Impact Assessment (IA)

Title: Researchers' Access to Data

IA number: DSIT003(FIA)-24-DI

RPC reference number: RPC-DSIT-5358(1)

Lead department or agency: DSIT

Other departments or agencies:

Date: 23 October 2024

Stage: Development/Options

Source of intervention: Domestic

Type of measure: Primary Legislation

Contact for enquiries: Marcus.Wright3@dsit.gov.uk

RPC opinion: Fit for purpose: green rated

Summary: Intervention and Options

Cost of preferred (or more likely) option
(in 2024 prices)

Item	Cost
Total Net Present Social Value	See Below
Business Net Present Value	£-5.4m
Net cost to business per year	£0.6m
Business Impact Target Status	Qualifying

What is the problem under consideration? Why is government action or intervention necessary?

User-to-user platforms and search engines collect data that is unpublished and/or inaccessible to researchers and research organisations. This data could inform research that will benefit society, increasing public knowledge of online safety and, in turn, decreasing online harm in the UK. Since platforms are not currently under any obligation to share this data, the government is best placed to tackle this issue. The legislation creates powers for the Secretary of State (SoS) to place a duty on platforms to comply with any regulations later passed by SoS allowing researchers access to certain data held by platforms.

What are the policy objectives of the action or intervention and the intended effects?

- The government believes that facilitating researcher access to data will improve understanding of online safety issues and position the UK as a leader in research and innovation.
- Success would be a balanced and proportionate system that allowed good quality online safety research to take place, whilst protecting personal and commercially sensitive data.

What policy options have been considered, including any alternatives to regulation?

- At present the recommended option is a broad regulation-making power. These regulations would be informed by Ofcom's report into researcher access to data, alongside consultation with stakeholders and other interested parties.

Is this measure likely to impact international trade and investment?

Yes

Are any of these organisations in scope?

Micro: N/A

Small: N/A

Medium: N/A

Large: N/A

What is the CO_2 equivalent change in greenhouse gas emissions?

(million tonnes $C0_2$ equivalent)

Traded: N/A

Non-traded: N/A

Will the policy by reviewed?

It will be reviewed.

If applicable, set review date: /

I have read the Impact Assessment, and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible: Alex Rubin

Date: 09/08/2024

Summary: Analysis and Evidence – Policy Option 1

Description

Full economic assessment

Price base per year	PV base year	Time period	Net benefit (present value (PV)) (£million) Low	Net benefit present value (PV)) (£million) High	Net benefit present value (PV)) (£million) Best
2024	2024	10	See below	See below	See below

Costs

Estimate	Total transition (constant price) Years (£million)	Average annual (excluding transition) (constant price) (£million)	Total cost (present value) (£million)
Low	0.3	0.3	3.3
High	0.7	0.8	7.5
Best estimate	0.5	0.6	5.4

Description and scale of key monetised costs by 'main affected groups'

The scope of the policy remains to be decided, but it is likely that regulations would fall on a subset of online user-to-user and search service providers. The largest platforms (30-40 providers) have been used as a proxy for businesses in scope when appraising costs. All platforms in scope will need to familiarise themselves with the regulation, as well as adapting their business processes to make data available to researchers; this could include creating a secure online access environment, altering terms and conditions (T&Cs), and developing a process for data requests. Finally, there will be ongoing annual costs for maintaining the online access environment and fulfilling researcher requests.

Other key non-monetised costs by 'main affected groups'

Possible marginal lost traffic and revenue for platforms if users had concerns over the researcher access to data regime. However, this is an unlikely eventuality. Fines for non-compliance for platforms have also not been monetised.

Benefits

Estimate	Total Transition (constant price) Years (£million)	Average Annual (excluding transition) (constant price) (£million)	Total Benefit (present value) (£million)
Low	1	N/A	See Below
High	1	N/A	20,092
Best estimate	1	1,457	11,955

Description and scale of key monetised benefits by 'main affected groups'

The benefits from this regulation would flow from reducing the impact of online harms experienced in the UK, as the research that utilises the data accessible to researchers may inform the public, government and platforms etc. of the nature and mitigation of online harms. This impact assessment uses a "break even" approach, where we demonstrate that the

quantum of benefits, in terms of mitigated online harms, required to offset the potential costs of regulation enabled is trivial. These potential benefits are included only for the break-even analysis and have not been included in the illustrative Net Present Social Value.

Other key non-monetised benefits by 'main affected groups'

Members of the public – More and better-quality research into online harms matters will highlight where there is risk to the public. This research will allow users to make more informed decisions and how to conduct themselves when using platforms.

Civil Society – Researchers having greater access to data will benefit civil society groups concerned with online safety. Researchers may be able to use the data to develop new safety measures, increasing online safety.

Key assumptions/sensitivities/risks

Discount rate: 3.5%

Some of the assumptions follow the approach of the Online Safety Act Impact Assessment. Generally, when appraising the cost of this policy we have erred on the conservative (more expensive side) regarding staffing hours to meet requirements, as there is very limited evidence available on this, therefore, final costs cover a wide range and could be far lower.

Business case assessment (Option 1)

Direct impact on business (Equivalent Annual)

Costs (£million)	Benefits (£million)	Net (£million)
0.6	N/A	0.6

Score for Business Impact Target (qualifying provisions only) (£million)

3.2

Contents

Problem under consideration and rationale for intervention

1. The government believes that facilitating researcher access to data will improve understanding of online safety issues and position the UK as a leader in research and innovation.

2. While the Online Safety Act 2023 (OSA) will improve the availability of data for researchers through transparency reporting in particular, in the absence of this legislation there are no provisions to provide researchers with direct access to data. Ofcom will be able to require the largest providers to publish a broad range of information through transparency reports, but Ofcom is unlikely to require companies to publish the kind of user data required to conduct online safety research.

3. The online safety impact of these proposed interventions could be broad. Eligible independent researchers will be able to carry out research into online safety issues that may include illegal activity, harmful content, damaging behaviours, and issues relating to free speech. This additional research is likely to help to address the limited information currently prevailing in this area and contribute to the evidence base for future online safety interventions.

4. The following would be affected by these changes:

- Regulated services – may have to respond to data requests and provide data for researchers.
- Civil society/academia – is likely to have more opportunity to explore online safety issues.
- Ofcom – will likely have a significant role to play in facilitating any future framework.
- ICO – will need to input on how data is managed safely and in a proportionate way.

5. This issue is best addressed by government as without regulation, tech stakeholders can change their data access opportunities as they see fit. This might lead to an inhospitable environment for researchers and an absence of good quality research, decreasing online safety.

Rationale and evidence to justify the level of analysis used in the Impact Assessment (IA)

6. This IA appraises primary legislation that creates the ability for the government to regulate researcher access to social media data. The requirements that platforms will need to comply with will be laid out in secondary legislation and guidance. As a result, this appraisal is illustrative of the potential impacts this regulation may have if the regulation-making power was used.

7. For processes for platforms that involved staff and labour hours, the IA sets out sensible, cautious estimates. In addition, existing evidence that could be used to inform our analysis was partial, and so we took the approach of where possible using the OSA IA, some existing costings outlining secure online environments on Gov.UK digital marketplace, as well as other external sources.

8. If more time had been available to conduct this appraisal, we would have consulted businesses on their expected costs given the decisions still to be taken on the design of the regime. This would have increased the validity of our assumptions on costs and therefore improved the accuracy of our cost figures.

Description of options considered

We have considered the following policy options:

9. A broad regulation-making power (recommended) - This amendment would add a regulation-making power to the Online Safety Act (OSA) via the Data (Use and Access)

Bill (DUA). It would give SoS a power to make regulations through secondary legislation following consultation. It would allow SoS discretion, with legislative safeguards, over whether to create enforceable requirements, including exploration of various models, risks and safeguards, helping to ensure the objectives of the regime are met without unintended consequences.

10. Introduce a researcher access framework with details set out on the face of the OSA (not recommended) - This option would amend the OSA to create a provision mandating that a subset of services provide access to online safety related data for researchers. The details of the provisions such as the definition of "researchers" and the procedural requirements for obtaining access would be included on the face of the legislation. Companies would have a duty to comply, or face enforcement. This option installs a framework as soon as possible; however, it pre-empts Ofcom's report and a consultation and so may lead to unintended consequences.

11. Do nothing (not recommended) – In the absence of any government intervention, UK researchers would continue to have insufficient access to data to understand online harms and emerging threats to UK users online. Online safety could decrease due to lack of evidence on which to base future online safety interventions. Should Ofcom's report, or actions from other jurisdictions, indicate that a framework is required, it could be sought through future legislation. However, this could take several years and the problem of a lack of available online safety data would persist.

Policy objective

12. There has been growing global support for legislation providing independent researchers access to online safety related data to conduct associated research. This issue was raised during the passage of the OSA. Good quality research will help identify unknown or emerging risks and will provide evidence on the impact of providers' activities, enabling protective actions from Ofcom, government, providers, and civil society. The European Union's Digital Services Act mandates access to data for researchers.

13. This amendment aims to provide SoS with the ability to create regulations on researchers' access to data. Should SoS decide to regulate, the regulations will provide a legal basis for researchers to request or access online safety related information to conduct research. The evidence base for the decision to introduce a framework, as well as what any future framework will look like, will be developed by Ofcom's report into the matter and a government consultation.

Summary and preferred option with description of potential implementation plan

14. This reform will amend the OSA via the DUA to provide SoS with a regulation making power regarding researchers' access to data. Following a consultation, SoS may make regulations on the elements required for creating a researcher access framework including, but not limited to, the types of data, access method and safeguards required. Researchers would need to demonstrate that they meet eligibility criteria, and any additional criteria that SoS may set out in secondary legislation to be able to access data.

15. We do not know at this stage whether and how DSIT's SoS will use this regulation-making power, and so have hypothesised an illustrative option to demonstrate what the process could look like and to conduct an indicative appraisal of the costs and benefits involved in such a policy. We will conduct an options appraisal considering possible data access models ahead of consultation on any final regulatory model. The appraisal will also be informed by Ofcom's report into researchers' access to data.

16. Under the illustrative direct-request model, Ofcom would be required to assess researcher access applications and if specific legislative criteria and safeguards are met, would need to issue a researcher access notice to the relevant provider(s). Researchers would then be able to request data from platforms in scope of the regulation, who would be obliged to supply it. The future model has not been decided, nor has which regulator or other body would arbitrate, however both will be developed and decided in consultation with stakeholders.

17. An alternative model could be these regulated platforms providing data to a central repository. The repository could be a more systematic approach with platforms providing standardised data, as opposed to the tailored nature of the illustrative application-based model. If this model was chosen, platforms may need to upload a greater quantity of data, on a regular basis, in a standardised format, to meet a range of researchers' needs, as opposed to extracting bespoke data for each request. Ofcom would incur a cost, which it is likely to recover through fees, maintaining the repository and assessing access requests.

18. The regulated service providers in scope would need to comply with the researcher access notice by providing the researcher(s) with access to the information specified in the notice. Should a provider fail to comply, they may face enforcement action, including fines of up to £18m or 10% of qualifying worldwide revenue (whichever is higher).

Monetised and non-monetised costs and benefits of each option (including administrative burden)

19. If this regulation-make power is exercised, we expect businesses to face some additional costs in providing researchers with access to data. This could be the cost of developing and maintaining a mechanism for allowing data access.

20. These business impacts and stakeholder concerns will be mitigated by several factors, including the requirement for SoS to consult industry, consider risks, and put appropriate safeguards into the regulations. SoS will need to set out the safeguards which must be met in relation to data protection, commercially sensitive information, and the integrity and security of services. The regulations may also specify further technical safeguards to ensure the safe and secure sharing of information. The exact scope of the research purposes for which data could be accessed will be defined in the regulations; this will define the impact on business.

21. Ahead of making these regulations, the government will likely consult (amongst others) Ofcom, the Information Commissioner's Office, and representatives of users, researchers and regulated services.

22. The final costs to business for this provision will depend on providers' current plans to develop or continue developing mechanisms that could enable access to data in the baseline scenario. The full extent of provisions under the baseline is uncertain at this stage, however Ofcom is required to publish a report into researcher access by 10 July 2025.

23. Facilitating researcher access to data will improve understanding of online safety issues and position the UK as a leader in research and innovation.

24. Under the illustrative application-based data access model appraised here, the core costs involved would likely include a cost to each platform in scope of familiarising themselves with the legislation. Costs may also include the costs to platforms of adapting their business to comply with the legislation; for instance designing a process for a research request to

be submitted to the platform and then how the platform makes the data available to the researcher.

25. There are also potentially costs involved for platforms updating their T&Cs, building a simple website for researchers to submit requests for data through, and adopting a secure online environment or something similar where data can be shared securely with researchers, and not risk any private data being leaked or shared beyond the platforms and the researchers. Finally, there may be ongoing costs platforms incur, which could comprise of upkeep to their secure online environments and the labour costs of fulfilling a data request by a researcher.

26. The expected benefits achieved from regulation enabled by this primary legislation are the increased knowledge provided to individuals, businesses, and government about online harms, allowing them to be mitigated. Without an estimate on the effect of this policy on online harms, we've taken a break-even approach to estimate the benefits required to offset the cost to business. We found the policy would need to achieve a 0.001%-0.002% decrease in the around £361 billion estimated value of online harms faced in the UK, according to the Online Safety Act Enactment IA.[1]

27. A further breakdown of the costs and benefits of possible data access models will be provided at secondary stage and will be dependent on the criteria for eligible researchers and the specific requirements of data access. These criteria will be set out in secondary legislation, informed by both Ofcom's report into researcher access to data, and by consultation.

Direct costs and benefits to business calculations

28. All costs involved in our modelling are illustrative direct costs to business only, as any regulation enabled by this primary legislation will place requirements on platforms directly to allow researchers access to certain requested data. Therefore, there will be no cost to households resulting from this legislation. The cost inputs are in 2022 prices – in this IA they have been inflated to 2024 prices using ONS data.[2]

29. These illustrative costs fall into three main categories:

30. Familiarisation costs – the potential cost to platforms of familiarising themselves with the guidance and understand what is expected of them.
    - Relevant staff members in the subset of firms in scope of the regulation will need to read the regulation and guidance to familiarise themselves with their duties. For the purposes of this illustrative appraisal, this analysis uses platforms with the largest reach or who have higher risk functionalities as a proxy for the firms in scope. Using the estimates in the Online Safety Act Impact Assessment, this gives an estimated 30-40 platforms that will need to familiarise themselves. There could be fewer platforms in scope, which would reduce total costs to industry.

    - We assume four staff members in each firm will familiarise themselves with the guidance and regulations: a corporate manager, a solicitor or lawyer, and two software development professionals[3]. We assume each will read the guidance three

[1] The harm figure presented here is in 2024 prices, 2024 base year, 10-year PV with 2025 commencement.
[2] ONS Quarterly National Accounts, March 2024 release. 8.8% uplift used. https://www.gov.uk/government/collections/gdp-deflators-at-market-prices-and-money-gdp
[3] Each of their 2022 provisional median hourly wages can be found here, and have been uprated by 22% to account for non-wage labour costs:
https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashetable14

times, at a reading speed of 200 words per minute, and a length of guidance of 7,200 words[4], resulting in a familiarisation time of 1.8 hours per staff member.

- Summing the wage costs of each staff member, multiplied by the RPC non-wage uplift guidance of 1.22, over the time required, provides a cost of familiarisation per firm of around £705. Multiplied by 30-40 platforms, we estimate the range of total cost of familiarisation for all firms in Table 1 below.

Table 1 – Familiarisation costs

	Low	Central	High
Familiarisation costs	£21,200	£24,700	£28,200

31. Adaptation costs – the up-front costs firms could face when adapting to any potential regulation enabled by this primary legislation. We have assumed the following illustrative adaption costs –

- Establishing a secure online environment where data requested by researchers can be stored and shared (£11,700[5] - £19,600[6] annually).

- Training three data analysts[7] to use the secure online environment from which data can be collated for research requests, 30-48 hours[8] training time.

- Designing the process each firm will follow when they receive a researcher request for data, involving 60-96 hours work for a process technician[9] and 16-29 hours for a corporate manager[10] to sign-off.

- A webpage to describe or facilitate the process for a researcher to submit a data request, designed and coded by an IT professional[11] at each platform over 4-6 weeks[12].

- Amending platform T&Cs to outline which data can be shared with researchers, comprising 1.5 hours of a regulatory professional's time[13], with 1-5 hours of legal advice from a lawyer or solicitor[14], and an hour for Chief Executive[15] sign off.

- Managerial oversight of the steps and processes above by a corporate manager (40-80 hours).

[4] We do not know the length of guidance, therefore the advice for complainants guidance has been used as a proxy: https://www.ofcom.org.uk/__data/assets/pdf_file/0013/102514/Advice-for-complainants.pdf
[5] https://www.applytosupply.digitalmarketplace.service.gov.uk/g-cloud/services/389381304721193 https://assets.applytosupply.digitalmarketplace.service.gov.uk/g-cloud-13/documents/719311/389381304721193-pricing-document-2022-05-18-0936.pdf
[6] https://www.applytosupply.digitalmarketplace.service.gov.uk/g-cloud/services/305906890977994
[7] 2022 provisional median wages for a data analyst can be found in the ONS Annual Survey of Hours and Earnings (ASHE): https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashetable14
[8] These work time assumptions, and those that follow, have been validated with policy officials developing this legislation, but have not been validated externally due to time and policy development constraints.
[9] ASHE 2022 provisional median wages for a process technician
[10] ASHE 2022 provisional median wages for a corporate manager
[11] ASHE 2022 provisional median wages for an IT professional
[12] https://digital.com/how-long-does-it-take-to-build-a-website/, for illustrative purposes we assume whole website is built, as the most conservative option
[13] ASHE 2022 provisional median wages for a regulatory professional
[14] ASHE 2022 provisional median wages for a lawyer or solicitor
[15] ASHE 2022 provisional median wages for a chief executive

32. Summing the wage costs, multiplied by the non-wage uplift, for all the tasks involved in the steps above, as well as the cost of adopting a secure online environment, the total cost of adapting to potential regulation is estimated to be around £10,200-£16,600 per platform. Multiplied by the range of 30-40 platforms, we arrive at the total cost of adaptation for all firms in Table 2 below.

Table 2 – Adaptation costs

	Low	Central	High
Adaptation costs	£0.3m	£0.5m	£0.7m

33. Ongoing costs – the extra ongoing costs platforms could face following implementation of regulation enabled by this legislation. Under the illustrative application-based data access model, platforms would incur the cost per data request of processing a request. We have made the following assumptions and estimates -

Processing and approval a request

- Platforms will need to verify the identity of a researcher for their own data protection purposes. This involves the labour cost of a business/related research professional[16] taking half an hour to do their own verification.

- A data analyst will need to clarify the request for data, taking between 2 and 5 hours, and process the request, taking 4-10 hours. We assume a second analyst will quality assure the processed request, taking a further 1-2 hours.

- A corporate manager will review and approve the request, taking an hour, followed by the approval of the data request being sent by an assistant, taking around 15 minutes to an hour.

- The total labour costs for initial processing and approval come to a combined cost of between around £200 and £430 per data request.

Collating and reformatting data

- A platform analyst will collate the data requested, taking 30-48 hours for an average data request. The collated data will be cleaned and reformatted for accessibility, which we estimate to take an analyst between 12-19 hours.

- The reformatted data will be quality assured by a separate analyst to check the correct data was collated, and for any errors in the reformatting, taking six to ten hours. Safeguards may be added to the data by an analyst to prevent any private data from users of the platforms being released to researchers, which will take 16-24 hours.

- The total of these second group of ongoing costs combines to around £1,400-£2,200 per data request.

Legal review

[16] ASHE 2022 provisional median wages for a business and related research professional

- A lawyer will review the data for three hours, followed by one hour for sign-off by a senior lawyer[17]. We estimate this will cost £160 per data request.

Number of requests

- We use an illustrative range of 5-15 data requests per year in total across all platforms. The resulting total cost incurred from first receiving a request to providing the data to the researcher are shown in Table 3 below. The low scenario assumes only 5 requests are made in a year, and the high assumes that 15 are made in a year.

Table 3 – Cost of data requests

	Low scenario	High scenario
Processing and approving a request	£200	£430
Collating and reformatting data	£1,400	£2,200
Legal review	£160	£160
Cost per single data request – sum of above rows	£1,800	£2,800

- The final ongoing cost is the annual cost of upkeep for the secure online environment to host the data for researchers. As outlined earlier, this is between £11,700[18] and £19,600[19] per year, per organisation, which equates to around between £0.4 million and £0.6 million per year for all organisations combined.

34. The ongoing costs i.e. the cost of upkeeping the secure online environment and the costs of fulfilling research requests together total an illustrative estimated cost to business of around £0.4 million to £0.8 million per year. Over a 10-year appraisal period, we arrive at the figures in Table 4 below.

Table 4 – Total ongoing costs to business (2024 prices and base year, 10-year PV)

	Low	Central	High
Ongoing costs	£3.1m	£5.1m	£7.1m

35. Overall, considering the familiarisation, adaptation, and ongoing costs, the illustrative estimated final cost to business, following implementation of regulation enabled by this legislation, can be seen in Table 5 below. The below costs are based on a 10-year appraisal period.

Table 5 – Total direct costs to business (2024 prices and base year, 10-year PV)

	Low	Central	High
Total direct cost to business	£3.3m	£5.4m	£7.5m

36. There are no direct monetisable benefits to business resulting from regulation enabled by this primary legislation. We do anticipate a decrease in overall online harms in the UK that may create an indirect benefit for businesses of having to spend less to counteract potential online harms on their platforms, as well as preserving the mental and physical health of their users.

[17] As a proxy for senior lawyer wage, we used ASHE 2022 provisional median wage for a corporate manager

[18] https://assets.applytosupply.digitalmarketplace.service.gov.uk/g-cloud-13/documents/719311/389381304721193-pricing-document-2022-05-18-0936.pdf The monthly cost of £900 multiplied up to a year, inflated to 2024 prices, to enable all the relevant systems to have a secure online environment.

[19] https://www.applytosupply.digitalmarketplace.service.gov.uk/g-cloud/services/305906890977994 Price of paying for the AIMES research environment per year, inflated to 2024 prices.

Social Benefits

37. The benefits flowing from regulation enabled by this primary legislation are the increased knowledge provided to individuals, businesses, and government about online harms. Though we do not have an estimate for the effect of the policy on the rate of online harms, we can estimate the magnitude of social benefits/avoided harms required for the policy to "break even" with the illustrative costs to business of complying with regulations enabled by this legislation.

38. Our estimated cost of compliance for the illustrative application-based data access model, over the ten-year period, is £3.3 million to £7.5 million, therefore an estimated monetised benefit of £3.3 million to £7.5 million in avoided harms would be required to offset it. This is equivalent to a 0.001%-0.002% decrease in the around £361 billion estimated value of online harms faced in the UK, according to the Online Safety Act Impact Assessment.[20]

Risks and assumptions

39. Due to limited data sources, where we have estimated time taken to comply, we have erred on the side of caution and used higher estimates and larger ranges so as not to underestimate the true cost.

Impact on small and micro businesses

40. Though any final researcher access to data policy has not been decided, the current policy expectation is that these regulations would not apply to small or micro businesses. Data suitable for research will be held by large platforms with large numbers of users. Small platforms' data is likely to be less valuable to researchers for methodological reasons. Therefore, though details are to be confirmed, there is no burden anticipated for small and micro businesses.

Wider impacts (consider the impacts of your proposals)

a. *How will the intervention affect wider incentives and behaviours, such as enabling or restricting innovation?*

41. The legislation could affect societal attitudes towards data privacy and research. It might increase public trust in research and platforms if data access is regulated and transparent with what data is allowed to be shared with researchers. Conversely, it could raise concerns about privacy if not handled appropriately and may impact the public's willingness to use and share private information with platforms.

42. The legislation could drive technological advancements by encouraging the development of new methods for data access and analysis. It might also necessitate upgrades to existing systems to comply with data provision requirements.

43. The legislation itself is a legal change, and it would set a precedent for increased data access. It could also lead to additional legal considerations, such as the need for contracts between researchers and platforms, and potential legal disputes over data usage.

A summary of the potential trade implications of measure

44. If foreign organisations/platforms perceive the legislation as a threat to their proprietary data, they might be less willing to operate in the UK, potentially limiting market access for consumers, although this is unlikely since this legislation only affects the largest platforms.

[20] The harm figure presented here is in 2024 prices, 2024 base year, 10-year PV with 2025 commencement

45. This legislation may also lead to increased scrutiny from international trading partners, particularly those with stringent data protection laws, as some countries may deem the data that is shared with researchers as private to the users of the platforms, so it might affect cross-border data flows, although not directly trade.

Monitoring and Evaluation

46. A full monitoring and evaluation plan for the preferred option has not yet been developed due to the current level of policy detail in the recommended option, which is heavily dependent on subsequent decisions made by SoS which will likely be informed by both a consultation and work undertaken by Ofcom.

47. Once further detail on the approach to researcher access has been decided upon, a comprehensive framework for monitoring the impact of the approach can be developed. This will include a full theory of change, evaluation questions, and approaches to the measurement of key outcomes and objectives.

48. While there is currently not the requisite level of detail available to provide a full monitoring and evaluation plan for the policy, the following areas are expected to be considered as part of any ongoing monitoring and final review:

    a. The number of requests for researcher access being made per annum;
    b. Whether the requests being made for access are justifiable, based on the conditions that will be set out in secondary legislation;
    c. How effective and efficient the process for making researcher access requests is, including specifically the approach to the vetting and assessment of access requests;
    d. Whether the cost to in-scope platforms and the regulator of meeting the requirements of the legislation is proportionate and matches the above assessment;
    e. An assessment of the benefits of the policy to the research and academic community, and the impact on the understanding of the broader online safety landscape.