

DSA Requests for Information – Q&A

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What is happening now?

1. What action is Coimisiún na Meán taking and what does it mean?

Under the Digital Services Act (DSA) online platforms must put in place identifiable, easy to access and user-friendly ways for users to report illegal content (Article 16). They must also have a single point of contact for users to contact them (Article 12).

Based on information from a variety of sources, and queries we have received to our Contact Centre, we are concerned that people are experiencing difficulties in easily identifying how to report illegal content to platforms (Article 16), may not be getting a timely or satisfactory response to their reports, or cannot find a way to contact the platform (Article 12).

We are now formally contacting a range of platforms to gather information (through a Request for Information) about their approach to compliance with Article 12 and Article 16 and so that we can consider whether they are, in fact, compliant with their obligations or whether they ought to take further steps to ensure compliance.

2. What is Article 12 of the Digital Services Act (DSA)?

Under Article 12 of the DSA, online platform and digital service providers have an obligation to have a designated single point of contact to enable users to communicate directly and rapidly with them by electronic means and in a user-friendly manner. The user should be allowed to choose the means of communication, which must not solely rely on automated tools.

3. What is Article 16 of the Digital Services Act (DSA)?

Article 16 of the DSA requires online platform and digital service providers to put in place easy to access and user-friendly mechanisms to allow any individual or entity to report content they consider to be illegal content. Article 16 also requires service providers to notify the individual or entity of its decision and to process notices and take their decisions in a timely, diligent, non-arbitrary and objective manner. Where they use automated means for processing or decision-making, this information must be included in the notification.

4. What is an RFI?

RFI is short for Request for Information. The information received in response to the RFI will assist Coimisiún na Meán in evaluating and understanding compliance with obligations under Article 16 (reporting mechanisms for illegal content) and Article 12 (points of contact). RFIs are issued on a voluntary basis.

5. Which platforms did Coimisiún na Meán issue RFIs to?

We have issued RFIs to twelve platforms which are established in Ireland, of which eight are Very Large Online Platforms (VLOPs) with over 45 million average monthly users in the EU, and three non-VLOP services who have below 45 million monthly average users in the EU:

- VLOPs: TikTok, YouTube, X, Pinterest, LinkedIn, Temu, Meta and Shein.
- Non-VLOPs (also referred to as Below Threshold): Dropbox, Etsy, Hostelworld and Tumblr

For the avoidance of doubt, it should be noted that the review is at a preliminary stage and no decision has been made as to whether the named platforms have, in any manner, failed to comply with their obligations or not. There is a clear process before Coimisiún na Meán can exercise its enforcement powers, which we will follow if and only when appropriate.

6. What happens after the RFI is issued?

The platform and digital service providers have two to four weeks to respond to an RFI. The length of the response time is proportionate to the information being requested. We have asked different information of different providers, depending on the particular concerns we might have and other factors such as whether the platforms are subject to a European Commission investigation.

7. What can Coimisiún na Meán do with the information it receives in response to the RFI?

The information provided by the platform and digital service providers in response to the RFI will assist us in evaluating and understanding of the level of compliance with Article 12 and Article 16. Following the initial review, based on the information received and any other relevant material, An Coimisiún will consider whether the platforms are in compliance with their obligations under Article 12 and 16 of the DSA.

8. What does it mean if a platform doesn't provide the information requested in the RFI?

Any information provided in response to these RFIs in response is on a voluntary basis. For the avoidance of doubt, it should be noted that the review is at a preliminary stage and no decision has been made as to whether the named platforms have, in any manner, failed to comply with their obligations or not.

However, where a service provider does not respond to the RFI and we have substantiated concerns regarding compliance with Article 12 and/or Article 16, we will consider next steps which might include proceeding to enforcement, following the necessary procedural requirements.

9. When can Coimisiún na Meán issue fines to platforms?

We may issue fines to platforms only following an investigation and following the procedure set out in our legislation.

Online Safety Framework

10. What is Coimisiún na Meán's Online Safety Framework?

We are responsible for Ireland's Online Safety Framework. This framework makes digital services accountable for how they protect people, especially children, from online harm. The Online Safety Framework consists of the Digital Services Act (DSA), the EU Terrorist Content Online Regulation and the Online Safety and Media Regulation Act, the basis for our upcoming Online Safety Code.

11. What are the differences between the Digital Services Act and the Online Safety Code?

Under the Digital Services Act (DSA) online platforms must put in place identifiable, easy to access and user-friendly ways for users to report illegal content (Article 16). They must also have a single point of contact for users to contact them (Article 12).

The Online Safety Code is not yet in force. It will apply to a subset of online platforms that have been designated by Coimisiún na Meán and are called Video Sharing Platform Services (VSPSs). It will apply specifically to video-sharing (and associated content) including, but not limited to cyberbullying, promoting self-harm or suicide and promoting eating or feeding disorders as well as incitement to hatred or violence, terrorism, child sex abuse material, racism and xenophobia.

Your rights under the DSA

12. What is the DSA?

The Digital Services Act (DSA) The Digital Services Act (DSA) is EU-wide legislation that regulates online services like marketplaces, social networks, app stores, and online travel and accommodation platforms. It requires these online services to take some steps to help make the internet safer for users by addressing harmful or illegal content on their sites. This new legislation will introduce rules that equally protect all users in the EU (including Ireland) both in regard to illegal goods, content or services and their fundamental rights.

Coimisiún na Meán is the Digital Services Coordinator designated in Ireland. Digital Services Coordinators are national authorities designated by the EU Member states to supervise, enforce and monitor the implementation of the DSA.

13. What are my rights under the DSA?

The DSA provides a variety of rights to users, and obligations on platforms.

Under the DSA, you have a right to report illegal content, and this reporting mechanism should be easy to access and user friendly. You should also receive a decision from the service provider on the outcome of the report in a timely way and provided with information on the possibilities for redress in respect of the decision. Separately, if the content you posted is restricted, removed, disabled or demoted, you have a right to a clear explanation of why this has happened and provided with information on the possibilities for redress.

For more information on your rights under the DSA, visit the Coimisiún na Meán [website](#).

14. What is it covered by the definition of illegal content under the DSA?

The DSA defines illegal content as any information or activity, including the sale of products or the provision of services, which is not in compliance with the law of the European Union, or the law of any EU Member State. Some non-exhaustive examples of illegal content can be found on the Coimisiún na Meán [website](#).

15. How do I report illegal content under the DSA?

Illegal content should be reported to the platform where you saw it. Once you have reported illegal content to the platform, they have an obligation to act on your report. Platforms should remove illegal content that has been reported to them. Platforms are not obliged to generally monitor content to see if it is illegal.

16. What information would I need to provide to the platform or service when making a report of illegal content under the DSA?

The reporting mechanism put in place by the platform or service for reporting illegal content should be identifiable and facilitate accessible, user-friendly, submission of the following information:

- a sufficiently precise explanation of the reason(s) to why you suspect the information in question to be illegal content;
- a clear indication of the electronic location of the information in question, i.e. exact URL(s) (link);
- as it might be necessary, additional information enabling the identification of the specific illegal content;
- your name and email address, except in the case of information considered to involve crimes against children, such as child sexual abuse material, child sexual exploitation, solicitation of children for sexual purposes, to name a few;
- a statement confirming that you believe the information and allegations in the report are accurate and complete.

17. If I report illegal content under the DSA, what rights do I have?

When you submit a report of illegal content to the platform or service under the DSA, you have the right to:

- be informed:
 - receive acknowledgement of your report
 - receive a decision and simultaneously be provided with redress options
 - receive information on the use of automated means for the processing or decision making on your report

- opt whether or not to anonymously report illegal content in connection to sexual crimes against children, such as child sexual abuse material, child sexual exploitation, solicitation of children for sexual purposes, etc.
- additionally, if you are the “*affected service recipient*” i.e. your content was removed as a result of action taken pursuant to an Article 16 “Notice”, then you should receive a “statement of reason” (Article 17).

18. Who has an obligation to remove illegal content online under the DSA?

Platforms should remove illegal content online under the DSA once that content is reported to them, otherwise they can be liable for hosting that content. Illegal content should be reported directly to the platform or digital service provider.

Coimisiún na Meán **does not have the power to compel the immediate removal of illegal content** from online platforms.

19. When should I contact Coimisiún na Meán?

If you believe the platform has not met its obligations such as making available a single point of contact, notifying you of its decision in relation to your report, has not advised you of possible appeal or alternative redress options, has not acted on content you believe to be illegal, or has not provided an option for you to anonymously report content that relates to child sexual exploitation and abuse, you can contact Coimisiún na Meán.

Coimisiún na Meán is not a content moderation service, **we do not act on complaints about individual pieces of content** and do not act as an appeal mechanism for decisions on online services in relation to illegal content.

The role of Coimisiún na Meán is to supervise how online platforms comply with their obligations under the DSA at a systemic level and to make sure that platforms’ content reporting systems are working effectively in compliance with the law.