



Mid-Sized Platform Group – Online Safety Bill Recommendations

About the Group

The Mid-Size Platform Group brings together technology platforms which reflect the diversity of the internet. The Group is currently comprised of Patreon, Eventbrite, Reddit, Pinterest, Vimeo and Tripadvisor. We all have different business models, types of user bases and approaches to trust and safety but are committed to a safe, valuable and positive experience online where users come to our sites for a specific reason, providing a unique perspective of the sector.

We all have strong commitments to our users to keep them safe, identify malicious actors on our platforms and create a positive online experience. This is exemplified by each of our content policies, developed using safety by design approaches. We welcome the opportunity to engage with the Online Safety Bill and the aim to create a safer, better internet whilst also fostering digital competition.

Our approach – a safe, competitive and diverse internet

We believe that the Online Safety Bill should be proportionate, relevant and balanced to all platforms in the sector. It must protect the public and preserve competition. It should not therefore inadvertently favour the largest platforms with significantly more resources, but instead, create a level playing field between all.

We welcome the Government's consideration of the diverse nature of platforms in the sector, taking into account the business model, user base and content moderation practices employed by platforms. However, more can be done to ensure that small- and medium-sized platforms are not disadvantaged by ill-fitting and burdensome regulation alongside ensuring users' experience is not damaged.

A proportionate and balanced approach will ensure choice and diversity across the internet, allow for innovation in technology, and promote safety and freedom of expression. It will also account for how harmful content manifests, recognising that this will vary by platform design and business model. The system should be flexible and relevant to the platforms it seeks to regulate.

Principles for the Online Safety Bill

Like the Government, we hope to achieve a system which has user safety and risk management at its heart. Our principles for achieving this are:

1. **Flexible approach to regulation** – there is no 'one-size fits all'. The system should be relevant and the regulator should adapt to different platform models and create a level playing field, rather than shape regulation for the largest platforms, who have the most resources and entirely different models.
2. **Proportionate, risk-based regulation** – ensuring expectations of platforms are proportionate to their level of risk, and that measurement of this takes into account the variety of factors that influence user safety.
3. **Appropriate compliance burden** – ensuring compliance and reporting requirements account for the capacity of the platform to resource compliance needs, are focused on relevant harms and reflect differences between platform types.
4. **Clarity of concepts and protecting free expression** – providing clarity and certainty in relation to key concepts, content types and protections for users. Providing forward guidance and time to engage with and prepare for regulations and codes of practice.



Key Recommendations

We welcome the steps taken by the Government in acknowledging the diversity of platforms and the need for a flexible approach. We feel there is more that can be done to ensure digital competition, greater innovation in technology, the promotion of safety and the freedom of expression online for a well-rounded positive experience. Some key areas where we believe the Bill could be improved are:

Categorisation – *threshold conditions on platforms*

Recommendation 1:

Add to the criteria of categorisation to include considerations relating to a platform's business model (Schedule 10).

Add to the meaning of "functionality", to include considerations such as:

- *moderation techniques (if applicable);*
- *product design choices;*
- *how and where content is shared across platforms on the internet;*
- *how users engage with the content and the purpose of the platform;*
- *the way in which content is promoted within a platform;*
- *the ability for users to create an anonymous account and how this may be a legitimate component of safety, transparency and privacy depending on the platform in question;*
- *the types of content and;*
- *existing regulatory regimes that provide oversight of the content.*

(Part 12, section 186(2))

We believe that it is important that the new regulatory system recognises alternative platforms like ours, which approach the duty to protect against unsafe content through alternative means and methods or even provide a space for different and specialised types of content for various purposes such as providing ticket sales for events, allowing for content creators to showcase talents, allowing consumers to write reviews or acting as a safe space for support.

At present, the category classification does not take into account all factors which might create risk for users or increase safety. It only assesses user numbers and basic functionality. We would therefore welcome a more granular approach to the categorisation process through the risk profiling of platforms.

The classification and the regulator's risk assessments should be more robust and recognise how the business model and its service offering, operation, user base, type of content and platform design can lead to lower levels of risk and harmful content and should therefore have fewer requirements. We have been encouraged by Ofcom and been given assurances from DCMS that the Bill will be interpreted this way. However, we welcome this being codified or clarified in the legislation for certainty.

In addition, we welcome that the principles defining functionality are not mutually exclusive.

Categorisation – *flexible approach to right-sized regulation within categories*

Recommendation 2:

Stipulate that platforms, which reach the threshold of a Category 1 service, will receive a tailored and proportionate set of requirements from the regulator based on impact assessments. (Part 3, Chapter 2, Section 6(5))

Include an implementation period that is proportionate to each platform's capabilities and in line with best practices of digital regulation. It should be codified on the face of the Bill that this will be done in consultation with the industry for implementation. As a general rule, all requirements on platforms should have strong guidance produced ahead of implementation periods. (Part 3, Chapter 6, Section 39)



Category 1 may capture a wide variety of platforms. A platform in Category 1 is likely to be grouped with platforms that are far larger in terms of user and revenue numbers, and likely to have far more resources available. While the thresholds are still yet to be determined and the differing requirements on platforms are still unclear, there needs to be some protection and more assurance, codified in primary legislation, within the category, that platforms will be consistently treated proportionately, and on a sliding scale with different requirements based on their assessed level of risk.

Implementation period for regulations

Recommendation 3:

Any changes the regulator makes to the register or codes of practice must be communicated with proportionate time, alongside impact assessments so that platforms have time to adjust. These impact assessments should be conducted not just on drawing up of codes of practice but also any changes to them, to ensure burdens are fairly distributed and proportionality is consistently enforced in the long term. (Part 3, Chapter 6, Section 44)

Platforms with limited resources need reasonable time to plan and implement any measures the regulatory framework requires, or changes in the future – especially if this requires restructuring their businesses or redirecting product resources to compliance requirements. Assurance that resource capacity and time constraints for smaller platforms will be taken into consideration in planning for implementation of the regulation is needed.

Codes of practice

Recommendation 4:

That the regulator should publish forward guidance indicating its thinking on what might be required from platforms in each area where it will produce codes of practice, but on priority illegal content in particular, as soon as possible and ahead of commencement date to provide ample preparation time for platforms on how they will be regulated. (Part 7, Chapter 1, Section 9(4))

Platforms and stakeholders with fewer resources may not be able to comply with differing requirements at short notice. These platforms need adequate preparation time to plan for regulations. As mentioned above, it should also be a requirement for Ofcom to consider the impacts on businesses when making any changes, to ensure consistent proportionality and the facilitation of a level playing field.

Transparency reporting

Recommendation 5:

The regulator must carry out a published impact assessment on platforms when drawing up and making changes to the transparency reporting requirement notices, including the objectives for doing so. These should be regularly reviewed in line with best practices of digital regulation. (Part 4, Chapter 3, Section 65(2))

The Bill should also include guardrails to ensure a level of confidentiality and protection of intellectual property from third parties who may unfairly use transparency provisions to target business models or operations. (Part 4, Chapter 3, Section 65(2))

The Bill's focus on stronger transparency mandates should be applauded. However, from the perspective of small- and mid-sized platforms, clarity over the level of detail required would be appreciated.

The Bill allows Ofcom to determine what information is requested in transparency reports. Once these categories are defined, the retooling costs associated with capturing new categories of data may be substantially, technically and operationally hard to do. There is a necessity for reasonable, predictable and stable obligations which are produced well ahead of time through an implementation period. These should be regularly reviewed in line with the best practices of digital regulation.



Separately, as a group of platforms looking to grow and with a stake in a diverse and competitive internet, suggestions around opening up sensitive business information to academia and civil society create some uncertainty and concerns about reduced competitiveness. Therefore, the Bill should include codified assurances that commercial sensitivity will be protected.

Clarity of concepts

Recommendation 6:

The Bill should include higher thresholds for the exempted journalistic content, including around the definitions for news publisher content, recognised news publisher and content of democratic importance. In addition, a provision should be added to require the consideration of content moderation approaches and practices, and the types of content on each platform.

(Part 3, Chapter 7, section 49 (8-10), Part 3, Chapter 7, sections 50 (1-5), Part 3, Chapter 3, section 15 [journalistic content], Part 3, Chapter 2, Section 15 [democratic importance])

Further to this point, the operation of Section 16 (Duties to protect journalistic content) should be reviewed and for a sunset clause for a year after Royal Assent to be introduced on the face of the legislation given its potential to deliver a wide range of unintended outcomes.

There is a need for the Bill to provide greater clarity and certainty in relation to key concepts, content types and protections for users. The current protections in the Bill for journalistic content and democratic content do not provide enough clarity about how they should be identified. This creates confusion and for moderation processes and expectations of expedited redress procedures associated with this content. In addition, such provisions risk undermining user safety instead of protecting it. It is crucial to avoid creating a class of users that is immune to normal and reasonable safety rules and community expectations.

Each of our platforms have different content moderation approaches based on active choices we have made around the types of content they provide, how user safety is built-in and moderation should occur. The ambiguity in these definitions create uncertainty as to whether our platforms would be non-compliant with the regulations. For example, some of our platforms have made the active decision to disallow content of an overtly political nature as the purpose of our platforms moves away from this. For example, in some cases links to articles in newspapers in posts will be disallowed to ensure the credibility of posts such as reviews. It is ambiguous whether this approach would be allowed in the current wording of the Bill for content of journalistic and democratic importance.

For other platforms where these types of content are allowed, the moderation approach can differ. For example, community-led moderation may introduce specific rules relating to smaller parts of a site such as adding restrictions on content in a single topic forum. These more niche rules might include taking down content which might be deemed democratically important or journalistic, but sit outside the topic of the community or site area. Therefore, we recommend a provision is added to ensure the regulator must consider and acknowledge such decisions or approaches to content moderation alongside clearer definitions in the Bill. This is crucial to avoid inconsistency, fragmentation and disproportionate liability.

User ID verification

Recommendation 7:

A provision should be added to give the regulator the power to exempt some services, or parts of services, from the requirement to block content posted by anonymous users from being viewed by other certain users. This would be after considering where anonymity is essential to a platform's business model to ensure the user's whole experience is not damaged. This is especially important on platforms organised by certain content, for example. (Part 4, Chapter 1, Section 57, User identity verification)

For some of our platforms, anonymity is essential to their business model; providing an honest review of a hotel without fear of retribution or seeking support in a self-help group are just some examples. As a group calling for a rounded approach to diverse platforms, we would like to ensure regulations do not privilege one over another.



There are concerns about potentially disproportionate and burdensome requirements that would erode legitimate uses of anonymity, impacting the experience of users on the platform. We therefore believe such requirements should instead be based on a nuanced view of anonymity that considers how and why it may be a legitimate component of safety and transparency. Ofcom should be given the power to decide where requirements around user ID verification is necessary for Category 1 services, and in what parts of the platform it is, rather than enforcing a blanket requirement failing to account for different business models.

While the platforms in our Group may not be classified into Category 1, such platforms will be looking to grow and seek a clear understanding of how any safety provisions could affect their unique and diverse models.

Use of proactive technology requirements by Ofcom

Recommendation 8:

Ensure that the regulator can only recommend, rather than require, the use of particular types of technology in its confirmation decisions and that it must carry out an impact assessment (Part 7, Chapter 6, Section 116; Confirmation decisions: proactive technology)

Our platforms have unique content moderation approaches which speak to the safety by design principles which have been put in place. It is our view that the clause allowing the regulator to require a platform to use automated and algorithmic content moderation tools to filter or generally monitor content risks harming our capability to mitigate bad actors most effectively and further presents significant competitive issues.

Moderation is hugely complicated and content on each and every platform is used for a different purpose. Platforms often adopt different, platform-relevant content moderation approaches which have been developed over a number of years, and will continue to develop further. Given our diversity in product offering, technology and models, a tool that is suitable for one platform may not be as such for another. The freedom to adapt our approaches, tailored to how our platforms operate, and the way users engage, is therefore crucial to ensuring platforms have the flexibility to adopt different tools and techniques for effective online safety in the long run, taking context into account.

In addition, as automated tools are often expensive and may create some competitive issues if certain technologies are mandated, platforms should not be required to use certain technology and rather recommend their use.

Contact

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Annex: Mid-Size Group's list of recommendations

Recommendation 1:

Add to the meaning of "functionality", to include considerations such as:

- *Business model;*
- *moderation techniques;*
- *product design choices;*
- *how and where content is shared across platforms on the internet;*
- *how users use the content and the purpose for using the platform;*
- *the way in which content is promoted within a platform;*
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Recommendation 2:

Stipulate that platforms, which reach the threshold of a Category 1 service, will receive a tailored and proportionate set of requirements from the regulator based on impact assessments. (Part 3, chapter 2, Section 6(5))

Include an implementation period that is proportionate to each platform's capabilities and in line with best practices of digital regulation. It should be codified on the face of the Bill that this will be done in consultation with the industry for implementation. As a general rule, all requirements on all platforms should have strong guidance produced ahead of implementation periods. (Part 3, Chapter 6, Section 39)

Recommendation 3:

Any changes the regulator makes to the register or codes of practice must be communicated with proportionate time, alongside impact assessments so that platforms may. These impact assessments should not just be on drawing up of codes of practice but also any changes to ensure burdens are fairly distributed and proportionality is consistently enforced in the long term. (Part 3, Chapter 6, Section 44)

Recommendation 4:

Push for the regulator to produce forward guidance on what will be required of platforms in each area where they are required to produce codes of practice, but on priority illegal content in particular, ahead of Royal Assent to provide ample preparation time for platforms on how they will be regulated. (Part 7, Chapter 1, Section 9(4))

Recommendation 5:

The regulator must carry out a published impact assessment on platforms when drawing up and making changes to the transparency reporting requirement notices, including the objectives for doing so. These should be regularly reviewed in line with best practices of digital regulation. (Part 4, Chapter 3, Section 65(2))

The Bill should also include guardrails to ensure a level of confidentiality and protection of intellectual property from third parties who may unfairly use transparency provisions to target business models or operations. This will ensure that the digital economy remains competitive and fosters innovation. (Part 4, Chapter 3, Section 65(2))

Recommendation 6:



The Bill should include higher thresholds for the exempted journalistic content, including around the definitions for news publisher content, recognised news publisher and content of democratic importance.

(Part 3, Chapter 7, Section 49 (8-10), Part 3, Chapter 7, Section 50 (1-5), Part 3, Chapter 3, Section 15)

Further to this point, the operation of Section 16 (Duties to protect journalistic content) should be reviewed and for a sunset clause for a year after Royal Assent to be introduced on the face of the legislation given its potential to deliver a wide range of unintended outcomes. This would also go to increase accountability and oversight.

Recommendation 7:

A provision should be added to give the regulator the power to exempt some services, or parts of services, from the requirement to block content posted by anonymous users from being viewed by other certain users. This would be after considering where anonymity is essential to a platform's business model to ensure the user's whole experience is not damaged. This is especially important on platforms organised by certain content, for example. (Part 4, Chapter 1, Section 57, User identity verification)

Recommendation 8:

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