PICTFOR Online Harms Roundtable – Minutes
03/11/2020

On 3rd November 2020, PICTFOR held a virtual roundtable on the topic of Online Harms. The event titled, '*How do we include and protect through internet design?*' saw contributions from former DCMS Secretary of State and Chair of the recently formed, Digital Regulation and Responsibility APPG, The Rt Hon Jeremy Wright QC MP, Shadow Domestic Violence and Safeguarding Minister, Jess Phillips MP, Baroness Kidron OBE, Deputy Commissioner - Regulatory Innovation and Technology at the ICO, Simon McDougall, Founder and Executive Director of Glitch, Seyi Akiwowo, and CEO of Internet Watch Foundation, Susie Hargreaves. As well as insights from PICTFOR's industry members and parliamentary Vice-Chairs.

Event Chair:
- PICTFOR Treasurer, The Rt Hon Lord McNally

Attendees:
- Baroness Neville-Rolfe
- Darren Jones MP
- Baroness Kidron
- Lord Foster of Bath
- Baroness Benjamin
- Lord Puttnam
- Lord Strasburger
- Paul Beresford MP
- Baroness Harris
- Lord Lipsey
- Lord Wallace
- Stephen Timms MP
- Chris Elmore MP
- Tony Stower, 5 Rights Foundation
- Mike Laughton, Access Partnership
- Haude Lannon, Access Partnership
- Iain Corby, Age Verification Providers Association
- Danny Stone, Antisemitism Policy Trust
- Lorna Woods, Carnegie
- Maeve Walsh, CarnegieUK
- Simone Vibert, Childerens Commissioner's Office
- Simon Cross, Church of England

- Sarah Connolly, DCMS
- Nico Docherty, FairVote
- Emma Stone, Good Things Foundation
- Tom McGrath, Good Things Foundation
- Rosie Luff, Google
- Lucy Cserna, House of Commons
- Ashley Lumsden, Huawei
- Daniel Dyball, Internet Association
- Michael Tunks, Internet Watch Foundation
- Cumhur Kizilari, MortenICT
- Andy Burrows, NSPCC
- Heather Burns, Open Rights Group
- Poppy Wood, Reset Tech
- Adam Kinsley, Sky
- Ben Bradley, techUK
- Katie Lips, Which
- Colin Ward, York University
- Samuel Rowe, YOTI

The event chair, The Rt Hon Lord McNally opened the event by welcoming all PICTFOR members, Vice-Chairs, and attendees from the wider tech community, and thanking them for joining the call. Lord McNally then introduced Shadow Domestic Abuse and Safeguarding minister, Jess Phillips MP.

Jess Phillips MP began by noting the role that the online world had played in transforming politics, activism and grass roots movements. Adding that technology has been hugely democratising and liberating for huge swathes of the global population. She added that these benefits must be extended to everybody, globally. Saying that the defence of freedom of speech is often an obstacle in the way of everybody being able to take part in this democratisation, and often limits the ability for some people to feel safe. She added that in her Shadow role, she has concerns about the lag between the UK's legal system and the evolution of the internet and the content that can be found, disseminated and engaged with online. She closed by stating that the reality is that personal online histories and historical content is used within our outdated legal system to undermine victimhood and that we currently lack the legal grounds to challenge online abuses and harassment.

Baroness Kidron OBE began by detailing the works of 5Rights Foundation, working wherever digital intersects with children. She added that this remit is vast, incorporating online entertainment, education, and health services, remarking that it is considered that a child's digital footprint will play a greater role in their employment ops than their educational achievements. She went on to detail the way the sector routinely introduces strange adults to young children as part of their core service - giving the example of quick-adds on social media sites - and the way this example highlights how blind we are to the careless design that facilitates these issues. In terms of scope, she said that the Bill won't be effective if it doesn't seek to mitigate and prevent that kind of unnecessary risk and insists that companies look at their services from the point of a user's need rather than from a category of service. Adding that the omittance of SMEs and start-ups from legislation adds to the potential loopholes when considering harm. The Baroness used the example of OnlyFans who have an estimated 50 million users who have paid a huge amount for content to over 700,000 content creators, but who only have an estimated under 30 employees and therefore falls into this category. Adding that a BBC investigation found that a third of all twitter accounts advertising the sale of sexual content were held by users under 18. On the point of scope, she said that is widely understood that the sector is anticompetitive, with the current business model for a company is to grow fast and sell to an incumbent. She added that we're sacrificing children's safety to create a market which is outsourced R&D for global companies. Government bill will be judged not on what is included or excluded but on the difference it makes in the lived experiences of young people. The only way to do that is to have entire the sector in scope and take risk-based approach to harm. Bill should fundamentally do reverse culture of 'don't look can't see' that has left millions of children on online, in places that they don't have the maturity or capacity to deal with – and must look beyond content. Should bring tech into real world and demand looks at users, undertakes risk assessment and mitigates those risks and requires an independent regular with a full set of tools for oversight and enforcement.

Jeremy Wright QC MP began by stating that the need for Online Harms legislation has only increased under the circumstances of the pandemic through spending more time online. He added that the reoccurring question is why we don't regulate behaviours online which are regulated elsewhere, be it in print, in broadcast media, or on the street. He added that he and other policy makers accept that the online environment is different and presents all kinds of difficulties in terms of regulation, but to do nothing is increasingly unacceptable. He went on to highlight the good work being done by platforms to self-regulate, noting that many sites are doing many things to make the online experience safer, but added that he has found few platforms who think this is enough. He detailed the different approaches to regulation, commenting that designing specific rules for specific threats leaves regulators out of date and playing catch up. He outlined that the preferable

approach, is Duty of Care model where he notes that regulation must be proactive not reactive, asking organisations to scan the horizon and look out for potential harms of the future. He said that the approach should deal with systems and processes and shouldn't look to tackle individual acts of harm, but to change institutions. This approach asks for platforms to take reasonable actions to protect users, he added, noting that it is understood that harmful content will reach users, but that platforms should do all they can to prevent it. He advocated an independent regulator, which not only fines platforms, but considers individual director liability and has the power to block sites if needed. He closed by stating that regulation can only be part of the solution, adding that we must be better at functioning as digital citizens, with an emphasis on digital skills. Remarking that the UK has an opportunity to lead globally in online regulation, striking a balance between respect for innovation and respect for the rule of law. The Government needs to get a move on with the legislation as the longer we wait the more people will be harmed and the UK will not be able to give global leadership that the UK is able to provide.

Simon McDougall opened by detailing the ICO's Age Appropriate Design Code, adding that the Code places emphasis on having the interest of a child in mind as services are designed, having privacy default settings if services are used by children, and restricting nudge techniques. He added that despite being aimed at children's use, the Code has principles which are applicable to all online services. In relation to the COVID crisis, Simon detailed how the ICO has been helping to reduce harm as the nation moves to online working and socialising, he discussed the dedicated team who answer queries from users on a range of issues from online scams to the contact tracing app. He added that these are examples of teams working with platforms in real time, to prevent harm and monitor future risks. Looking forward, he noted that the ICO would welcome Ofcom being named the regulator, adding that any regime must be given the tools to make large tech firms change their behaviour, be it through fines are greater powers. He closed by saying that the ICO recognises that boundaries are collapsing between different areas of regulation, adding that any new regulator has to be sensitive to the fact that they are operating in a rapidly changing environment and the old delineations between regulators aren't as clear as they were before.

Seyi Akiwowo began by detailing the role Glitch plays in campaigning to make a safe online space, especially for those disproportionately affected by harms, women and girls. Seyi added that a main concern of Glitch has been the lack of intersectionality and the discussion around how minority communities experience Online Harms. She

went on to say that we know women are 27 times more likely to be harassed online than men and that black women are 84% more likely to be mentioned in problematic and abusive content. Seyi went on to discuss Glitch's research into the gendered nature of antisemitism, islamophobia and the increased discrimination against the LGBTQI+ community. She detailed Glitch's UK wide survey to establish how these communities experienced harms during the COVID lockdown measures – with 46% of women and non-binary people experiencing abuse online in this period, again with an increase for non-white people in these communities. Seyi echoed the previous point that skills to better equip citizens for the online space are an essential part of the solution to this problem, going one step further than media literacy and must cover conduct and ethics. Seyi closed by celebrating the opportunities that the online space provides, noting the entrepreneurial benefits for underrepresented communities, but adding that we must make sure everyone knows how to behave online.

Susie Hargreaves began by noting IWF's work, adding that through the nature of their funding from the tech industry, IWF are strong advocates for fair, and effective regulation which supports the industry whilst protecting users. She added that IWF are concerned by the definition of legal and illegal content and call for absolute clarity from future legislation to avoid placing the emphasis on platforms to decide which content is legal and which isn't. Susie celebrated the hard work already being done to counter child sexual abuse content, noting that 24 years ago, 18% of all known content was hosted in the UK, with that figure dropping to 0.5% today. Echoing the concerns of the panel about the rise in harms over lockdown, Susie said that the pre-lockdown number of perpetrators online at any given time was 100,000, this number had risen during the summer to 300,000, including 44% of all content that has been removed this year has been self-generated with the majority coming from girls aged 11-13 in domestic settings who are being groomed and coerced online. Susie again celebrated the collaboration from industry, who through their shared data, have allowed IWF to monitor trends in behaviour and tackle harmful and exploitative content – adding that similar collaborations with government have helped to make headway into the increased threat of online harm. She closed by saying that the delay in government response has been unhelpful for the sector, placing uncertainty on the work of industry, legislators and charities like IWF who are working hard to further prevent harm.

Lord McNally then opened the event to attendees who contributed to the roundtable discussion;

- **Professor Woods** of **Carnegie** said that the difficulty of defining the scope of the legislation is a real concern for her organisation. She added that the criminal law has been designed with regard to the activities of the speakers and is a heavy weapon to wield. This means that it is tightly designed and in particular a key element is often that of the mental attitude of the person speaking. Therefore, we have a patchy coverage of content which can be similar, but handled differently. On freedom of speech she agreed that this is not about who can speak the loudest or silence other voices, within the convention, article 14 covers discrimination and should ensure that rights are equal and don't differ depending on the community a user comes from.
- **Stephen Timms MP** said that he was concerned about youth violence and the role the digital space plays in this issue – he noted that of the weapons used in youth violence in his constituency, most are bought online and by people who would never be able to access similar weapons in shops in the UK. He added that he had been assured by the Home Office that this would be addressed in the Online Harms bill. On financial harm, he said that he was concerned that there may be a gap in this area in the Bill. He noted that in his role as Chair of the Work and Pensions Committee, he was involved in the ongoing inquiry into pension scams which estimates pensioners have lost £10bn in the last five years through online scams, with very little being done to protect those who are less aware of the dangers of online settings.
- **Daniel Dyball** of the **Internet Association** agreed that scope is a major concern for the regulation, adding that the regulation must protect whilst allowing the digital economy to thrive and doesn't lead to censorship. He added that internet organisations are taking significant action to protect their users, investing large amounts in content moderation and AI to take down harmful content. He said that IA and their members support a risk based and proportionate approach to regulation and have been happy to work with government at every step of the consultation to find solutions. He closed by saying that process is key to the regulation and that government can support industry by publishing economic impact assessments or technological feasibility studies to make sure the sector is prepared. He also noted the importance of legislative process, pre-legislative scrutiny and making sure that debate likes this happen with the full range of views are known as the bill moves forward.
- **Lord Puttnam** noted that legislators must be fully aware of the types of harmful content and online abuses before they are able to provide solutions. He detailed the process of the BBFC in the 60s and 70s and the progress made in finding the difference between taste and harm.
- **Andy Burrows** of **NSPCC** made the case for an ambitious piece of legislation that ensures children's safety. 1 in 5 internet users in UK are children and

emphasised the importance of safety being baked into the processes of platforms, and that now more than ever we must ensure children can access the spaces they love which are now more important than ever in terms of education and connectivity with family and friends. He continues to say that the duty of care in fundamental because it is proactive, systemic and introduces the possibility of landing cultural change, hardwiring how companies design and deliver services. Raised concerns from pandemic in terms of the long-term structural threat in video chat and streaming services and as well as abusers operating from home rather than offices.

- **Emma Stone** of **Good Things Foundation** highlighted the importance of digital inclusion through increasing digital skills and education, preparing young people for the digital space. She added that PICTFOR and its members have a responsibility and opportunity to bridge the digital divide, highlighting that 9 million people still can't access the internet without help, making a safe and equal space for the future. This is why Good Things Foundation are calling on a Great Digital Catch Up to make sure that every community has a place where people can access support to live well and safety as digital citizens.

- **Lord McNally** thanked all speakers and attendees for their contributions and drew attention the PICTFOR Online Harms Stakeholder Input Report which further details the insights of PICTFOR members and the wider tech community, before closing the event.