections afforded by our measures.

- A4.31 We recognise that services targeted at specific demographics, including those for minority languages or for users located in a specific part of the UK, may not be “large services”. However, when considering the applicability of our measures, we have had particular regard to their impact on both services and users and have only regulated where we consider that it is both appropriate and proportionate to do so.
- A4.32 It would almost certainly be against users’ interests if the regulatory burden on smaller low risk providers led to the degradation in service quality or user experience, or to them ceasing to operate in the UK. This is because users would lose access to services they currently use (or experience a lower quality of service) without necessarily receiving any offsetting benefit from a safer internet due to the low-risk nature of these services.
- A4.33 As discussed, we do not envisage that our decisions will have a detrimental impact on any particular group of people or protected characteristic, and in many cases we note the positive impact that our decisions will have. Regardless, we will continue to assess the potential impacts of our recommendations on protected characteristics in future iterations of our Codes and guidance.²
- A4.34 We recognise that it may be possible in some areas to do more to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not. We expect our evidence base and understanding in this regard to improve over time, and as noted, to be able to iterate our Codes of Practice to incorporate changes based on such evidence.

Welsh Language Assessment

- A4.35 The Welsh language has official status in Wales. To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards.³ Accordingly, we have considered:
- the potential impact of our policy decisions on opportunities for persons to use the Welsh language;
 - the potential impact of our policy decisions on treating the Welsh language no less favourably than the English language; and
 - how our recommendations have been formulated to have, or increase, a positive impact; or not to have adverse effects or to decrease any adverse effects.
- A4.36 Ofcom’s powers and duties in relation to online safety regulation are set out in the Online Safety Act 2023 (the Act) and must be exercised in accordance with our general duties under section 3 of the Communications Act 2003. In formulating our decisions in this Statement, where relevant and to the extent we have discretion to do so in the exercise of

² We will also continue to have regard to the relevant factors outlined in section 3 of the Communications Act 2003.

³ The Welsh language standards with which Ofcom is required to comply are available on our website [here](#).

our functions, we have considered the potential impacts on opportunities to use Welsh and treating Welsh no less favourably than English.

A4.37 We are recommending that providers should have regard to the needs of their user base in considering what languages are needed for their content moderation functions and that they should also consider their users when designing their complaints handling process. See also our recommendations in Volume 1: chapter 4 'Record-keeping and review' which set out that providers based in Wales should maintain records in English or in Welsh. To this extent, we consider our decisions are likely to have positive effects or increased positive effects on opportunities to use Welsh and treating Welsh no less favourably than English, with no known adverse effects.