

Written evidence submitted by Bumble

About Bumble

1. Bumble Inc. (BMBL) is the parent company that operates Badoo, Fruitz, and Bumble, a suite of dating, professional networking, and friend-finding apps that encourage integrity, kindness, equality, confidence, and respect during all stages of any relationship — whether online or offline.
2. Bumble, the women-first dating and social networking app, was founded in 2014 by CEO Whitney Wolfe Herd and has more than 40 million global active monthly users.¹ Bumble empowers millions of people to make meaningful connections and is built on the importance of equitable relationships to challenge the antiquated notions of assigned gender roles. To date, women have made more than 1.7 billion first moves on Bumble, which has a substantial customer base in the United Kingdom.
3. On Bumble, our customers' safety and mental wellbeing are top priorities and inform all aspects of our work across all our products. Our products are built around the principles of kindness, respect, and equality. We have pioneered industry leading systems and processes to improve the safety of our customers including robust policies and procedures to help mitigate against harms that might be encountered by those using our products.
4. Everyone in our community is accountable and there is a zero-tolerance policy for bullying, harassment, hate, or aggression of any kind. Bumble's mission is to create a world where all relationships are healthy and equitable. This extends beyond just dating to its impact on the wider world, for women globally.

Summary

5. Bumble welcomes the opportunity to submit evidence to the Online Safety Bill Committee. We have focused our response on the areas where we feel that we can best add value and insight, based on the aims and values of our organisation, the size and user base of our products, and our experience in developing systems and processes to mitigate against harm.
6. At Bumble, we believe everyone should feel safe not just using our services, but on all corners of the Internet. We welcome the government's introduction of the Online Safety Bill and its overall ambition and approach, including the establishment of a new proportionate regulatory regime to tackle online harms in the UK. Bumble supports the government's commitment to online safety and desire to create safer online experiences for the whole of society.
7. Bumble also acknowledges the work that Parliament and government have undertaken to improve the Bill, through the inclusion of a new criminal offence of cyberflashing, and a list of priority offences in Schedule 7 that relate to the safety duties about illegal content.
8. Nonetheless, Bumble believes the Online Safety Bill can be further improved. It should explicitly recognise the disproportionate experience and impact that certain online harms have on women, and should empower the government, future regulator, and services in scope to do more to address these harms and prioritise the safety of women online. It is vital that the Bill does not miss this opportunity to meaningfully reduce these harms. To achieve this, Bumble recommends that the Bill should include new duties of care to tackle online Violence Against Women and Girls ("**VAWG**").
9. The result would empower Ofcom to produce a dedicated code of practice to combat online VAWG and the impact of harms on women. This is crucial as many emerging harms, like AI nudification tools, will have a disproportionate impact on women. It is vital that the regulator can issue targeted and up-to-date codes of practice to deal with these emerging online harms that target women.

¹ As of 2021, <https://ir.bumble.com/static-files/d9c3cdb9-04a8-4f0d-b694-f31741ca7bbd>

10. A new offence of cyberflashing in England and Wales is welcome, but it should be based on the simple principle of consent, rather than the motivation of the perpetrator. This would criminalise the core wrong of non-consent in line with other sexual offences, cover all forms of cyberflashing regardless of the motivation of the perpetrator, and align England and Wales with the prevailing international best practice.²
11. The Bill could also do more to implement the government's desire to unlock innovation through digital regulation. We believe there is opportunity for new strategic duties to be given to Ofcom to protect innovation, so that services in scope are not prevented from pioneering new technology to mitigate harms as a consequence of compliance with the regime.
12. The regime proposed in the Bill has already made the UK a study for other jurisdictions as they consider legislation to tackle online harms. Special regard should be given to ensuring that all provisions are proportionate, rational, and effective as policymakers outside of the UK will be liable to follow this example.

New duties of care to protect women's online safety

13. Bumble believes there is a need for the Online Safety Bill to recognise the disproportionate experiences and impact of online harms facing women, beyond merely requiring services to undertake broad risk assessments or mitigate against harmful content without recourse to consider who is being harmed. Instead, the Bill should be amended to explicitly acknowledge the particular experiences that women face online.
14. The Bill currently makes no reference to women, and only makes isolated references to services' requirements to consider the risk of harm on people with "a certain characteristic" or "members of a certain group" within risk assessment duties (clauses 10, 12, and 25) and content reporting duties (clauses 17 and 27). These alone will not generate the shift in priorities needed to put the experiences of women at the forefront of technology companies' safety-by-design decision making processes.
15. The complex interlocking duties and differentiated expectations, which arise from the categorisation of services, dilute the extent to which the requirements above apply. Only Category 1 user-to-user services, for example, are covered by clause 12 and therefore incentivised to consider who is being harmed.
16. That is why Bumble believes new duties of care that explicitly focus the attention of regulated services onto the disproportionate impact of certain harms on women should be put into the legislation. These new duties would sit in Part 3 of the Bill, apply to all regulated services, and mirror existing duties from which Ofcom can produce codes of practice.
17. Bumble proposes two simple new clauses "*Duties to protect women*" to create cross-cutting duties akin to those about freedom of expression and privacy in clauses 19 (user-to-user services) and 29 (search services). The new clauses would apply to all services and embody the following principles:
 1. When conducting a risk assessment specified by the Bill, services must consider the different risk of harms that women and men are likely to face.
 2. When deciding on, and implementing, safety measures, services must consider the impact of processes on the safety of women.
 3. When drafting user terms and conditions, services must consider the possibility of differing user experiences of women and men, and factor that into their decision-making process.
18. These duties would establish a solid legal base to give companies the incentive and confidence to go after online violence against women and give the regulator power to intervene. Such an approach would send an important societal message to all companies to ensure that they are prioritising the safety of women in a consistent manner on their services.

² The latest laws criminalising cyberflashing have been passed in the US states of [Texas](#) and [Virginia](#), in 2019 and 2022 respectively, and both are based on the principle of consent to determine culpability.

19. In addition, the existing risk assessment duties within the Bill as they apply to regulated services on illegal content (clauses 8 and 23) and harmful content for adults (clause 12) should be strengthened, to provide services with a full picture of how their products impact women users. Bumble proposes that subsections 8(5), 12(5), and 23(5) are amended to include a requirement to consider the level of risk of harm to women arising from relevant content.
20. The effect of these recommendations is to empower Ofcom to produce a dedicated code of practice on combating online VAWG and the impact of harms on women. This is especially important as many emerging harms already have a disproportionate impact on women. It is vital that the regulator can issue targeted and up-to-date codes of practice to guide services compliance with their duties.

Transparency reporting

21. Bumble supports the principle that effective mitigation of online harms can only be achieved across the board through robust transparency reporting. Within Schedule 8, the Online Safety Bill gives Ofcom powers to specify information that services must put in their reports. While any amendments to Chapters 2 and 4 would be covered under paragraph 9, we believe this Schedule is a good candidate for amendment to give Ofcom the power to specify that companies publish the prevalence and proliferation of gendered harms on their services and the measures taken to provide effective mitigation of harms for women using their services.
22. A dedicated category of gender-based violence within transparency reporting would allow companies to more accurately record the extent of online VAWG experienced on their services and highlight how they are mitigating against this. These important insights could allow real-time interventions to be developed in a timely and coordinated way with experts and civil society organisations.

Priority harms

23. Bumble recognises that, in order to promote flexibility, the Bill must strike a balance between setting out some aspects of the regulatory regime in primary legislation and deferring others to regulations at a future date. Indeed, as noted above, we understand that many emerging and future harms are likely to target and disproportionately affect women, and it is right that this should be anticipated by the regime.
24. It is welcome that, following pre-legislative scrutiny, a list of priority offences has been put on the face of the Bill, including harassment, stalking, fear or provocation of violence, extreme pornography, and sharing sexual images without consent. It is also welcome that new criminal offences created in the Online Safety Bill itself – especially cyberflashing – will provide a more robust landscape within which illegal safety duties will have to be complied with.
25. Notwithstanding this, it is vital that criminal law continues to keep pace with emerging technology-related harms, many of which will undoubtedly constitute online VAWG. For this reason, Bumble believes the Secretary of State should be required to ensure that future gender-based illegal harms are fast-tracked into becoming priority offences. This could be achieved by amending clause 176(4) to ensure the risk of harm to women and girls is specifically taken into consideration.
26. Additionally, Bumble believes that gender-based harm that does not constitute criminal activity should also be explicitly captured within priority harmful content. At present, the Bill gives the Secretary of State significant discretionary power to set all priority legal but harmful content, but we see scope to list gender-based harms, among others, in clause 54 of the Bill (as set out indicatively below) so Ofcom can immediately review incidence and severity of these harms.
27. Parliament should ensure that the regime aligns with international best practice when defining gender-based harm. Bumble believes the European Parliament's resolution on combatting

gender-based cyberviolence is a good starting point – though clearly as technology evolves so too will the list of harms.³

28. These recommendations should apply regardless of whether or not Parliament decides to introduce specific duties of care to protect women online.

Ofcom's duties

29. In addition to new duties for regulated services, there are areas where Ofcom's role could be clarified in order to ensure women's experiences online are fully baked into the new regime. This starts with the high-level online safety objectives that instruct codes of practice, specified in Schedule 4. This is a good candidate for amendment to mandate that systems and processes, including community guidelines, should be designed and operated in a way that accounts for the experiences of women online.
30. Where Schedule 4 deals with the content of codes of practice, Bumble believes there is scope to mandate that measures described in a dedicated online VAWG code of practice must be designed with comprehensive and up-to-date definitions and examples of online VAWG, that take into consideration international best practice.
31. Under the present draft of the Bill, Ofcom will be required to produce its own risk assessments and prepare risk profiles for regulated services. These assessments will look at the characteristics of regulated services and how they impact the risk of user harm. Our earlier recommendations to amend the risk assessment requirements for regulated services would also give Ofcom a clearer responsibility to reflect the impact of harms on women as it drafts its own risk profiles.
32. Bumble believes clause 77 could be amended to place high-level statutory duties on Ofcom to have regard for potentially disproportionate or unique impacts of some service functionalities and harms on women. This would empower Ofcom – and ultimately services in scope – to do more to address these harms and prioritise the safety of women online. It would also help to embed cultural change with regard to how the government and regulator consider the impact of future changes to the regime on all end users.
33. Innovation is a crucial component in building effective systems that stay ahead of sophisticated efforts to spread harm. Clause 77 of the Bill could be amended to place strategic duties on Ofcom to protect innovation. Services in scope must not be prevented from pioneering new technology to mitigate harms as a consequence of compliance with the regime.

Cyberflashing

34. Bumble welcomes the inclusion of a new offence of cyberflashing in the Online Safety Bill. It is right that the overall online safety regime should recognise that cyberflashing is pervasive and can be intensely harmful to its victims, who are overwhelmingly women and girls.
35. Notwithstanding this, Bumble has consistently argued that any new offence of cyberflashing in England and Wales should be based on the principle of consent, rather than the motivation of the perpetrator, as is currently found in clause 156.
36. An approach based on consent would criminalise the core wrong, in line with other sexual offences, and cover all forms of cyberflashing, regardless of the motivation of the perpetrator. This is especially important for the Bill to get right, as research shows that motivations for cyberflashing are varied and overlapping.⁴ In particular, prevalent motives include misogyny, causing distress, sexual gratification, humour, boosting status amongst peers and transactional – none of which would be covered in the proposed offence.

³ European Parliament, 2021. [Combating gender-based violence: cyberviolence](#), page 21.

⁴ McGlynn and Johnson, 2021. [Cyberflashing: recognising harms, reforming laws](#). Bristol University Press.

37. A consent standard would also ensure that England and Wales is brought in line with prevailing international best practice on the issue, notably in [Texas](#) and [Virginia](#) in the US, where Bumble sponsored legislation.
38. Bumble supports Professor Clare McGlynn's proposed amendment, and recommends that clause 156 is amended so that subsection (1) is removed and replaced with the following:

In the Sexual Offences Act 2003, after section 66 insert—

“66A Sending etc photograph or film of genitals

(1) A person (A) who intentionally sends or gives a photograph or film of any person's genitals to another person (B) commits an offence if –

(a) B does not consent to the sending or giving of the photograph or film, and
(b) A does not reasonably believe that B consents.

(2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.”

Other measures

39. Finally, the ambitious and comprehensive regulatory regime proposed in the Bill has already made the UK an example for other jurisdictions as they consider legislation to tackle online harms. Special regard should therefore be given to ensuring that provisions are proportionate, rational, and effective as other policymakers around the world will be liable to follow this example. The opportunity to get this framework right the first time should not be missed.
40. Bumble strongly believes that by implementing these changes to the Online Safety Bill, the safety and quality of regulated services will be improved for all adult users – women and men – and will help to embed a positive culture within services and the regulator for tackling as broad as possible instances of harm online.

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