Response to European Commission public consultation

"Age Verification, Cross Media Rating and Classification, Online Social Networking"

July 2008

About the Broadband Stakeholder Group (BSG)
The BSG is the UK government's leading advisory group on broadband. It provides a neutral forum for organisations across the converging broadband value-chain to discuss and resolve key policy, regulatory and commercial issues, with the ultimate aim of helping to create a strong and competitive UK knowledge economy. Further information about the BSG can be found at: http://www.broadbanduk.org/

As a result of this remit, the BSG takes a keen interest in regulatory and policy developments that impact upon the market for content-based services and applications over broadband networks. In this area we work with a full range of stakeholders in the UK, including broadcasters, social networking sites, content providers, content aggregators and relevant third parties.

The BSG has experience in working with industry stakeholders in the development of good practice in response to the challenges of convergence. In particular, in partnership with industry and wider stakeholders, we facilitated and developed the "Good Practice Principles on Audiovisual Content Information" which were launched in February 2008. These principles demonstrate a commitment from signatories to promote media literacy by providing information on audiovisual content information that is easy for consumers to use and understand. The goal of this initiative is to empower consumers to make safe and informed choices about the content they and their families consume. Full details are available at: www.audiovisualcontent.org A copy of the Principles is also enclosed with this consultation response.

We draw from the experience of developing this good practice in responding to the questions put forward by the European Commission in this consultation document.

Questionnaire 1: Cross media rating and classification

1. Of which media rating systems are you aware in your country. Has there been an attempt to implement a cross-media rating system? If yes, what are the positive outcomes of it and its success factors? If no, what could be used as a starting point towards a cross media rating system?
2. What are the main obstacles to moving towards a pan-European cross media rating system?
3. What role should the different stakeholders play (industry, public bodies etc) towards implementing a pan-European cross media rating system?
4. Are you aware of relevant research, pilot projects, or national cross media rating initiatives? If published online, please provide us with the relevant URL.

In the UK, as elsewhere, there is an increasing awareness of the challenges involved in empowering citizens to make informed and safe choices in a fast-changing and increasing converged media world. For example:

- The UK Parliament's Culture, Media and Sport Select Committee ran an inquiry into harmful content on the internet and in video games. The inquiry's remit

looked at the potential impact of such content on all citizens, not just children and young people, and looked specifically at the tools available to consumers and industry to protect people from potentially harmful content on the internet and in video games and the effectiveness of the existing regulatory regime. The Committee took evidence from a wide range of industry representatives and policy makers. In its final report, published on 31 July, the recommendations put forward by the Committee included a suggestion that all pc equipment for the home should be accompanied by a safety information leaflet so that parents have the knowledge to protect their children from harmful content: http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcumeds/353/353.pdf

- Ofcom, the independent regulator for the UK's communications industries, issued a consultation in July 2008 on "Citizens, Communications and Convergence". The paper discusses various future challenges facing the sector, and states that one future need is *"developing a model for content regulation in the internet age that provides adequate protection to the public, taking into account the practical barriers to regulating the internet."* http://www.ofcom.org.uk/consult/condocs/citizens/

However, there has been little forthcoming in the way of concrete proposals for a cross-media rating system. This, in our view, reflects the difficulties involved in setting up such a scheme, and our experience of developing good practice principles for audiovisual content information, suggests that a pan-European cross media rating system is not the right objective in this important policy area.

Our view is that policy making should be outcome-focused and deliver for consumers. We would advocate that this should be the starting point, rather than looking at a particular system and then considering whether that can meet the needs of individuals.

Our work on the Good Practice Principles on Audiovisual Content Information (www.audiovisualcontent.org) evolved from the recognition that consumers, particularly parents, value clear information about the content they and their children can access, whether it is online, on a mobile phone or on television.

Research conducted by Ofcom on Programme Information (http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/pirinvestigation/pirreport.pdf) demonstrates that consumers have different expectations for different services and platforms. To our knowledge, the current research base does not demonstrate that consumers would want or benefit from a cross-media rating system. Whilst research has shown that consumers want clear information about content, this does not correspond to a need for this information to be delivered in the same way across each and every platform.

Consumers are in fact used to receiving content information in different ways. For example, over traditional platforms, expectations are different between broadcast TV and cinema classification. As such, there is an argument that starting from the viewpoint that ratings should be delivered in a consistent way across a variety of media platforms may in fact be counter-intuitive to the professed aim of such a system – to arm the consumer with easy, simple to use and clear information about content.

In light of this, the Good Practice Principles on Audiovisual Content Information set out the underlying approach that content providers are taking so that consumers get

the information the need, and in a way that makes sense to them across different platforms.

Building on existing good practice, the principles promote common sense, simplicity and transparency to ensure that consumers are empowered to make safe and informed choices about commercially produced content.

They relate to content that may be unsuitable for children and young people or which some members of the public may find offensive.

While the format of the information provided may vary from platform to platform, content providers are committed to ensuring that it:

- is easy to use and understand
- enables the user to make informed choices
- uses plain and consistent language
- is practical for the medium in which it is made available

Signatories to these principles include AOL, BBC, Bebo, BT Channel 4, Five, Google, ITV, Microsoft, Mobile Broadband Group (represents Orange, O2, 3, T-Mobile, Vodafone and Virgin Mobile), Teacher's TV, Virgin Media, Yahoo!, ATVOD (Association for Television on Demand), BBFC (British Board of Film Classification) and FOSI (Family Online Safety Institute).

Different providers are meeting these principles in a way suitable to the services they offer and the platforms involved. For example, the public service broadcasters in the UK (BBC, ITV, Channel Four and Five) use a 'G' for Guidance system, which denotes potentially offensive material with a 'G' icon together with a line of descriptive text (for example "contains strong language").

Members of the UK's Mobile Broadband Group (O2, Orange, T-Mobile, Virgin Mobile, Vodafone and 3) use classification and access controls based on robust age verification to prevent minors from being able to access inappropriate content on their mobile phones.

This difference in approach does not reveal a difference in objectives. Furthermore, we believe that this approach gives the necessary flexibility for services that are constantly evolving. These principles not only inform current content services, but those of the future as well. As such, whilst the nature of content itself will develop, the commitment to giving consumers information about this content that is easy to use and understand remains.

We are unconvinced that a cross media regulation system would deliver such effective outcomes for the consumer or allow sufficient flexibility for content information to evolve alongside new media services.

Questionnaire 2: Age verification

1. Which age verification systems are you aware of? In which domains are they being used?
2. Do you think that these systems are efficient? If yes, please state why. If no, why do you think they are unsatisfactory?
3. Are you aware of legal requirements in your country for providers of online services to verify the age of their visitors/customers?

4. Are you aware of relevant research, pilot projects or national initiatives towards age verification on the internet? If published online, please provide us with the relevant URL.

There are several examples of age verification systems operating in the UK.

The Mobile Broadband Group operators, for example, do not make available commercial content classified as 18 until they have satisfied themselves that the customer is at least eighteen years old. This process is a robust one, deploying various checks such as verification in store and verification against credit reference agency lists. Age verification is also used in the context of e-commerce sites.

However, it is important to remember that age verification provides a different level of challenge across different platforms. For example, for free sites, technical, data and legal limitations provide barriers to an effective age verification system for such sites. Privacy issues can also be an inhibitor, and for users under 18 there are less tools available to verify their precise age.

It is our view that it is perhaps unwise to look at the efficiency of these systems in a silo. We believe that age verification systems have a role to play on the platforms where they can be practically implemented, but can only be truly effective as part of a wider, joined-up approach to delivering content in a safe and effective fashion.

As such, good practice should not rely on age verification alone, but be incorporated alongside other tools such as a suitable form of content information, robust privacy settings and technical tools (such as filtering systems), as appropriate to both the content and the media platform on which it is being delivered.

Questionnaire 3: Online Social Networking

1. What risks are minors likely to encounter on SNSs? Are you aware of relevant research or statistics? If published online please provide us with the relevant URL.
2. What controls, if any, should be available to parents over their children's SNS accounts? Should parents be allowed to cancel accounts or change profiles of their children?
3. Which tools are the most appropriate to protect minors when using SNSs? What further steps should SNS providers take to reduce the risk the minors on their sites?
4. What should Member States do in order to improve the safe use of SNSs by minors? (e.g. legislation, co-regulation, awareness activities, introduction of the subject into the educational curricula etc).

Like any new technological developments, social networking sites (SNSs), present both benefits and concerns to young users. It is our view that policy in this area should aim to craft the trade-off between allowing children and young people the space to use these services creatively to maximise the benefits they offer, as well as ensuring that SNSs are a safe space for them to do so.

Dr Tanya Byron published an independent review for the Government in March 2007, *Safer Children in a Digital World* (http://www.dcsf.gov.uk/byronreview/). This wide-ranging review looked at various issues around safety issues in a digital era. What makes this review distinctive is that its starting point was of child behaviour, and alongside the main review, Dr Byron published three reviews on the links between child development and technology.

A central theme that runs through her report is that policy responses must recognise the benefits and risks of various types of technology and be aligned with the needs of children, and within this, the different ages of children. It may seem an obvious point, but in discussions on policy around child internet safety, it is imperative to recall that what is appropriate for an 8 year-old child, will be qualitatively different to the protection that a 15 year-old teenager might require.

This is a relevant issue in relation to SNSs, whose users can vary significantly in age. In our view, education is key, so that parents are able to interact with their children on safe and effective use of SNSs. This was a key recommendation put forward in Dr Byron's independent review, which recommended that a 'one stop shop' for child internet safety is developed, based on extensive research about what different groups of users want, to increase awareness of best practice on safe use of SNSs. However, several SNSs operating in the UK, recognise that in addition to this parent controls can be a valuable tool in protecting teens and make such mechanisms available as part of their service.

In terms of steps that SNS providers could take to reduce the risks to minors on their sites, in addition to their own policies, in the UK these providers have invested significant time and resource in working with the Government to publish guidance for social networking, which is aimed at both parents and children, and the providers of social networking sites.

It advises on how to be safe on these sites and what safety measures and advice should be given by the providers. On the latter point, it makes several recommendations relating to safety information, editorial responsibility (including appropriate advertising), registration, user profile and associated controls, how profiles can be searched, identity authentication and age verification, access to adult content, managing abuse and bullying, reporting concerns and relationships between service providers and law enforcement.
http://police.homeoffice.gov.uk/publications/operational-policing/social-networking-guidance

We believe that consistent with the commitment in the UK to adopt industry led and a light-touch regulatory approach to issues affecting a fast evolving communications sector that all stakeholders should support such initiatives and that legislative measures should be a final resort.

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