

Message

From: Diarmuid O'Boyle [REDACTED]
Sent: 08/12/2023 10:36:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation

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Hi Caroline,

I am an IT Security Engineer for over 20 years now and thought I'd outline my views briefly in regards the online safety code.

Within your document you have outlined the word "platform" 244 times and "service" 574 times – this is the main crux of the problem in regards oversight and enforcement.

I don't see anywhere within the document where "platform" is actually defined as opposed to "product".

In my opinion X (Twitter), Facebook, WhatsApp, Snap, Instagram etc. are all products and not platforms. Amazon Shopping, Just Eat, Carzone, Ebay etc. are all platforms.

If we can define those social media sites as products then standard rules apply and they become much easier to manage from an oversight point of view.

So we have a product like baby food – if this contains any type of contaminant it would immediately be acted on, removed from shelves and recalled. Twitter for example, is no different except that within its virtual product walls it contains massive amounts of toxic content that is harmful to humans. Also, the baby food manufacturer has massive amounts of work to do in regards public safety before the product reaches the shelves – this is not the same for the social media products. It is the oversight and enforcement before the fact that is the key.

Just like baby food where you buy it in a shop – it is the same for these social media products where you get them in a "Store" when we are talking about the most invasive side of things which is the Apps on phones. Even if it was the Apps and not the websites we defined as products then that would reduce the problem greatly.

In a nutshell, we as a society need to define what we now understand as a product and a platform and once that is done we will be on the right track. Until then we will go in circles as we have done for the last 20 years and have no impact on the problem.

Regards,

Diarmuid

■

Message

From: Tomás Malone [REDACTED]
Sent: 08/12/2023 15:29:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Media Safety Submission

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I believe we will never have any effective weapon to help us control social media until the providers and the individuals submitting information are made by law to own the data. Providers can turn a blind eye to any pressure as long as they have no responsibility for data accuracy or content in terms of legal acceptability

I submit screenshots from thehill.com website showing Wikipedia founder Larry Sanger' s view which would be a significant step forward is sharing legal responsibility.



Wikipedia co-founder Larry Sanger recently called for a social media boycott, to compel social media platforms to give users ownership of their data. Policymakers are also considering regulating Google, Facebook and other social media platforms in order to protect individual user data. Meanwhile, disinformation and hate speech continue to spread on social media, raising the possibility of a different sort of regulation.

These actions raise thorny questions, including the question: Who owns our data? Information such as our online media consumption habits, members of our social networks and our political leanings and affiliations? Many argue that these data should be treated as our own individual private property.



THE HILL

This is the wrong way to think about user data. Instead, we should view user data as a public resource, akin to the broadcast spectrum. The spectrum broadcasters use is “owned by the people.” It is governed so as to assure that the select few who have the privilege to access the spectrum serve the public interest.

User data, in its aggregate form, can — and should — be treated similarly, as a public resource. Just as broadcasters built their businesses on the collectively owned spectrum, social media platforms built their businesses on our data, data that are best thought of as being collectively owned.

This approach makes sense for several reasons. First, the real value in user data only emerges through large aggregations, which allow predictive analytics and behavioral targeting. Individually, a person’s data gleaned from a social media platform may be worth about \$5 a month. Collectively, such data are incredibly valuable.

Second, practical challenges — and

TC Malone

Message

From: Liam McMonagle [REDACTED]
Sent: 09/12/2023 13:23:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code in Ireland: Safeguarding Freedom in the Digital Era

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Dear Laura Forsythe,

I trust this message finds you in good health. I am reaching out to you with a sense of urgency and deep concern regarding the proposed Online Safety Code by Coimisúin na Meán and the wider regulatory framework set to be enforced in Ireland from February next year.

While the purported aim is to shield users from harmful content on social media, it is becoming increasingly evident that the potential consequences of these regulations extend far beyond safeguarding. The sweeping powers granted to the media regulator to impose exorbitant fines of up to €20 million or 6% of a company's national turnover for non-compliance represent a severe threat to the principles of freedom and open discourse.

This proposed code sets a dangerous precedent, echoing authoritarian regimes that seek to control and manipulate information to their advantage. By allowing such substantial punitive measures, we risk entering an era where dissenting voices are silenced, critical opinions are stifled, and the vibrant tapestry of diverse perspectives on social media is replaced with a monotonous narrative dictated by those in power.

The broad spectrum of content that platforms are mandated to police, from cyberbullying to incitement to hatred, raises profound concerns about the potential for overreach. The vagueness in defining harmful content creates an environment ripe for subjective interpretation, potentially leading to the suppression of legitimate expressions of dissent, activism, and unpopular but crucial viewpoints.

Moreover, the imposition of age verification requirements and media literacy tools, while ostensibly aimed at protecting the vulnerable, could inadvertently lead to unwarranted surveillance and an erosion of privacy. The heavy-handed approach risks undermining the autonomy of users and further concentrates power in the hands of regulators.

As someone who values the principles of democracy, individual freedoms, and open dialogue, I implore you to voice your opposition to these regulations during the public consultation. This is a critical moment to stand up for the rights of individuals and the sanctity of diverse opinions in the digital age.

Thank you for your attention to this matter. Your voice and advocacy are essential in challenging the potential erosion of freedoms in the online space.

Sincerely,

Liam McMonagle.

Sent with  secure email.

Message

From: declan ward [REDACTED]
Sent: 10/12/2023 00:56:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public consultation

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,

My name is Declan ward and I have taken my time out to respond to this public consultation and my concerns about the government overreach in place here. Free speech and free expression is the cornerstones of any well running democracy. It seems that we as a country have forgotten what it's like as a nation and people to have no voice and to be silenced. I am very uncomfortable with these new acts of government and I will say we are headed rudderless into a sea of tyranny. I do not support this and think it is wrong.

Declan ward

Sent from my iPhone

Message

From: Seo Cathain [REDACTED]
Sent: 10/12/2023 03:00:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Draft Online Safety Code Public consultation-

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[REDACTED]

Caroline Keville
Coimisiún na Meán,
One Shelbourne Building,
Shelbourne Road,
Dublin 4.

Dear Caroline (Ms. Keville) & Minister Catherine Martin TD.

There is an issue with the promotion of this consultation for the public on CnaM website and the format in which it is presented to a diverse and time challenged public which ought to have been considered. It is in this context I have copied you in order to maximise the value and reach of public consultations not alone to this statutory body whose functions are key to society, that of media but also to other public consultations concerning the public that they will be easily accessible and convenient, and can be saved as a document submission for ease of access for consultation staff.

I am supportive of and agree with the appropriateness of the draft code in 1-27. My concerns are detailed in relation to 28 are indicated here. Hopefully the draft code when implemented will mitigate most of these by the change platforms will have to make, but any deficiencies in algorithm need to link its processes that mitigate against the effects of cyberbullying and the potential for harm and suicide in particular. I advocated such processes in the Bill upon which CnaM was established but these seem to have not been considered.

This consultation is an opportunity to revisit that exclusion of effective processes in circumstances where platforms algorithms are being adjusted or have technical deficiencies?

I am referring to reporting processes for affected children and adults of cyberbullying not just advisory volunteers but trained therapists such as [betterhelp.com](https://www.betterhelp.com) that are more skilled than merely volunteering counselling of organisations like Samaritans that can be for the first time funded by the platform operator or a levy on them to fund same. . This might be considered beyond what would be expected but goes to the heart of the value of human life in technology platform providers in offers a platform for users to engage, and those cases may not be common but such a mechanism has the potential to be transformative and life preserving. Positive mental health content should be promoted on platforms for the benefit of the users at large. I do not see sufficient positive measures. The main focus seems to be on negative prevention which is important but insufficient on its own.

I find it disappointing that a public consultation is not prominently promoted as a banner on the website. Can you indicate what was the intention of that to make finding this survey more difficult and text based?

Was there a serious effort to have a sufficient public response? Yes, it was advertised on Radio. So is this an IT issue? I understand you are a new organisation from a staffing point of view, however this is I understand one of your first public consultations in an enhanced new role? Is this the tone you wish to present to the public and industry? This is a very key public consultation of importance to society.

Who is this consultation aimed at? Of course interest groups are important but the taxpayer that funds government is the public. Therefore it is in the interests of the public that public consultations be made as easy as possible for the diversity of members of the public.

How is this achieved?. It may be convenient to put everything into 1 document for CnaM however Is this the most user friendly way. In one word No.it is rather academic and off-putting given the diversity of the public demographic., time availability.

I am not being critical for the sake of it, I am offering feedback as a member of the public, and what my expectations are in the digital age of government bodies across all departments that engage the public ? Positive examples of public consultations can be found at the Behaviour and Attitudes Survey: <https://www.rte.ie/eile/2023/1113/1416288-a-new-direction-for-rte/> based on a consultation document. That approach has particular benefits in terms of collation of feedback, ease of use and so forth. SurveyMonkey, google forms and so forth offer CnaM the ability to carry out the public consultation in house using such consultation platforms.

Another option is via consultation feedback workbook like with Adobe Acrobat, Microsoft Word and other such text document based software that for each section comments can be left but can have brevity limitations as to number of characters. At each section additional feedback can be left. What may be helpful is to break each section into document sections so that there is not too much scrolling required. It is disappointing that CnaM chose not to consider their use to align their objective to engage the public as much as possible in the consideration of this draft code. I do feel that the online survey option has benefits over attachment submissions in its data collation.

In this respect I am provided with a 90 odd page document like a book. This is not a report per say it is a public consultation. In this regard I feel your consultation IS NOT public friendly. It would therefore seem you missed your main target audience and am making it more challenging to respond to the survey to what end does that serve?

Where the the document section jump to hyperlinks within the document for ease of navigation?

I would suggest adjusting your approach in future consultations to easily address this issue given the public's time constraints within their own working lives in many cases or family commitments, in order to maximise reach with your important work for society . To ensure this feedback may be taken on board, I have directly copied in this public consultation design obstacle to your responsible Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media in the hopes it will be rectified.

Comment on Section 1- 9 of the Draft Code:]

The approach seems to take a similar approach to the regulation of society in general in terms of legislative policy of deterrence. This is a traditional ideological approach to society based on traditional intellectual logic.. Yes it is a necessary component of society to deal with harm for bad actors using deterrence mechanisms. while the code seems to for a change have prevention objectives I don't see any processes in place

where platform operators fail to implement these technically due to unexpected challenges. And in those instances, what is changing in the approach? Intervention seems to be purely law enforcement. What psychology and neurology sources were invited in the draft code design?

I have asked this previously of the organisation you are successor to the BAI what are the preventative measures. Indeed I made a submission to the Oireachtas Committee on Media/Culture as to what are the prevention during the passage of the Act upon which you were established and what, mental health regulations and obligations placed on broadcasters and indeed on social media platforms, it can be expanded to? The response was a vague community good code of conduct but no mental health input from the Department of Health. This was somewhat indicative of a mindset bias based on a deterrence only ideology that lacked fresh adaptive approach to the technologies that are younger than that ideology in public policy on media .

What research has the Commissioned with regards to the mix of broadcast and video content with eminent neuroscience and psychology researchers in the university sector? If not why not on what basis were they not consulted? Legislative exclusion from consideration?

Does the regulator see its role as strictly enforcement or has it have a mental health positive role in terms of content providers to require a % of positive content promotion on platforms? if so, why or why not?

It is more widely known in more recent times that the non academic subconscious logic plays a key role in the regulation of emotion and how people feel, react to content, in particular to so called "fictional violence"- so called drama. What research has the Commission done as to the effects of crime and violence drama on wellbeing in particular in media? If not, does it intend to do so? Does it intend to add contextualisation requirements pre-broadcast/streaming that are not just textual but meaningful, not just support contacts but proper contextualisation.conscious of the diversity of audience despite the age classification in place.

If this is not being done there is an obvious need to input in the functions of the Department of Health within your regulation of content and the provision of its expertise to you as content regulator purely from a community wellness point of view. Again this may be legislatively outside the CnaM functions simply because it is not within the legislation upon which it has legislative responsibility governing its responsibilities.

If you believe that is not within your legislative competency, I understand you have no legislative competence to regulate from a mental wellness perspective, then this is something you should indicate in response so it can be raised with the the Minister Catherine Martin TD as to the government's commitment to community wellness and to consider setting in place input from her colleague MInister Stephen Donnelly TD Health Minister and his colleagues with the HSE in the responsible area and amend legislation so as to place the mental health wellness promotion on platform providers, both online and broadcast.

Turning to the consultation.

On page 14 misogyny is rightly mentioned. While it may not be common there is the potential for misandry. Both of these should be included as being undesirable. There is most definitely a need to promote positive masculinity and femininity as complementary and similar on platforms simply because media has a cultural trend influence. TV is an example of this. .

Again there is an avoidance approach but there does not appear to be a positive promotion approach of the desirable attributes of social media. This may be the role of government. But one subconscious energetic law in psychology does hold, if you people focus on what they don't want, there is a tendency in the brain to attract more of what one DOES NOT WANT. That is simply the law of Attraction upon which human interaction is based which has more recently become proven in more recent neuroscience research apparently, to which there was scepticism previously, prior to the brain imaging studies during cognitive behaviour. . See:

<https://neurosciencenews.com/physics-consciousness-21222/>

https://www.researchgate.net/figure/The-brain-and-the-universe-share-similar-physical-laws-where-physical-interaction-defines_fig1_215779558

and <https://theocbookgirl.com/2019/10/31/book-review-the-source-by-tara-swart-the-source-the-book-tours-harperonebooks-and-drtaraswart/> (Dr. Tara Swart Bieber has practised as a psychiatrist and is a neuroscientist, medical doctor and senior lecturer at MIT Sloan

In section 3.4.2 Reporting and Flagging, what measures that help after reporting mechanisms are initiated on the part of the platform such as available therapist to assist the user including content the affected person can watch to help them overcome the trauma caused ie mp3s downloadable?

I generally agree that Section 1 to 27 are adequate because they are contextually intelligent approaches. I do think that algorithms will need to be adjusted to take into account the code. Therefore similar to the Data Commissioner I think consideration should be given to beta platform changes that CnaM can test to identify and algorithmic issues and that among these, experts in the fields of neuroscience and psychology and psychiatry are among those the CnaM can require to test the beta versions of the changes before the changes are passed by the regulator as fit for purpose and then released to the public at large.

I have no problem with any of this email available for public review and indeed to contact and engage with me.

Whilst I do not have expertise academically, am not a parent as yet, I have previously qualified in hypnotherapy and NLP and look to experts in the field such as Dr. Daniel Amen , USA, Dr. Tara Swart Bieber PhD, Dr. Gabor Mate Canada , to Andrew Huberman PhD, Dr Chris Palmer USA and there is no doubt that children and teenage trauma play a crucial role in adult lives and the current state of broadcast and social media is NOT conducive to positive mental and dietary and physical health and it is in this context that the role of CnaM is positive indication that government at least in Ireland finally gets it and by the European Commission and Parliament and that much more prevention needs to be promoted more actively by between Minister Martin's and Minister Donnelly's Departments that are mutually beneficial to society . .

I personally take my online interactions seriously and seek to avoid offence and conflict, to separate contrary viewpoints to me from the value of the person above opinion in the pursuit of harmony and unity. in my interactions with other users on social media. In this regard i believe RTÉ is deficient in reliant on a narrow Audience Council rather than a more regular content based survey approach quarterly and would be interested to see how the CnaM sees its role in public broadcast service content reforms in terms of the support of positive mental health in programming and contextualisation deficiencies or if the legislation is silent on this and is therefore outside its scope under the current legislation?.

Thank you for this opportunity to give my views.

Kind Regards

Seo O'Cathain

Message

From: [REDACTED]
Sent: 12/12/2023 22:49:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online safety code bill (Laura Forsythe)

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Dear Laura forsythe,

I am writing to submit my response to the online safety bill that is being discussed.

I would just like to say, why is the Irish government wanting to restrict free speech. This is not what any free Republic would do to its people.

I do not agree and with this and it will restrict free speech. First they want to bring in the hate speech Bill and now this, what crazy country do we live in where this is even being discussed?

The government wants completely to control social media and this is evident with this bill they are pushing forward. If the hate speech comes in and this, it will effectively destroy free speech in Ireland.

Regards,

Brid.

Online Safety and Media Regulation Act 2022

Consultation Document: Online Safety

Email: vspsregulation@cnam.ie

Contact person: Caroline Keville

Consultation Questions:

1. Do you have any comments on sections 1 - 9 of the draft Code?

I suggest the inclusion of specific, measurable metrics for evaluating the effectiveness of the regulation. Terms like "robust" and "effective" should be quantified with clear criteria.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

I totally agree. Any content uploaded by users should be included under the code. I'd even propose to include **LINKS** to URLs containing harmful content. Studies show that in many cases, platforms are serving as gateways to less moderated platforms where harmful content is being shared. If Links, and not just "classic" content such as text, images and videos, are included under the umbrella of UGC, a lot of harm can be saved.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

Under “regulated content harmful for children” I suggest including also:

- Conspiracy theories that children may be susceptible to, like environment denialism or other political conspiracy theories (think the great replacement, depopulation, anti vaxx etc)
- Grooming
- Radicalization
- Doxxing
- Hate speech

I suggest looking at the World Economic Forum’s typology of online harms for a more comprehensive view on the subject:

https://www3.weforum.org/docs/WEF_Typology_of_Online_Harms_2023.pdf

4. What is your view on the other definitions of illegal content and regulated content?

I think the term “regulated content” can be confusing for the below reasons:

- a. It may be correlated with regulated products like alcohol and tobacco, while the context in the code is all the harmful content that is legal..
- b. A confusion can arise because the boundaries of these categories can vary significantly based on jurisdiction, like hate speech of holocaust denial. What is considered regulated content in one country might be illegal in another. My suggestion is to call it simply “legal but harmful”

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

“They must also set targets with respect to reporting and flagging mechanisms, and regularly evaluate and report to Coimisiún na Meán on performance against those targets.”
→ I suggest setting expectations for these targets, in order to create an industry standard and alignment.

I also suggest asking platforms to report on related metrics like rates of user flags being enforced against (for example: 90% of user flags were removed) This will signal that the platform policies are clear. If the rates are significantly low, it may suggest that users do not understand the policies correctly and they may need to be clarified or changed.

I also propose effectiveness metrics, such as the accuracy rate of age verification processes.

9. What is your view on the requirements in the draft Code in relation to age verification?

You should add an assessment for privacy implications, not just effectiveness.

10. What is your view on the requirements in the draft Code in relation to content rating?

I like this idea, I just wonder if this feature should be available for all pieces of content or only for content that is preliminary marked as content for children. This is based on the assumption that most platforms have algorithms that filter content based on the user's age.

11. What is your view on the requirements in the draft Code in relation to parental controls?

My concern here is with regard to parental control over **consuming** video streaming (I'm fine with controlling the ability of the kid to livestream, based on many cases of self-generated CSAM). If parents block their kids from consuming videos, it may violate kids' rights to explore topics that may not align with their parents beliefs, even if they are legitimate for the kids emotional and intellectual development (for example: LGBTQ content, religious topics)

12. What is your view on the requirements in the draft Code in relation to complaints?

“handle complaints effectively and diligently” : Video-sharing platform service providers shall handle complaints in a diligent, timely, nondiscriminatory, and effective manner. → how do you define effective? I propose to set clear metrics around it.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

It makes sense. Despite the early stage you're in, I think that links to some relevant resources of media literacy - even if they are not yours - may be helpful. Later on you can add your own resources of course.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

It's critical. Good that you added it.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

I propose to list suggested parameters of reporting, such as numbers of complaints handled in a cadence, what was the percentage of complaints being enforced, what was the average time from reporting to closing the issue etc.

Resources

[Online Safety and Media Regulation Act 2022](#)

[Full act in one page](#)

[Online Safety Code Consultation document](#)

[Call for Inputs](#)

<https://www.cnam.ie/>

[Work program](#)

Public consultation

Introduction and context:

Approximately 6% of Ireland's workforce is employed in farming yet year on year, 50% of all workplace fatalities, to date in 2023 there are 32 workplace fatalities; 16 of these are in agriculture.

A farm is considered the most dangerous workplace but for the 137,500 farm families working on farms, it is also their home.

About AgriKids:

AgriKids is a farm safety educational platform for children. Founded in 2015, the ethos is to engage, educate and empower children to be farm safety ambassadors.

To that end we have created resources and programmes to assist children, their families, their teachers and communities to create better understanding and ultimately changing a culture that has contributed to Irish farms being the most dangerous of workplaces.

More: www.agrikids.ie

How this draft Code can assist farm safety awareness and behavioural change

AgriKids has created a draft 'Farm Safety Media Charter', which is awaiting finalisation and once launched will seek to assist and support media in the circulation and publishing of content that is in line with farm safety practices and behaviours. It will be launched through our partners in the 'Farm Safety Partnership Advisory Committee', (FSPAC), who are an advisory committee to the Board of the Health and Safety Authority (HSA) and are looking to send in a separate submission. AgriKids sits on the sub-committee concerned with 'Vulnerable Persons' (notably children and older farmers >65yrs)

More: www.fsmc.ie (Draft version only not for public dissemination)

Online and social media platforms will also be included in these guidelines, however monitoring the latter will prove difficult. That is where we see this draft Code as an ideal way to include measures that promote best practice in terms of farm safety practice and behaviour.

By assisting and nurturing public safety and wellbeing in helping to reduce and the volume of published content that seeks to jeopardise and undermine the safety of farm and rural communities by contributing to harmful behaviours and actions.

We have provided some feedback to the list of question posted in the consultation document we are taking it from the viewpoint of an agricultural setting but dangerous behaviour could also extend to other areas and situations.

Consultation Document review

1. Do you have any comments on sections 1 - 9 of the draft Code?

The list of protective measures identified in this draft Code are relevant and pertinent to the array of online dangers that our children are exposed to. However it would be welcomed if the dangers mentioned here:

3.1. The purpose of the Code is to ensure, pursuant to Section 139K of the Act, that video-sharing platform service providers:

- take appropriate measures to minimise the availability of harmful online content and risks arising from the availability of and exposure to such content;

- take any other measures that are appropriate to protect users of their services from harmful online content;

- illegal content harmful to the general public,

Could also include video and imagery displaying dangerous actions and behaviours relevant to farm life (and other) that could incite or incline viewers to replicate and copy.

For example:

- Underaged persons using farming machinery;
- Misuse of farm vehicles and farm machinery,
- Dangerous driving,
- Not taking due care when handling machinery;
- Dangerous handling of animals, farm livestock, etc;
- Not taking due care when in proximity of animals

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Agree - images, voice recordings can also be harmful when consumed / viewed by children or general public.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

The definitions and separation of the two are welcomed but do need some additional clarity on what their differences are and examples of each.

4. What is your view on the other definitions of illegal content and regulated content?

The assumption is being made that this question refers to the 'general public'. If this is the case, this must be broadened to include more examples of harm outside of the incitement, terrorism, xenophobia, etc. Look also to include dangerous behaviour which can encourage viewers to replicate and copy. We must also be mindful and inclusive of those members of society with intellectual disabilities; their age states they are adult but their cognitive abilities are not.

5. Do you have any comments on any other definitions provided in the draft Code?

No

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Coimisiún na Meán considers that content which poses a risk to the life, safety or physical or mental health of a child and which may pose similar risks to adults would justify the most stringent measures to protect children, even if the measures interfere in a material way with the ability of adults to share or consume that content. In contrast, content which contributes to civic discourse should be restricted as little as possible, consistent with protecting children from harm.

content that poses a danger to the life or health of children, such as dangerous challenges, cyberbullying, the promotion of eating or feeding disorders, encouragement of self-harm or suicide, or providing knowledge of methods of self-harm or suicide.

We must also include content that such as promotion of dangerous and reckless behaviour which can also pose a danger to life and health.

Including such measures as 'warnings' will create better awareness to the dangers being depicted and will also go some way in to dissuade the public from uploading and viewing such content.

Is it also possible for such content to be removed or restricted at time of posting?

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

Agree, and would suggest the setting up of a disciplinary approach based on the level of danger / harm and gratuitous nature of the content. For exceptional cases, accounts suspended with immediate effect while others suspended after repeated breaches and infringements.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The length of time taken from an initial report to an outcome must be reviewed and decisions made faster, especially in those cases of a gross infringement of safety and wellbeing. A more transparent process will lend itself to the public being more willing to make a complaint / report; instil confidence in maintaining personal safety and in time, make such offending content less available.

9. What is your view on the requirements in the draft Code in relation to age verification?

This is only as good as how verifiable it actually is. Use of facial recognition along with other age determining factors age may have to be considered to reduce the likelihood of minors getting access to regulated harmful content.

10. What is your view on the requirements in the draft Code in relation to content rating?

Also useful as another flagging measure to highlight harmful content, suggest new age restriction, etc.

11. What is your view on the requirements in the draft Code in relation to parental controls?

Parents must be educated on how these controls work and encouraged to use them. Too often children are able to post content from their parent's devices without parental knowledge. Use of facial recognition, passcodes which must be entered prior to upload would be a potentially useful parental tool.

12. What is your view on the requirements in the draft Code in relation to complaints?

Video-sharing platform service providers shall establish and operate transparent, easy-to-use and effective procedures for the handling and resolution of complaints made by users to the video-sharing platform service provider in relation to the implementation of obligations relating to reporting and flagging, age verification, content rating and parental controls.

As well as easy to use, complaints need to be followed up in timely and effective manner to instil confidence in the procedural system.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

No

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider? 82

Agree – also look to include a waiver that the VSPS provider does not endorse or share opinions in the commercial piece.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Repeated question 14.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

Agree – influencers, businesses etc should disclose details of sponsored or commercially derived content. Also 'reviewers' who are offering reviews/ product feedback based on their own opinion should be categorised differently as they are providing unbiased feedback.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

Advertising farming products should contain visuals and content that promote safe farm practices and behaviours.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

A promotional campaign that seeks to educate the public on how to use media and create better understanding would be welcomed. Eg. Explaining who owns your images, videos, etc when you post online. Also when you post content that is illegal, promotes unsafe behaviour, etc, what are the consequences.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Would like more clarity on instances when and why children's personal data might be needed. It should be never be processed for commercial reasons.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

Imperative that this is followed with VSPS on the three months as suggested.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

No

22. Do you have any comments on this section of the Draft Code?

No

23. Do you have any comments on the Annex?

No

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code? Consultation on Statutory Guidance

The below point would be of interest in our situation.

levels of risk of exposure to harmful online content when using designated online services,

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act? Consultation on the application of the Code to the category of video-sharing platform services

Nothing further to add

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

Not only video-sharing but image-sharing and audio-sharing platforms should also be included and not assumed in this instance. All social media platforms as well as online news platforms should be included.

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services? 83 Proposed Supplementary Measures and Related Guidance

No

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Only to consider the content which affects the community we work in – Agricultural sector. When images and videos are posted that contravene farm safety they not only serve to encourage repetition of the actions, or undermine the work of farm safety advocates but also serve to trigger and cause further upset to those impacted by a farming related injury or death.

Submitted by:

Alma Jordan | Founder AgriKids LTD

www.agrikids.ie

Message

From: Ciaran O'Regan [REDACTED]
Sent: 21/12/2023 13:12:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Note on Online Safety

You don't often get email from [REDACTED]. [Learn why this is important](#)

Caroline,

I hope this finds you well.

Ciarán O'Regan is my name. I am a Cork based writer who is deeply troubled by the ever-narrowing boundaries of acceptable discourse in the Irish public sphere. A free democratic society cannot survive without the ability to exchange information of all kinds. Article 19 of the UN UDHR states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

If non-democratic states like the Soviet Union, Nazi Germany, Communist China, North Korea, and Iran desperately sought to destroy this Universal Human Right, should those of us interested in preserving and strengthening democracy not instead strive to do the precise opposite?

Recent years have seen social and professional ostracization toward those who dared to

- Question blunt force lockdown measures and school closures which did untold damage and far more harm than good to public health. Data from Sweden demonstrates this clearly, especially when Ireland's current excess death rate is taken into consideration. In the Irish Independent on February 25th 2023, Professor Martin Cormican, a member of the national group who guided pandemic policy here in Ireland, shed some light on why school closures may have been imposed in Ireland longer than the international average, despite lacking scientific justification for doing so:

“Cormican is adamant that children will pay the price for this “for decades to come”, noting education as the single biggest determinant of health... The decision to close schools was not a child-centred one, Cormican believes; he says that it was instead driven by “vested interests”. “There were people who were very invested in not having the schools open, in relation to fears for themselves and others but very little of it was about the children, it was about other people,” he says... The strength of his feeling is apparent as he talks about the “abandonment” of children with special needs and those from deprived areas.”

- Question the natural origin story for the virus that caused the pandemic and which mountains of evidence suggest almost certainly occurred due to a laboratory accident in Wuhan: <https://jamiemetzl.com/origins-of-sars-cov-2/> .
- Question the fervently dogmatic and anti-scientific gender ideology being presented as established fact. Even RTE are now recognizing this problem publically: <https://www.rte.ie/news/primetime/2023/1214/1422073-leading-doctors-complain-hse-to-hiqa-over-transgender-care/>
- Question obviously reckless immigration policy which our national leaders and even the EU are now recognizing as requiring substantial change: https://www.youtube.com/watch?v=rwikTGDe_JU

To question any of the above would be to receive accusations of being "far right" or a "conspiracy theorist" or to have been brainwashed by "Russian disinformation". Some people's reputations were destroyed while others even lost their jobs. This is utterly absurd.

Though such 'cancel culture' and enforced social conformity is concerning enough, your Online Safety Code is even more so. Why? Because if 20th century totalitarianism has shown us anything, it is that States with control over the information ecosystem are the most dangerous forces on Earth. And this Online Safety code is yet another set of powers being granted to the State alongside the truly alarming "hate speech" laws being foisted on us. These are laws which I first wrote about in 2021 and outlined how they share parallels with Article 48 of the Weimar Constitution: <https://areomagazine.com/2021/07/14/against-the-new-irish-hate-speech-bill/>

Yet instead of learning from the past, are we now following the path of present day Germany where political satirists can be legally persecuted. For what? For daring to criticise face masks that never worked to stop the spread of a disease with a 99.8% survival rate. I outline the obviously tyrannical persecution of CJ Hopkins in Berlin here: <https://gript.ie/the-man-facing-jail-time-for-criticising-facemasks/>

Though I assume good intentions on the part of the Coimisiún na Meán, good intentions do not always lead to good places. It is for this reason that I plead with you to consult two people in particular for some dissenting advice:

1. Michael Shellenberger of the University of Austin and journalist at Public. Michael has written extensively about the censorship industrial complex and has testified to the US House of Representatives on the matter. This interview provides a good overview <https://www.youtube.com/watch?v=A4XyIA3XqS8&t=10s>
2. Jacob Mchangama: the founder and CEO of the Copenhagen based think tank Justitia. Jacob has written extensively on free speech including in the Economist, The Washington Post, Foreign Affairs, Foreign Policy and The Wall Street Journal as well as peer-reviewed journals. He is the producer and narrator of the podcast "Clear and Present" Danger: A History of Free Speech" and author of the critically acclaimed book "Free Speech: A History From Socrates to Social Media" published by Basic Books in 2022. <https://www.thefire.org/about-us/our-team/jacob-mchangama>

If we lose the Universal Human Right of "freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers", democratic accountability is over. Done. If Irish democracy has any chance of surviving, we need more open dialogue and debate about the most difficult topics. Not more censorship.

Thank you for your time and consideration.

Happy Christmas and God Bless,
Ciarán.

Message

From: Fiona Ní mháille [REDACTED]
Sent: 22/12/2023 17:39:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good afternoon,

I noticed that Ireland doesn't really have the equivalent of Australia's Therapeutic Goods Amendment Act 2022, restricting influencers from promoting beauty and health products unless they have medical qualifications.

Could Ireland bring in a similar blanket ban on influencers promoting medical, beauty or health products unless they have medical qualifications? I think the Online Safety Code would be a suitable piece of legislation for this restriction, including fines or social media bans for noncompliance and for bot/fake accounts. There is a worrying amount of disinformation and misinformation in this area online.

Kindest regards,
Fiona O'Malley BL LLM
PhD students on the Regulation of Online Misinformation
UCC

Message

From: Valerie Brooks [REDACTED]
Sent: 27/12/2023 11:50:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]; [REDACTED]
Subject:Cominisiún na Meán
Flag: Follow up

You don't often get email from [REDACTED].
[Learn why this is important](#)

To the above re: Consultation on binding rules for video-sharing platforms to keep adults and children safe online;

i, valerie; the woman; the mother; native of my people and born on irish soil, do not consent to the new online safety code implementation in any or all of its forms;

i, valerie; the woman; the mother; native of my people and on irish soil, do not consent to any act or statute to stop the free speech of i or the property of i, on my native soil, to include the "set of harm profile" written into [your] draft proposal;

i, valerie; the woman; the mother; native of my people and on irish soil, do not consent to [your] statement "Once finalised, the Code will be legally binding on designated video-sharing platforms based in Ireland; Coimisiún na Meán will be able to impose fines of up to €20 million for breaches of the Code";

i, valerie; the woman; the mother; native of my people and born on irish soil, do not consent to all parts in full of this draft document or any documents that follow thereafter;

i ask is it the intent of Cominisiún na Meán to trespass on the right of i, valerie, the right to free speech; the right to speak openly and freely as the right given to i by our lord jesus christ; this right will not be taken away by acts or statutes as God's law supersedes this;

By: valerie, the woman

Message

From: Govinda Grings [REDACTED]
Sent: 01/01/2024 14:58:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Response to public consultation on Draft Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important](#)

I am writing in response to the public consultation on the Draft Online Safety Code.

I have only commented on the below three questions to which I have specific points to make:

9. What is your view on the requirements in the draft Code in relation to age verification?

One of the suggested methods of age verification is to use identifying documentation (passports, etc.) to verify age, which is a huge privacy and security risk.

Generally speaking, a sensible person should only give such sensitive personal information to companies that they trust, which may not be the case for all video platforms. Furthermore, normalising giving this personal information could make people more susceptible to being tricked into supplying it by nefarious actors setting up video websites specifically to harvest this information.

Platforms which host multiple types of content, some of which is not suitable for children, would by necessity have to gather this information on all users, including for children, which would be even more dangerous. Even when being used solely for adult-only content such as pornography, a website would be able to tie an individual to material that could potentially be used to blackmail them (for example, threatening to expose someone as a homosexual.)

I feel this is dangerous and these types of age verification should not be encouraged.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Maybe outside the scope of this consultation, but there needs to also be consequences for the organisations who are placing (or attempting to place) completely inappropriate advertisements. A recent example was of the Israeli Foreign Ministry placing graphic propaganda ads on YouTube, which specifically targeting children. The placing of such ads should be completely illegal, and the VSPS should be required to report even the attempt at doing so.

28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

I'm placing this comment here as it applies to multiple sections.

I'm worried about this legislation being abused to suppress and stifle free speech.

Even with the current regulations on platforms such as YouTube, we've seen information suppressed by concerted false reporting. For example, videos being incorrectly marked as "age-restricted" to make them harder for people to watch, even when they have no adult content, or videos being taken offline by automatic algorithms that detect a certain number of reports and suppress the video until such a time human operators can investigate the reports, determine that they are false, and restore the content manually.

I fear that this regulation could just be another tool abused by bad actors to censor and suppress legitimate

content, especially political discourse.

Any regulations need to also ensure that platforms can't be too overzealous in removing content without verification, and that they must ensure that the restrictions are not abused to censor content.

Message

From: Dave Earley [REDACTED]
Sent: 03/01/2024 10:24:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code and related matters
Flag: Follow up

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The proposed changes are a surefire way to dramatically increase the popularity of dark web adult sites. These changes are so unbelievably short sighted.

If history has taught us anything, it's that restrictions like this will inevitably drive people to the black markets and alternative means of acquiring the content they desire.

Best regards,
Dave Earley

Message

From: Barry [REDACTED]
Sent: 03/01/2024 10:31:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consulation feedback
Flag: Follow up

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Hello,

I find that this bill will have a negative effect on people's use of the internet.

Not only from the point of view of privacy and protecting personal data (Data breaches aren't just a risk, they're an inevitability. We can only do our best effort to protect our data, this isn't perfect.) but also from the point of view of protecting children.

The only porn sites that will submit to this new legislation are those that are already under governance, not more shady websites who will ignore this kind of legislation (and all other legislation, particularly around the type of content that they host)

Thus, you will find that this will have a counter intuitive effect of forcing people towards more illicit websites with more illicit content.

Think before you fall into the possible fallacy of "think of the children."
(https://en.wikipedia.org/wiki/Think_of_the_children)

Warm Regards,
Barry Pender.

Message

From: Anton Madirazza [REDACTED]
Sent: 03/01/2024 10:50:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hello,

I wanted to comment on the online safety that is being proposed here.

As an internet user from the 90's and an IT professional since the 00's, I've seen many rounds of internet content access blocks and counters to the content access blocks.

In short, this barely ever works and while the intent might be noble the result will be far from it.

Unless you manage to block or cover 100% of the content, which is impossible to achieve and foolish to try, this version of online safety through blocks will not work. Asking for passport numbers, and other forms of ID will eliminate privacy on top of being near useless as the ID numbers can be traded/communicated freely on the internet. More robust 3rd party verification exists but are cumbersome to implement. And then, even if implemented, will only stop those who can't find their parent's passports.

The bigger issue here is that if you cover all the legal services and pages that are willing to comply, then the user base will go to the ones you don't cover. And if the fight against piracy has taught us anything then it's that there is always some PC somewhere that is willing to send uncensored content to willing downloaders. If you are doubtful of the results of the prohibition of alcohol, drugs or prostitution, feel free to take a look at the numbers of underage alcohol users, drug addicts and the "escort" websites in our surroundings and feel free to make a similar conclusion on the effect of the proposed code in its current form.

Unless we give the vulnerable, underage users a safe and moderated source of what they came for, i.e. pornography, they will seek out any other content that is out there and the other content they find may not be as gentle or moderated as it should be.

Urging or mandating for websites to default to vanilla and "safe for women" content unless credentials are supplied would serve the stated purpose of online safety better than an outright ban or a block (through mandating passport ID and etc).

Regards,

Anton Madirazza

Message

From: [REDACTED]
Sent: 03/01/2024 10:51:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters
Flag: Follow up

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello, I would like to give my strong opinion on the proposed changes which would mandate the passing of personal information to 3rd party websites.

I am vehemently against this, the legislation wants me to give photo identification, and other very sensitive information to third party websites.

This is profoundly stupid and is asking for the leaking of personal information. These websites become prime targets for malicious online actors, seeking to steal personal information.

Why would I trust some random pornography website to keep my personal information? Perhaps parents need to take responsibility for their child's use of the internet.

Not to mention, how exactly will this stop children from accessing the many, many millions of websites which will simply ignore this profoundly stupid legislation?

Whether this legislation is brought into force or not, I will not be handing over my information, I will use sites that don't require it, or I will use a VPN to bypass it.

Stop wasting my and your time, think about this for more than 30 seconds. Good grief.

Regards,

Jamie.

Message

From: Rory [REDACTED]
Sent: 03/01/2024 10:53:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Passport as age verification
Flag: Follow up

You don't often get email from [REDACTED] [Learn why](#)
[this is important](#)

To whom it may concern,

This is a foolish idea. Passports are very sensitive information and we are being asked to give them to adult sites which are constantly breached by hackers. It's like you want to cause the biggest GDPR issue since it's inception.

I'm not sure if this is how to voice it but I am quite opposed to this measure. I have no problem with a different form of ID but passports are a bit much.

Regards
Rory

Message

From: Colin Power [REDACTED]
Sent: 03/01/2024 10:59:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir/Madam,

I'm highly concerned about the proposed code on a number of levels from its complete ineffectiveness due to the widespread prevalence of VPNs to the shocking privacy violations and unnecessary data collection being mandated to the restrictions only applying to domestic companies.

VPNs will enable the complete bypassing of any local restrictions and are easily accessible and used even by the children this code is aiming to "protect". In addition how exactly is the commission planning on enforcing these restrictions on sites based abroad? If you plan on targeting the large companies which already have the strongest protections for minors then all you are doing is redirecting said minors to other higher risk sites. A teenager attempting to access the material this code is allegedly targeting is hardly going to give up if the first google result does not work. Not to mention that minors are allowed to communicate with each other and the sites which are not restricted and methods of circumventing any restrictions mandated will be quickly circulated via social media and messaging apps. Not to mention that such apps are also a common source of adult material and unless the commission is planning on banning end to end encryption it will be yet another way that this online code is nothing more than a "feel-good" box ticking exercise which is not worth the paper it is written on.

The privacy concerns are astounding, all it would take is a single data breach and names/passport details/selfies would all be released alongside porn habits. If the potential embarrassment of this to ordinary citizens isn't enough then can the commission consider the blackmail potential for members of the dail and other elected officials and the effect this could have on the country from either criminal elements or foreign actors. Currently this happens at least once a year on a major scale(100k+ users data exposed) but this legislation is increasing the value of the data by several orders of magnitude as it can now be irrevocably linked to specific people who can also be conveniently identified by the passport data also held. This increased value is almost guaranteed to lead to increased attempts and successes to access this data. Even the companies themselves may be tempted to use some of this data to apply undue pressure and influence and even if they don't use it, how many politicians would feel unable to say no to a company holding data which would cost them their next election similar to how less developed countries felt they couldn't refuse an unfair trade deal when the british navy showed up even if they never fired a shot? This is even leaving aside the opportunities this code would create for fraud, identity theft(they have your passport details and a selfie) and even the extortion of regular citizens. The idea of passport and selfie as age verification is not novel but has not been used for very solid and researched reasons due to it being a gross violation of privacy and a substantial risk for minimal gains.

The code only applying to domestic video sites despite the internet crossing national boundaries and allowing the viewing of international sites just as easily would unfairly disadvantage any local attempts to set up a video sharing website. I cannot see the benefit of applying this to domestic video sharing sites when any well known sites are universally international. Ireland doesnt have a major video sharing site and this code if applied to as stated will only ensure it never does.

If the commission really wants to improve the business prospects of VPNs so badly might I suggest a direct subsidy instead of infringing on people's privacy in a hamfisted and ineffective manner in a misguided attempt to protect the children?

Regards
Colin

Message

From: Adam Conway [REDACTED]
Sent: 03/01/2024 11:37:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: In regard to the Draft Online Safety Code
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi there,

I would like to object to the introduction of some of the codes in this draft bill, most notably the measures that relate to "robust age verification technology to make sure that children are not exposed to inappropriate content, such as pornography." I am a technical editor for a leading online publication and my areas of coverage partially revolve around security.

These technologies require providing sensitive information to companies that can then potentially leak that information in the event of a breach. Furthermore, this will likely only push people, including children, towards VPNs and sites that *don't* engage with the rules introduced here, which may actually harm children more as they become exposed to darker, less moderated content. Free VPN apps are some of the most popular on the Google Play Store and Apple App Store, they are not unknown applications.

These rules, while well-intentioned, will likely cause more problems down the line than they solve. I would be happy to discuss any of the issues raised here, if there were an opportunity to.

All the best,
Adam

Message

From: Leah Laughey [REDACTED]
Sent: 03/01/2024 12:29:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Excellent direction this draft is taking but I would personally recommend outright banning the porn industries from the Internet, it is an industry that sexual abuse against children is rife in , Unpopular opinion? porns sites should've been all banned the minute it came out it hosted illegal sexual exploitation of minors and even legitimate rape videos.

There is also a link between children's exposure to pornography and the sexual abuse of other children. A study by the Children's Commissioner in England showed that sexual violence commonly seen in pornography was found in half of police interview transcripts of child-on-child sex abuse cases. Porn isnt good for anyone and is a disgusting degrading industry.

<https://www.childrenscommissioner.gov.uk/resource/pornography-and-harmful-sexual-behaviour/>

Message

From: Colm Egan [REDACTED]
Sent: 03/01/2024 12:31:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Feedback - Consultation on Draft Online Safety Code and Related Matters
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi,

As someone who has been working in the software development space for the last 10 years and has seen the impacts of security breaches, I feel that there is a number of issues with requiring passport identification.

As we recently saw with the HSE breaches, which resulted in a large proportion of the country receiving scam calls, security is a very difficult. While I'm sure the ID system designed won't intend to log or track user's website access, it will be almost impossible to avoid in practice. There will be too many potential leaks, from employees to debug statements and internal software logging, all of which need to be secured, causing their likelihood to be leaked to effectively be 1 over time.

As a secondary point, requiring identification online is not an issue with our current political powers. But as the world continues to change and we see more authoritarian governments gain popularity around the world, the risk for identified users online is not a small one. People should have the right to privacy, this goes for what content they choose to consume and what political ideologies they hold. Access restrictions like this are one step towards restricting free access of all information, which is open to abuse. This type of policy solves one problem in the name of protecting children and creates much greater problems for all of society. We pride ourselves on not being under authoritarian rule like China or Russia, but this is a step towards that and away from freedom of accessing all information.

Regards,
Colm Egan

Message

From: Mark Lordan [REDACTED]
Sent: 03/01/2024 12:32:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Feedback in relation to the Draft Online Safety Code
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi,

I would just like to provide some feedback for the draft Online Safety Code put forward, and my personal experience growing up in the age of modern technology. In particular I would like to address the idea of "robust age verification" and from reading the proposals, all of this would be implemented by the video sharing platforms themselves.

I believe this is putting a strong reliance on these platforms to follow these regulations and so can we even guarantee that this will be followed at all? What repercussions would there be for these platforms? It is said in the report that the Code will be "legally binding on designated video-sharing platforms based in Ireland " and that fines up to €20 million will be imposed for breaches. What is a designated platform, and what exactly does "based in Ireland" define? There are millions of pornography sites online, which I'm sure the vast majority are "based" outside of Ireland. It's a very vague definition, which to me, sounds like these fines will mean nothing to the majority of sites online.

I would also submit my opinion that a lot of these pornography platforms are not entirely legitimate in the first place, so why would anyone in their right mind submit some of their most personal information to these sites? Again it's putting a huge reliance on these platforms to act diligently with this extremely personal (and highly lucrative information on the dark web) information which I believe to be an extremely dangerous approach to take.

The UK Government is attempting a similar approach at the minute, do we really want to blindly follow the current UK Government yet again?

In my opinion, parents are entirely responsible for their child's internet access, it should be up to them to apply age restrictions on any devices that children can access. Rather than the Irish government coddling the population with another nuance issue, a bit of self-responsibility would go a long way.

I'm saying this as a young parent myself - I first had a mobile phone with internet access when I was about 11, but my parents put in a bit of effort and restricted content for me. As annoyed as I was at the time, I can look back at it now and appreciate their efforts in shielding me from inappropriate content online.

Would this not be considered a better approach even today, to age-verify a device for accessing online material, rather than verification from the potentially nefarious pornography site? At least then you are reliant on a reputable brand, such as Apple, Android, Samsung, Sony etc.

I'm not sure if the mobile networks in Ireland still do this or not, but Three had an age-verification process for accessing adult material on their mobile network, which matched your details they had on record with provided details like a Passport - again this is with the mobile network, and not the online platform - so I believe this would be a less risky approach to take and would achieve the same results.

Finally, in this day and age, with something as intrusive as the age verification / selfie being proposed for "child safety", it does appear to me to be a threat to personal privacy and the child safety line is being used as a catch-all excuse by various governments and political bodies across Europe.

Many thanks,
Mark

Message

From: Alan smith [REDACTED]
Sent: 03/01/2024 12:35:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Extended Deadline – Consultation on Draft Online Safety Code and Related Matters
Flag: Follow up

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Hi,

I absolutely oppose this draconian bill dressed up as child welfare and call it our for what it is. More surveillance and authoritarian control being pushed by this government. If allowed, the end product is full surveillance of peoples search history and online activity with our passport or eventually, digital ID.

Completely oppose this bill.

Regards,
Alan

Message

From: Ciaran Sheehan [REDACTED]
Sent: 03/01/2024 12:44:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code
Flag: Follow up

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To Whom It May Concern,

In the consultation document regarding your draft Online Safety Code, you claim that you are attempting to balance "effective protection for children with as little impact as possible on adults who wish to upload, share or consume lawful content."

Later in the document, you then proceed to state that you suggest age verification measure such as uploading of personal identification documents, biometric facial recognition, and analysis of internet usage history.

All of these measures would constitute massive breaches of a individual's right to privacy, as well as putting them at risk of harmful data breaches.

Those measures are not "as little impact as possible". That is a titanic amount of potential impact. The sheer level of disconnect between these two elements of the draft proposal is astounding, and I urge you to reconsider.

You say that self-declaration of age is not an effective age-verification technique, and to this I agree. But any measure beyond that, especially those that you yourself have proposed, are invasive and dangerous. There is a reason why it has remained the main form of age-verification online for so long.

I once again urge you to reconsider, or else you may find your measures to be the cause of hardship and scandal in the future.

Kind Regards,
Ciarán Sheehan
[REDACTED]

Message

From: Noob CJ [REDACTED]
Sent: 03/01/2024 12:45:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: VSPS Code Feedback
Flag: Follow up

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This code is a serious privacy and security risk to the general population and the "next steps" that will inevitably follow this code are worrying (VPNs, DNS, encryption).

Regardless of how the code is implemented, there will be at least one entity or one group of entities that link (track) people and their online activities, even if not by intentional design. When these entities are breached (hacked, data leaked, etc), not if, but when, there will be targeted scams, blackmail, identify fraud, and more.

IDs should never be required to browse the internet, nor should any entity hold them or even worse be able to correlate them with personal activity. Security experts around the world make this point time and time again. Privacy, security, and freedom are of utmost importance and cannot be infringed on. People should not be stopped from accessing legal content that a governing body don't want them to see. Beyond privacy, security, and freedom, think of the democratic implications of this.

Moving onto controlling what legal content can be uploaded and the vagueness of definitions: this is an overreach into freedom of speech and expression.

This code is a massive overstep into the freedoms of Irish people. I, like almost every security and privacy advocate in the world, am strongly against the overreach in this code. Please do not move forward.

Message

From: Donnacha Connolly [REDACTED]
Sent: 03/01/2024 12:49:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code - do it once, do it right.
Flag: Follow up

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[this is important](#)

As a software developer, the proposed solution of sending passport details to ensure age verification is flawed and comes with a huge security risk to the end user. While the need for protecting our children is valid, it's a noteworthy concern that many sites hosting adult content are unscrupulous. These sites simply cannot be trusted with sensitive details, including facial identification and passport information. The proposed "gold standard" is a recipe for disaster and **will** end in user details being stolen and used maliciously. These sites simply cannot be trusted with sensitive details like this.

A more effective and secure approach would be the development of a government-managed digital passport system. This system, specifically designed for age verification purposes, would be under the direct oversight of the Irish government, ensuring a higher standard of security and privacy. The digital passport could serve not only as a reliable method for age verification but also has the potential for expanded functionalities in the future. To explain briefly without getting too technical, this digital passport would function by securely authenticating age verification requests. This method provides a safer alternative, mitigating the risks associated with directly submitting sensitive personal information to various websites.

While the initial setup of a system like this may incur higher upfront costs, if executed correctly, it can be expanded in the future to assist with the modernization of public service technology

It's worth noting that with the rapidly advancing capabilities of artificial intelligence, current methods used for verification and authentication will soon become trivial to fake. In fact, this is already achievable with the right expertise.

It is my professional opinion that a digital passport, managed by the government and implemented correctly, is the only viable long term solution to this problem, as this can be directly linked to official documentation in a secure manner without exposing sensitive user details to the internet.

Yours sincerely,
Donnacha Connolly Browne of [REDACTED]

Message

From: Vex Snt [REDACTED]
Sent: 03/01/2024 13:34:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code
Flag: Follow up

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This entire thing is a disgraceful government overreach and a ridiculous invasion of privacy.

It is nothing short of an authoritarian attempt to control what people see and do online under the guise of safety

Cnam should be shut down entirely for even proposing that such appalling ideas become legislation

Message

From: Vanja Milas [REDACTED]
Sent: 03/01/2024 13:51:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code and Related Matters
Flag: Follow up

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A chara,

My opinion on draft Online Safety Code and Related Matters

While ensuring online safety is crucial, the proposed regulation will lead to abuse of power from government, repression of freedom, and will expose all users to GDPR breaches and collection of huge amounts of personal information.

The implementation of age verification technology could be seen as intrusive, raising privacy concerns and undermining the principle of personal responsibility.

Concerns include the potential infringement on freedom of expression, as platforms might overly restrict content to avoid fines..

I'm also skeptic about the effectiveness of age verification technology, as it could be circumvented, and false positives might restrict access for legitimate users.

If age verification is required, this will harm children by pushing them to websites that do not monitor and verify uploaded content, which will actually harm children.

There has been a trend in using 'child safety' as a scapegoat to more actively monitor citizens for anti terror activities. You can see the EU is already trying this nefarious action by forcing companies to scan all your communications and photos (1), and some countries are even trying to ban end to end encryption(2).

1) <https://www.euronews.com/my-europe/2023/10/19/planned-cu-laws-on-child-sexual-abuse-have-sparked-a-bitter-privacy-row-why#:~:text=The%20EU's%20planned%20laws%20would,%20communications%2C%20including%20encrypted%20messages>

2) <https://www.wired.com/story/europe-break-encryption-leaked-document-csa-law/>

Kind Regards
Vanja Milas

Message

From: Willie Harold [REDACTED]
Sent: 03/01/2024 14:11:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Submission for online safety proposal
Flag: Follow up

You don't often get email from [REDACTED]

[Learn why this is important](#)

To whom this may concern

As an internet user, programmer, web host and employee of a software company, I vehemently oppose the proposed legislation. This will not improve safety, it will cause leaks of sensitive personal information such as passport information to unknown and untrusted third parties. It is also an infringement of basic civil rights, and a pointless endeavour since it will be trivial to bypass or visit even less trustworthy sites.

You won't keep children safe this way, but you will destroy the open internet and make Ireland a laughing stock internationally. Whoever proposed this needs their head examined.

Sincerely,
Willie Harrold

Message

From: Ian Mc Nally [REDACTED]
Sent: 03/01/2024 16:35:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters
Flag: Follow up

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The idea that websites that contain adult content would require passports or other types of highly private data to access is an absurd idea. The risk you open people up to by having these companies save and store such data is immense. Also this would give parents a huge false sense of security as its incredibly easy to get around any such geo blocked requirements by simply using a VPN which children are absolutely already aware of. Therefore, this will not stop children viewing adult content, but it will make many parents think their children are safe and stop observing their online behaviors. It will open up people who do use such sites and provide their private information to a much higher likelihood of identify fraud and scams.

Anyone suggesting such a scheme quite obviously has no really clue about the technology or issues involved as its ill conceived, reactionary and lacks any real world understanding.

Message

From: Paul Cunningham [redacted]
Sent: 03/01/2024 18:29:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code

You don't often get email from [redacted]. [Learn why this is important](#)

To whom it may concern,

I have recently been informed about the safety codes that require certain websites to request passport information for use. I believe this is a gross infringement of personal privacy and could be a dangerous road to go down with regards anonymity and leaking of personal information. Websites such as porn sites collecting something as important as a passport scan is not something any government should want to happen. Events such as hacking, or data security could be compromised and this could jeopardise a society's trust in the very government that wants to implement such a stringent measure. As for the children it purports to protect, they will just search around the established porn sites and find even more harmful material, counteracting the usefulness of the safety code.

I seriously wish those who want to bring forward the online safety code to reconsider their actions before submitting such a code.

Regards,
Paul.

Message

From: craig malone [REDACTED]
Sent: 03/01/2024 18:32:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi,

Just on the draft code. I feel this is a gross overreach and would be handing a lot of information to sites that can't be trusted (ignoring the porn sites, this act can be used to enable Facebook, X/Twitter, Reddit etc access to passport information). It's a dangerous and dumb policy to allow that.

Message

From: Cian O'Sullivan [redacted]
Sent: 03/01/2024 19:27:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Submission for Consultation on Draft Online Safety Code and Related Matters

You don't often get email from [redacted]. [Learn why this is important](#)

Hello,

I have never tried partaking in a public consultation before so apologies if I am sending this to the wrong email or submitting my response in the wrong way.

I have reviewed and have some feedback on one of the points in:
Draft_Online_Safety_Code_Consultation_Document_Final.pdf
Draft-Online-Safety-Code-Public-Consultation-QA.pdf

My issue is with "The guidance notes robust age verification can involve using a photo ID and comparing it to the likeness of the user or age estimation." I personally disagree with the idea of using facial recognition technology or the submission of photo ID with DOB e.g. passport, in order to control access to websites. I think this is massive privacy vulnerability as no website is impenetrable and will eventually be hacked have big data leaks. From my reading into possible ways this could be implemented as how other countries have done it I don't like the idea of a third party company being involved to handle the verification services as they are not a government body so are not under as much scrutiny and while it would be illegal for them to sell our data they obtain through seeing what sites we use to verify ourselves to create accounts on, that has not stopped companies before e.g. Facebook keeps being fined by the Irish Data Regulator for breaking data privacy laws.

I think this could create a big vulnerability for blackmail and impersonation for people as in the current draft it is proposing it for pornographic websites but what about children accessing 18+ video games like Grand Theft Auto or 18+ Movies you could rent online (note on this is I don't have an example as I don't watch any, I know Deadpool was R rated in America but was a 15 age rating here). That issue that I could see here is more and more services will require facial verification which means if these images used to verify ourselves are leaked, they can be used to impersonate and steal peoples accounts on sites like GameStop where you could buy Grand Theft Auto. The issue with blackmail is with pornographic sites as if someone can steal an individual image of their face to access the website they could then blackmail with their face. My Parents for instance are not tolerant LGBT+ content and if I did view any of it and someone was able to gain screenshots of that content on an account I had on a pornographic website, I could be threatened as my Parents would kick me out of the house.

I actually do already have experience with this sort of system as I recently changed Mobile Provider to Vodafone and was not able to view websites I would normally go onto everyday on mobile data. I found this was because by default Vodafone have a age restriction on websites viewed on mobile data and you must provide photo id that proves you are over the age of 18 to be unrestricted. I was quite shocked as the websites, I hadn't thought had 18+ content on them as I had never used them for it but how I solved it was I went down to my local Vodafone shop and provided Id to prove I am over the age of 18. This system I am kind of okay with as they are just noting my age and it is in person and they are NOT storing my photo id that I gave them.

I think a better solution is something I encountered on YouTube before of where it asked me to make a small credit/debit card transaction (it would just charge my card 1c and then give it back) to prove that I am 18+. I think this is a great system as it provides no personal details to YouTube or anyone else. Only people who are 18+ should have cards like this and if some parents do allow their children to have a card e.g. I know Revolut advertises under 18 cards, should be having their card transactions monitored by their parents at all times so if they do try to bypass this, the parents should be able to spot it.

I do think the much better solution is just giving parents more tools to better monitor their children's time online and as a quote from the draft: "giving parents tools to guide what their children can do online".

I think that should be the goal of handling children access pornographic material instead of implementing a facial verification system that is a can of worms which would be very exploitable and dangerous in the wrong hands.

Thank you,
Kind regards,
Cian O'Sullivan.

Message

From: Liam Matthews [REDACTED]
Sent: 03/01/2024 19:31:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code Objections

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Hi,

I have multiple objections to Draft Online Safety Code. Please see below points:

- I find the premise that citizens would have to provide Irish personal identification to a private company for use of a service to be reckless. The pornography industry has long been associated with other criminal activities, and while websites may operate in Ireland, the expectation that a passport, driving license, or other form of personal ID, would have to be provided to a foreign domiciled company is gross negligence on the government's part to protect private citizen data.
- The pornography industry has long been at the forefront of pioneering new technology - for example, peer-to-peer downloading, streaming services, VR technology, spam & phishing e-mail, etc.. To put the power of age verification into the hands of this industry would only allow them to streamline the action so that the quickest and simplest solution in sharing personal information would prevail. They would allow for one system of age verification to be used across multiple sites, sharing private information to do so. This would further extend to other content sites, as has every other breakthrough in technology, leaving the user with no control whatsoever over their personal data.
- The persistent term "Incitement to violence or hatred" is based on what definition of hatred? Is hatred defined by the government, the justice system, the public? This line in the document is asinine (see page 13): **"For instance, a video depicting a famous member of an ethnic minority might not be harmful in itself but would indirectly lead to harm if it attracted comments that incited to hatred or violence."** This implies that ANY video uploaded, where the comment system attracts negative public comments, could allow for that video to be removed. This is far too ambiguous and tremendously open to abuse by online communities, in which a large amount of negative (hateful) comments would be all that it takes to have content removed. This leaves the door wide open for factual and informational content to be removed based on a small minority of the public's reception of this content. Not to mention that this code would leave it in the hands of private companies to decide what is suitable for the public to view. This flies in the face of the commission's goal to quote "support the development of the wider media sector in Ireland".
- The internet is far too vast in scale to allow any scalability when it comes to enforcing ANY of the proposed legislation. In the paper "The Internet is For Porn: Measurement and Analysis of Online Adult Traffic, Faraz Ahmed*, M. Zubair Shafiq†, Alex X. Liu*", one source estimates that there are over 4 million pornography sites on the internet. How is this regulation to be enforceable and how are Irish citizens to be assured that their private data is safe and secure?

There is so much to say on this code that I do not have the time for. The commission needs to be very careful on how they proceed with any wording. This is clear to me at only a cursory glance, as any appreciation for the internet's true nature is not considered in it.

Regards,
Liam.

Message

From: sean hynes [REDACTED]
Sent: 04/01/2024 13:09:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters

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[Learn why this is important](#)

A Chara,

I read about the consultation on Draft Online Safety Code recently and wish to provide feedback inline with the process. Please see my feedback below:

3.2: Draft Code: Introductory Sections

1. Do you have any comments on sections 1 - 9 of the draft Code?

- No comments on sections 1-9.

3.3 Definitions:

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

- The industry expert is correct in this instance. You cannot be expected to police content based on what others may comment or garner from it. It is a uniquely naive view of how the internet works. Once something is uploaded, it may be used in ways that could not possibly be imagined by the original content creator. To link these is not correct. Furthermore, ANY video or content could lead to hate being generated in the comments underneath. To not draw a distinction is unacceptable if you are to draw up a coherent workable policy.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

- No comment

4. What is your view on the other definitions of illegal content and regulated content?

- This definition is grossly overstated, so as to be so broad as to be unworkable. For instance, any discussion about the current housing crisis in this country could be considered, in some circles, to be hatred against landlords based on property as included in your own definition. Furthermore hatred based on political opinions are so broad to actually intersect other definitions. For instance, if ones political opinion was aligned with white supremacy, this would be hateful against people based on race, but your own definition wouldn't allow this to be highlighted online as to do so would be hateful to that person based on their political beliefs. This is an obvious black and white case, but it becomes less clear as you move toward the edges - see for instance Germanys handling of the Israeli war on Palestine.

5. Do you have any comments on any other definitions in the draft Code?

- Not at this time.

3.4 Obligations relating to Content:

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

- I strongly disagree with this approach. Firstly it is not the job of the world or keep children safe in every instance. This is the job of a parent or guardian. Instead of the Commisun striding out of its way to restrict content for all users, which it is under these obligations, it should look

to understand why Children are being allowed access from their guardians. Children should be caged in online to appropriate content, not having everyone else caged out. The main issue here is that while definitions may sound reasonable in a meeting room where these decisions are made, where everyone is trying to be as politically correct as possible, these actions affect how people act in private which has a much different set of rules and norms. This is not a corporate policy that is being enacted, these are peoples very personal lives online.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

- While larger platforms certainly have the resources to do better on reporting than they are, smaller platforms may not. Industry experts (not just companies themselves) should be consulted on the appropriateness of these timelines.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

- No comments.

9. What is your view on the requirements in the draft Code in relation to age verification?

- I disagree in the strongest possible way. To introduce these measures are naive in the extreme and will be worked around almost instantly by any child via VPN etc. You have to remember they are of the internet, they know how these technologies work better than many of us will ever know. Secondly to introduce biometric data requirements will lead to serious personal information risks and persecution, destruction of character, personal loss and personal security issues way beyond what seems to have been considered by this commission. With someones biometric data, personal accounts including bank accounts can be accessed. This is data that should only ever be provided by the most trusted of institutions, not google, not facebook and not any other video sharing platform. Finally, this exact solution has already been rolled out in some of the most conservative states in the USA, also under the guise of child protection. It has led to widespread ridicule, instant circumvention via VPN and other methods, and the cessation of service by a number of VSPS in those states. Child protection may be a noble endeavour, but it can also be used as an excuse to push conservative religious views in regulations such as these. To introduce these regulations would mean the de-facto banning of this content in its entirety in this jurisdiction as no person with any comprehension of how the internet works will upload a biometric document to a site such as these for a litany of reasons already laid out. To those on the commission that are OK with this as a price to pay for the greater goal, just remember that the savage policy of Church in this country pushing repressive agendas such as this under the guise of the greater good has been rejected by society over the last three decades.

10. What is your view on the requirements in the draft Code in relation to content rating?

- No comments.

11. What is your view on the requirements in the draft Code in relation to parental controls?

- This is the correct way to police internet use by Children. They should be boxed in to services that are approved by their guardians, not boxed out of certain websites or content. There is simply no way to ensure that the daily creation of websites can be coherently policed on the internet effectively.

12. What is your view on the requirements in the draft Code in relation to complaints?

- No comments.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

- Most has been covered by the above, but just to re-iterate, the approach to begin with is coming from the wrong side. Childrens safety, if that is the actual goal, should be boxed into services, not boxed out. Should the recommendations be introduced as in this draft, you must also consider reputational damage to the state. Just as with Minister McEntees well intentioned

but poorly thought out Hate Speech legislation which has garnered headlines across the western world, this restriction would paint a very poor image of Irelands commitment to openness and freedom of expression on a world stage.

3.5 Audiovisual commercial communications:

14 What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

- No comment.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

- No comment.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

- No comment.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

- Influencers should absolutely be required to disclose clearly when content is being paid for or a service being provided for a discount/free of charge in exchange for content.

3.6 Other obligations

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

- Media literacy can only be a good thing. However as we have seen in this country with regard the media landscape, it is a highly sloped landscape with regard to traditional media due to a number of external factors such as ownership, funding, advertisers and power structures. A genuine media literacy measure would be required to be brave enough to highlight these issues which could go directly against the commissions own interests and interests of the government.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

- No comment.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

- No comment.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

- No comment.

3.7 Supervision and Enforcement

22. Do you have any comments on this section of the Draft Code?

- No comment.

3.8 Annex to the Code

23. Do you have any comments on the Annex?

- No comment.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters Coimisiún na Meán is required to consider in developing an online safety code?

- No comment.

4.1 Sections of Draft Guidance and Consultation Question

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?

- No comment

5. Consultation on the application of the draft Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

- All have been covered above, no further comments.

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

- No comment

6.5 Guidance

28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

- No comment

Sincerely,

Seán

Message

From: Christopher Ryan [REDACTED]
Sent: 05/01/2024 07:30:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters

You don't often get email from [REDACTED]. [Learn why this is important](#)

While the intention behind robust age verification on video platforms is often to protect minors from accessing inappropriate content, there are several arguments against implementing overly stringent age verification measures. It's important to note that these arguments do not advocate for the exposure of minors to inappropriate content but rather highlight potential challenges and concerns with the implementation of such systems:

1. **Privacy Concerns:**

Robust age verification systems often require users to provide sensitive personal information, raising concerns about privacy. Users may be hesitant to share details such as their date of birth, identification documents, or other sensitive information online, especially considering the risk of data breaches or misuse.

2. **Effectiveness and Reliability:**

Age verification systems may not be foolproof, and determined users may find ways to bypass them. False information or borrowed identification could be used, undermining the effectiveness of the verification process. This raises questions about whether the costs and potential privacy risks associated with these systems are justified.

3. **Access Barriers:**

Implementing strict age verification measures could create access barriers for legitimate users, including adults. Some users may face difficulties completing the verification process due to various reasons, such as lack of official identification, technical issues, or other limitations. This may lead to a reduction in user engagement and a negative impact on the user experience.

4. **Impact on Innovation:**

Implementing stringent age verification measures may impose additional burdens on video platform developers and content creators. The resources and effort required to comply with these measures could stifle innovation, particularly for smaller businesses and independent content creators who may find it challenging to navigate complex verification systems.

5. **Focus on Education:**

Instead of relying on age verification systems, there could be a stronger emphasis on educational initiatives to teach both parents and children about responsible online behavior. Promoting digital literacy and fostering open communication can be effective in addressing the root causes of inappropriate content exposure.

6. **Risk of Over-Censorship:**

Overly strict age verification measures may lead to over-censorship, blocking content that may be appropriate for certain age groups but is mistakenly categorized as inappropriate. This could limit the diversity of content available on video platforms and hinder freedom of expression.

In summary, while the protection of minors online is crucial, it's essential to carefully consider the potential drawbacks, such as privacy concerns, access barriers, and the impact on innovation, before implementing robust age verification measures on video platforms. Balancing the need for safety with user privacy and accessibility is key to finding a solution that works effectively for all stakeholders involved.

Message

From: Isaac O'Connell [REDACTED]
Sent: 05/01/2024 12:33:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Bill public consultation

You don't often get email from [REDACTED]. [Learn why this is important](#)

To Coimisiún na Meán,

The draft Online Safety Bill is extremely worrying and disappointing. The fact that the idea of measures such as passport based age verification would be implemented in Ireland is shocking, and I question the understanding of how the Internet works by those that put together the draft and those from Coimisiún na Meán who have publicly stated that such identification measures could be implemented.

I am a IT and cybersecurity student and I would have hoped to see more sense from people on the board than to publish such ridiculous statements such as the idea that pornography websites (based in Ireland, of which I would have thought is pointless legislating against because the number must probably be 0) would require passport or such an ID to access.

The security implications of making the user identify themselves to probably the most shady type of website you can find on the clear web is mad.

I seem to remember the UK attempting to implement such an age verification policy but it backfired completely and left the entire world laughing at the seemingly out of touch decision makers promoting such measures.

The argument of protecting the children is a valiant mission but is all too often used as a cover or excuse to push through new powers that increasingly infringe on civil liberties. The fight against CSAM imagery or keeping children safe has been the go to argument by those trying to break encryption standards and impose a back door on E2EE, ban VPNs and push through increased powers for surveillance. I don't think I have to explain any of these things to at least two members of Coimisiún na Meán board including the Executive Chairperson who have extensive experience in the IT and regulatory sector.

The real focus should be on teaching or implementing some program to teach parents about how to block such content from their childrens devices or telling them not to just hand a smartphone to the kid the day they are able to hold one.

The focus on making video content platforms have an accessible and actually functional, where the content is filtered and vetted properly, child appropriate version seems like a good idea as well. I take the example of YouTube. They have YouTube Kids, which is intended to be a suitable version of YouTube whereby all the content is properly age appropriate. However this is not the case, as a quick look online will show the dire state of the platform and the disturbing cartoon videos with inappropriate messages are rife on the platform. This is somewhere I believe Ireland can exert its influence over the tech companies like Google that are based here and make them properly vett the content on YouTube Kids and have it as an actual suitable locked down version of YouTube.

I'll be really shocked if the types of ID measures floated about by Coimisiún na Meán go into place. When you look at the balance between the cost to privacy and civil rights and the potential of a very small number of children complying, the cons vastly outweigh the pros.

Message

From: Ian Hunter [redacted]
Sent: 06/01/2024 09:31:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Objections to the Online Safety Code draft

You don't often get email from [redacted]. [Learn why this is important](#)

Hello,

I am writing in relation to the Online Safety Code draft.

I am a Computer Science graduate of Trinity College Dublin and have over ten years of industry experience developing software as well as being an advocate for inclusivity within the space.

I strongly object to some of the proposed items and suggest they be redacted or altered to address their overreach.

- Users will be disinclined to use services that require document-based identification. One core aspect of the internet is the option of anonymity. If there was a leak of information (much like the HSE one a few years ago) containing even the URL access a user performed, it could be devastating to ones career and social standing.

An alternative to per-site may to be to enforce per-device regulations. When a user buys a phone, they provide a birthdate to the internet provider (e.g. Eir, Virgin) which would apply filter if the user was underage. The filter would be removed once the appropriate age is met.

For shared devices, such as home routers, per-connection filtering could be configurable.

For public WiFi, such as in airports or cafés, I recommend against filter actions. A user may not want to provide ID and cumbersome process for a short connection, or the data to a potentially hostile host.

- Extension of this system may be taken advantage of by advertisers. For example, women may be more targeted by pregnancy advertisements if their gender and age can be confirmed by such a service. This can be very difficult on someone who may not be able to have children for various reasons.

I agree with some of the suggestions in the draft such as limitations against hateful content going viral. For example, triggering review after a certain number of views. However I think the age verification system should be reviewed by a third party concerned with matters of privacy such as the ICCL and the DPC.

Thank you
Ian

Message

From: Padraig Fahy [REDACTED]
Sent: 07/01/2024 12:58:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Re: Online Safety Code proposal

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,

Simply put. No.

This will kill the idea of freedom of the internet
And I do not want any government to police the internet.

It's VSPS now, but of course this would be extended in the future to
Twitter, Facebook, emails, whatsApps, SMS and then phone calls. (And
don't say it won't... cause it will be)

Absolutely not. This is horrible. Shame on the people that has composed
this document.

Shame on anyone that tries to push this through.

Regards,

Message

From: Cian Mac Mahon [REDACTED]
Sent: 07/01/2024 15:47:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Feedback on the Media Commission's proposal

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern

I am writing to voice my strong and honestly shocked opposition to the Commission's proposal to require adults and minors to send a copy of their passport to websites - including porn sites - and also send them a live selfie for verification purposes.

This is obviously a terrible idea, and as somebody who works in tech I can promise you that even if it were not immediately a terrible idea, we can not trust the internet companies (including porn companies which have been accused of encouraging sex trafficking and child pornography) to safely store such passport information and selfies without doing anything awful with them such as setting up databases of pornography preferences, linking real identities to advertising profiles, leaking them, and so on. They have done this repeatedly with other types of personal data with depressing regularity. The Commission blocking their ears and saying "it's illegal to do that" won't change anything.

I honestly wonder how the Commission could possibly come up with such a an outrageous suggestion, and I ask if anybody on the Commission has followed any aspect of internet news over the last two decades.

This proposal should preclude anybody who currently works at the Commission from having any say on Irish and EU security and privacy policy of any sort. They are clearly unqualified to be anywhere near such decisions.

I am at least encouraged by the fact that if the Irish government attempts to enact this proposal, they will once again be slapped down by the EU for attempting to do something against both the text and spirit GDPR.

Jeremy Godfrey should resign to make room for somebody who understands how the internet works, assuming this commission wishes to continue to broaden its remit towards the internet.

Regards,
Cian Mac Mahon

Message

From: Oisín Kyne [REDACTED]
Sent: 07/01/2024 16:03:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Dangerous sharing of private information to private companies

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dia dhaoibh

I am emailing today to express my opposition to a massively ill-thought out authoritarian idea of forcing the general public to upload their personally identifying information to private companies for the ostensible purpose of 'protecting minors'.

Time and time again we have seen private companies fail to safeguard GDPR data. Mandating more companies to engage in this risky behaviour will grow the amount of people in Ireland that fall victim to identity theft. This policy should never go through in the current format.

If you legitimately believe CnaM's purpose is to be an internet censor (I don't for the record), the least you can do is advance your agenda in a manner that doesn't put people at risk. The state can host this KYC infrastructure, and make opaque 'proof messages' that a given person has verified their identity, and you can mandate that companies require these proof messages instead of people's passport photos. That at least would mitigate some of the harm you (intend to?) cause with this policy.

I urge you to think of the harm you will cause by putting sensitive information into the hands of companies not fit to custody it, and take a different harm-minimised approach to your censorship goals. That at least would be less villainous than the strategy as planned.

I hope to see this initiative abolished or at the absolute least rewritten to put citizen's privacy and consumer protection first.

Gan meas,

Oisín Kyne
[REDACTED]

Message

From: Anthony Burns [REDACTED]
Sent: 07/01/2024 16:54:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Feedback on draft Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important](#)

I'm writing to provide feedback regarding the open consultation detailed at <https://www.cnam.ie/coimisiun-na-mean-opens-public-consultation-on-irelands-first-online-safety-code/>

This plan is a mess.

Methods it proposes to tie user action to record keeping are unrealistic and impractical. The scale of recording keeping for these methods is a disaster waiting to happen too in a time of mass data breaches. Such breaches happen regularly even in the online infrastructure of companies with serious resource commitments to prevent them.

The most secure government databases are the ones a government has the wisdom to refuse to create. What is being proposed is second rate-security.

Preventative advisories for parents on limiting their children's access to the internet avoid so much of this mess, are time tested (unlike whatever unspecified photo analysis process this proposal relies on to succeed consistently in a time of rapidly advancing deepfakes undermining it) and address actual problems instead of fear-mongering talking points.

In response to the invite for public consultation I urge this draft code gets the axe. This is utterly wrongheaded.

IMLM, Anthony Burns

Sent with [REDACTED]

Sent from [REDACTED]

Sent with [REDACTED]

Message

From [REDACTED]
Sent: 07/01/2024 17:16:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]

You don't often get email from [REDACTED]. [Learn why this is important](#)

I write regarding the plans outlined by your executive chairman James Godfrey in an interview with the Irish Examiner ("[Porn sites may require passport details in order to stop children from using them](#)"), as you have called for feedback until January 31st. My feedback follows:

You imbeciles. You fools. You incompetent, credulous buffoons. First, you claim that "to protect children" every porn site (websites that, it should be noted, are NOTORIOUSLY lax with security, often riddled with malware and security vulnerabilities) must keep copies of adult and child passports and their "live selfies" and biometric data for up to 6 years, to allegedly comply with EU data protection law. I cannot even begin to explain how shamefully stupid and dangerous the concept of creating a register of porn preferences, linked to biometric data of children, is. This statement alone is enough to demonstrate Mr. Godfrey is incapable of understanding his own job, and the fact that nobody else in Comisiún na Meán prevented him from saying as much says the same about all his staff and advisors.

Secondly, the terms are comically vague. Godfrey focuses on pornography websites, but fails to acknowledge that this regulation, thanks to the Broadcasting 2009 Act and Online Safety and Media Regulation 2022 Act, can apply to almost any platform under Irish jurisdiction where videos can be uploaded, including, but not limited to, Facebook, YouTube, Twitter/X, Whatsapp, and more. What constitutes "age-appropriate" content is also so vague it may as well be translated as "whatever moral panic the government of the day wishes to invent". We have seen similar regulation in other countries used to ban books from libraries because they have LGBTQ+ themes, or deal with the subjects of racism or religious bigotry. You must think the public even stupider than Mr. Godfrey if you think we don't know these intentionally vague regulations won't immediately be abused to target minorities and groups based on religious/political beliefs or their ethnicity. Did you forget how far-right agitators spent all of last summer travelling to Irish libraries to harass and threaten staff because they dared to contain books that were "too gay"?

Jesus Christ. How have you not choked on your own incompetence yet?

Thirdly, Mr. Godfrey's asinine, half-baked, idiotic plans simply don't meet EU requirements of necessity and proportionality. The EU Audio-visual directive suggests "PIN codes" is enough. You are claiming you need passports, selfies, and biometric data. This is absolutely, abhorrently over-the-top by any sane standard, and, given what is generally known of porn sites, more than likely to put those children and adults you so want to "protect" at massively increased risk of danger. And, given what we know of corporations like Google, Amazon, and Elon Musk's new, rebranded, X/Twitter and their routine abuse of private data (and, lest you need reminding, Musk has *personally* reinstated accounts that posted child sexual abuse material back on his platform!), I can only conclude that everyone in Comisiún na Meán has, not to put too fine a point on it, *lost their fucking minds*.

I do hope you will take this feedback in the manner it was intended (that is, those of you in charge are *extremely stupid and incompetent and should resign in shame immediately, you fucking dipshits), and I look forward to seeing how your short-sighted, reactionary, thick-as-pigshit proposals fare against the EU laws they flagrantly violate.

Yours etc.

Ciarán O'Brien,



Message

From: ibrahim sowunmi [REDACTED]
Sent: 07/01/2024 17:40:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Insane law - Porn preference Law EU

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hello EU Regulators,

This is a massive invasion of privacy, requiring people to send their passports and live selfies to websites? especially porn sites?? is an egregious violation of privacy. It's like asking someone to leave their house keys at the front desk of a club. Not only is this intrusive, but it also creates a honeypot of sensitive data that could be exploited.

Imagine the security implications. These sites would have to store incredibly sensitive data, making them prime targets for hackers. The potential for identity theft and exploitation is sky-high. It's like building a vault full of gold in the middle of a busy street and expecting it not to be robbed.

A Pandora's Box: The use of biometric data processing is vague and fraught with potential abuses. Biometrics are not just passwords; they're an intrinsic part of our identity. Once this data is compromised, you can't just change it like a password.

Unintended Consequences for Minors: The idea of collecting selfies from children and keeping them on porn sites for six years is deeply troubling. This isn't just a privacy issue; it's a safeguarding nightmare. It's like marking every kid's door with a bright sticker, saying, "I'm underage."

This effectively creates a register of adults' porn preferences. This is not just a privacy nightmare but also a potential tool for blackmail and discrimination. It's akin to publishing everyone's diary and then leaving it in the town square.

The sheer scale of enforcing this kind of regulation is mind-boggling. It's like trying to count every star in the sky with a telescope from your backyard.

Such a move would set a dangerous precedent for internet freedom. It's the digital equivalent of requiring ID checks at every corner of the city. The internet's strength lies in its openness and relative anonymity.

Do we really want to trust porn sites with such a level of personal data? It's like entrusting the fox with the keys to the henhouse.

The potential for abuse and misuse of this data by both the sites and potentially by the government or other entities is huge. It's a slippery slope towards a surveillance state.

The ethical implications of such a system are profound. It's not just about privacy; it's about dignity, consent, and the right to a personal life.

In conclusion, while the intention of protecting minors is commendable, the "Nightclub Bouncer" plan is a textbook example of a poorly thought-out solution that creates more problems than it solves. It's a sledgehammer to crack a nut, where the sledgehammer also happens to be made of dynamite.

Best,

A Concerned Citizen

Message

From: Luke Bayes [REDACTED]
Sent: 07/01/2024 17:49:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Your plan to regulate internet content is despicable

You don't often get email from [REDACTED] [Learn why this is important](#)

Please reconsider your current plans to monitor and control access to information online.

The ludicrous idea that every customer of a video sharing website should upload government credentials and selfies completely defeats everyone's rights to privacy and will result in a series of identity theft cases that you should be held personally accountable for.

In case you're wondering, you are the baddie.

Thank you,

Luke Bayes

Message

From: Carol Connolly [REDACTED]
Sent: 07/01/2024 18:12:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code consultation

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello,

I wish to submit my feedback to the Online Safety Code consultation. I am not someone who works in law or professional websites. I am just an Irish citizen who uses the internet.

The idea that I would have to submit my passport to Twitter to use it, just because they won't remove automated porn bots, is absolutely demented. I don't trust them with my personal information as they are clearly being run into the ground by a fool who is firing everyone who would protect my ID from being stolen, but it is the only way I have to communicate with many friends and professional contacts.

And as for actual porn sites, the principle of the government keeping a record for years of citizen's sexual preferences is incredibly creepy.

Regards,
Carol Connolly

Message

From: Daniel Litvak [REDACTED]
Sent: 07/01/2024 18:21:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,

As an EU citizen, I am deeply concerned about the Coimisiún na Meán's proposal for customer identification methods that would be required of certain video platforms.

- It infringes on the privacy of every person who would consume this content
- By being a completely decentralized solution, it exposes anyone who would register to identity theft.
- This proposal justifies itself with the safety of children. To my knowledge, a solution such as this is not proven to improve that safety. Furthermore it sets a precedent for future proposals that could further erode our already fragile privacy.

It is my opinions that many other solutions exist to limit children's access to pornography. Requiring websites to host under a specific TLD like .xxx would allow easy blocking of those domains by parents in their own homes. Parents could be educated on how to properly and responsibly introduce their kids to internet access. These are just of the top of my head.

I imagine this commission will receive many emails like this one in the coming days and weeks. I hope you will take the concerns seriously and back down from further eroding our right to privacy.

Sincerely,

Daniel Litvak
[REDACTED]

Message

From: Brian Chamberlain [REDACTED]
Sent: 07/01/2024 18:35:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Just stop.

You don't often get email from [REDACTED]. [Learn why this is important](#)

This is stupid, and dangerous, if you can't see how stupid and dangerous this is then that's really worrying.

I'm sorry I can't give you anything more constructive. I'm just aghast at how stupid and dangerous it is.

Message

From: Joni Steinmann [redacted]
Sent: 07/01/2024 18:35:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Age verification for video-sharing

You don't often get email from [redacted] [Learn why this is important](#)

Why the age-verification requirement for video sharing is a terrible idea:

- this will mean many companies will have your citizens passport on file. Can you guarantee that they have good enough security to keep my data safe. You can wait for the first data breach.
- all these companies that are also working on ai have my photo and can therefore use this to train their ai on actual faces. I don't agree with this use of my image.
- not to mention that this requirement brings Ireland even one step closer to a dictatorship/ social credit system which scares me.

Message

From: Rasmus Jensen [REDACTED]
Sent: 07/01/2024 18:40:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Regarding draft of Online Safety Code

Du får ikke ofte mails fra [REDACTED] [Få mere at vide om, hvorfor dette er vigtigt](#)

Specifically regarding age verification for viewing of pornographic content.

I strongly suggest you reconsider your thoughts on how important age verification for viewing pornographic content actually is for society.

To even suggest requiring every user to upload biometric and photographic identifiable data of themselves, simply to view content, is ridiculous.

It means that many private companies suddenly have highly sensitive data on citizens, that they otherwise would not have.

It opens citizens to multiple, grave risks.

Risk of privacy loss. We have seen countless examples of operators not being able to securely store users data. This data will be leaked and subsequently misused.

Since this is in relation to viewing of pornographic material, the privacy loss of a data breach cannot be understated.

Risk of third party surveillance. It puts citizens at great risk of surveillance, since sensitive data is often passed or sold to third parties, even when it is prohibited.

Risk of identity theft. It goes without saying, that biometric and photographic identifiable data can also be used for identification purposes, opening up a citizen to a whole host of crimes related to identity theft.

Once this data has been breached, sold or passed on, the damage to the citizen is done and cannot be undone. Therefore: requiring and storing biometric and photographic data for age verification alone, is a completely disproportionate requirement, compared to the harm it tries to mitigate.

It is not compatible with the fundamental principle of necessity and proportionality under EU law.

It is simply not an important enough problem in itself, that underage people will sometimes view content that is not age appropriate.

Sadly, your proposal also opens up the suggestion of using the same requirement of age verification for other, non-pornographic internet content in the future. This is a clear path to near total loss of privacy for the individual citizens, for being allowed to use the internet.

Shame on you for considering such draconic measures which are not compatible with the fundamental rights of EU citizens.

Regards, Rasmus

Message

From: Claire Bradley [REDACTED]
Sent: 07/01/2024 19:41:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Code of conduct for websites

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Jeremy,

I read with horror the proposed plan to ask people to submit ids and selfies before they could access adult or any websites that allow people to share videos. This means that Facebook, Twitter, YouTube, TikTok, etc would have to conform to it.

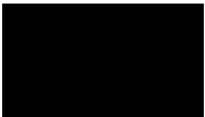
This is such a bad idea. Here's just some reasons why:

- Data mining of sensitive information
- Ability for dodgy websites to blackmail people
- Risk that big websites would shut down in Ireland rather than comply with onerous rules

Please reconsider.

Yours sincerely,

Claire Bradley



Virus-free. www.avast.com

Message

From: sitric o'toole [REDACTED]
Sent: 07/01/2024 20:03:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]; [REDACTED]
Subject:Regarding Coimisiún na Meán plan

You don't often get email from [REDACTED]. [Learn why this is important](#)

To CnaM,

Your idea to regulate the internet with the use of biometrics is nothing short of Orwellian, while the implementation will no doubt be the greatest act of idiocy in the history of the internet. Do you realize the amount of fraud and identity theft you will enable by implementing such a plan? Do any of you have technical backgrounds? It is a hacker's dream come true.

You're an embarrassment to Ireland.

Sitric

P.S. Leo, GDPR always looked like a bad idea, and years on it is a nuisance, if Ireland is forced to keep it then the EU politicians who instantiated it should have their names written on every Cookie Banner.

Message

From: Pierce O Leary [REDACTED]
Sent: 07/01/2024 20:57:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Media Commission plan to introduce a code of conduct to control how adults would access websites.

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Sirs,

Having just read about this plan, I would like to express my strong disagreement and dislike of this plan.

Forcing adults to send any details to view any website is an absolute disgraceful idea, especially if it includes our passport and a selfie to verify our identity.

Do not go ahead with this disgusting plan, as presented by Mr. Godfrey.

Regards,

Sent from my iPhone

Message

From: Daniel Cussen [REDACTED]
Sent: 08/01/2024 09:47:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Video sharing identity verification plan

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi,

I am reading this proposal and I don't think it is at all workable in the real world. I am an IT professional with 25+ years of experience and I can't see how this helps protect children by them sharing identity documents with websites. I am a parent of 2 children myself and I don't think this will help nor work to achieve any of the goals of identifying the ages nor protecting children. In fact the opposite is the case. It will open the doors to massive leaks of personal information on children and it will lead to profiling children an possibly third parties blackmailing children for their biometrics.

I really think this needs a rethink and until a workable solution is developed this needs to be shelved.

Identity verification is a difficult task, technically complex and it's easy to fake identify documents online. I do not see a safe technology solution possible with today's technology and the proposal causes worse harm on more people than the existing problems.

Daniel Cussen

Message

From: Fionn Kelleher [REDACTED]
Sent: 08/01/2024 10:03:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Objection to Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi,

I am submitting urgent feedback regarding your plan to surveil and require association of formal state ID and biometric data with citizen's video watching habits online, and to require websites to store history for 6 years. I'm saying this as a software engineer and an individual who was involved with the running of a social network that allows sharing video (Mastodon.ie): this is an overreaching, obtuse, terrible idea that shows a lack of understanding of how the Internet works.

This is a non-solution to protect children from consuming Internet pornography, yet has wide reaching implications for eroding individual privacy, data protection, and making many models of online service essentially inoperable without pumping in engineering power, legal consultation for data protection, and adding the cost of identity verification to small websites which are often community run hobby projects.

Irish data protection solicitor Simon McGarr summed it up best, so please refer here for my in depth thoughts: <https://www.thegist.ie/the-gist-wtf-commission/>

Regards,
Fionn

Message

From: Deirdre Dowling [REDACTED]
Sent: 08/01/2024 10:51:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Proposed legislation re internet and lodging details of our children with porn sites

You don't often get email from [REDACTED] [Learn why this is important](#)

Are you mad?

What is the thinking of sending passport and other details to porn sites? The very place we want to protect them from.

Deirdre Dowling

Message

From: Tristan Hamilton [REDACTED]
Sent: 08/01/2024 12:01:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: opposition to online safety code proposal

You don't often get email from [REDACTED]. [Learn why this is important](#)

hello,

I'm writing to voice my concern over the proposed online safety code.

I'm particularly concerned with the idea of "effective age verification to prevent underage users from accessing services not meant for them".

i believe enforcing websites to implement this will impinge on my digital rights, in particular my access to information.

as a tech worker, and having seen previous gdpr leaks and breaches - I simply do not trust 3rd party companies to retain my data in a safe manner in which they can guarantee it is not improperly stored or misused.

the idea of having to submit a government id to watch a youtube video is something I won't do. i dont want a marketing model of my internet persona tied to my real life one and owned by a foreign entity.

Furthermore, I believe implementing this would compel me to use a vpn for all my internet traffic to circumvent this restriction - i assume most would opt for this. those who can't afford to pay for one (which in the current cost of living crisis i imagine is a considerable amount) would be forced to adopt the registration. this could also have a knock on effect of leading more people to circumnavigate the restriction using methods that might actually expose them to even more explicit content through tor network for example, or to use networks that connect their machine in a relay that could be encrypting and forwarding other explicit content.

i ask that you would reconsider an age verification requirement like this that to me feels extremely heavy handed. If protecting the underage is the primary goal, could the government instead focus on education in school and to parents on how to prepare and guide young people on internet usage?

best,
Tristan Hamilton

Message

From: Clare Dillon [REDACTED]
Sent: 08/01/2024 12:15:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code - feedback

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Dear Sir/Madam,

I read with great alarm the proposal to have end users and consumers send personal details to video hosting sites in order to prove age. This is, of course, an incredibly irresponsible course of action to prove age. In other areas of technology there is work ongoing to be able to prove credentials anonymously by using tokens in a digital wallet. This seems to be the approach that should be considered here. In no universe would I want to be sending copies of personal identification to global video hosting platforms – the very idea will strike fear into anyone even remotely familiar with online privacy risks. This is an inappropriate and dangerous solution to the problem at hand.

Kind regards,
Clare Dillon

Message

From: Michael O'Brien [REDACTED]
Sent: 08/01/2024 12:33:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code Consultation

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A chara,

I would like to object to the age verification processes outlined in the Draft Online Safety Code. The notion of everyone handing over copies of their state ID and live selfies to third parties (porn sites, Facebook, Google) is terrifying. Please reconsider.

Thanks,
Michael O'Brien

Message

From: Isaac Tobin [REDACTED]
Sent: 08/01/2024 13:30:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Age verification issue

You don't often get email from [REDACTED] [Learn why this is important](#)

To whom it may concern,
for a vast multitude of reasons this legislation will not work and will simply cause more issues in the future.
I urge you to reconsider this very poor proposal.

Sincerely,
Isaac

Message

From: Michael Mac Carthy [REDACTED]
Sent: 08/01/2024 17:48:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Proposed new regulations

You don't often get email from [REDACTED]. [Learn why this is important](#)

I have to object in the strongest way possible with proposals to require users to provide photographic evidence or other age validation evidence to access any internet platform. The key reason for this proposal is to prevent inappropriate use of internet material by young people. The solution is to require any person buying a smart phone to have evidence of age and any person under 18 found to be in charge of such a device to be liable to prosecution. The proposal to provide photographic or other evidence tramples over the freedom of rights to access any site they like without having to give personal details to site owners that could be used for nefarious uses.

M Mac Carthy

Message

From: Stephen Laide [REDACTED]
Sent: 08/01/2024 20:37:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Objection to Proposed Online Content Regulation

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Hello,

I am reaching out to voice my objections to Coimisiún na Meán's recent initiative requiring personal identification and live selfies for accessing certain online materials. This measure, aiming to validate age, poses serious privacy risks, potentially leading to a catalog of users' adult content preferences and the storage of minors' images.

As a professional software engineer, my experience has shown me the inherent vulnerabilities in database systems, heightening the risk of data breaches. A database storing such sensitive information would be a prime target for cyber-attacks, exposing user data and eroding trust in digital governance and security protocols.

The proposed regulation's extensive reach over platforms allowing video sharing is overly broad and could negatively impact a variety of online content, limiting digital expression and innovation. Furthermore, the compliance of this proposal with EU regulations, particularly the GDPR, is highly questionable, as it seems to contravene the principles of data minimization and personal information protection.

I urge a thorough reevaluation of this proposal, considering the privacy implications, the increased risks to minors, and the overall impact on digital rights and freedoms.

Thank you for considering my views on this crucial matter.

Sincerely,
Stephen Laide

Message

From: Stephen Spillane [REDACTED]
Sent: 09/01/2024 10:28:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation Response

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern,

I wish to raise concerns with the section: Guidance: Age Verification (Sections 11.16-11.21 of the Code) and the code in general.

The suggested use of a passport or other identification document raises several concerns. Considering the amount of data on members of the public gathered by video sites, adding ID would vastly add to this and cause possible harm to members of the public should the video-sharing site have a leak or suffer a cyber attack. Requesting sites to store these documents already increases the likelihood of an attack and puts users at risk of identity theft.

This draft code goes far beyond the requirement of the EU Audio-visual directive, which the EU Commission suggests "could be done by the use of PIN codes". It must be measured against the twin EU law requirements of "necessity and proportionality" under the Charter of Fundamental Rights and the GDPR. From what I can see from the code, it fails under both

If there is an alternative method of meeting the requirement of age restriction (as the European Commission's suggestion of the use of PINs demonstrates) then it fails the test of necessity and cannot be in compliance with EU law.

The code also has to be considered whether creating a distributed database of internet use, including porn preferences, which is what this code will do and not just for Irish users but for all EU adults is proportionate to the aim being pursued by the code. Then we must consider it also requires the additional security risk of sending copies of sensitive personal documents such as passports, as previously mentioned, to platforms such as X and also requiring they perform biometric processing of Article 9 GDPR facial data of both adults and minors. This again breaches the proportionality requirement and puts users at risk.

Is Mise le Meas
Stephen SPILLANE (He/Him)
Stíofán O'SPEALÁIN (Sé/É)

[REDACTED]

Message

From: Myles Corcoran [REDACTED]
Sent: 09/01/2024 10:57:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Objections to draft Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hello,

With reference to section 3.4.3 of the draft Online Safety Code document I would strongly oppose age verification mechanisms that require sharing biometric or passport-based verification with VSPS entities. The record of third-party security of personal data is not reassuring and sharing such data without iron-clad guarantees of data safety is a non-runner.

Moreover, while age verification techniques may initially be proposed to protect children from age inappropriate online material, I fear that such techniques will be used to censor information that young people, particularly marginalised young people such as from LGBTQI+ communities, dearly need access to. As a parent of two trans children I do not want a vague sense of 'think of the children' to stifle access for the already vulnerable.

Regards,

Myles Corcoran
[REDACTED]

Message

From: Hugh Tuohy [REDACTED]
Sent: 09/01/2024 12:14:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Protections for Children

[You don't often get email from [REDACTED] Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

Hi ya.
Please issue guidelines to social media platforms so our children can be protected from unsuitable sites.
There should be serious fines for breaches of the codes and possible closure of sites who continue
ignoring warnings etc.
Regards.
Hugh Tuohy
[REDACTED]

Sent from my iPhone

Message

From: Larry Dunne
Sent: 09/01/2024 13:45:29
To: Reception CnaM
[reception@cnam.ie]
Subject: Draft Code for video
sharing platform

You don't often get email from [REDACTED] [Learn why this is important](#)

I wish to make the following comments and observations.

- Under the guise of "child protection", rules are now being drafted to protect adults from themselves.
- It is clear from your undeniable legislative mandate that you will indeed use the full suite of powers available to you to control and censor social media platforms.
- The Censorship of Publications Acts were used to control media use by the citizens in the early days of the State. The dafter and oppressive measures under this legislation has long been consigned to the trash bin.
- It is unfortunate that we are now returning to State-controlled media use by the public. And given your mission statement, you will relish the implementation of such control.
- A recent ruling of the Advertising Standards Authority on a KFC is indicative of how we are now embarking on a new Puritanism crusade. It was ruled that the portrayal of a Bride and her Bridesmaid eating from a family meal bucket encouraged healthy eating! The ad was banned on those grounds.
- Doubtless, the enactment of the legislation under which you will operate followed pressure from mainstream media and Government. Social media had more freedom. Folk could express unfiltered and unedited opinions. Obviously, this is a political point and clearly your mandate is under the legislation. But, from a historical perspective, I think the point bears mentioning.
- I foresee dark and censorious times ahead. Times that I witnessed as a younger person when the State chose the Catholic Church as its social control partner. It is disheartening that we seem to be returning to another era of oppression - backed by statute and enforced by an zealous Censor.

Please ensure that my comments are considered. And publicly posted in your response to the various submissions.

Larry Dunne [REDACTED].

Sent from [REDACTED] on Android

Message

From: Jennifer Kavanagh [REDACTED]
Sent: 09/01/2024 17:51:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Comments on new proposed regulation
Flag: Follow up

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Hi All

This passport uploading proposal is utterly ridiculous.

There is no reason why any website should be asked to view or store a copy of my personal information in order to view their content. My passport is issued for the purposes of getting in and out of the country not to get in and out of websites.

Simon McGarr has done a much better version of stating the obvious reasons in his piece

here [https://www.thegist.ie/the-gist-wtf-](https://www.thegist.ie/the-gist-wtf-commission/?attribution_id=65993430a48f4d00015dff72&attribution_type=post)

[commission/?attribution_id=65993430a48f4d00015dff72&attribution_type=post](https://www.thegist.ie/the-gist-wtf-commission/?attribution_id=65993430a48f4d00015dff72&attribution_type=post) And I agree with its content.

Regards

Jennifer

Dr. Jennifer Kavanagh

Lecturer in Law.

Sent from my iPad

Message

From: Brian Daly [REDACTED]
Sent: 09/01/2024 23:12:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Respo to public consultation on Ireland's first Online Safety Code
Flag: Follow up

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Hi

I would like to make a response to the public consultation o the Online Safety Code.

Specifically, the section on age verification for online video sharing platforms. The proposal to upload to upload official identification documents and to use biometric processing for age verification is unacceptable for the following reasons:

A passport or other form of formal documentation is a document that we are always encouraged to keep safe and secure. The loss of such a document can provide enormous problems for the holder - identity theft, fraud etc. The proposal would mean that both children and adults would have to upload state identity documents to web sites to access services. This is an enormous risk.

Biometric data is a special category of data and processing under the GDPR - if this data is breached, it is likely to have a significant impact on the rights and freedoms of that individual.

The measure is unnecessary as other less intrusive means of age verification exists e.g. PIN codes that presents less risk. On this basis the biometric processing proposal failed a test of necessity and proportionality under EU law.

It is highly reliant on the Data Controllers I,e. individual web sites being able to keep data safe and comply with the GDPR. Each point where data is uploaded is a potential point of a data breach. Large well funded companies have already been subject to data breaches - it would be highly optimistic if not impossible for smaller platforms to have the required security and processes in place. It would be highly optimistic that some services would not sell their data to third parties.

The definition of age appropriate content is weak and can be broadened, This is a key concern as could impact the rights and freedom of people, or sections of the community, to access content and information.

The consultation references biometric processing for access to "pornographic" content (also lacking in definition). In doing so, a database of sexual preferences of people would be created which presents an unnecessary risk to rights and freedoms of people and presents a risk to society as a whole. Any database of this nature will this will be breached - it is not a matter of "if" but "when"

I would urge you not to proceed with this proposal,

Thank you

Brian Daly
[REDACTED]

Sent with [REDACTED]

Message

From: Mark Dennehy [REDACTED]
Sent: 09/01/2024 23:13:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on binding rules for video-sharing platforms to keep adults and children safe online
Flag: Follow up

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Hello,

I wish to comment on the proposed binding rules that have been put forward by Coimisiún na Meán.

I wish to prefix this by stating that I am a Chartered Software Engineer with 27 years of professional experience. For most of the last decade I have been working as a senior engineer in one of the world's largest software multinationals. My role involves the handling of sensitive personal data which is governed by the various data protection laws in the jurisdictions where the company does business, including the GDPR (where such data is categorised as special category data), various US and Canadian laws (where it is categorised as PII) and other similar frameworks worldwide. I say this so that you understand that the engineering aspects of the technologies involved, the legal aspects, and the ethical aspects are all very familiar ground to me professionally.

My comment is simply this: Do not do this very stupid thing.

You are proposing, even if you do not appreciate that you are doing so, the creation of an unlimited number of partial copies of a database of biometric data including primary identification documents and photographs of every EU citizen including minors, which will be held in the private sector by companies in various jurisdictions worldwide, several of which have legislation which precludes the possibility of compliance with the GDPR on a fundamental level, and these companies will include those who produce pornography on the internet, as well as those who simply prey on people for money.

None of these actors are ethically suitable data controllers for a database of this kind because of the immense potential for damage associated with its abuse.

As every company will require access to this database to verify authentication attempts - this is a fundamental and unavoidable engineering aspect of this proposal - every company will build a local copy of it over time. How the master database gets built has been left unspecified, but even this enormous body of very legally questionable work is irrelevant compared to the local copying of it by every internet video provider currently existing or which may come into being during the lifetime of this project.

This proliferation of local copies in and of itself would guarantee though a geometric increased attack surface that the contents of this database would be unsecurable, both in theory and in practice. Further, the economic lifecycle of these companies means that each and every one of those local copies could at any time lose its data controller and all security measures should the relevant company collapse. The potential for the firesale of local copies should be obvious in these circumstances, and this is not even accounting for the very real scenario of bad actors registering a video sharing system purely for the purpose of accessing this database, copying it and selling copies of it to third parties.

And the argument that those in this database will all be adults, even if it had merit - which it does not as the GDPR does not cease to protect EU citizens once they reach the age of majority - would be ignoring the minor point that teenagers have a highly predictable pattern of attempting to access pornography while still legally minors. Such an access attempt in your proposal would result in said minors submitting photographs of

themselves - of minors - to companies in an infamously ethically gray industry built in very large part on the exploitation of vulnerable people, including said minors. You would in effect be building a database of leads for grooming for a future industry of Epsteins. Using taxpayers money, no less.

The fact that the proposal does not include any considerations to how this proposal would be enforced - either the detection of noncompliance nor the punishment of the same - indicates a deeply concerning lack of foresight. Which court should have jurisdiction over a video provider accessed from France by a German minor looking at content which was hosted on a content delivery network distributed between the US, Canada, Switzerland, Israel, South Africa, New Zealand and Taiwan, with payment going to accounts in Bermuda via the Isle of Man, controlled by a board of directors who reside in different jurisdictions around the world while working and meeting entirely remotely? What police force will enforce that court's orders on those orders' subjects? How will custodial sentences be possible when those sentenced may simply work remotely from jurisdictions with no extradition arrangements with the jurisdiction in which the court operates?

For a purely hypothetical example, if we implemented your proposed system in all its detail today; how would we imprison Prince Andrew, Donald Trump or Kim Jong Un for viewing child rape videos on liveleak tomorrow?

We have seen a large number of stupid proposals in legal areas governed by the GDPR in recent years by various departments of the Irish government, who seem to regard the creation and unplanned usage of illegal and very dangerous databases as a form of national sport. In each and every one of those cases, when challenged in court these proposals were thrown out with vigor either in Irish courts or higher EU courts or both. The outcomes in the less damaging cases have been wasted time, wasted money and squandered reputations -- in more damaging cases, murder convictions have been imperiled and lives damaged. This proposal is of such an astounding extent both in breadth and in the sensitivity of the data involved as to dwarf these prior examples. The outcome should it be adopted, simply beggars the imagination.

As I said: do not do this very stupid thing.

--

Mark Dennehy, BA, BAI, MIEI, CEng

Message

From: Sean Fagan [REDACTED]
Sent: 10/01/2024 15:08:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Coimisiún na Meán plan

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

According to <https://www.irishexaminer.com/news/arid-41300860.html> the commission has stated:

People may soon be required to upload their passport details or a selfie to websites if they want to view pornography as part of efforts to help protect children from harmful content online.

This is so horrifically dangerous i can't even figure out which part is the worst to list.

Virtually all of these companies are based outside of the EU. Virtually every single one of them has had significant data breaches, and regularly sells any user information they can glean.

over at <https://www.thegist.ie/the-gist-wtf-commission/>, they conclude that the terminology can refer to *any* site that has video.

This is so remarkably bad I would expect it from the USA.

Sean Fagan
[REDACTED]

Message

From: Alice Smith [REDACTED]

Sent: 10/01/2024 19:33:12

To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]

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Ban all harmful content on line not just for children but for adults too. I don't think there would be near as many assaults or abuse if all harmful content was banned. It's the adults that comit crimes of abuse, assault, rape etc not children, therefore it needs to be addressed for all. Social media platforms need to be held accountable, but of course they don't care, so someone else needs to step in and hold them to account.

A.G. Smith

Message

From: James Ryan [REDACTED]
Sent: 11/01/2024 17:19:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Coimisiún na Meán Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Commissioners,

While I do agree that there needs to be more control over how children access online content, the solution is not to hand over responsibility to for-profit companies outside of our nation's or even European jurisdiction. In addition, the suggestion that users must verify their age through transferring sensitive personal data (Government ID and photographs of the user's face) to said companies, or through identity verification services like Jumio, is at best ineffective and at worst a massive security concern for the nation.

As someone who has implemented 3rd Party ID verification for websites (Passport verification etc.), simply put, they don't work very well. The most expensive ones use machine learning to filter out obviously bad submissions (random photos instead of IDs or faces) and then hand over verification to (usually very poorly paid) humans. At the other end of the spectrum, systems are as automated as possible, often optimising for as few false positives as possible (high likelihood of false negative) or as few false negatives as possible (high likelihood of false positive). Websites will use the cheapest possible legal solution with the lowest possible friction for users. Therefore, the only way to ensure a desirable outcome is to either require some sort of accreditation or to build your own and enforce that it be used. Both of which will be prohibitively expensive, with the latter also requiring continuous maintenance and a sizable workforce of manual verifiers. The most likely outcome is that websites simply ignore the requests and remain blocked in the Republic of Ireland. Simply put, an island of less than 4 million adults is not worth the effort.

Whether the service is actually implemented or not is redundant anyway, as bypassing it via proxy, VPN, or simply by finding a site that hosts the desired content and doesn't require ID and isn't blocked will be relatively trivial. Is the plan to catalogue all websites? Block the use of all VPNs and proxies? Even if that were possible, the group of people you're targeting is extremely technically literate and quick to learn new tools, with virtually unlimited free time and they will share any successful methods amongst themselves, and only amongst themselves. Look at internet piracy. The only reason it's no longer endemic is because streaming services became so cheap and convenient, not because ISPs tried to block them or some people got fined.

I do, however, think there is a better solution that will work. Ireland could require ISPs and mobile networks to allow customers to filter traffic for their accounts using a whitelist approach (filters are enabled by default). The interface would have to be simple, and allow enough control to manage different filters for different devices. Additionally, there should be a way to report websites that aren't blocked that should be, and to manually add websites to a block list. Many routers have this functionality in place already, and ISPs already employ those techniques to block piracy websites. While circumvention is still possible through proxy and vpn, because blocking occurs at a device level, it is possible to curate a list that covers these methods as well. In addition to this tool, a public information campaign on how to use it would be necessary.

Thank you for taking the time to read my concerns and alternative proposals.

Sincerely,
James Ryan

Views regarding transparency and understanding for the public

It is acknowledged that the directive and various acts and legislation referred to is extensive and complicated.

- To assist in lay members of the public understanding of the code, it would be extremely useful for the code to include flowcharts and infographics to explain the various sections overall of the code, and for each area of the code.

Views on the definitions of illegal content and regulated content

Re section 10 of the draft code and the definition: “regulated content harmful to the general public” means: - content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation.

And re section 10 reference to: “- content consisting of pornography. - content consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty.”

- Can the code provide guidance of when gross or gratuitous violence or acts of cruelty against humans and against those of a particular sex eg woman, or race, or age, will be also be acts of incitement to violence or hatred? We have seen dramatic links between consuming gratuitous violent pornography against women and real life violent and sexual assaults on women and girls. Recent research shows that over 50% of internet hate speech is against women. Can the guidance provide more context of what pornography and gross or gratuitous violence or acts of cruelty will be considered incitement to hatred and violence?
- Can the code provide more guidance on, and / or a definition of, and examples of, incitement to violence or hatred on the basis of, in particular the following as these definitions seem very wide ranging and would assist the public to understand what that may include. This wide definition was brought in for broadcasters too in directive and 2022 act, and they are vastly extended areas compared to previous laws and an explanation would assist:-
 - Sex
 - Religion or belief
 - Political or other opinion
 - Property
 - Birth.
- Can the code define incitement to violence
- Can the code define incitement to hatred
- Can the code define hatred
- Can the code define pornography
- Can the code define gross or gratuitous violence
- Can the code define gross or gratuitous acts of cruelty.

Complaints

11.30 Video-sharing platform service providers shall handle complaints in a diligent, timely, non-discriminatory, and effective manner

- Can the code provide maximum time limits as to what will be timely handling?

Reporting

Re 13 and 14. Supervision and Enforcement of the Code

- To what extent will the Media Commission publish complaint reports, supervision and enforcement action?

Message

From: James [REDACTED]
Sent: 12/01/2024 17:44:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Submission on Online Safety Code

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For the attention of: Caroline Keville.

Personal note

I am writing this submission in a personal capacity, but I have spent the last 20 years working professionally in the fields of Software, Anti-Virus, Anti-Spam, Cybersecurity and Threat Intelligence.

I have never worked directly for any advertising, social media, video hosting, or content moderation.

In addition to security, I have worked in telecoms and mobile phone adjacent fields.

I am a father of two daughters, so I am very much aware of child safety issues. I don't allow them to have a smartphone.

While many of the measures are welcome, I have some serious concerns with this proposal and the approach being taken to age-verification.

See my response below.

Kind Regards,

James O'Connor.

Public Response

Regulation of feed algorithms, better classification of content and reporting mechanisms are welcome, but I have serious concerns with the proposed age-verification methods.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

If one takes an adversarial mindset to the problem of regulating user-generated content, we quickly see a number of problems:

- Malicious users can flag legitimate content as a form of attack
- Given the scale involved, VSPS providers will never have enough human resources to carefully adjudicate all flagged content
- Therefore, in this model, we will have to suffer either overly censorious automated moderation, or accept that some inappropriate content will pass through
- Taking a traditional media approach to user-generated internet content fundamentally won't scale and is never going to be sufficient to protect children from harm

- A fundamentally better approach would be to focus on applying filters, blocks and parental controls on the device/app/browser level, in combination with automated content negotiation APIs supplied by VSPS providers.
- This has the added benefit of being effective on all websites/platforms, even those outside the reach of the Irish state

9. What is your view on the requirements in the draft Code in relation to age verification?

Requiring users to be logged-in and age-verified to see content poses a grave threat to online security. The suggestion that passports, biometrics and live selfies be used for the purposes of age-verification is very problematic, for the following reasons:

- Mandating a theoretically secure, privacy preserving, GDPR compliant age-verification service, without any help from the state, or detailed suggestion for how it could be implemented, is akin to a transport regulator mandating an un-crashable car. It does not acknowledge the high likelihood that this sensitive data will be mis-handled and miss-used.
- Cybersecurity professionals have been warning users for years not to upload sensitive documents to random websites, and to guard passwords carefully. However this proposal will normalize this process and users will get used to uploading their passport, biometrics at will. They will also become more used to being prompted for login credentials, two-factor codes etc... making the scammers job even easier.
- Ordinary users will have no way to discern a legitimate, regulated platform requesting age-verification, from an unregulated phishing site that looks identical and asks for the same data
- Legitimate, regulated platforms suffer data breaches on a frequent basis. The combination of confidential documents, biometrics cross-referenced with adult material preferences, will be an irresistible target of attack. Hand-waving about robust GDPR compliance will not change this fact. At state levels, it also becomes a source for potential blackmail and leverage for future governments and generations of upcoming political actors. This is not hyperbole; history is full of such examples.
- The proposal ignores the elephant in the room: regulations enacted in Ireland cannot be enforced worldwide, or even in Ireland. This causes more pragmatic approaches, like on device controls, to be left on the table.

The proposal makes no reference to any of the following obvious considerations:

- VPNs
- Proxy Servers
- Bittorrent
- Platforms beyond the state's reach
- Data Breaches
- Phishing
- Security
- The chilling effect of age-verification

A pragmatic, user-centred approach should acknowledge the limitations of remote age-verification, and tackle the problem where it can best be addressed:

- Parental education and responsibility
 - More robust, better tested parental controls built into Operating Systems, Browsers, Applications and Devices for on-device age enforcement by parents
 - Open, automated standards for content annotation, negotiation and filtering, which don't require manual human interaction on a per platform basis.
- These should also be applied to advertising preferences on behalf of the user.

The world's websites can't be controlled, and network based blocking is less and less effective due to advances in encryption protocols such as TLS+ECH.

The only viable, long-term, privacy preserving solution is effective on-device controls.

The proposal should specifically address cybersecurity considerations, with input from other government departments such as the NCSC, Gardai, etc... as needed.

10. What is your view on the requirements in the draft Code in relation to content rating?

We should orient towards the following methodologies of keeping safe online:

- Personal filtering vs un-publishing at source
- Robust filtering and parental controls at the device/operating system/app/browser level
- Regulate device manufacturers to create parental controls that are actually effective and well tested
- Encourage standardized, automated machine readable protocols for annotating and filtering content.

For example, using HTTP headers, HTML tags, or JSON fields to categorize content and age suitability.

This allows efficient filtering and blocking at the browser/device level without user intervention.

Message

From: Brian Nisbet [REDACTED]
Sent: 16/01/2024 14:17:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Bill Concerns

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good Afternoon,

I am writing with concerns in relation to the proposal to require passports or other official documentation to be used for online age verification purposes.

Implementing such legislation would be a huge error and would badly damage Irish citizens and residents, the Irish economy and the Internet/WWW in the EU.

The primary concern is in relation to Irish Internet users having to provide companies with sensitive data, and then require those companies to store and secure that data. Not only does this likely contravene multiple articles of GDPR, but it would put Irish users in harm's way in relation to identity theft and other forms of cyber crime, as well as placing huge burdens on the companies to try to enact the requirements. It is likely that multiple companies will simply stop serving the Irish market, as is happening in certain states in the US.

Any age verification system must, at its heart, protect the user and their PII or other sensitive data and not put that burden on individual companies.

Regards,

Brian

Message

From: Jake Behan [REDACTED]
Sent: 17/01/2024 12:46:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on binding rules for video-sharing platforms to keep adults and children safe online

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Commissioner,

I am writing to express my concern and opposition to certain aspects of the proposed Online Safety Code outlined in the draft consultation document.

While I understand the aim to protect children and the general public from harmful content online, I am worried that some of the proposed measures could have unintended consequences and negatively impact freedom of expression, as we've seen in other countries.

Specifically, I am concerned about the following:

- The UK previously proposed similar regulations in its Online Safety Bill but ended up scaling back the scope significantly due to criticisms that it posed threats to civil liberties. They focused more narrowly on clearly illegal content.
- Requiring age verification through passports or other official ID poses data security and privacy risks, as Canada learned when developing its Age Verification legislation. Collecting and storing such sensitive personal information should not be mandated.
- Restrictions around legal but potentially objectionable content for adults led to over-blocking in Australia under their Online Safety Act. Legitimate material was caught up in the filters.

I believe Ireland should learn from these examples and take a more measured approach. The code should focus on illegal content and allow adult users to make informed choices about legal material. Platforms should offer parental controls and educational resources but not restrict lawful content intended for adult audiences.

Finally, I want to emphasise the importance of free access to the open internet. Excessive restrictions fundamentally change the nature of the Internet from an open platform for the exchange of ideas to one limited by top-down control. While protecting children is crucial, we must be careful not to sacrifice core values of free expression and access to information that has allowed the internet to thrive. Overbroad content moderation requirements potentially undermine these principles. I urge you to take a balanced approach that protects children without limiting the freedom and openness that defines the internet.

I appreciate you taking the time to consider my perspective.

Sincerely,
Jake

Message

From: P [REDACTED]
Sent: 17/01/2024 12:54:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Safetey code.

You don't often get email from [REDACTED] [learn why](#)
[this is important](#)

The internet is not paid for by children.

If anything all children should be barred from using the internet. or forced onto a VPN which prevents them from accessing "harmful" content.

I do not support the existence of your organisation, and I do not support you.

Message

From: [REDACTED]
Sent: 17/01/2024 19:09:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Coimisiún na Meán (Media Commission) code of conduct

You don't often get email from [REDACTED]. [Learn why this is important](#)

In January the Executive Chairman of the new Irish regulator for internet content, Jeremy Godfrey, made himself available for comment to the press to discuss the Coimisiún na Meán (Media Commission) plan to introduce a code of conduct to control how adults would access websites.

He outlined the plan set out in page 17 of their Consultation and proposal document and suggested that his commission would require adults and minors (children under 18) to send a copy of their passport to websites- including porn sites- and then, also, send them a live selfie so the porn sites could see what they looked like right now. And then the porn sites would run biometric data processing on those images (details unspecified) to confirm they were over 18.

Resulting, amongst other things, in an effective register of porn preferences for adults and a collection of selfies of children kept by the porn sites for six years as is required to prove they have complied with the regulation.

I am sure this data would never fall into the wrong hands or be misused. Not to mention that all of this personally identifiable information and sensitive data points would be hosted on American-owned datacentres, with no guarantee they are located in the EU.

Anyone who breaches that website's database is now going to learn not only what videos RandomUser782 has watched but also who they are, where they are, their birthdate, and what they look like; and if they chose to prove their identity via driving licence, also, their home address.

In other words, mandatory age verification requires mandatory data collection, and strangers are going to read that data: some first-party websites will be forced to collect more information than they currently do; third-party websites involved in the collection and verification processes will collect data as well; and the government will get information about the citizens' internet habits from websites. Adults will lose their privacy because people who have no business knowing their internet habits will know them.

Children will lose their privacy, and more. They will grow up learning that it's normal to give their personal information (including but not limited to relatively immutable biological details such as faceprints) to strangers. They will grow up learning that it's normal for the government to know every website a person visits online. The offline analogue is for the government to know every building a person visits offline. No matter how noble the current government's current intentions may be, a stranger has by default no right to know that much about a person's life.

Making every website collect information the way a bank does is applying a hammer to problems that are not nails. Don't make the entire internet a bank or to put it another way "The Internet Is Not Disneyland; People Should Stop Demanding It Become Disneyland".

"Are you at least 18? yes no" paired with proper parenting/caretaking can go a long way. Proper caretaking is not simply knowing what the child does on the internet. It's knowing that the child might visit the internet while the caretaker is occupied. It's teaching the child early on that not all websites are for children. It's setting up parental controls while understanding that parental controls are imperfect, like one slice of Swiss cheese (referring to the Swiss Cheese Mode of complex systems and weaknesses).

You are a Swiss cheese layer. By teaching your child what to do if they stumble upon the wrong websites, you will be turning your child from a hole into their own Swiss cheese layer.

When you find out that your child stumbled upon porn, you can talk to your child about the incident.

As a caretaker, damage control is a necessary part of determining healthy boundaries.

Additionally, I don't expect the damage to a younger child from accidentally viewing porn to be as proportionately severe as the damage to a teenager from drinking alcohol. You can't talk brain damage from drugs out of someone. But I'm assuming that you can talk the harm from an accidental porn incident out of your child.

Ireland has a long history of data scandals. Some that spring to mind is illegally keeping phone records for years (knowingly in violation of EU law) then illegally accessing them (in violation of Irish law) and then using them in multiple convictions, using medical and school records to pressure parents of disabled children to settle court cases against the state when most vulnerable, and secretly recording all calls to police stations including non-emergency numbers likely to catch whistleblowers.

There is also a further reminder that the legality of the Media Commission's underlying legislation was questioned by both internet firms and the EU Commission, and that the Government replied by trying to mislead the EU Commission and then dashed to put the legislation through. Never mind the fiasco around the PSC card and biometric data.

Protecting children is the emotional push for introducing age verification requirements. Video sites are the wedge into all internet sites. The legislators' emphasis on porn is a wedge into any speech, including otherwise legal speech, the government claims is harmful for children.

That government-mandated age verification would protect children is an assumption, full of uncertainty of the beneficial first-order effects and full of ignorance or blindness of the obvious detrimental second-order effects.

Government-mandated age verification is burdensome to small websites, especially small platforms for user-generated content. If a website could choose to remove potentially harmful content instead of verifying age, then the burden would still be too large for small websites. They might as well not host user-generated content at all. Large internet companies like Google and Facebook would eat the costs either way.

Small websites would have to rely on third-party age verification services. Software for age verification will be predominantly proprietary or not available to the general citizen or both, so the average person won't be able to know how much information the websites collect and store. What's more, lawyers, and judges in privacy-related or accuracy-related court cases (especially regarding biometric verification) will have a hard time examining the software.

Porn has a negative effect on children, but much less than something like TikTok. I could at least see the sense in banning children from the entire internet or limiting their access in some way (preferable implemented by ISPs rather than individual websites) but trying to specifically stop them from seeing naked people is pointless.

I think the .xxx top level domain plan from a few years ago was about the best version of this legislation that could exist - essentially adult content would be limited to a certain subset of blockable top level domains. If a site is showing adult content and not on an adult domain, it risks a state-level block until it's compliant.

This seems much easier to police, gives 80% of what the legislators are trying to achieve, and doesn't require entrusting personally identifiable information to a number of third-party un-validated websites.

In summary if the extreme shortsightedness of any sort of ID verification laws that require that each individual company verify and store identity documents themselves cannot be seen as anything other than a hacker "data breach dream", then I don't know what to say.

How will you look to change and challenging this poor attempt at validation and control?

Richard Griffiths

[REDACTED]

[REDACTED]



MBCS MICS MIAP CITP

Message

From: David O'Neill [REDACTED]
Sent: 17/01/2024 20:22:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code - Public Consultation

[You don't often get email from [REDACTED] Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,

I have no doubt that the draft code has been prepared with the best of intentions but I must point out that given the experience of other jurisdictions we know that many of the proposals are unworkable. Age verification is fraught with privacy implications and the UK failed in its effort to implement. It's absolute fantasy to believe that if a large market like that couldn't make it work a small market like Ireland will.

The realistic outcome from implementing age verification as proposed will be that Ireland will simply be geoblocked by the various video sharing sites.

Perhaps this likely prohibition on various content is the intention but the net result will be that savvy users will use VPNs to access regardless.

Kind regards,
David

Sent from my iPhone

Caroline Keville
Coimisiún na Meán
One Shelbourne Building
Shelbourne Road
Dublin 4

18th, January, 2024

Dear Ms Keville

Re: Association of Advertisers Response to Consultation – Online Safety

The AAI appreciates the opportunity to respond to this consultation under the following sections contained in the Annex, reference:

- Draft Online Safety Code
- Draft Statutory Guidance
- The Proposal to Apply the Draft Code to the Category of Video-sharing platform services
- Draft Supplementary Measures and Guidance

We have addressed question 1 in the list from Appendix 4 and this is attached.

The following represents our response to the overall consultation and we would be happy to discuss this with you and your colleagues should you need any clarification.

The Association of Advertisers in Ireland (AAI) exists to serve its members. The challenges faced by Marketers are what drive the AAI agenda and priorities.

The AAI is the only body that represents brand owners advertising in the ROI. We empower them to understand the industry and shape its future because we bring together a powerful community of marketers with common interests; lead decision-making with knowledge and insight; and give a single voice to advocacy for the improvement of the industry.

Today, digital advertising constitutes the world's largest advertising medium, representing over 50% of global advertising spend. In the ROI, the majority of growth in 2024 will once again be attributable to digital advertising which is forecast to grow by 5.1% to €779.3 million, giving it an overall average 58.4% share of advertising market.

However, the continued proliferation of illegal and harmful content continues to threaten online safety for consumers and businesses alike. AAI therefore welcomes Coimisiún na Meán's ambition to publish this draft Online Safety Code in order to foster a safer, more trustworthy and more transparent online environment, including the interests of children.

We believe that meaningful change is needed across the whole online ecosystem to promote digital safety, protect fundamental rights and ensure consumer protection, all while improving the efficiency and competitiveness of the digital economy.

Advertisers are committed to ensuring that their ad spend does not inadvertently fund the spread of illegal and harmful content. However, the way that online advertising is bought and

placed is complex, which means advertisers often lack the transparency needed to understand and control where their ads are placed and what types of content they are ultimately funding.

This is why AAI members have long called for platforms and publishers to take action and employ 'comprehensive and rigorous safeguards' to limit which accounts and channels can host and benefit from paid advertising.

The AAI are members of the World Federation of Advertisers and one of their predictions for 2024 addresses responsibility. Smart marketers will put responsibility at the top of their KPI's in 2024 whether that relates to how they select their purpose, their influencer partners or the media platforms they use as they seek to protect brand value.

Brand owners realise the responsibility they have (to people and planet as well as shareholders) and the accountability they face and will put an increased focus on "being a better brand."

The AAI welcomes this draft Online Safety Code and whilst we recognise that this draft is moving from an era of self-regulation to effective regulation, we would like to take this opportunity to refer to the AVMSD article 4a which states: "*Member States shall encourage the use of co-regulation and the fostering of self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems.*"

The AAI and the wider advertising industry in Ireland has a proven track record of success in working with regulation, co-regulation and self-regulation.

Advertising self-regulation has numerous advantages for both consumers and businesses, and a very strong tradition in Europe. We support the view that advertising self-regulation works best within a regulatory framework and look forward to a continuation of this practice when this consultation process concludes.

Finally, I would like to follow up on an e mail in February 2023 to Celene Craig and Declan McLoughlin entitled, "Privacy, Publishers and Advertisers". The AAI would welcome the opportunity to collaborate with Government and is open to any suggestions in order to progress if feasible. The best results come when business and Government work together, not independently. Build consensus and collaborate on policies and standards to deliver results that push us to a more just, secure and thriving society.

Once again, on behalf of all members of the Association of Advertisers in Ireland, thank you for the opportunity to participate in this consultation. Should you have any queries please do not hesitate to contact me.

I should note that dentsu are the media agency who will be available to address any media specific details/queries in the event that you need assistance in this regard. dentsu and the AAI have made joint presentations to the BAI personnel over the years. Contact in dentsu is Liam McDonnell, CEO, [REDACTED]

Yours sincerely

Barry Dooley
Chief Executive

[REDACTED]

Coimisiún na Meán Cosultation Questions

1) Do you have any comments on sections 1-9 of the draft code?

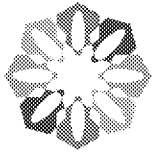
Reference Objective 3 page 40-42, sections 4.17- 4,22:

Statement of support: The AAI supports that the Commission will be guided by a number of well-established principles in its interpretation, application and enforcement of this code.

The principles highlighted are effectiveness, practicability, transparency, fairness, independence and consistency.

We believe these will contribute to the Commission's objective of improving user safety online and will also help advertisers better understand what safeguards are in place to reduce the monetisation of different types of content across different platforms, and how well they are working. These will also improve competition in the digital economy by feeding into the way that advertisers assess which platforms and products to invest in.

January 17th, 2024



Council on Technology and Social Cohesion

18 January, 2024

Coimisiún na Meán
Dublin, Ireland
Contact person: Caroline Keville
Email: vspsregulation@cnam.ie

To whom it may concern,

RESPONSE TO CALL FOR CONSULTATION ON DRAFT ONLINE SAFETY CODE

We are pleased to respond to the invitation to submit responses to consultations on Ireland's draft Online Safety Code. We greatly admire the commitment of the Coimisiún na Meán to produce policies which reflect a diversity of viewpoints, in order to best fulfill its role in ensuring that Irish citizens have a safe and healthy online experience.

We are the Co-Chairs of the Council on Technology and Social Cohesion¹, a coalition of technologists, academics, policy influencers and peacebuilders with a shared goal of influencing how technology is designed and deployed to foster social cohesion rather than polarization and violence. In particular, we focus on exploring the promise of design-focused approaches to mitigating online harms and fostering healthier societies. In preparing the content for this submission, we consulted with the members of our Steering Committee², who are actively engaged in advising policy-makers on this important area of tech policy across the globe.

¹ www.techandsocialcohesion.org

²The Council on Technology and Social Cohesion brings together technologists, academics, policy-influencers and peacebuilders to influence the way technology is designed and deployed to foster social cohesion rather than polarization and violence. The members of the Steering Committee can be found here: <https://techandsocialcohesion.org/who-2/>

Our submission responds to the supplementary measures set out in Appendix 3, in particular the guidance on recommender system safety. This is of particular interest to us because of the reference to how these measures could reduce the risk of harm being caused by how recommender feeds aggregate and deliver content to users, and the risk that may arise from recommender feeds which contain harmful content.

Our input responds to Consultation Question 28: *“Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?”*

Our responses refer specifically to section 1.3 on page 77 and section 2.3 on page 79.

The draft Code proposes to enable the user to disable the algorithms that build user profiles for video-sharing platforms. It also recommends that safety impact assessments are done for a wide range of recommender algorithms and that the platforms take *“reasonable, proportionate and effective measures to reduce the risk of harm (in particular to children) being caused by how recommender feeds aggregate and deliver content to users and to take measures to reduce the risk that may arise from recommender feeds which contain harmful content, on their own or in aggregate.”*³ The draft Code further recommends that platforms *“prepare, publish and implement a recommender system safety plan that includes effective measures to mitigate risks that their recommender systems may cause harm”*⁴.

These are important steps in recognizing how algorithmic amplification is a far more robust and legitimate way to address platform impact. Recommender algorithms are most often driven by what users watch the longest or comment on most. As such, these algorithms shape the user experience, and often drive users towards divisive and harmful content.

³ 2.3 Recommender Feeds (page 79)

⁴ 1.3 Recommender System Safety (page 77)

Meta’s own internal research⁵ reported that “64% of all extremist group joins are due to our recommendation tools...Our recommendation systems grow the problem.” However, simply enabling the users to ‘start over’ and thus prevent the algorithms from recommending content will likely have unpredictable effects given that algorithms also insulate users from spam and other negative experiences. Removing algorithms bypasses opportunities to **improve** algorithms so that our digital experiences are even more positive.

As members of the Council on Tech and Social Cohesion, we call this menu of options to reform algorithms prosocial tech design governance⁶. Prosocial tech design governance goes beyond the binary approach of turning algorithms on or off. It’s about reimagining these algorithms to encourage constructive, socially cohesive interactions.

Prosocial tech design governance advocates for tech products that affirm social norms of human dignity, building trust across diversity rather than polarization and fear. This approach is embodied in frameworks like the USC Neely Center Design Code⁷, which proposes standards for social media platforms that prioritize societal well-being over mere user engagement. It is akin to a “building code” for social media platforms, with nine specific, content-agnostic minimum standards, based on the most effective practices from within tech platforms (aka “Break the Glass” measures⁸).

For example, rather than banning algorithms that can amplify misinformation, we can instead **reform** them so that trustworthy information has an advantage. We can make it harder for small groups of people to manipulate the system; remove engagement incentives⁹ so that people don’t get more distribution for being more sensational; increase privacy protections¹⁰ for authoritative sources discussing events online; and prioritize accounts that have positive, trustworthy histories¹¹ over

⁵<https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>

⁶ <https://www.techpolicy.press/toward-prosocial-tech-design-governance/>

⁷ <https://docs.google.com/document/d/1RkyeT8m94uHnftuahdctrmn6vF-AeCXUi7YbxB5mU4g>

⁸ This refers to emergency measures whereby platforms act swiftly to mitigate the effect of harmful content, such as limiting the amount of shares or posts by users.

⁹ <https://about.fb.com/news/2021/02/reducing-political-content-in-news-feed/>

¹⁰ <https://www.euronews.com/next/2021/08/20/facebook-steps-up-security-for-afghanistan-users-so-they-can-hide-their-identities-from-th>

¹¹ <https://apnews.com/article/the-facebook-papers-covid-vaccine-misinformation-c8bbc569be7cc2ca583dadb4236a0613>

brand new accounts that are created to monetize the moment. In place of simple engagement optimization, we can insist that companies prioritize content that is seen as explicitly high quality across diverse user groups¹². These methods have proven useful enough that many have asked why they are ever turned off¹³ and some have been adopted permanently¹⁴. These recommendations could be integrated into Irelands Online Safety Code, rather than hoping that the platforms will themselves propose this as part of their own 'recommender system safety plan.'

The path charted in the draft Code is commendable, but it is hopefully only a start. The real opportunity lies not in eliminating algorithms, but rather in harnessing the power of technology to build bridges rather than walls. The Prosocial Design Network¹⁵ hosts a library of evidence-based design interventions and New_Public's Community by Design¹⁶ offers 200 examples of spaces designed to build trust.

These examples demonstrate how tech companies can re-engineer algorithms to surface common ground and promote understanding among diverse groups, a crucial step towards mending the social fabric torn by polarizing content. Rather than removing algorithms altogether, we suggest regulating them to be built in ways that empower users and ultimately improve their impact on society.

We recognize that this adds to the complexity of an eventual Online Safety Code. One step forward could be to elicit the perspectives of the Irish users of these platforms, in order to derive aspirations of how they would like to see these platforms influence their lives. The Neely Center Social Media Index¹⁷ is one example of how a survey of users' experiences across all platforms, surfacing what experiences they've had they perceive as good and bad for themselves and the larger community. While this may not need to be included in the Online Safety Code, such surveys of users could be a powerful data point in addition to what the platforms provide in their own safety plans to guide the Commission in future.

¹² <https://bridging.systems/facebook-papers/>

¹³ <https://www.theatlantic.com/ideas/archive/2021/04/facebook-should-dial-down-toxicity-much-more-often/618653/>

¹⁴ <https://about.fb.com/news/2021/02/reducing-political-content-in-news-feed/>

¹⁵ <https://www.prosocialdesign.org/>

¹⁶ <https://newpublic.org/cxd>

¹⁷ <https://www.marshall.usc.edu/posts/neely-center-introduces-first-of-its-kind-social-media-index>

Finally, we would like to once again congratulate the Coimisiún na Meán on its efforts to consult widely in the development of this important and pioneering policy. As Co-Chairs of the Council on Tech and Social Cohesion, we would welcome an opportunity to offer further input into the design-focused accountability measures that the Code proposes, as well as considerations about its implementation and enforcement. We look forward to following the evolution of your efforts, and salute your commitment to ensuring a safe and healthy online experience for Ireland.

Sincerely,

Lena Slachmuis

Executive Director, Digital Peacebuilding

Search for Common Ground, Belgium

Co-Chair, Council on Technology and Social Cohesion

[REDACTED]

www.sfcg.org | www.techandsocialcohesion.org

Ravi Iyer, PhD

Managing Director

University of Southern California Marshall School's Neely Center

Co-Chair, Council on Technology and Social Cohesion

<https://www.marshall.usc.edu/institutes-and-centers/neely-center-for-ethical-leadership-and-decision-making> | www.techandsocialcohesion.org

[REDACTED]

Lisa Schirch, PhD

Professor of the Practice of Peacebuilding and Technology, Starmann Chair in Peace Studies at University of Notre Dame, Research Fellow at Toda Peace Institute

Co-Chair, Council on Technology and Social Cohesion

<https://kroc.nd.edu/> | <https://toda.org/> | www.techandsocialcohesion.org

[REDACTED]

Coimisiún na Meán: Consultation on Online Safety

Consultation response from the

Centre for Competition Policy

University of East Anglia, Norwich Research Park, Norwich NR4 7TJ

Date: 19 January 2024

Author:

- Dr Sally Broughton Micova, Associate Professor in Communications Policy and Politics

This consultation response has been drafted by a named academic member of the Centre, who retains responsibility for its content.

The Centre for Competition Policy (CCP)

CCP is an independent research centre established in 2004. CCP's research programme explores competition policy and regulation from the perspective of economics, law, business and political science. CCP has close links with, but is independent of, regulatory authorities and private sector practitioners. The Centre produces a regular series of Working Papers, policy briefings and publications. An e-bulletin keeps academics and practitioners in touch with publications and events, and a lively programme of conferences, workshops and practitioner seminars takes place throughout the year. Further information about CCP is available at our website: www.competitionpolicy.ac.uk

Response

I welcome the opportunity to respond to the plans proposed by Coimisiún na Meán surrounding the online safety code, statutory guidance, application of the code to the category of video sharing platform services, proposed supplementary measures and related guidance. I respond here to only a few of the questions where I had something to contribute either in support of the solution in the draft Code or where I have evidence to support an argument for a change to the draft. As this is submitted electronically, I have included hyperlinks to additional resources and evidence where possible.

2) What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

The definition of “content” in the Code brings together under one term the three items that both feature in the AVMSD’s definition of “video-sharing platform” and in the provisions outlining for what VSP providers should be held responsible. There are “programmes, user-generated videos and audiovisual commercial communications”. The Code’s definition of “content” also includes “user-generated content comprising any text, symbol, or caption accompanying any user-generated video, provided such text, symbol, or caption is indissociable from the user-generated video,” which would seem to cover comments or other responses attached to any videos.

This was not foreseen in the AVMSD but seems a logical inclusion given the ruling of the European Court of Human Rights in the *Delfi AS vs Estonia* case (64569/09)¹, which held online publishers responsible for the comments made on their articles. The organisational responsibility for content established by the AVMSD, which amounts to a kind of procedural accountability, is the parallel to the editorial responsibility of audiovisual media services.² If the editorial responsibility of publishers covers the comments according to the court, then it makes sense that the organisational responsibility of VSPs does as well – with all the limitations that form of responsibility entails.

3) What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

The AVMSD requires Member States to ensure that VSPs take measures to protect minors from content that “may impair their physical, mental or moral development”. This is not limited to illegal content, just as it is not for audiovisual media services. It is left to the Member State to determine how to define what content is likely to impair minors in those ways. Making the distinction between illegal content and regulated content seems a prudent

¹ This case file can be found here: <https://hudoc.echr.coe.int/fre#%22itemid%22:%222002-8960%22>

² For discussion of the forms of responsibility see Broughton Micova, S. and Kukliš, L'. (2023) “Responsibilities of video-sharing platforms and their users” in *European Audiovisual Policy in Transition*, Routledge DOI 10.4324/9781003262732-8

response. As defined in the Code, the latter is a somewhat more flexible category that can be adjusted by an order under section 139B of the Act. This would make sense given the nuanced balances required for protecting the rights of children in the digital age and the dynamic nature of the responses needed.³

9) What is your view on the requirements in the draft Code in relation to age verification?

It is very important that the Code make it abundantly clear that self-declaration of age by users is not sufficient for the purposes of age verification and it does this effectively and consistently. However, in paragraph 11.19 that covers adult VSPs “robust age verification” is required **either** on sign-up **or** at each occasion of accessing content. Based on forthcoming research on age-verification requirements across Europe and measures utilized by VSP,⁴ I argue that this leaves a gap, especially if signing-up allows users to create or upload content.

A lack of robust measures at sign up could allow minors to upload content. Given that self-created CSAM is an increasingly significant problem, the option of having anything less than robustness at the point of initial access should not be given in the Code. The most robust age verification measures should be required at sign up. Additionally, at least effective, if not also robust, age or identity verification measures should be required at each occasion of use, to prevent sharing of login details among individuals.

³ See the UN General comment No. 25 (2021) on children’s rights in relation to the digital environment. <https://www.ohchr.org/en/treaty-bodies/crc/general-comments>

⁴ A study authored by Broughton Micova, S. & Kostovska, I. is expected to be published in 2024 by the European Audiovisual Observatory.

Message

From: Alex Pigot [REDACTED]
Sent: 19/01/2024 13:00:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Response to Consultation Document: Online Safety and Draft Code, closing date for response is today 19th January 2024
Flag: Follow up

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FROM: Alex Pigot, [REDACTED]
[REDACTED]

19th January 2024

Dear Coimisiun na Meán/Digital Services Commissioner,

It is my view that

1. All internet platforms be required to collect the names and contact details of any person who posts on their platform, so that this information can be made available to the Digital Services Commissioner if requested.
2. That on foot of a valid complaint by an offended platform user to the Digital Services Commissioner, that penalties can be applied by the Digital Services Commissioner to both the platform and the offending platform user on behalf of the offended user.

My rationale for the above:

Social media facilitates currently the anonymous^[1] posting of hate speech, threatening or untrue posts^[2].

Such postings in many cases would be illegal if published without the cover of anonymity.

Such postings have been the causes of depression and suicide^[3], incitement to hatred^[4], and in the extreme, murder^[5].

This current system of allowing anonymous accounts to be set up, which are hard or impossible to trace is no longer acceptable in an inclusive and fair society such as Ireland where free and fair speech is respected by both government and the people.

^[1] This motion allows for the use of pseudonyms i.e., 'anonymous' online posting (as regards this motion) means the platform (and therefore the Digital Services Commissioner) does not have the contact details for the poster. Where a pseudonym is used, however, while the identity of the poster will remain hidden online, the platform, and if the platform is requested, the Digital Services Commission, has available the identity of the poster.

^[2] <https://www.wordonfire.org/articles/the-dangers-of-digital-anonymity/>

^[3] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7392374/>

^[4] <https://www.cfr.org/background/hate-speech-social-media-global-comparisons>

^[5] <https://www.forbes.com/sites/petersuciu/2022/05/25/social-media-increasingly-linked-with-mass-shootings/>

Such anonymity must no longer be available.

By the adding of text similar to those suggested in 1 and 2 above to the **Draft Online Code** under the headings '**12. Obligations of Video Sharing Platform Service Providers ...**' and "**14. Supervision and Enforcement of the Code**" the scourge of abuse on online platforms will be reduced, and for those that persist the penalties when applied will ensure they too will take notice of their wrongdoing.

[Note; the above recommendations by me do not obviate a platform user appearing to be anonymous by using a synonym, however should the Digital Services Commissioner require the platform users name and contact details, that must be made available to the Digital Services Commissioner from personal data collected by the platform when the user joined the platform, or in retrospect should this recommendation now be accepted by Coimisiun na Meán.]

Thank you.

Alex.

PS Please see footnotes below:

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Industry respondents position seems far more sensible, and the inclusion of comments seems like both an overreach and a severe limitation of free speech and expression.

I don't quite understand the point trying to be made by the following:

"For instance, a video depicting a famous member of an ethnic minority might not be harmful in itself but would indirectly lead to harm if it attracted comments that incited to hatred or violence."

In this instance the video needs to be removed because of another person wrote a comment? If so, that seems perverse. If the intention is that the comment itself needs to be removed, then that should fall under free speech law, not online safety codes for videos.

Or is it the case that the video should be moderated in advance because depicting a member of an ethnic minority *might* attract unsavoury comment? That is completely bewildering and devoid of any obvious logic, so assume that is not the case.

3. What is your view on the definitions of "illegal content harmful to children" and "regulated content harmful to children"?

Broadly fine, perhaps not strong enough. You do not treat small children, primary school kids and teenagers the same in any walk of life, and this code should be no different. All advertising to small children is harmful and should be heavily controlled.

As for primarily school and early teens, the most harmful content they consume is from probably from people like Andrew Tate and other influencers. It is tricky to moderate content like this, but influencers work, especially on impressionable young people. This is a societal harm, causing much greater than damage than anything else on the list.

However, banning access to these subjects is nonsensical for older teenagers, and thought needs to be given to how we treat 15–18-year-olds. Allowing someone a week shy of 18 the same access to content as a four-year-old is ridiculous and simply won't work anyway.

4. What is your view on the other definitions of illegal content and regulated content?

Illegal content is fair enough, but regulated content as defined here is almost laughable broad.

"content that incites violence or **hatred against an individual** or group based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or **any other opinion**,"

What does an incitement of hatred look like? What does hatred look like for that matter? To me, a reasonable reading of that could be something like, 'demonising a group based on an opinion or value they hold is inciting hatred and therefore regulated content'.

This would mean however something like 'I think Liverpool football fans are pricks' could now be considered regulated content. They hold a belief or opinion, and the statement demeans them.

This is clearly absurd. We are supposed to be adults. And this is so wide open to abuse by government to have a chilling effect of speech they don't like. Some political beliefs are themselves incitements of hatred, but who gets to determine that? We see plenty of examples in the world

currently where the existence of a Palestinian flag is deemed anti-Semitic. Who gets to determine this? It has the potential to really stymie debate and balloon into spheres it is not intended.

I strongly think the intention is not to have such silly examples and the intent of the regulated content to protect vulnerable groups. The reality is however, that in real life, and in 2024 the internet is real life, people hold unsavoury opinions and say mean and nasty things. There should be zero attempt the commission to attempt to regulate discourse to this degree.

The entire section regarding regulated content needs to be hugely watered down, and far more explicit in what is and isn't allowed.

9. What is your view on the requirements in the draft Code in relation to age verification?

I think this part of the code is hugely worrying. None the suggestions made by the commission are appropriate and are all fraught with dangers.

A) Document-based age verification, accompanied by a live selfie to verify the identity of the user

B) A live selfie together with biometric age estimation; and

C) Self-declaration together with age estimation based on service usage patterns and the nature of content created by the user

Starting with A, presumably this is a government issued ID? This immediately causes problems, as many people do not have passports or drivers' licences, and so you are disenfranchising them. These people are overwhelmingly poorer, and more vulnerable, and we see this seemingly harmless technique (show government issued ID) used in countries to limit voting rights of people the ruling party do not want to vote (in the US and UK for example), which shows it is indeed disenfranchisement.

Any attempt to introduce some form of online passport system will still run afoul of the same issues as well as being a bureaucratic nightmare.

Also, encouraging people to share drivers' licence and passport info with every website on the internet is appalling policy. Under no circumstances should people share valuable private information with private companies unless they have to. The entire direction internet regulation is taking to secure users data, and instead we are giving far more valuable information to anyone and everyone who asks for it? You cannot possibly ensure that every site on the internet who may show 'restricted content' as laid out by this code, is handling the data correctly. The huge likelihood of attacks and breaches goes up exponentially the more you require this type of verification.

There might be some instances where it works fine (such as by an airline), but it should not be used frequently and not encouraged by companies in any way, shape or form.

B) Again, it can have its uses, for example dating apps use this technique successfully. It doesn't have the disenfranchisement issues of A, and can still be partially anonymous if there is requirement for accompanying documents, it is just a selfie. However, again, you have privacy concerns. Who does the verification? How is that data transferred and stored? Ultimately, what you will achieve here is de facto removing anonymity on the internet, which is not a good idea, and I don't think is the intention of this code.

C) Might have its uses, but you are giving huge amounts of information about an individual to some private company. Google can already profile users quite accurately. But there is a serious question over whether they should be *allowed*. Here, we seem to be suggesting that they do more of it?

I think the third approach has the most merit, and could be vastly improved with the help of the large software companies. But it cannot be centrally managed. For example, Google and Apple (Android and iOS) are already acutely aware of the age and interests of an individual. They could, build into the web browser a mechanism that allows sites to confirm that the owner of the phone is an adult and not block the content. The user wouldn't even have to know this is happening.

It would require the device providing the information to the browsers, and subsequently the browser to the site. The beauty of such a system is that it retains full anonymity. The site trusts the browser, the browser trusts the device, and the device belongs to the person and can ensure robust checks. Also, this could be used absolutely everywhere an age verification is required, not just web sites, but apps, games, movies etc. Input should be sought from the major technology companies, I would be delighted if such a system was introduced and would be happy to give further detail if required.

The best regulation is one that works without you noticing. This technology could also be done on a laptop or pc. Shared computers generally have profiles, which could manage the same thing. There is a possibility that someone underage could access an adult's phone, but nothing is foolproof and everything has gaps.

Ultimately, what people will fear is that the government is watching them, but this could, and should, be implemented by the OEMs.

There is a reason why the systems mentioned are not in use already, none of these suggestions are new. I think we need to be more ambitious. The way we interact with 'the internet' has fundamentally changed since the release of the iPhone and smart devices, the regulations should reflect this.

Message

From: Rose Doolan Maher [REDACTED]
Sent: 19/01/2024 14:02:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Virtual harm: disability associated child protection risks and the internet.
Flag: Follow up

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Dear Caroline,

I hope this email finds you well. Cognisant of the immense work ongoing in relation to the online safety code, I am writing to share information about a funded research project that focuses on the exposure of online risk related to disability - The following are the research questions for this study;

Does internet use pose child protection and welfare use for children with disabilities?

What is the nature of risk in internet use for disabled users who are deemed to pose a risk to children?

I am a PhD candidate in Trinity working on this research project supervised by Dr. Susan Flynn [REDACTED] and Dr. Julie Byrne [REDACTED]

This is a mixed methods study in its third year - the quantitative phase of interviewing young people with disabilities and safeguarding professionals is ongoing whilst the quantitative component will commence shortly.

The following publication is related to this work with further publications forthcoming.
<https://authors.elsevier.com/a/1iMc8hNfKzRni>

Dissemination of findings will occur upon completion. If you have any queries in relation to this work or would like to know more please do not hesitate to make contact.

Kindest regards
Rose Doolan Maher
[REDACTED]

TÚSLA

An Chomhairleacht um
Leamú agus an Teaghlaigh
Child and Family Agency

First Time Online Safety Codes Proposal

Prepared for:

Ms. Niamh Hodnett, Online Safety Commissioner,
Comisión na Meán, 2 – 5 Warrington Place, Dublin 2.

From:

Túsla- Child and Family Agency, Building, Heuston South
Quarter, Kilmansham, Dublin 8 D08 X01E.

17 January 2024

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Berni Donovan, BL, Tusla.
Lee-Ann Purcell, Solicitor, Tusla.
Ewelina Adameczuk, Trainee Solicitor, Tusla.
Arthur Denny, Solicitor, Tusla.

19th January 2024

Foreword

The *Online Safety and Media Regulation Act, 2022*, has brought forward some very significant developments in the online space. The *Act* has created *Comisiun ne Mean*, within which, a new, first time *Online Safety Commissioner*, has been appointed.¹ Ms. Niamh Hodnett, Solicitor, has been selected to fill this role, and is now Ireland's first Online Safety Commissioner.

It is the Commissioners' role to create new online safety codes. These codes will impose new, first-time rules on previously, under-regulated, service providers. In particular, some of these new online safety codes, will focus on children's safety. Ms. Hodnett's team have invited the public to make observations, and submissions, as to the content of these new draft codes.²

It is in this context, and based on our own experience, that we have compiled this document. We have attempted to offer our respectful observations, and submissions, to the current iteration of the draft online safety codes.³

¹ <https://www.cnam.ie/>

² <https://search.app/v9111eqrnZdwNzpt8>

³ https://www.cnam.ie/wp-content/uploads/2023/12/Draft_Online_Safety_Code_Consultation_Document_Final.pdf

Introduction and Context

Tusla was established on January 1st, 2014. This saw the amalgamation of the *Health Service Executive - Children and Family Services*, the *Family Support Agency*, the *National Educational Welfare Board*, and a range of services focused on responding to domestic, sexual, and gender-based violence. Tusla is now the dedicated State Agency responsible for improving the wellbeing and outcomes for children in Ireland.

The Agency is a diverse and widespread organisation that operates across 17 geographical regions in Ireland, employs over 4,000 staff, and performs a vital role in the safeguarding of vulnerable children and families.

Tusla has responsibility for the provision of child protection and welfare services including family support. The safety, welfare and protection of children is at the heart of our statutory obligations as set out under legislation, including the *Childcare Act 1991*, the *Child and Family Act 2013* and *Childrens First Act 2015*.

The *Children First National Guidance Policy*⁴, provides that all organizations working with children and young people, are required to create a culture of safety, that promotes the welfare of children and young people availing of their services. *This responsibility includes keeping children safe from harm online.* Tusla works very closely with other voluntary and statutory agencies to safeguard children from child sexual abuse and exploitation.

This Agency has also implemented specific policies and procedures that set out our obligations to protect children from harm. This includes the safety and protection of children online. We have provided ICT and social networking guidance, for staff working with children and young people, including online safety.

At the end of October 2023, there were 5,576 children in the care of Tusla. There were 22,516 cases open to social work with an associated 2,409 mandated reports under *Childrens First* legislation.⁵ Many of these children have been subjected to, or were exposed to varying forms of abuse and neglect. The vulnerabilities of these children are well evidenced through research, including the sad observation that these children are at a higher risk of exploitation. (Please refer to the short *Literature Review* at the end of this document).

In our experience, online safety is an increasingly significant issue to consider when safeguarding children and young people. We have set out specific guidance to our staff in order to assist them to identify, and recognize, circumstances wherein a child may be subject to Child Sexual Exploitation (CSE). In respect of online exploitation and abuse, we also understand that child sexual exploitation can also occur through the use of technology.

In view of the above, this Agency welcomes the establishment of *Coimisiun na Mean* and the associated plans for the development of new *Online Safety Codes for Video Sharing Platform Services*. The proposed safety framework, alongside national and *EU legislation*, will hopefully keep people, particularly children, safer online.

⁴ <https://www.tusla.ie/children-first/children-first-guidance-and-legislation/>

⁵ <https://revisedacts.lawreform.ie/eli/2015/act/36/front/revised/en/html>

Submissions

Submission # 1 - Age Verification

This Agency notes that it is proposed to create an online safety code, that will oblige online service providers to implement user *Age Verification Measures*.⁶ This is welcomed. The Agency believes that *Age Verification Safety Codes* are necessary to protect children from accessing harmful, even if legal, online content.

However, this Agency asks that the Online Safety Commission consider the following, when drafting an *Age Verification Safety Code*: -

1. Some Video Sharing Platform Services (hereinafter “VSPS”), including online gaming providers, are expressly directed at children. Adult predatory service users, often use these platforms to contact children. They do this by creating false profiles wherein they masquerade as young children.

Accordingly, VSPS providers should be obliged to use age verification techniques to ensure that the age cited on a profile, is the true age of that service user. This would reduce the opportunity for adults of ill intent, to masquerade as children.

2. Further, it is submitted that this proposed online safety code, should also oblige service providers to obtain adequate user contact information. The level of contact data should be appropriate to enable a regulatory body, or An Garda Síochána, to readily identify and contact, users who are suspected of rule, or legislative breaches. The anonymity of service users can often delay and obstruct the proper investigation and administration of justice. This can perpetuate and possibly even create, further risks for children. Accordingly, it is submitted that service providers, operating in Ireland, should also be obliged to retain identification documentation submitted for Age Verification.
3. It is noted that this Online Safety Code will oblige service providers to take steps to ensure that content, such as legal pornography, is not easily accessible by children. This is to be achieved by obliging service providers to implement appropriate age verification techniques.

It is appreciated, from reading the attendant consultation document,⁷ that the Commission may not wish to be overly prescriptive in relation to what technology is used to verify the ages of users. However, there will always be quality variance as to age verification technologies. Children deserve only the highest protections, and these codes should reflect this. Accordingly, service providers should be obliged to use only the highest available technological means of age verification.

Accordingly, it is this Agencies view, that only the most effective technological means of age verification should be used. This should be particularly so, when the online service being provided, is accessible to children. It is understood, at this time, that one of the most effective means of online age verification, is the document-based age

⁶ Page 17, Par. 3.4.3, Consultation Document dated the 8th of December 23.

⁷ Consultation Document dated the 8th of December 23.

verification method, accompanied by a live self-photograph. Naturally then, when an online safety code obliges age verification, in relation to platforms used by children, only the highest means of technological age verification should be used. This should include, the document-based & live self-photograph method.

4. It is positive that this online safety code, will also oblige service providers, to produce quarterly reports, as to how effective their age verification techniques are. This Agency would ask that all data provided by service providers, in this context, is retained, reviewed and, if necessary, published. This will help ensure appropriate levels of compliance.
5. Given the international nature of this sector, and that different rules will apply in different jurisdictions, it is important to clearly define what a “*child*” is. This Agency would support the statutory definition of a “*child*”, as provided in *Section 2(1) of the Education and Welfare Act, 2000*.⁸ Therein, a child is defined as a person who has reached the age of 6, but not reached the age of 18. It is submitted that this definition should be cited in all online safety codes.

⁸ Section 2(1) of the Education & Welfare Act, 2000. <https://revisedacts.lawreform.ie/eli/2000/act/22/revised/en/html>

Submission #2 - Flagging Harmful Content to Service Providers & the Online Safety Commission

Tusla endorses the Online Safety Commissioners proposition, that it should be easy for members of the public, and statutory bodies, to flag content of concern to the service providers.

Further, this Agency also notes, and welcomes, the proposed code, that would oblige service providers to report, to the Commission, the results of their own flagging and reporting mechanisms.⁹

However, this Agency makes the following specific observations, and submissions, in respect of this code, in its current form: -

1. There does not appear to be a clear mechanism to raise a complaint, or flag a concern, directly to the Online Safety Commission. This is problematic. Rather, complaints or referrals, must firstly be directed to the service provider. For this Agency, this may present an obstruction, or impediment, to a more expeditious resolution of an issue raised. Accordingly, it is submitted that this proposed safety code, should also facilitate direct referrals to the offices of the Online Safety Commission.
2. It is submitted that statutory bodies, such as this Agency, should be provided with a direct means of referral to the office of the Online Safety Commissioner. In certain cases, this Agency should be, a) permitted to avoid having to firstly raise an issue of concern with online service providers, and b) be provided with a direct means of contact with the Commission. Accordingly, this Agency, and other relevant statutory bodies, should be assigned the status of a *Trusted Flagger*.¹⁰

As the Commission will note, Tusla is the States primary statutory body, with responsibility to protect and vindicate the safety and welfare of children.¹¹ It is for this reason that this Agency should be afforded a distinct status, and thereby be permitted to flag problematic content, directly and with out obstruction, to the offices of the Online Safety Commission.

⁹ Page 18, Par. 3.4.4 Consultation Document dated the 8th of December 23.

¹⁰ Concept as per *Article 22, of EU(Regulation) 2022/2065 (The Digital Services Act)*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065&qid=1670837883291>

¹¹ The Child & Family Agency's statutory duties are codified in, *Section 3 of the Child Care Act, 1991, Section 7 of Children First Act, 2015 and Section 9 of the Child & Family Agency Act, 2014.*

Submission #3 - Online Content – Content Harmful to Children

The Agency notes that it is proposed to create an online safety code, that will compel online service providers to take measures to protect children from content, that is harmful to their “*physical, mental, or moral development*”.¹² This is welcomed.

When defining harmful content, it is noted that the Commission will be guided by the provisions of *Section 139A(1) of the Online Safety and Media Regulation Act, 2022*¹³. Therein, two types of content are described, that may be deemed harmful. Firstly, specific criminal offences, as listed in *Schedule 3* of the Act, are included. For example, *Schedule 3*, in conjunction with *Section 139A(1)*, clearly determines that content that breaches the *Prohibition of Incitement to Hatred Act 1989*, can, and most likely will, fall within the definition of harmful content.

Secondly, and of relevance to this submission, the Commission may also designate content to be harmful, if it falls within *Section 139A(3) of the Act*. Therein it is provided that, content that bullies, humiliates etc., **and** causes a risk of harm to an individual, can also fall within the definition of harmful content.¹⁴ This provision, in particular, is most welcome. It provides the Commission with enough scope to include many content types, that may not be statutorily defined, but are none the less harmful to children. This wide definition will not only have broad capture, but will future proof against any technological, and other developments.

Accordingly, it is submitted that the Online Safety Commissioner, pursuant to *Section 139A(3)*, has the authority too, and should, include the following content types, when defining “**harmful content**”:-

- i. The publication, or broadcasting, of any material likely to lead the public, to identify a child who is, or was, the subject of proceedings under the *Child Care Act 1991*.¹⁵
- ii. The condition known as, “*Gaming Disorder*”, has now been identified by the WHO as a disease.¹⁶ Accordingly, content that encourages gambling should be definitively classified as harmful content.

Once content is designated harmful, particularly to children, then its availability can be regulated.

¹² Page 13, Par. 3.3.2 Consultation Document dated the 8th of December 23.

¹³ <https://www.irishstatutebook.ie/eli/2022/act/41/enacted/en/print.html>

¹⁴ *Section 139A(4) of the Online Safety and Media Regulation Act, 2020* establishes the concept of a “**Risk Test**”. This test determines if the content also posed a risk to life, or significant physical, or mental health, where this risk was reasonably foreseeable.

¹⁵ See *Section 31 of the Child Care Act, 1991*. This provision is not cited in Schedule 3.

¹⁶ <https://www.who.int/standards/classifications/frequently-asked-questions/gaming-disorder#:~:text=Gaming%20disorder%20is%20defined%20in,the%20extent%20that%20gaming%20takes>

Submission #4 – “Draft” Supplementary Measures and Guidance

This Agency welcomes the *Draft Supplementary Measures and Guidance* as set out in *Appendix 3* of the proposed code.¹⁷ The guidance offered to service providers is clear and comprehensive. Tusla particularly welcomes the following points: -

- i. Service providers will be required to *publish their methods of child safeguarding*. It is submitted, that this will encourage transparency, and transparency will create robust child protection protocols.
- ii. The obligation to provide *online safety supports, for those impacted by content*, is most welcome. Clearly, it is this Agencies position that this obligation should be particularly acute, when content is directed at, and received by children.

Submission #5 –General Observations

- i. It is noted that it is proposed to give service providers the authority to suspend or even terminate problematic accounts.¹⁸ This is most welcome. However, the provisions as drafted, seem to require repeated and consistent rule infraction, prior to termination. It is submitted that a once-off serious infraction should trigger immediate service termination.
- ii. Tusla welcomes provisions that will oblige service providers to create a content rating for postings.¹⁹ It is submitted that this obligation should be clearly heightened in relation to child centered content, or content easily accessible by children.
- iii. Tusla welcomes provisions aimed at increasing online parental control.²⁰ Parental control will minimize risks for children. However, it is submitted that each VSPS should be obliged to provide simple, clear and comprehensive video instruction tutorials, aimed at parents, to help them understand how such controls work.
- iv. It is the Agency’s view that the proposed online safety codes must be underpinned by a commitment to upholding children’s rights, including their right to safety and protection online. This Agency would also ask that consideration is not just given to the *risk*, but also the *impact of the harm*, on any individual child.

¹⁷ Par 1.1, Page 76

¹⁸ Par. 3.4.4

¹⁹ Par. 3.4.4

²⁰ Par. 3.4.4

Irish Literature Review – High Levels of Online Risk to Children

This Agency continuously reviews literature, produced, and published in the area of child protection. There has been much research into children’s safety online. Some of which has been reviewed, by this Agency, in preparation for this submission. It will come as no surprise, that this research tends to unanimously find, that the risks posed to children online, are truly profound.

Some of the most salient reports, and their resultant findings, are as follows: -

1. *Coimisiun na Mean* itself, has commissioned such research, and published same, in contemplation of the within draft safety codes.²¹ This research noted as follows: -
 - i. Online risks to children, tends to fall within the following 4 broad categories:-
 - Offences relating to viewing, production and distribution of CSA.
 - Crimes regarding incitement of offences against children.
 - Live streaming CSA, or exploitation.
 - Online grooming.
 - ii. The research findings also noted concerns in respect of an increase in self-generated material and under reporting of abuse online. The trauma of images being re-shared, alongside the permanent nature of these images, can cause further risk to any child.
2. This Agency also reviewed recent publications undertaken by organizations working in the area of child protection. The *ISPCC*²² and *CARI*²³ both undertook research on this subject and found that almost a *fifth of 9–17-year-olds*, had seen sexually explicit content in 12 months before survey.
3. Between, December 2019 and October 2020, the *National Advisory Council for Online Safety* found that 18% of children aged 9-17yrs, reported seeing sexual images online in the past 12 months.²⁴ Of note, there were significant differences between varying countries, as to children’s exposure to sexual images online. For example, in France there was a reported 4% viewing rate, whereas, in Serbia, the rate was 28%. (It is this Agencies view, that these findings may require further exploration, in terms of actions to keep children safe, given that some countries appear to have better success than others).
4. In respect of bullying, the *CyberSafe Kids Survey (2021-2022)*²⁵ found that 28% of Irish children, reported experiencing some form of online bullying, with most occurrences in chat or messaging groups.
5. In 2020, the *National Advisory Council for Online Safety*, reported that 26% of children had seen harmful online content relating to eating disorders. There is a well-established link between body dissatisfaction and eating disorders. Startling statistics, provided by the

²¹ https://www.cnam.ie/wp-content/uploads/2023/12/Draft_Online_Safety_Code_Consultation_Document_Final.pdf

²² Irish Society for Prevention of Cruelty to Children <https://www.ispcc.ie/>

²³ Children at Risk In Ireland. (CARI) <https://www.cari.ie/>

²⁴ <https://www.gov.ie/en/publication/ebe58-national-advisory-council-for-online-safety-nacos/>

²⁵ https://www.cybersafekids.ie/wp-content/uploads/2023/08/CSK_Data-Trends-Report-2023-Sept-5.23-.pdf

*Health Research Board*²⁶, demonstrate that eating disorders represented 18% of all psychiatric and hospital admissions for children under 18 years, in 2020.

6. Other reports noted concerns in respect of the growing rates of self-harm and suicide amongst children and young people in Ireland. This is reflected in the Agency experience of the increase of referrals for children with these profiles. We note the findings of the *NACOS* survey²⁷ and the *UK NSPCC survey*²⁸. The latter, revealing that certain social media platforms, *scored most highly for exposing children to suicide related content/videos*.

There can be no doubt, that the online space is not a safe place for children. Into this space, *Coimisiun na Meán*, and the within draft codes, are a welcome relief. The arrival of online rules, to protect children, where once there were none can only be a positive development.

We simply urge the Commissioner, to consider the foregoing statistics, together with the within submissions, and tailor these new and exciting codes, accordingly.

²⁶ <https://www.hrb.ie/publications/>

²⁷ <https://www.medialiteracyireland.ie/new-report-on-online-safety-of-children-their-parents-and-adults-in-ireland/>

²⁸ <https://learning.nspcc.org.uk/statistics-child-abuse/>

TÚSLA

An Gníomhaireachtas
Leanaí agus an Teaghlaigh
Child and Family Agency



Age Action Submission to Coimisiún na Meán on the Draft Online Safety Code.

Age Action Ireland

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CRO 198571, CHY 10583, RCN 20027254

Tel: +353 (0)1 4756989

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Introduction

Age Action is the leading advocacy organisation on ageing and older people in Ireland. We advocate for a society that enables all older people to participate and to live full, independent lives, based on the realisation of their rights and equality, recognising the diversity of their experience and situation.

Relevant to much of our work in numerous areas, Age Action is deeply concerned about the challenges emerging for older persons in an increasingly online world. These challenges include remaining socially and culturally included, retaining autonomy and privacy, protecting incomes, and ensuring access to services and supports. These challenges also create safety risks for older persons, and this submission describes the measures that need to be taken to best place older persons to navigate digital platforms safely.

Online Safety of Older Persons

“Even trying to get into contact with people, how do you do it anymore?”

Many older persons (almost 300,000 people aged 60 or older) were not using the internet at all in 2022. When people not using the internet are combined with those with below basic digital skills, they represent more than 6 in 10 people aged 60 or older (628,000 out of one million). Digital exclusion is a specific manifestation of the broader problem of social exclusion, where people aren't able to participate in or contribute to culture and public debate, do not have access to useful information and supports, and ultimately are rendered more vulnerable to mistreatment and exploitation. Digital exclusion includes situations where someone uses the internet, just not safely or with adequate skills.

The push towards digital can be so insistent that people feel obliged to become active online, even if they are ill equipped to do so. With the drive for many activities to be done online, many older people are forced to either take risks with their personal data, or else rely on others who are more digitally literate. Reliance on others can reduce a person's autonomy and often requires sharing confidential or private information with others, whether they are family, friends or professionals. Thus it can create disempowering relationships of dependency and it can heighten the risk of financial abuse.

A concern in relation to inadequate digital skills is that people with a basic level of skills are more susceptible to fraud and other criminal activity online, which are increasing in both frequency and sophistication.

While more people are going online, they are not all acquiring the skills to stay safe from fraudulent practices. Large numbers of people experience online fraud on an annual basis. A Eurobarometer survey found that more than one in eight people (13%) have experienced internet fraud and one in 11 (9%) have experienced identity theft.¹

A special Eurobarometer report published in January 2020 examined public concern about cybercrime.² Across Europe, just over half of respondents (52%) feel well informed about cybercrime, but only 11% feel very well informed. Three quarters (76%) believe that the risk of becoming a victim of cybercrime is increasing. However fewer (52%) think they can protect themselves sufficiently against it – and this represents a decline of nine percentage point since 2018. Only a minority in each country are aware of official channels for reporting these crimes.

Irish respondents were ranked fifth highest (at 53%) among those who “are concerned about someone misusing their personal data” (EU average 48%). Irish respondents were most concerned (at 52%) about the security of online payments (EU average 41%). Yet Irish respondents were among the lowest ranked (at 38%) for changing their behaviour online due to security concerns. More than a third (37%) of Irish respondents felt “not well informed” about the risks of cybercrime (EU average 47%).

Across the Eurobarometer survey data, older people are generally less trusting or feel less informed than younger people. Recent CSO data shows that people aged 60-74 were least likely of all age groups to undertake personal data management actions, such as checking that a website was secure or refusing use of their personal data for advertising.³

Financial fraud and abuse are significant issues facing older persons in Ireland and are likely to be under-reported, especially when family members are involved and, unfortunately, family members are the most common offenders. In the last HSE National Safeguarding Office annual report (2021), over 800 cases of financial abuse of someone aged 65+ were reported.⁴

The push to digitalisation often leads to a situation where older persons rely on family members, neighbours, volunteers or others to assist them, which can involve sharing

¹ <https://www.irishtimes.com/business/technology/13-of-irish-internet-users-have-suffered-online-fraud-1.209978>

² <https://europa.eu/eurobarometer/surveys/detail/2249>

³ CSO (2020) Information Society Statistics - Households 2020. Available at www.cso.ie.

⁴ <https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/national-safeguarding-annual-report-2021.pdf>

passwords and PINs as well as divulging private information such as date of birth, PPSN and bank details. Well-meaning frontline staff sometimes go as far as to encourage older persons to ask their children to help them. While this may be a person's preference in some cases, often it is not, and in too many cases there is a real risk of financial abuse occurring.

The evidence suggests that many older people lack confidence and competence online, which either leaves them unsafe during digital activities, or which restricts the range of digital activities that they are willing to engage in.

Recommendations

A significant part of solving the problem of digital exclusion of older persons will be improved access to training for digital skills, building on models like Age Action's own Getting Started programme. Beyond that, and more relevant to the Draft Code, Age Action has two recommendations to improve the online safety of older persons. Firstly, complaints mechanisms ought to have offline options where possible, such as phone lines or physical addresses. This is in recognition of the fact that digital skills are varied and possessing skills in one area does not guarantee possessing them in another. People who encounter problems with online services and platforms may not have the skillset to navigate online complaints procedures and this needs to be accounted for.

Age Action is also concerned about media literacy among older persons and the importance of prioritizing them as a target demographic in efforts to improve media literacy. Too often they risk being forgotten in that space. Age Action's endeavours to be intersectional in its work and acknowledges that older persons are not the only demographic that ought to be prioritized; for example, the migrant community and Traveller and Roma communities ought to be reached out to as well. It is likely that the tools and methods appropriate for media literacy training will change depending on the cohort receiving it and those providing the training ought to be cognisant of that. The Safety Code should explicitly reference the need for an intersectional approach to media literacy, and name older persons as a cohort that ought to be prioritized.

Message

From: Rob Leslie [REDACTED]
Sent: 19/01/2024 16:58:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:FAO Caroline Keville
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir / Madam.

Please find attached below our response to the request for input to the draft Code. Thank you for your consideration.

Best regards,

Rob Leslie
CEO

9. What is your view on the requirements in the draft Code in relation to age verification?

RESPONSE: Within the draft Code there is no mention of any international standard being applied for Age Verification purposes. It seems to be left entirely up to the VSPSP to decide how they will do it. This will lead to inconsistent outcomes and potentially catastrophic results as the implementations will not be uniform or have any consistency. The analogy of the Fox patrolling the chicken coop comes to mind if it is left to the platforms to police themselves. Age verification

ISO is currently developing an international standard on Age Verification, ISO27566, and there are 3 delegates from NSAI that will be attending a conference in Manchester from 8-12 April to discuss it. It is my view that the Code should require all platform providers to follow the international standard at a minimum when it becomes available.

In the absence of compliance with a published standard there is a real problem in the Code with respect to privacy when the method of age verification is considered. Having a user present an ID to prove their age is overkill as much more than the fact that the user is over a certain age is actually disclosed. The Code should require that all providers implement privacy enhanced methods of age verification so that no identity data needs to be disclosed other than the fact that the person is indeed over a certain age. This may require an intermediary acting in concert with an authority for identity data to provide the age assertion. However, this is infinitely better than having to provide your most sensitive personal data just to provide your age is over a certain threshold.

We do not believe age estimation is an effective method of proving age especially for children who are within a few years of the age threshold, the very group that is being targeted for protection.

Finally, with the advent of AI it is becoming increasingly easy to present a very high resolution, high quality identity document that is fake and that will show a photo of the presenter. The checks used to validate the document will almost certainly pass scrutiny. If ID documents are to be used to verify identity and therefore age, they should be tested against authoritative source data directly and not solely rely upon the anti-counterfeit features contained within the identity document.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Under no circumstances should personal data of children be stored...or adults for that matter... if the necessity for its storage was solely to prove age. It is possible to have a privacy enhanced age verification service that would store only an identification code that is bound to a unique identifier that could be used to verify that a returning user is the same person who initially registered and proved their age. It is not necessary to store any personal data to prove age. This should be the default requirement.

BACKGROUND FROM THE CODE

Age Verification: VSPS providers are required to take effective age verification or estimation measures and establish a mechanism for evaluating their effectiveness. Robust age verification (and an equivalent mechanism for evaluating its effectiveness) is required in certain cases. Providers are required to report on the effectiveness of the mechanisms adopted.

Age Verification

11.16 Where a video-sharing platform service provider has a minimum age for account opening, it must implement effective measures to detect under-age users and close their accounts. Such measures may be applied at account opening or subsequently and can be achieved using age estimation, or age verification, as appropriate, or by other technical measures. Self-declaration of age by users of the service shall not on its own be an effective measure for the purposes of this section.

11.17 Video-sharing platform service providers shall implement effective measures to ensure that content rated as not suitable for children cannot normally be seen by children. Such measures shall be applied either on account sign-up for the service or on each occasion such content is accessed, and can be achieved using age estimation, or age verification, as appropriate, or by other technical measures. Self-declaration of age by users of the service shall not on its own be an effective measure for the purposes of this section. Where content containing violent or distressing imagery has been uploaded or shared as a contribution to civic discourse on a matter of public interest, placing the content behind a content warning would be an effective measure for the purposes of this section.

11.18 Video-sharing platform service providers shall establish a mechanism to (i) describe the age verification, age estimation or other technical measures used; (ii) describe the way in which the measures are used to restrict access to the service(s); (iii) set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider's age verification, age estimation or other technical measures; (iv) evaluate the accuracy and the effectiveness of their age estimation systems, age verification systems, or other technical measures, including whether the mechanisms used have enabled the service provider to reach the targets set under (iii); and (v) using surveys or other means, estimate the number of users who are children using their service.

11.19 Video-sharing platform services of which the principal purpose of the service or a dissociable section thereof is providing access for adults to:

- content consisting of pornography, or
- content consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty,

shall use robust age verification either for (i) account sign-up for the service or for accessing the dissociable section of the service providing access to such content; or (ii) on each occasion such content is accessed.

11.20 Video-sharing platform service providers to whom section 11.19 applies shall establish a mechanism to (i) describe the robust age verification used; (ii) describe the way in which the measures are used to restrict access to the service(s); (iii) set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider's age verification mechanisms; and (iv) evaluate the accuracy and effectiveness of the robust age verification systems they implement in compliance with that section, including whether the mechanisms used have enabled the service provider to reach the targets set under (iii).

11.21 Video-sharing platform service providers shall provide a report on the accuracy and effectiveness of age estimation mechanisms, age verification mechanisms or other technical measures arising from the evaluation

undertaken under sections 11.18 and 11.20 to the Commission every three months from 1 January each year, in the manner specified by the Commission from time to time.

3.6.2 Children's Personal Data

Complying with the Code may require the collection of children's personal data for the purposes of implementing age verification and parental controls. In line with the provisions of the AVMS Directive, the Code prohibits the processing of such data for commercial purposes. Coimisiún na Meán notes that the provisions of the General Data Protection Regulation ("GDPR") and the Data Protection Act 2018 will also apply to such personal data.

Sedicii Innovations Ltd.,
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<https://www.sedicii.com>

Twitter: @GBRSedicii



Message

From: An Fear Saor [REDACTED]
Sent: 19/01/2024 23:59:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Consultation
Flag: Follow up

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I wish to object to the proposed code and age verification process on the following grounds (I refer to the code generally rather than any specific section):

The proposal will result in citizens having to upload sensitive data to third parties to use websites many of which have very poor histories of protecting user data but which often play a keep role in modern democratic life e.g. Meta (Facebook), X (Twitter).

I believe that Irish Citizens should have the right to browse the internet anonymously and I am oppose to the age verifications as it should be a parents responsibility (and right) to manage their children's use of the internet and social media. However, were age verification to be introduced, a better way of implementing this would be to ban individual websites collecting passports/doing live selfies etc and instead sell online access passes in shops with scratch-off codes that allow you to access mature content. That way the shops can verify that you are old enough to buy a code but citizens remain anonymous to the website they are using and don't have to upload sensitive data.

It will have a chilling effect on small independent websites, especially those which allow user generated content which will lead to stagnation in innovation and increased domination of the major companies who can afford the resources necessary to comply, and also have a negative effect on democracy.

It is the responsibility of parents to manage what their children view not the government.

The implementation of this could result in teenagers being unable to access medical information as the content may be inappropriately flagged by AI.

Legitimate criticism of government policy in relation to sensitive areas (immigration, diversity policies, traveller accommodation etc.) will be labelled as sensitive or hateful content and will thus be censored or at least hidden behind an age verification wall. We have seen in the US how politicians and senior civil servant have worked with the major internet corporations to censor, "shadow ban" or label as "misinformation" users and user generated content which is critical of them; and that is in a country with a strong tradition of protecting free speech. These measures can and will be used to censor dissenting voices and those critical of the governments corruption and incompetence. While you may be quite happy to have these tools at your disposal now have you considered what it might be like if someone who you are ideologically opposed to were to come to power? They may use the very same tools to censor, for example, pro-LGBT content on the grounds of protecting children, as has been the case in Hungary.

*Since our establishment in March this year, developing an Online Safety Code has been a key priority for Coimisiún na Meán. Many of you have helped us in this process. We received hugely informative responses to our call for inputs over the summer. I have also had the privilege of **meeting representative organisations** who shared experiences of being harmed by content or behaviour online, including those representing children, parents, Irish Travellers, the LGBT+ community, women and migrants. I would also like to thank the organisations who shared their expertise relating to online harms such as content promoting suicide, self-harm, sexual assault, misogyny, eating/feeding disorders, cyber-bullying, incitement to hatred and violence, racism, child sex abuse material and non-consensual intimate image sharing.*

Finally, why are the views of unelected, unaccountable "representative" organisations (how are they representative if the people they supposedly represent can't vote for them?) been given priority over ordinary citizens in a democracy. Surely in a democracy the views of individual citizens should be given more weight than self-appointed state funded activists?

Sent with



Message

From: Eoin Dubsky [REDACTED]
Sent: 24/01/2024 16:28:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission
Flag: Follow up

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit **feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures** for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

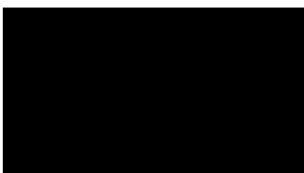
For example, by **removing the "whether and"** in the sentence *"In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them"*, you **would clarify that the eight measures listed are the mandatory minimum** and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. **Please make it as robust as possible.**

Kind regards,

Eoin DUBSKY



Message

From: John Mcdermott [REDACTED]
Sent: 25/01/2024 09:00:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Another week -another quango.
Flag: Follow up

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Dear Quangoistas,

Having read the Irish Times this morning and noticed an article referring to your good selves, George Orwell would be so proud of you.

If I want to view a little porn on my computer, I would rather not have to upload biometric information identifying myself to the site, probably based in Russia or elsewhere.!

Please dissolve yourselves without delay,

And ask the thousand odd other Quangos in the State to dissolve themselves too

It's not as if your labour was not badly needed in the private sector, where we are now importing aliens to fill the many job vacancies.

Yours, etc

Sean MacDiarmada

Message

From: Jordy Shute [REDACTED]
Sent: 25/01/2024 17:15:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Angela Ho [REDACTED]
Sent: 25/01/2024 18:07:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPad

Message

From: Vilja Nordgård [REDACTED]
Sent: 25/01/2024 18:07:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind regards,

Message

From: René Mortensen [REDACTED]
Sent: 25/01/2024 18:09:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

René Mortensen
[REDACTED]

Message

From: Andrea Lyman [REDACTED]
Sent: 25/01/2024 18:10:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Please take this action that you know to be the best for our children, our world, and our human evolution. Be strong, do the right thing NOW!

Kind regards,
Andrea Lyman

Message

From: Hans Hansen [REDACTED]
Sent: 25/01/2024 18:12:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Jo Roberts [REDACTED]
Sent: 25/01/2024 18:13:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Jo Roberts

Message

From: Carol Hibberd [REDACTED]
Sent: 25/01/2024 18:13:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: Tim Hinchliffe [REDACTED]
Sent: 25/01/2024 18:13:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Timothy Hinchliffe

Sent from my iPad

Message

From: Per Svenson [REDACTED]
Sent: 25/01/2024 18:13:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Per

Message

From: Kent Mjolsness [REDACTED]
Sent: 25/01/2024 18:15:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Carol Fulton [REDACTED]
Sent: 25/01/2024 18:17:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán

I write concerning Ireland's Online Safety Code public consultation.

In particular, I would like to submit feedback, see below, relating to item "1.3: Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code.

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the words "whether and" in the sentence, "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them" you would clarify that the eight measures itemised are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, whilst the rest of us pay the cost.

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Many thanks, and kind regards,

Carol Fulton

Message

From: Thomas Gressly [REDACTED]
Sent: 25/01/2024 18:17:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Thomas Gressly
[REDACTED]

<https://www.reconnect.gmbh/>

Message

From: Debra Burke [REDACTED]
Sent: 25/01/2024 18:19:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Debra Burke

Message

From: Heidi Holzapfel [REDACTED]
Sent: 25/01/2024 18:19:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

as a former resident of Dear Old Erin's Isle (1990-2000), I salute your efforts regarding Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

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Thanks very much in advance for your interference in this matter, keep up the good work!

Kind regards,

Heidi Holzapfel

--

Heidrun Holzapfel M.A.
[REDACTED]

Message

From: Alexina Murphy [REDACTED]
Sent: 25/01/2024 18:19:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Alexina Murphy

Message

From: James Peloquen [REDACTED]
Sent: 25/01/2024 18:20:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jim Peloquen

Message

From: David Cranmer [REDACTED]
Sent: 25/01/2024 18:20:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
David Cranmer

Message

From: Chandler Petch [REDACTED]
Sent: 25/01/2024 18:21:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
C. Petch

Message

From: Eugene Uys [REDACTED]
Sent: 25/01/2024 18:22:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

M Eugene Uys

Message

From: Maureen McKeown [REDACTED]
Sent: 25/01/2024 18:24:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Mike Sadka [REDACTED]
Sent: 25/01/2024 18:24:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mike Sadka
[REDACTED]

Message

From: Bjorn Hendriksen [REDACTED]
Sent: 25/01/2024 18:25:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Bjorn Hendriksen

Message

From: Michael Rozdoba [REDACTED]
Sent: 25/01/2024 18:25:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Blessed be,

--

Michael Rozdoba, [REDACTED]

Message

From: Bruno Broll-Barone [REDACTED]
Sent: 25/01/2024 18:26:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

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Kind regards,

Bruno Broll-Barone

Message

From: Sajad Akram [REDACTED]
Sent: 25/01/2024 18:26:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

--

Al-Khair School

109-119 Cherry Orchard Road, Croydon, CR0 6BE, United Kingdom

AL-KHAIR SCHOOL :: NOTICE AND DISCLAIMER

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Message

From: Torgerd Riben [REDACTED]
Sent: 25/01/2024 18:27:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Torgerd Riben

Message

From: [REDACTED]
Sent: 25/01/2024 18:28:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Ṙ

Message

From: joannewton [REDACTED]
Sent: 25/01/2024 18:31:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Our children need our protection. Please give it to them.

Kind regards,

Joan Newton

Message

From: Maria Penraat [REDACTED]
Sent: 25/01/2024 18:35:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Maria Penraat

Message

From: Saskia Evertsen [REDACTED]
Sent: 25/01/2024 18:35:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Saskia Evertsen

Message

From: Cecilia de las Barreras [REDACTED]
Sent: 25/01/2024 18:36:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Cecilia de las Barreras

1st Assistant Director

Directors Guild of America

[REDACTED]

Message

From: Julien Echalié [REDACTED]
Sent: 25/01/2024 18:37:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Verena Walter [REDACTED]
Sent: 25/01/2024 18:37:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Verena Walter

Sent from my iPhone

Message

From: C.M. Wessel-Thijssen [REDACTED]
Sent: 25/01/2024 18:37:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

C.M. Wessel-Thijssen.

Message

From: Matt Tips [REDACTED]
Sent: 25/01/2024 18:38:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Matt

Message

From: dara mark [REDACTED]
Sent: 25/01/2024 18:40:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dara Mark
[REDACTED]

World citizen

Message

From: Chris Ogilvie [REDACTED]
Sent: 25/01/2024 18:40:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Chris Ogilvie
[REDACTED]

Message

From: Steve Sidor [REDACTED]
Sent: 25/01/2024 18:41:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Steve Sidor
[REDACTED]

Message

From: Gunnar Ryrholm [REDACTED]
Sent: 25/01/2024 18:42:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Gunnar

Message

From: Andrew Plumridge [REDACTED]
Sent: 25/01/2024 18:43:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Andrew Plumridge

Sent from my iPad

Message

From: Brian [REDACTED]
Sent: 25/01/2024 18:45:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Maarten Fokkelman [redacted]
Sent: 25/01/2024 18:48:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Maarten Fokkelman

Message

From: Marianne Skeie [REDACTED]
Sent: 25/01/2024 18:50:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Marianne Skeie

Message

From: Kathrin Göransson [REDACTED]
Sent: 25/01/2024 18:50:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Kathrin Göransson

Message

From: [REDACTED]
Sent: 25/01/2024 18:53:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Lisa Kellman

Message

From: Alison Reboul [REDACTED]
Sent: 25/01/2024 18:54:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Alison Reboul.

Sent from my iPhone

Message

From: Sally Hinton [REDACTED]
Sent: 25/01/2024 18:57:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Maria Guy [REDACTED]
Sent: 25/01/2024 19:02:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards

Maria Guy

Message

From: dennis cooley [REDACTED]
Sent: 25/01/2024 19:02:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

dennis cooley

Message

From: Ted McClure [redacted]
Sent: 25/01/2024 19:04:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: jonathan walker [REDACTED]
Sent: 25/01/2024 19:05:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Sheila Out [REDACTED]
Sent: 25/01/2024 19:06:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Martin Faulks [REDACTED]
Sent: 25/01/2024 19:08:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Martin Faulks

Message

From: Bert Appelman [REDACTED]
Sent: 25/01/2024 19:10:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from [BlueMail](#)

Message

From: John Ratcliffe [REDACTED]
Sent: 25/01/2024 19:23:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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[this is important](#)

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Message

From: Traude Buckland [REDACTED]
Sent: 25/01/2024 19:25:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Marek Michalewicz [REDACTED]
Sent: 25/01/2024 19:28:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
CC: Marek Michalewicz [marek@quantum-pi.com]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Marek Michalewicz
[REDACTED]

Message

From: Olivia Clay [REDACTED]
Sent: 25/01/2024 19:28:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Olivia

Message

From: Robert Abela Serra [REDACTED]
Sent: 25/01/2024 19:30:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

No soleu rebre correu de [REDACTED]. [Descobriu per què aquest fet pot ser un problema](#)

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Robert Abela Serra
[REDACTED]

Message

From: Carol Ermanovics [REDACTED]
Sent: 25/01/2024 19:31:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Carol & Ingo Ermanovics
[REDACTED]

Message

From: Guy Johnson [REDACTED]
Sent: 25/01/2024 19:31:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

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Kind regards,

Guy Johnson,
[REDACTED]

Message

From: Ingwill Tollman Fosse [REDACTED]
Sent: 25/01/2024 19:33:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sendt fra min iPhone

Message

From: S Mohan [REDACTED]
Sent: 25/01/2024 19:34:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
S Mohan

Message

From: [REDACTED]
Sent: 25/01/2024 19:35:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Virginie Pełckmans.

Message

From: Jackie Oversby [REDACTED]
Sent: 25/01/2024 19:35:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Martin Theander [REDACTED]
Sent: 25/01/2024 19:39:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Martin Theander/[REDACTED]

Message

From: Joan Daines [REDACTED]
Sent: 25/01/2024 19:43:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Joan Daines

Message

From: Martha Sweeting [REDACTED]
Sent: 25/01/2024 19:45:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

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Kind regards,

Message

From: Camille Volpato [REDACTED]
Sent: 25/01/2024 19:45:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Vous ne recevez pas souvent de courriers de la part de [REDACTED] [Découvrez pourquoi cela est important](#)

Dear Coimisiún na Meán,

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Thanks for your consideration.

Kind regards,

Mrs. Camille Volpato



Message

From: Chris Bird [REDACTED]
Sent: 25/01/2024 19:46:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

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Kind regards,

Chris Bird
[REDACTED]

Sent with [REDACTED]

Message

From: Joseph Schembri [REDACTED]
Sent: 25/01/2024 19:46:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún

In the context of Ireland's Online Safety Code public consultation, I am reaching out to address the aspect of "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code. I would like to provide feedback, emphasizing the need to eliminate any loopholes or ambiguity within this section that video-sharing platform services could exploit. Specifically, by removing the phrase "whether and" from the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them," it becomes clear that the eight listed measures are the mandatory minimum, allowing platforms to include additional measures. Without this modification, video-sharing platform services may continue with business as usual, leaving others to bear the consequences.

Coimisiún na Meán has the potential to significantly contribute to corporate accountability by maintaining a steadfast stance and resisting pressure from the platforms. These platforms should not be involved in constructing detailed profiles of children or individuals with unverified ages, only to manipulate them for profit. The proposed adjustments in Section 1.3 of the draft supplementary measures could play a crucial role in preventing platforms from artificially amplifying hate, hysteria, suicide, and disinformation. Additionally, it has the potential to encourage internet innovation that prioritizes people over profits. I urge you to strengthen this section as much as possible.

Kind regards,

Message

From: Chris Betts [REDACTED]
Sent: 25/01/2024 19:50:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. Please excuse my use of a pre-written mail, but it says what I want you to hear and I certainly couldn't do it better!

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a commender system safety plan, a video-sharing platform service provider must, at a minimum, consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and RESIST PRESSURE FROM THE PLATFORMS! They have NO BUSINESS building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

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Kind regards,

Chris Betts (Mrs)
[REDACTED]

Message

From: [REDACTED]
Sent: 25/01/2024 19:53:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,
please protect our children

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Kind regards,
R A K Murphy

Message

From: Vincent Randy [REDACTED]
Sent: 25/01/2024 19:56:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Vincent Randy

Message

From: Ryan Houlette [REDACTED]
Sent: 25/01/2024 19:59:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Ryan Houlette

Message

From: Janet Hudson [REDACTED]
Sent: 25/01/2024 19:59:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Janet Hudson

Message

From: Margo Salone [REDACTED]
Sent: 25/01/2024 20:07:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Sally Sweeney [REDACTED]
Sent: 25/01/2024 20:10:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

SallySweeney

Message

From: Rosalind Duke [REDACTED]
Sent: 25/01/2024 20:16:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Rosalind Duke

Message

From: Douglas Courtemanche [REDACTED]
Sent: 25/01/2024 20:16:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

As an overview I think this is a very important ProSocial action and when successful should be taken up by countries around the world.

As a physician I would say that while children are not small adults, lots of adults are small children and need to be protected in the same way as children. Many people carry "trauma" and viewing content that is triggering can be devastating. Just indicating your date of birth does not imply protection from harm. I don't know the solution to this but there may be ideas in all of the consultation materials and feed-back that you have gathered.

I agree with the pre-written content that any loopholes or ambiguity from Section 1.3 which could be used by video-sharing platform services to carry on business-as-usual, while the rest of us pay the cost should be removed. will leave it to the intelligent proof-readers to give you the details.

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Again, thank you for your ProSocial work which will make the world a better place to live for everyone.

Kind regards,

hay ċ x^w qə,

Doug

Douglas J Courtemanche, MD MS CRCSC
(not a fellow of the Royal Bank of Physicians and Surgeons of Canada)
Head, Division of Plastic Surgery, BCCH
& with **Doctors for Planetary Health**
[REDACTED]

Unceded x^wməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ (Tsleil-Waututh) Territories (Vancouver)

*The term engagement implies both a desire to find out more about an issue and an ethical obligation to act.
Candis Callison 2009*

Message

From: Peter Hoezen [REDACTED]
Sent: 25/01/2024 20:18:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED].
[Meer informatie over waarom dit belangrijk is](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: ben hoentjen [REDACTED]
Sent: 25/01/2024 20:30:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[U ontvangt vaak geen e-mail van [REDACTED]. Informatie over waarom dit belangrijk is op <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

ben hoentjen

Message

From: Diana Westerhoff [REDACTED]
Sent: 25/01/2024 20:34:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: ERLINE TOWNER [REDACTED]
Sent: 25/01/2024 20:35:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: CAROL LIPPINCOTT [REDACTED]
Sent: 25/01/2024 20:35:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Desmond Brett [REDACTED]
Sent: 25/01/2024 20:38:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Jim Graham [REDACTED]
Sent: 25/01/2024 20:47:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: [REDACTED]
Sent: 25/01/2024 20:50:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Mrs. S. Bollen

Message

From: David Stoughton [REDACTED]
Sent: 25/01/2024 20:57:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Best wishes,

David Stoughton

Message

From: Miguel de Navascués [REDACTED]
Sent: 25/01/2024 20:58:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Miguel de Navascués

Message

From: Sophie Macken [REDACTED]
Sent: 25/01/2024 21:02:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: martine moinecourt [REDACTED]
Sent: 25/01/2024 21:04:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

martine Moinecourt

Message

From: Marianne Zeilerbauer [REDACTED]
Sent: 25/01/2024 21:06:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

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Kind regards,
Marianne Zeilerbauer
[REDACTED]

--
Diese Nachricht wurde von meinem Android Mobiltelefon mit [REDACTED] gesendet.

Message

From: Joan Pritchard [REDACTED]
Sent: 25/01/2024 21:09:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Bert van Oerle [REDACTED]
Sent: 25/01/2024 21:14:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please make it as robust as possible.

Kind regards,

Bert van Oerle, [REDACTED]

Message

From: Tricia Natoli [REDACTED]
Sent: 25/01/2024 21:15:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]

[Learn why this is important](#)

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Kind regards,
Tricia Natoli

Message

From: mukti [REDACTED]
Sent: 25/01/2024 21:16:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Sent from my Galaxy

Message

From: Rene McKinnon [REDACTED]
Sent: 25/01/2024 21:17:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

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Message

From: Eleanor Gibson [REDACTED]
Sent: 25/01/2024 21:19:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Eleanor M. Gibson

Message

From: [REDACTED] & Carmel Cowan [REDACTED]
Sent: 25/01/2024 21:21:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Your enlightened actions and lead on this extremely important matter are an example to other countries to act similarly - children and vulnerable people should not have to be exposed to such terrible exploitation purely for the profits of the big tech companies behind these video-sharing platforms.

Yours sincerely,
Carmel Cowan

[REDACTED]

Sent from my iPhone

Message

From: eric prestidge [REDACTED]
Sent: 25/01/2024 21:23:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Martha Munger [REDACTED]
Sent: 25/01/2024 21:25:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Martha Munger



Message

From: David Cockeram [REDACTED]
Sent: 25/01/2024 21:28:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

David Cockeram

Message

From: Martinus [REDACTED]
Sent: 25/01/2024 21:28:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from [Outlook](#)

Message

From: Sarah Stewart [REDACTED]
Sent: 25/01/2024 21:29:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please make it as robust as possible.
Sincerely, The Stewart Family

Message

From: Amanda Cole [REDACTED]
Sent: 25/01/2024 21:29:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Best wishes

Dr Amanda Cole

Message

From: Jackie Cockeram [REDACTED]
Sent: 25/01/2024 21:29:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jackie Cockeram

Message

From: Shaun Coster [REDACTED]
Sent: 25/01/2024 21:37:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Shan Coster

Message

From: Paul Micallef [REDACTED]
Sent: 25/01/2024 21:46:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Paul Micallef

Message

From: Elaine Mitchell [REDACTED]
Sent: 25/01/2024 21:53:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Maureen Dyroff [REDACTED]
Sent: 25/01/2024 21:56:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mauren Dyroff

Message

From: jan Denhaene [REDACTED]
Sent: 25/01/2024 21:58:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,


Jan
[REDACTED]

Message

From: Anik Tremblay [REDACTED]
Sent: 25/01/2024 21:59:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Anik Tremblay

Message

From: Judy Unger [REDACTED]
Sent: 25/01/2024 22:03:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: marian mcelligott [REDACTED]
Sent: 25/01/2024 22:05:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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The world is watching ,please do us proud and stand up to these bullying tactics by profit driven tech companies,

Kind regards,

Message

From: [REDACTED] Monica [REDACTED]
Sent: 25/01/2024 22:19:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Monica Schwarz

Message

From: estelle ross [REDACTED]
Sent: 25/01/2024 22:23:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards, Estelle Ross [REDACTED]

Message

From: Katherine-Anne Skinner [REDACTED]
Sent: 25/01/2024 22:25:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. I am excited to see that you are making some inroads into Big Tech's neck hold on society. Truly, you will be an example to the world in doing this. I'm hoping you might also consider removing any loopholes or ambiguity from the "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code. I am concerned that video-sharing platform services will seize any opening.

You could do this, I think, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them". By doing so you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán, you could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children - or any person whose age is unproven - to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Anne Skinner
[REDACTED]

Message

From: m.christian hansen [REDACTED]
Sent: 25/01/2024 22:29:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: Heather Grinter [redacted]
Sent: 25/01/2024 22:36:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [redacted] [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

I'd love to see Ireland set a great example to the rest of the world with an improved version of these rules.,

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

From Heather Grinter

Message

From: Kai Kinnunen [REDACTED]
Sent: 25/01/2024 22:39:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Lee Ramsay [REDACTED]
Sent: 25/01/2024 22:45:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Lee Ramsay

Message

From: chriscottee [REDACTED]
Sent: 25/01/2024 22:47:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am joining many other, deeply concerned and frustrated people, but also glad for the opportunity of writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Chris Cottee (Revd)

Sent from my Galaxy

Message

From: Moragh Carter [REDACTED]
Sent: 25/01/2024 22:48:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by ALL video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán, you could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

With kind regards,
Moragh

Message

From: Ginny Greenwood [REDACTED]
Sent: 25/01/2024 22:49:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Dr Virginia Greenwood BVMS Hons MRCVS

Message

From: E Lee [REDACTED]
Sent: 25/01/2024 22:52:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

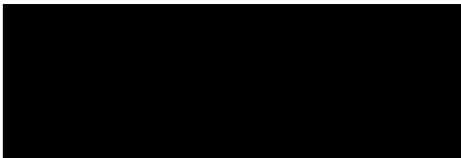
For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards.

Sincerely,
Elizabeth Lee



Message

From: Charlotte Reynolds [REDACTED]
Sent: 25/01/2024 22:52:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: Nell Thomas [REDACTED]
Sent: 25/01/2024 22:53:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online safety code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Nell Thomas
[REDACTED]

Message

From: Catherine Kelly [REDACTED]
Sent: 25/01/2024 22:57:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Catherine Kelly
[REDACTED]

Message

From: [REDACTED]
Sent: 25/01/2024 23:03:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

Please note that I am adding my ideas to an informed email. Along with others, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. This is urgent for the safety of all users of the internet.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. This makes a system where children and others will become victims and actual commercial products. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

This is such a simple, but brilliant idea, which could influence other countries to follow Ireland's leadership. Please put it into action.

Many thanks,

Kind regards,

Antoinette Wisbey

Message

From: DAVE WARNICA [REDACTED]
Sent: 25/01/2024 23:09:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: Tim Weller [REDACTED]
Sent: 25/01/2024 23:17:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,
Tim Weller

Message

From: Joseff Thomas [REDACTED]
Sent: 25/01/2024 23:21:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Joseff Thomas.

Sent from my iPhone

Message

From: irene newton [REDACTED]
Sent: 25/01/2024 23:25:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,
I know this is an email generated by Eko but it says what I think more clearly than I can. I am so pleased you are going to regulate the various systems.

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children - or any person whose age is unproven - to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Irene Newton

Sent from my iPad

Message

From: Lance Kennedy [REDACTED]
Sent: 25/01/2024 23:39:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it ha

Message

From: Tony Burn [REDACTED]
Sent: 25/01/2024 23:43:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

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Message

From: John Broad [REDACTED]
Sent: 25/01/2024 23:52:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's very welcome Online Safety Code public consultation.

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Kind regards,

John Broad

Sent from my iPad

Message

From: Margo Akins [REDACTED]
Sent: 26/01/2024 00:00:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. This protection is so important!

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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Kind regards,
Margo Akins

Message

From: raymond Potvin [REDACTED]
Sent: 26/01/2024 00:13:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Raymond Potvin

Message

From: Iain Scott [REDACTED]
Sent: 26/01/2024 00:29:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Suzanne Cook [REDACTED]
Sent: 26/01/2024 00:31:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

suzanne cook

Sent from my iPhone

Message

From: max warren [REDACTED]
Sent: 26/01/2024 00:33:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Barbara Benzwi [REDACTED]
Sent: 26/01/2024 00:43:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Brigitte Ball [REDACTED]
Sent: 26/01/2024 00:49:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: jeremy fryberger [REDACTED]
Sent: 26/01/2024 00:50:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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[this is important](#)

Dear Coimisiún na Meán,

Following is really important policy that will help millions:

I am writing to you about Ireland's Online Safety Code public consultation.

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Message

From: Jane Henry [REDACTED]
Sent: 26/01/2024 00:56:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jane Henry

Message

From: Mark DuRusse [REDACTED]
Sent: 26/01/2024 00:57:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mark DuRussel

Message

From: Karl Safr [REDACTED]
Sent: 26/01/2024 01:12:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Marie-Pierre Cleret [REDACTED]
Sent: 26/01/2024 01:27:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. I am a psychotherapist working in private practice in [REDACTED]. I have worked in this capacity for over 35 years, and worked in the public sector in first responder roles as a social worker for a number of years before that. For over 40 years, my work has involved dealing with people who are suicidal, and who have to navigate the difficult internal landscape of suicidal ideation. I work with both adults and young people, so I see the Pervasive impact of social media and its algorithms on people with delicate mental health issues, including suicide ideation, depression, anxiety, and eating disorders.

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Kind regards,

Marie-Pierre Cleret,
Psychotherapist,
Accredited Mental Health Social Worker,
[REDACTED]

Message

From: Nina Wouk [REDACTED]
Sent: 26/01/2024 01:30:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Nina Wouk

Message

From: Jason Spencer [REDACTED]
Sent: 26/01/2024 02:00:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Peter Kuestler [REDACTED]
Sent: 26/01/2024 02:08:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Peter Kuestler

Message

From: Narelle [REDACTED]
Sent: 26/01/2024 02:13:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Narelle Jarvis

Message

From: Peter Brown [REDACTED]
Sent: 26/01/2024 02:15:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Andy Rohe [REDACTED]
Sent: 26/01/2024 02:15:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Andy Rohe (Mr)



Message

From: M Lovejoy [REDACTED]
Sent: 26/01/2024 02:15:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Mrs M Lovejoy

Message

From: Erin Gellman [REDACTED]
Sent: 26/01/2024 02:56:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: leslie klein [REDACTED]
Sent: 26/01/2024 03:03:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Adam Wray [REDACTED]
Sent: 26/01/2024 03:24:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Adam Wray

Message

From: ross dabrusin [REDACTED]
Sent: 26/01/2024 03:31:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Barbara Brandom [REDACTED]
Sent: 26/01/2024 03:36:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Peter Hunt [REDACTED]
Sent: 26/01/2024 05:34:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Peter Hunt
[REDACTED]

Message

From: [REDACTED]
Sent: 26/01/2024 06:34:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind regards,
Desirée Mau

Message

From: julie w [REDACTED]
Sent: 26/01/2024 06:34:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Julie Woollard [REDACTED]
Sent: 26/01/2024 06:53:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Julie Woollard

Message

From: Joe Bronstein [REDACTED]
Sent: 26/01/2024 06:56:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dr Joseph E. Bronstein

Message

From: Jacqueline Miller [REDACTED]
Sent: 26/01/2024 07:00:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jacqueline Miller

Message

From: mathieu drouin [REDACTED]
Sent: 26/01/2024 07:08:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission for Limiting Toxic Algorithms

Vous ne recevez pas souvent de courriers de la part de [REDACTED]
[Découvrez pourquoi cela est important](#)

Dear Coimisiún na Meán,

I am writing about my feedback for Ireland's Online Safety Code public consultation, specifically on "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code.

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Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by taking the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them" without the term "whether and" in, it would be clarified that platforms may add additional measures, with the eight measures being listed as the mandatory minimum. Otherwise, users continue to pay the cost while video-sharing platform services carry on business-as-usual.

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Kind regards,

Mathieu Drouin

Message

From: Julie Glover [REDACTED]
Sent: 26/01/2024 07:28:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation, which is SO IMPORTANT!!!!

My feedback is about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

PLEASE REMOVE ANY LOOPHOLES OR AMBIGUITY FROM THIS SECTION which could be seized upon by video-sharing platform services.

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THANK YOU SO MUCH FOR DOING THIS -- OTHER COUNTRIES WILL USE YOU AS A MODEL!

Vey sincerely,

Julie Glover
Robert Kenny
Sean Donahue
Leonard Walker
Marie Cabrissi

Message

From: susan ford [REDACTED]
Sent: 26/01/2024 07:33:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Susan Ford

Message

From: Simon Erskine [REDACTED]
Sent: 26/01/2024 08:09:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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[Learn why this is important](#)

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Kind regards,

Simon Erskine
[REDACTED]

Message

From: [REDACTED]
Sent: 26/01/2024 08:17:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
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I personally have had huge issues with my 15 year old daughter. We no longer let her use social media as she started self harming after watching videos on TikTok.

Kind regards,
[REDACTED]

Message

From: Lidija Jularić [REDACTED]
Sent: 26/01/2024 08:26:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission - Protecting kids online

[Od pošiljatelja [REDACTED] ne prejimate pogosto e-pošte. Več informacij o tem, zakaj je to pomembno, je na voljo na naslovu <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Lidija

--

Dotatus d.o.o.
projektiranje, proizvodnja in montaža kovinskih konstrukcij
Dunajska c. 136, 1000 Ljubljana
[REDACTED]

www.dotatus.si

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TRR: Nova Ljubljanska banka d.d., Trg republike 2, 1000 Ljubljana
IBAN: SI56 0201 1026 3631 755 SWIFT CODE: LJBASI2X

Message

From: Lalitya [REDACTED]
Sent: 26/01/2024 08:28:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures.

Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits.

Please make it as robust as possible.

Kind regards,

Message

From: vivien smith [REDACTED]
Sent: 26/01/2024 08:29:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán

I am contacting you as part of the public consultation about Ireland's Online Safety Code .

In particular, I strongly urge you to please remove any loopholes or ambiguities from "1.3 Recommender System Safety" which could be mis-used by video-sharing platform services to allow the dissemination of potentially harmful material. For example, by removing the words "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services could carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán would make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – in order to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stopping the platforms from artificially amplifying hate, hysteria, suicide and disinformation, and spurring internet innovation that puts people before profits.

Please make it as robust as possible. For our children's sake.

Thank you.

Kind regards
Vivien Smith

Message

From: Astrid Hassenbach [REDACTED]
Sent: 26/01/2024 08:30:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Astrid Hassenbach

Message

From: HODAKA MURATA [REDACTED]
Sent: 26/01/2024 09:08:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Hodaka Murata

Sent from my iPhone

Message

From: John Keefe [REDACTED]
Sent: 26/01/2024 09:12:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,
John Keefe

Message

From: Katharina Lyckow [REDACTED]
Sent: 26/01/2024 09:25:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Du får inte e-post ofta från [REDACTED]
[REDACTED] [Se varför det här är viktigt.](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain ~~whether and~~ how it has given effect to them", you would clarify that the eight measures listed are the **mandatory minimum** and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while real people pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms - and God knows someone has to! They have no business building intimate profiles about children (or any person whose age is unproven) to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. For the sake of all the young people out there (including my own children): Please, please, please make it as robust as possible!

Kind regards,
Katharina Lyckow

Message

From: Cai Brochmann [REDACTED]
Sent: 26/01/2024 09:28:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Cai Brochmann, [REDACTED]

Message

From: Rob Fallon [REDACTED]
Sent: 26/01/2024 09:32:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Please make it as robust as possible.

Best wishes,
Robert Fallon

Message

From: Jim Allan [REDACTED]
Sent: 26/01/2024 09:36:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: Chloe Brotheridge [REDACTED]
Sent: 26/01/2024 09:37:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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Kind regards,
Chloe Brotheridge [REDACTED]

Message

From: Tobias Eriksson [REDACTED]
Sent: 26/01/2024 09:40:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

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In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Message

From: JOCELYNE ROSSATO [REDACTED]
Sent: 26/01/2024 09:40:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

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In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

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For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

*

Message

From: Peter Cauwenberghs [redacted]
Sent: 26/01/2024 09:46:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [redacted]

[Meer informatie over waarom dit belangrijk is](#)

Dear Coimisiún na Meán,

Today I am writing to you, as a concerned citizen, about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "*In preparing are commender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them*", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures.

Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Peter Cauwenberghs

Message

From: WJ Fredriks [REDACTED]
Sent: 26/01/2024 09:56:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online safety code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Verstuurd vanaf mijn iPad

Message

From: Debbie Mountain [REDACTED]
Sent: 26/01/2024 10:06:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Message

From: Anna Liu [REDACTED]
Sent: 26/01/2024 10:11:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Anna Liu
Director

tonkin liu
architecture art landscape

5 Wilmington Square
London WC1X 0ES

Tel: 020 7837 6255


www.tonkinliu.co.uk

2023 RIBA National Award (Swing Bridge)
2023 RIBA North West Award (Tower of Light)
2023 AR Future Award, Cultural Regeneration (York Minster)
2023 International Architecture Awards (Tower of Light)
2023 Best New Car Park (Sundersea Sunderland)
2022 Building Beauty Award, Little Gem (Tower of Light)
2022 Tall Building Awards, Architect (Tower of Light)
2021 Stephen Lawrence Prize (Water Tower)
2021 Civic Trust Award, Public Realm (Tower of Light)
2018 Stephen Lawrence Prize (Old Shed New House)

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Message

From: Harvinder Dhinsa [REDACTED]
Sent: 26/01/2024 10:17:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please make it as robust as possible.

Kind regards,

Harvinder Dhinsa

Message

From: [REDACTED]
Sent: 26/01/2024 10:18:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Glenis Gillings

Message

From: Floris Tilanus [REDACTED]
Sent: 26/01/2024 10:20:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Floris Tilanus,
[REDACTED]

Message

From: Wilhelm Kavan [REDACTED]
Sent: 26/01/2024 10:25:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: David Currant [REDACTED]
Sent: 26/01/2024 10:36:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, David Currant

[REDACTED]

Message

From: Suzanne Quinney [REDACTED]
Sent: 26/01/2024 10:40:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards, Best wishes

Suzanne
Suzanne Quinney, Co Director, Taos Associate - www.taosinstitute.net/
[REDACTED]

Blog - appreciatingpeople.co.uk/aps-recent-appreciative-inquiry-work/

"The important thing is not to stop questioning. Curiosity has its own reason for existing." Einstein
Inspiring strength based organisations ...

Message

From: Oisín Boyd [REDACTED]
Sent: 26/01/2024 10:49:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Ofra Shabtay [REDACTED]
Sent: 26/01/2024 10:58:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Ofra Shabtay
BSc Eng MEngSc
Transport Planner
[REDACTED]

Message

From: James [REDACTED]
Sent: 26/01/2024 11:15:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. I would like to request that you do all in your power to protect our children online.

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Kind regards,

James

James Kelly
Director | *Stiúrthóir*

Feenish | www.feenish.ie

Fumbally Exchange | Argus House | Blackpitts | Baile Átha Cliath 08

[LinkedIn](#) | [X](#)

Message

From: Robert White [REDACTED]
Sent: 26/01/2024 11:18:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Jane Magnaldo [REDACTED]
Sent: 26/01/2024 11:27:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jane Magnaldo

Message

From: Altaf Hussain [REDACTED]
Sent: 26/01/2024 11:36:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Regards
Altaf

Message

From: Collette Guinan [REDACTED]
Sent: 26/01/2024 11:59:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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collette Guinan.

Message

From: Perdita Heller [REDACTED]
Sent: 26/01/2024 12:02:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Perdita Heller

Message

From: Hazel Amati [REDACTED]
Sent: 26/01/2024 12:12:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Hazel Amati

Message

From: Hanneke Zigmans [REDACTED]
Sent: 26/01/2024 12:16:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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[U ontvangt vaak geen e-mail van [REDACTED]. Informatie over waarom dit belangrijk is op <https://aka.ms/LearnAboutSenderIdentification>]

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Message

From: Charles Jenkins [REDACTED]
Sent: 26/01/2024 12:16:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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– Charles

Message

From: Antony Melville [REDACTED]
Sent: 26/01/2024 12:33:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Antony Melville
[REDACTED]

Message

From: Ted Murphy [REDACTED]
Sent: 26/01/2024 12:37:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Edward Murphy

Message

From: Anna Liu [REDACTED]
Sent: 26/01/2024 12:42:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

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Kind regards,

Anna Liu
Director

tonkin liu
architecture art landscape

5 Wilmington Square
London WC1X 0ES

Tel: 020 7837 6255


www.tonkinliu.co.uk

2023 RIBA National Award (Swing Bridge)
2023 RIBA North West Award (Tower of Light)
2023 AR Future Award, Cultural Regeneration (York Minster)
2023 International Architecture Awards (Tower of Light)
2023 Best New Car Park (Sundersea Sunderland)
2022 Building Beauty Award, Little Gem (Tower of Light)
2022 Tall Building Awards, Architect (Tower of Light)
2021 Stephen Lawrence Prize (Water Tower)
2021 Civic Trust Award, Public Realm (Tower of Light)
2018 Stephen Lawrence Prize (Old Shed New House)

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Message

From: Daniela Del Coco [REDACTED]
Sent: 26/01/2024 12:48:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Anne Mayo [REDACTED]
Sent: 26/01/2024 13:28:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPad

Message

From: Jill Trenholm [REDACTED]
Sent: 26/01/2024 13:32:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Dr. Jill Trenholm

Message

From: Gilles Duvert [REDACTED]
Sent: 26/01/2024 14:09:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

G. Duvert

Message

From: Lesley Morgan [REDACTED]
Sent: 26/01/2024 14:16:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Patricia Ann Neate [REDACTED]
Sent: 26/01/2024 14:18:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

As a concerned grandmother I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online safety code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Patricia Neate -

Message

From: Fredrik Holmberg [REDACTED]
Sent: 26/01/2024 14:30:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Fredrik Holmberg

**Observations Online Safety Code
Child Rights Policy Unit
24th January 2024**

Contact: Linda O’Sullivan

Overall:

DCEDIY welcomes the consultation document and the opportunity to provide feedback on the draft observations. Overall DCEDIY is very positively inclined towards the Draft Code and the extent to which Comisiún na Meán has engaged with and listened to the concerns of civil society and policymakers.

In line with the UNCRC Article 12, and Young Ireland: National Policy Framework for Children and Young People 2023-2028 all legislation, policy, programmes and services that has an impact on the lives of children and young people must embed the voice of children and young people in decision-making and the development of policy, legislation and research.

It is important that there is reference to and a record of consultation with children and young people that took place to inform the drafting of the code, in whichever support documents are deemed to be appropriate.

Meaningful engagement should capture the views of a representative cross-section of society, using age-appropriate methodologies. Child-centred language should be at the centre of all policy-making concerning children and young people.

As previously offered, DCEDIY remains at the service of Comisiún na Meán in providing support in the design and development of consultations and other ways in which the views of children and young people can be sought in the draft Code.

Consultation on Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

Overall positive feedback on this section of the Draft Code.

Small Observation:

Heading 3 Purpose, Preparation and Application of the Code

Point 3.6 Would welcome the inclusion of children here – ‘including children and young people’

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Very strongly support the inclusion of user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code. Content that may be harmful that is indissociable from video content that may not be harmful, still has equal potential to cause harm to children and young people on all the grounds cited in the code.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

Welcome the robustness and flexibility of the definitions.

Small observation:

Point 10: audiovisual commercial communications harmful to children;

There seems to be a word missing in the following phrase:

“audiovisual commercial communications which or unreasonably show children in dangerous situations”

4. What is your view on the other definitions of illegal content and regulated content?

Nil obs

5. Do you have any comments on any other definitions provided in the draft Code?

Nil obs

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Welcome the robustness of the terms and conditions obligations.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

Welcome the obligation on VSPS providers to suspend or terminate accounts repeatedly infringing terms and conditions as set out.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Point 11.11 Request that the Code specify “child-friendly where the user is a child” mechanisms to report or flag harmful content harmful to children.

Point 11.12 Requests that the Code specify that the explanation to users is “in a child-friendly manner where the user is a child”

Point 11.13 Requests that the Code specify “child-friendly complaint mechanisms, where the user is a child”

9. What is your view on the requirements in the draft Code in relation to age

verification?

Support the robust and flexible age verification measures set out in the draft Code.

10. What is your view on the requirements in the draft Code in relation to content rating?

Welcome the code's provisions in relation to content rating. Request that the Code specify that content rating should be "child friendly" for children and young people themselves to make informed decisions about what they can access.

11. What is your view on the requirements in the draft Code in relation to parental controls?

Welcome the draft code on parental controls, the inclusion of live-streaming control systems, their transparent and being offered at point of sign up parental controls

12. What is your view on the requirements in the draft Code in relation to complaints?

Strongly recommend the inclusion of Child Friendly complaints mechanisms within the scope of the code. Otherwise generally support the requirements.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

Strongly support the Commission in considering a consistent system of content rating to come within the scope of the code. Otherwise generally support the requirements.

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

Generally welcome the requirements to include communications which are not marketed, sold or arranged by the VSPS provider in the code.

Point 12.1 Recommend inserting "including to child users"

Point 12.9.2 Recommend inserting after users "including child-friendly mechanisms for child users"

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Point 12.6 Recommend inserting "including to child users"

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

Welcome the requirement. Request specific reference to child users, suggested wording below:

Point 12.11 Recommend inserting “including where relevant, child users”

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

Nil obs

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

Welcome the requirements. Request specific reference to child friendly media literacy measures and tools developed with the key concerns of children and young people in mind, from evidence available on issues such as body image, and in consultation with children and young people.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Welcome the robustness of the requirements.

Point 13.1 Suggest insertion of “including child users”

Point 13.3 Strongly support that children’s data is not processed for commercial purposes including marketing, profiling and behavioural targeted advertising.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

Welcome the requirements

21. Do you have any other comments on the requirements in section 13 of the draft Code?

Nil obs

22. Do you have any comments on this section of the Draft Code?

Nil obs

23. Do you have any comments on the Annex?

Nil obs

24. Do you have any other comments on any section or aspect of the draft Code,

including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

As set out above, in line with the UNCRC Article 12, and *Young Ireland: National Policy Framework for Children and Young People 2023-2028* all legislation, policy, programmes and services that have an impact on the lives of children and young people must embed the voice of children and young people in decision-making and the development of policy, legislation and research.

Additionally, due regard to the full rights of children in digital spaces should be considered in the drafting of the Online Safety Codes through a Child Rights Impact Assessment Process.

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Nil obs

Consultation on the application of the Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

Nil obs

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

Nil obs

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

1. Draft Supplementary Measures for inclusion in the Online Safety Code

1.1. Safety by Design –

We strongly recommend Safety by Design being incorporated into the Online Safety Code . As outlined in DCEDIY's previous submission we support the proposed requirement to prepare a "Safety Impact Assessment" whenever services are being developed or enhanced, with sign-off of the risk assessment and proposed mitigation measures by an executive staff member of the VSPS provider with appropriate experience and responsibilities.

Furthermore, we strongly recommend a Child Rights Impact Assessment process to be incorporated into the safety by design process.

The UN Committee on the Rights of the Child is explicit in its identification of child impact assessments as an essential tool in implementing the Convention.

UNCRC Comment 25 38 States parties should require the business sector to undertake child rights due diligence, in particular to carry out child rights impact assessments and disclose them to the public, with special consideration given to the differentiated and, at times, severe impacts of the digital environment on children.

DCEDIY is currently examining the implementation of Child Rights Impact Assessments on all policy making, legislation and programme design that will have an impact on children's lives. This will inform an exploration of how Child Rights Impact Assessments (CRIAs) can embed a children's rights approach, and the development of a prototype CRIA and training supports aimed at embedding children's rights.

The UNCRC sets out furthermore requirements in relation to safety by design in the specific context of avatars and we request that any Safety by Design measures take due consideration of this:

UNCRC Comment 25 77 Many children use online avatars or pseudonyms that protect their identity, and such practices can be important in protecting children's privacy. States parties should require an approach integrating safety-by-design and privacy-by-design to anonymity, while ensuring that anonymous practices are not routinely used to hide harmful or illegal behaviour, such as cyberaggression, hate speech or sexual exploitation and abuse. Protecting a child's privacy in the digital environment may be vital in circumstances where parents or caregivers themselves pose a threat to the child's safety or where they are in conflict over the child's care. Such cases may require further intervention, as well as family counselling or other services, to safeguard the child's right to privacy.

- 1.2. **Online Safety Supports** - strongly recommend Online Safety Supports being incorporated into the Online Safety Code in order to mitigate any potential harm experienced by children and young people online.

Please note the following in relation to consideration of exemption for parental consent in the case of online safety supports:

UNCRC Comment 25 77 Providers of preventive or counselling services to children in the digital environment should be exempt from any requirement for a child user to obtain parental consent in order to access such services.³⁸ Such services should be held to high standards of privacy and child protection.

- 1.3. **Recommender System Safety** – very strongly recommend the Recommender System Safety being incorporated into the Online Safety Code It is vital that aggregate content which could cause harm to a child or young person is interrupted/mitigated

- the obligation on all platforms to provide transparency about how recommender systems operate and to make it easy for users to modify their choices when they have more than one option; and

Ensure that this is child friendly when the user is a child.

- provide users with at least one option that is not based on profiling
- Ensure that these options are child-friendly when the user is a child

As set out in General Comment 25 of the UNCRC

The following specific concerns in relation to automated recommender processes in relation to how they impact on children's rights are set out by the UNCRC:

UNCRC Comment 25 10 ... discrimination can arise when automated processes that result in information filtering, profiling or decision-making are based on biased, partial or unfairly obtained data concerning a child.

Privacy:

UNCRC Comment 25 40 ... the processing of personal data that may result in violations or abuses of children's rights, including through advertising design features that anticipate and guide a child's actions towards more extreme content, automated notifications that can interrupt sleep or the use of a child's personal information or location to target potentially harmful commercially driven content.

UNCRC Comment 25 42. States parties should prohibit by law the profiling or targeting of children of any age for commercial purposes on the basis of a digital record of their actual or inferred characteristics, including group or collective data, targeting by association or affinity profiling. Practices that rely on neuromarketing, emotional analytics, immersive advertising and advertising in virtual and augmented reality environments to promote products, application services should also be prohibited from engagement directly or indirectly with children.

Freedom of Thought, Conscience and Religion:

UNCRC Comment 25 61 States parties should ensure that uses of automated processes of information filtering, profiling, marketing and decision-making do not supplant, manipulate or interfere with children's ability to form and express their opinions in the digital environment.

UNCRC Comment 25 62... design standards that identify, define and prohibit practices that manipulate or interfere with children's right to freedom of thought and belief in the digital environment, for example by emotional analytics or inference. Automated systems may be used to make inferences about a child's inner state. They should ensure that automated systems or information filtering systems are not used to affect or influence children's behaviour or emotions or to limit their opportunities or development.

2. Draft Guidance Materials to support the proposed Supplementary Measures

Point 2.1 Safety by Design –

See above in reference to the recommendation for a Child Rights Impact Assessment Process to be incorporated into the safety by design process.

Point 2.2 Online Safety Supports

We strongly support online safety supports designed for children, particularly schools, charities and NGOs, funding initiatives, engagement with local authorities. We request that specific reference to child friendly and available to children be referenced in the Draft Guidance Materials

Additional Observations from DCEDIY Child Rights Policy Unit on the Consultation Document/Draft Online Safety Code

Child Rights Impact Assessment

A Child Rights Impact Assessment should be carried out as part of the implementation of the Online Safety Code overall, looking specifically at the likely impacts it will have on children.

Youth Advisory Committee

Clarification is requested on the exact make-up of the proposed Youth Advisory Committee. The initial reference to this committee (p. 5) states that it will seek representation from young people who are 25 years of age or younger, or of not more than 25 years of age. However, when the committee is referenced in the Annex (p.26), this refers to half of the members being under the age

of 25. The Department would welcome a focus on those aged 0-24, to align with the forthcoming policy framework for children and young people.

Child Friendly Version of the Online Safety Code:

Action 14.4 in Young Ireland: National Policy Framework for Children and Young People 2023-2028 requests that all departments and agencies Publish child-friendly versions of policies and strategies which are relevant to children and young people, for various age groups. A child-friendly version of the Code as relevant to children should be developed for this reason. DCEDIY and Hub na nÓg is available to support this work.

When VSPS providers design and implement online safety features for their platforms, they should ensure they are all fully available in a child-friendly format, so that all internet users, whatever their age, can report content in violation of the code.

Child Rights Training:

As also set out in Young Ireland: National Policy Framework for Children and Young People 2023-2028 DCEDIY will develop training for public servants and wider society to understand and realise the rights of children and young people across the lifetime of the Policy Framework. This will be tailored to ensure that the training is applicable and relevant to different sectors and different professions. This will include the development of training for interested members of the private sector and individuals, to be published and made available online.

DCEDIY would welcome reference to this training (currently under development) and encouragement of providers of digital content for children to take part in this training as part of the guidance materials accompanying the Code.

Message

From: Jean Milne [REDACTED]
Sent: 26/01/2024 14:38:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Lucyna Szpak [redacted]
Sent: 26/01/2024 14:44:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Coimisiún na Meán, you could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children, or any person whose age is unproven, to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and it could spur internet innovation that puts people before profits.

Please make it as robust as possible.

Kind regards,

Lucyna Szpak

Message

From: Lara Andrews [REDACTED]
Sent: 26/01/2024 14:47:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Lara, Coulter, Illyana and Lucy

Message

From: Linda Ferre [REDACTED]
Sent: 26/01/2024 14:47:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Make it better

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Kind regards,

Sent from my iPad

Message

From: [REDACTED]
Sent: 26/01/2024 14:48:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Jean François Guyard

Message

From: Ellin Jones [REDACTED]
Sent: 26/01/2024 14:48:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Ellin Jones

Message

From: Leslie Holmes [REDACTED]
Sent: 26/01/2024 14:48:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Andrej Béder [REDACTED]
Sent: 26/01/2024 14:48:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Blanca Staton [REDACTED]
Sent: 26/01/2024 14:48:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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B. Staton

Message

From: Jo-Ann Elliott [REDACTED]
Sent: 26/01/2024 14:48:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jo-Ann Elliott

Sent from my iPhone

Message

From: Ayyaz Elahi [REDACTED]
Sent: 26/01/2024 14:48:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Mark Leigh [REDACTED]
Sent: 26/01/2024 14:49:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mark Leigh

Message

From: [REDACTED]
Sent: 26/01/2024 14:49:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, Jacqueline Stroud

Message

From: Sara Al-Tai [REDACTED]
Sent: 26/01/2024 14:49:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Sara

Message

From: Johnny Y [REDACTED]
Sent: 26/01/2024 14:50:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

John Yatchisin

Sent from my iPhone

Message

From: Rafael Paredes [REDACTED]
Sent: 26/01/2024 14:50:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Raffy Paredes

Message

From: Mike Benson [REDACTED]
Sent: 26/01/2024 14:50:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 26/01/2024 14:50:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jim Malone

Message

From: Reginald Bradby [REDACTED]
Sent: 26/01/2024 14:50:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Reg and Elaine Bradby

Message

From: Seán Hall [REDACTED]
Sent: 26/01/2024 14:51:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Seán Hall

Message

From: Olivier Hespel [REDACTED]
Sent: 26/01/2024 14:51:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Olivier Hespel

Message

From: Paulo Marques [REDACTED]
Sent: 26/01/2024 14:51:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Message

From: [REDACTED]
Sent: 26/01/2024 14:51:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

M Marson

Message

From: felix spence [REDACTED]
Sent: 26/01/2024 14:51:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Daniella Barbosa [REDACTED]
Sent: 26/01/2024 14:51:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Brian Southern [REDACTED]
Sent: 26/01/2024 14:51:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards, Brian Southern

Sent from my iPad

Message

From: Doğan Özkan [REDACTED]
Sent: 26/01/2024 14:52:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dogan ozkan

Message

From: John Wozniak [REDACTED]
Sent: 26/01/2024 14:52:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Miguel Ángel Ibáñez Muñoz [REDACTED]
Sent: 26/01/2024 14:52:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Miguel Ángel Ibáñez Muñoz

Message

From: Arensha Garrison [REDACTED]
Sent: 26/01/2024 14:52:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Arensha Garrison
[REDACTED]

Message

From: Steven Loader [REDACTED]
Sent: 26/01/2024 14:52:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Ash [REDACTED]
Sent: 26/01/2024 14:52:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Aisling Soraghan

Message

From: Adrian Devlin [REDACTED]
Sent: 26/01/2024 14:52:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Adrian Devlin

Message

From: anna dymek [REDACTED]
Sent: 26/01/2024 14:53:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Anna Dymek

Sent from my iPhone

Message

From: Aasim Ali [REDACTED]
Sent: 26/01/2024 14:53:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

Message

From: Judith Willcox [redacted]
Sent: 26/01/2024 14:53:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Yours faithfully

Judith Willcox

Message

From: Joaquim M. Pujals [REDACTED]
Sent: 26/01/2024 14:53:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent: 26/01/2024 14:53:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Adrian Devlin

Message

From: Marc David [REDACTED]
Sent: 26/01/2024 14:54:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Marc David

Message

From: Cammie McAtee [REDACTED]
Sent: 26/01/2024 14:54:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation, which I believe holds promise for addressing serious problems in how inappropriate content reaches children and adolescents.

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Kind regards,

Message

From: Bradley Jones [REDACTED]
Sent: 26/01/2024 14:54:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind Regards,
Brad Jones

Message

From: Rob Spencer [REDACTED]
Sent: 26/01/2024 14:54:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Rob Spencer.

Message

From: Daiane Assuncao [REDACTED]
Sent: 26/01/2024 14:54:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Frédéric Fred [REDACTED]
Sent: 26/01/2024 14:54:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Teresa Hackett [REDACTED]
Sent: 26/01/2024 14:54:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Soo Chapman [REDACTED]
Sent: 26/01/2024 14:54:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Susan Chapman (Mrs)

Message

From: Paul Boorah [REDACTED]
Sent: 26/01/2024 14:54:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

[REDACTED]

Message

From: Alex Ross [REDACTED]
Sent: 26/01/2024 14:54:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Mandy Baldwin [REDACTED]
Sent: 26/01/2024 14:55:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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I fully support this request.

Kind regards,

Mandy Baldwin

Message

From: Don Andress [REDACTED]
Sent: 26/01/2024 14:55:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Donald Andress
[REDACTED]

Message

From: Nicholas Bayley [REDACTED]
Sent: 26/01/2024 14:55:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Jack Bailey [REDACTED]
Sent: 26/01/2024 14:55:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Paola G. Prever [REDACTED]
Sent: 26/01/2024 14:55:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Paola Gianani Prever

Inviato da iPhone

Message

From: peter oefferbauer [REDACTED]
Sent: 26/01/2024 14:56:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Peter Oefferbauer, [REDACTED]

Message

From: Raphael Ponce [REDACTED]
Sent: 26/01/2024 14:56:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Raphaël Ponce

Message

From: Hazel C [REDACTED]
Sent: 26/01/2024 14:56:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Pam Burdett [REDACTED]
Sent: 26/01/2024 14:56:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Pamela Burdett

Message

From: Marcio Ronaldo [REDACTED]
Sent: 26/01/2024 14:56:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Linda Gural [REDACTED]
Sent: 26/01/2024 14:57:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Linda Gural
[REDACTED]

Message

From: Gill Nickson [REDACTED]
Sent: 26/01/2024 14:57:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety "in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

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Kind regards,

Gill Nickson

Message

From: Sharon Mugford [REDACTED]
Sent: 26/01/2024 14:57:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sharon Mugford

Message

From: Anita [REDACTED]
Sent: 26/01/2024 14:58:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Verstuurd vanaf mijn iPhone

Message

From: andy gordon [REDACTED]
Sent: 26/01/2024 14:58:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Frida Rosengren [REDACTED]
Sent: 26/01/2024 14:58:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Du får inte e-post ofta från [REDACTED]. [Se varför det här är viktigt.](#)

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Skickat från [Outlook](#)

Message

From: Anne Rhodes [REDACTED]
Sent: 26/01/2024 14:58:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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this is important

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Message

From: Daniel Key [REDACTED]
Sent: 26/01/2024 14:58:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Mireille NOEL [REDACTED]
Sent: 26/01/2024 14:58:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]; NOEL [noelmireille@orange.fr]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

[REDACTED]

Message

From: Jan Draper [REDACTED]
Sent: 26/01/2024 14:59:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please make it as robust as possible.

Thanks and best wishes,

Jan Draper, [REDACTED]

Message

From: Collin Richardson [REDACTED]
Sent: 26/01/2024 14:59:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: David H Lewis [REDACTED]
Sent: 26/01/2024 14:59:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

David H Lewis BSc. MES.

[REDACTED]

Message

From: Sylvia Garcia [REDACTED]
Sent: 26/01/2024 14:59:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

[REDACTED]

Sent from my iPhone

Message

From: Lars Bille [REDACTED]
Sent: 26/01/2024 14:59:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Med Vänliga Hälsningar

Lars Bille
[REDACTED]

Message

From: Richard Sevier [REDACTED]
Sent: 26/01/2024 15:00:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Richard Sevier.

Sent from my iPhone

Message

From: Georg Schober [REDACTED]
Sent: 26/01/2024 15:00:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission
Importance:High

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Kind regards,
Georg Schober, M.D.

--

Diese Nachricht wurde von meinem Android Mobiltelefon mit [REDACTED]

Message

From: DAVID FISH [REDACTED]
Sent: 26/01/2024 15:00:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Barry McLoughlin [REDACTED]
Sent: 26/01/2024 15:00:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Kathy Bergquist [REDACTED]
Sent: 26/01/2024 15:00:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Kathy Bergquist

Message

From: Trudi Doyle [REDACTED]
Sent: 26/01/2024 15:00:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Trudi Doyle



Virus-free www.avg.com

Message

From: [REDACTED]
Sent: 26/01/2024 15:01:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

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Kind regards,

Message

From: Jackie Saltern [REDACTED]
Sent: 26/01/2024 15:01:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPad

Message

From: Michael Heath [REDACTED]
Sent: 26/01/2024 15:01:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPad

Message

From: Tim de Vries [REDACTED]
Sent: 26/01/2024 15:01:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Kind regards,
Tim de Vries
Eurosport | WielerFlits
[REDACTED]

Message

From: Eileen Sengupta [REDACTED]
Sent: 26/01/2024 15:01:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Virus-free www.avq.com

Message

From: Marta Leandro [REDACTED]
Sent: 26/01/2024 15:01:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Sylvain Trudeau [REDACTED]
Sent: 26/01/2024 15:02:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sylvain Trudeau

Message

From: susan cheetham [REDACTED]
Sent: 26/01/2024 15:03:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: James Crayton [REDACTED]
Sent: 26/01/2024 15:03:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

James Crayton

Message

From: ANTHONY PRIOR [REDACTED]
Sent: 26/01/2024 15:03:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Tony Prior – keep smiling –
sent from my iPad

Message

From: [REDACTED]
Sent: 26/01/2024 15:03:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Malin Viberg [REDACTED]
Sent: 26/01/2024 15:03:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Skickat från min iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 15:04:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my Galaxy

Message

From: José Carlos Carvalho Villela [REDACTED]
Sent: 26/01/2024 15:04:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Markus Weber [REDACTED]
Sent: 26/01/2024 15:04:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Markus Weber

Message

From: [REDACTED]
Sent: 26/01/2024 15:04:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Alexandros Chatzis

Message

From: Debra Dawes [REDACTED]
Sent: 26/01/2024 15:05:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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this is important

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Message

From: Jason Zammit [REDACTED]
Sent: 26/01/2024 15:05:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Do the RIGHT thing.

Kind regards,
Jason Zammit
Head of Content
Untangled Media Ltd
Malta

Message

From: Helen Granström [REDACTED]
Sent: 26/01/2024 15:05:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, Helen Granström [REDACTED].

Message

From: Graham Dobbs [REDACTED]
Sent: 26/01/2024 15:05:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Graham Dobbs.

Sent from my phone

Message

From: Wesley Choy [REDACTED]
Sent: 26/01/2024 15:06:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Wesley Choy

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From: Sarah [REDACTED]
Sent: 26/01/2024 15:06:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Joan Garber [REDACTED]
Sent: 26/01/2024 15:06:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Dawn Amos [REDACTED]
Sent: 26/01/2024 15:07:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Giles Manning [REDACTED]
Sent: 26/01/2024 15:07:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Giles Manning

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For more information please visit <http://www.symanteccloud.com>

Message

From: Michael Bazzant [REDACTED]
Sent: 26/01/2024 15:07:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: JMSampson [REDACTED]
Sent: 26/01/2024 15:08:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

[REDACTED]

[REDACTED]

Message

From: Leonie Dorrestein [REDACTED]
Sent: 26/01/2024 15:08:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Yours sincerely,
Leonie Dorrestein

Message

From: Gino Ripoli [REDACTED]
Sent: 26/01/2024 15:08:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Christine Reynolds [REDACTED]
Sent: 26/01/2024 15:08:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Christine Reynolds

Sent from my iPhone

Message

From: Garrett Findlay [REDACTED]
Sent: 26/01/2024 15:08:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Garrett Findlay
[REDACTED]

Message

From: Vittorio Amitrano [REDACTED]
Sent: 26/01/2024 15:09:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Tamara Strodl [REDACTED]
Sent: 26/01/2024 15:09:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Catherine Fernando [REDACTED]
Sent: 26/01/2024 15:09:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: mike conway [REDACTED]
Sent: 26/01/2024 15:11:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Mike Conway

Message

From: Steve Roker [REDACTED]
Sent: 26/01/2024 15:11:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Steven Eagles [REDACTED]
Sent: 26/01/2024 15:11:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sent: 26/01/2024 15:11:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Regiane Luhan [REDACTED]
Sent: 26/01/2024 15:12:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

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Kind regards,

Message

From: Roberto Barros Brant [REDACTED]
Sent: 26/01/2024 15:12:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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From: paul cleghorn [REDACTED]
Sent: 26/01/2024 15:12:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Paige Crewson [REDACTED]
Sent: 26/01/2024 15:13:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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T C Paige Crewson
[REDACTED]

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Message

From: [REDACTED]
Sent: 26/01/2024 15:14:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Megan Davies

Message

From: Lindsay Barr [REDACTED]
Sent: 26/01/2024 15:14:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Lindsay Barr

Sent from my Och Aye Phone 📱☑☑☑☑☑☑

Message

From: [REDACTED]
Sent: 26/01/2024 15:14:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Karen Peterson

Message

From: Brigit Campbell-McArdle [REDACTED]
Sent: 26/01/2024 15:14:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Hubert TMCTP [REDACTED]
Sent: 26/01/2024 15:16:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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this is important

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Kind regards

Message

From: Ignace DE VOLDER [REDACTED]
Sent: 26/01/2024 15:17:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Yours sincerely,

Ignace DE VOLDER,
Belgian citizen

Message

From: Candice Wych [REDACTED]
Sent: 26/01/2024 15:17:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my Galaxy

Message

From: [REDACTED]
Sent: 26/01/2024 15:18:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

R4_Sent from my iphone

Message

From: florian bobef [REDACTED]
Sent: 26/01/2024 15:18:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Margaret Dean [REDACTED]
Sent: 26/01/2024 15:18:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 26/01/2024 15:18:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Doreen McConachie [REDACTED]
Sent: 26/01/2024 15:19:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Many thanks & Kind regards,
Doreen McConachie
[REDACTED]

The biggest problem in the world is that some lives matter more than others. Dr Paul Farmer Partners in Health

Message

From: [REDACTED]
Sent: 26/01/2024 15:20:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Alan MacLamroc

Message

From: Stu Lorente-Cronin [REDACTED]
Sent: 26/01/2024 15:21:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Stuart Lorente-Cronin

Message

From: Corwin Khoe [REDACTED]
Sent: 26/01/2024 15:22:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sincerely,
Corwin Khoe

Message

From: [REDACTED]
Sent: 26/01/2024 15:22:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Janakie Arachi

Message

From: Ute Eckel [REDACTED]
Sent: 26/01/2024 15:22:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Ute Eckel

Message

From: Dr Emma Varley [REDACTED]
Sent: 26/01/2024 15:22:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Dr Emma Varley

Message

From: Dallas Windham [REDACTED]
Sent: 26/01/2024 15:22:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: [REDACTED]
Sent: 26/01/2024 15:23:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Nazmul D

Message

From: Paul Morgan [REDACTED]
Sent: 26/01/2024 15:23:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Marcos Ariel Balbuena [REDACTED]
Sent: 26/01/2024 15:24:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 26/01/2024 15:24:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Manpreet

Message

From: Anton Landfors [REDACTED]
Sent: 26/01/2024 15:24:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Du får inte e-post ofta från [REDACTED] [Se varför det här är viktigt.](#)

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Message

From: Herbert Suchy [REDACTED]
Sent: 26/01/2024 15:24:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Melvyn Silveston [REDACTED]
Sent: 26/01/2024 15:24:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Joanne Boissevain [REDACTED]
Sent: 26/01/2024 15:25:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Joanne Boissevain

Sent from my iPad

Message

From: Gilberto CT [REDACTED]
Sent: 26/01/2024 15:25:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Gilberto Cortes Tavares
[REDACTED]

Message

From: Randall Morrison [REDACTED]
Sent: 26/01/2024 15:26:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Randall J Morrison

Message

From: Jackie Wreford [REDACTED]
Sent: 26/01/2024 15:29:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

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From: Doug Winch [REDACTED]
Sent: 26/01/2024 15:29:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent: 26/01/2024 15:29:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Eric Soyeux [REDACTED]
Sent: 26/01/2024 15:30:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: socorro reis [REDACTED]
Sent: 26/01/2024 15:30:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Mathieu Robitaille [REDACTED]
Sent: 26/01/2024 15:30:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety code:

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: James Taylor [REDACTED]
Sent: 26/01/2024 15:30:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

James Taylor

Message

From: Kate Kenner [REDACTED]
Sent: 26/01/2024 15:32:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Kate Kenner

Message

From: Silvana Garcia Villarreal [REDACTED]
Sent: 26/01/2024 15:32:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: michael gallagher [REDACTED]
Sent: 26/01/2024 15:32:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: rosamundhoggard [REDACTED]
Sent: 26/01/2024 15:33:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Emelie Berglund [REDACTED]
Sent: 26/01/2024 15:33:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Emelie Berglund
[REDACTED]

Message

From: Ranferí. Ortega, [REDACTED]
Sent: 26/01/2024 15:34:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Francisco Lima [REDACTED]
Sent: 26/01/2024 15:35:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Liam Carr [REDACTED]
Sent: 26/01/2024 15:36:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Liam Carr

Message

From: Karen Dunn [REDACTED]
Sent: 26/01/2024 15:37:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Lucii Richardson [REDACTED]
Sent: 26/01/2024 15:39:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: sharyl gowans [REDACTED]
Sent: 26/01/2024 15:39:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Isabel Großkreuz [REDACTED]
Sent: 26/01/2024 15:39:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Isabel Grosskreuz

Message

From: RREDDING [REDACTED]
Sent: 26/01/2024 15:40:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

R. Reddingius
[REDACTED]

Message

From: [REDACTED]
Sent: 26/01/2024 15:41:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Tina Eldred
[REDACTED]

Message

From: Susan & David [REDACTED]
Sent: 26/01/2024 15:42:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Kenny Eldred
[REDACTED]

Message

From: John Gaul [REDACTED]
Sent: 26/01/2024 15:42:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. First it is great that Ireland is undertaking this legislation. I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. My hope is that if Ireland comes up with effective legislation on this issue Canada and other countries will begin to draft their own. Kind regards,

John Gaul [REDACTED]

Sent from [Outlook](#)

Message

From: Harris McSheffery [REDACTED]
Sent: 26/01/2024 15:42:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Harris McSheffery

Harris McSheffery
Exploratory Musician

Harris McSheffery Music
[REDACTED]



Message

From: Denise De Pape [REDACTED]
Sent: 26/01/2024 15:42:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Denise De Pape

Message

From: Jana Hummer [REDACTED]
Sent: 26/01/2024 15:44:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jana Hummer

“regulated content harmful to the general public” means: - content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation.

There are no exceptions or provisos detailed when limitations on content containing hate speech is restricted, and users accounts etc restricted. That is hugely problematic. Even the heavily criticised Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 contains defences relating to “reasonable and genuine contribution”, in relation to literary, artistic, political, scientific, religious or academic discourse.

This is a startlingly long list of characteristics which proves immensely difficult for users and services to navigate and interpret. One only needs to ponder what “religion or belief” could comprise, "social origin" or “political or any other opinion.”

Without exceptions, and as drafted, it could prohibit and restrict free speech in relation to:-

- The reporting of hate speech
- Fiction depicting hatred speech or violence occurring
- Video of a gamer killing people within the game
- Comedy
- Historical footage
- Education
- History and
- Interviews on controversial topics
- Discussion on matters of public interest

Message

From: Giuseppe Pranteda [REDACTED]
Sent: 26/01/2024 15:44:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Giuseppe Pranteda

Message

From: Helen Wrigley [REDACTED]
Sent: 26/01/2024 15:44:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

helen wrigley
[REDACTED]

Sent from my iPhone

Message

From: Richard Marsh [REDACTED]
Sent: 26/01/2024 15:44:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Damián Baena [REDACTED]
Sent: 26/01/2024 15:45:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Eslam Moussa [REDACTED]
Sent: 26/01/2024 15:46:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Best Regards,
Eslam Moussa

Message

From: Norbert Frantz [REDACTED]
Sent: 26/01/2024 15:47:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Norbert Frantz

Message

From: thomas anderson [REDACTED]
Sent: 26/01/2024 15:47:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Mandy Hanton [REDACTED]
Sent: 26/01/2024 15:49:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Mandy Hanton

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From: Geoff Nixon [REDACTED]
Sent: 26/01/2024 15:49:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Shan Bramley [REDACTED]
Sent: 26/01/2024 15:49:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: G D Muhit [REDACTED]
Sent: 26/01/2024 15:49:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Dua Muhit

Message

From: Kenneth Cowling [REDACTED]
Sent: 26/01/2024 15:50:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: John Edwin Dennett [REDACTED]
Sent: 26/01/2024 15:50:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

John Dennett

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From: Marjorie Spence [REDACTED]
Sent: 26/01/2024 15:51:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sent from my iPad

Message

From: Louise Nielsen [REDACTED]
Sent: 26/01/2024 15:51:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: John Liss [REDACTED]
Sent: 26/01/2024 15:52:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

John Liss
[REDACTED]

Message

From: Maria Cordina [REDACTED]
Sent: 26/01/2024 15:53:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: claire littleford [REDACTED]
Sent: 26/01/2024 15:53:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Claire Littleford

Sent from my iPhone

Message

From: Erica Goldstone [REDACTED]
Sent: 26/01/2024 15:54:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Peter Dutch [REDACTED]
Sent: 26/01/2024 15:54:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Peter W Dutch

Message

From: Rick Haden [REDACTED]
Sent: 26/01/2024 15:54:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Rick Haden

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From: Nigel Paddon [REDACTED]
Sent: 26/01/2024 15:55:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Nigel Paddon

(UK Citizen, for clarity)

Message

From: William Edelman [REDACTED]
Sent: 26/01/2024 15:57:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Mike G [REDACTED]
Sent: 26/01/2024 15:57:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Jonathan Dawes [REDACTED]
Sent: 26/01/2024 15:58:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Jon Dawes

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From: Ileano Cerroni [REDACTED]
Sent: 26/01/2024 15:59:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

ileano cerroni

Message

From: Michael Hanlon [REDACTED]
Sent: 26/01/2024 15:59:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Michael

Sent from my iPhone

Message

From: paul lane [REDACTED]
Sent: 26/01/2024 16:00:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Patrizia Lopreno [REDACTED]
Sent: 26/01/2024 16:00:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Envoyé de mon iPhone

Message

From: Arpad Heldmann [REDACTED]
Sent: 26/01/2024 16:00:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Nancy Lucar [REDACTED]
Sent: 26/01/2024 16:01:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Cristian Pantano [REDACTED]
Sent: 26/01/2024 16:02:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Violetta Rodigari [REDACTED]
Sent: 26/01/2024 16:02:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Katarina Ressel [REDACTED]
Sent: 26/01/2024 16:02:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Katarina Ressel

Message

From: gillian tebbs [REDACTED]
Sent: 26/01/2024 16:03:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán, As a qualified secondary teacher in the UK, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards, Miss Gillian Tebbs

Message

From: Phil Klein [REDACTED]
Sent: 26/01/2024 16:03:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Cristian Pantano [REDACTED]
Sent: 26/01/2024 16:03:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: gerard gardner [REDACTED]
Sent: 26/01/2024 16:03:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Gerard Gardner

Message

From: Violetta Rodigari [REDACTED]
Sent: 26/01/2024 16:03:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Violetta Rodigari

Message

From: Caroline R.Burgoyne [REDACTED]
Sent: 26/01/2024 16:03:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.....I congratulate you on the efforts you have made so far and would like to make a few suggestions that may tighten up some areas of the code.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,
Caroline Burgoyne.

Message

From: ann sanderson [REDACTED]
Sent: 26/01/2024 16:04:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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platforms artificially amplifying hate, hysteria, suicide and disinformation,
and to spur internet innovation that puts people before profits. Please make it
as robust as possible.

Kind regards,

Sent from my iPad

Message

From: PETER NIELSEN [REDACTED]
Sent: 26/01/2024 16:04:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: christine de jong [REDACTED]
Sent: 26/01/2024 16:04:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Barbara Hocke [REDACTED]
Sent: 26/01/2024 16:04:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am pleased to hear about Ireland doing a public consultation about the Online Safety Code and want to comment on it.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Barbara Hocke

Message

From: Tammy Banks [REDACTED]
Sent: 26/01/2024 16:05:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Phyllis Webster [REDACTED]
Sent: 26/01/2024 16:05:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sincerely, Phyllis Webster

Message

From: Liz Brereton [REDACTED]
Sent: 26/01/2024 16:05:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Alaine McGill [REDACTED]
Sent: 26/01/2024 16:06:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Alaine McGill

Message

From: SUE CUFF [REDACTED]
Sent: 26/01/2024 16:06:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

[REDACTED]

Message

From: christine de jong [REDACTED]
Sent: 26/01/2024 16:06:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards, Christine de Jong

Message

From: SUE CUFF [REDACTED]
Sent: 26/01/2024 16:06:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

[REDACTED]

Message

From: Frascini Giorgio [REDACTED]
Sent: 26/01/2024 16:07:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Giorgio Frascini

Message

From: Stephanie Boughton [REDACTED]
Sent: 26/01/2024 16:08:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Marianne R [REDACTED]
Sent: 26/01/2024 16:11:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: rollie rvdb [REDACTED]
Sent: 26/01/2024 16:11:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

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Message

From: Christina Zois [REDACTED]
Sent: 26/01/2024 16:12:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Cristina E. Zois, Greek Ambassador's wife



Virus-free. www.avg.com

Message

From: Denise Wilden [REDACTED]
Sent: 26/01/2024 16:14:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Amanda and [REDACTED] Ralph [REDACTED]
Sent: 26/01/2024 16:14:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Amanda Ralph

Message

From: Caroline Sévilla [REDACTED]
Sent: 26/01/2024 16:15:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Caroline Sévilla

Message

From: Thiago Meneghel Marques [REDACTED]
Sent: 26/01/2024 16:15:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Martin Horan [REDACTED]
Sent: 26/01/2024 16:15:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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[this is important](#)

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Kind regards,

Martin Horan.

Sent from [Outlook for Android](#)

Message

From: Val Coghlan [REDACTED]
Sent: 26/01/2024 16:16:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Valerie Coghlan

Message

From: Ashleigh Crowley [REDACTED]
Sent: 26/01/2024 16:16:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 16:17:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Dale [REDACTED]
Sent: 26/01/2024 16:19:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dale Cameron

Sent from my iPad

Dale T

Message

From: colin roth [REDACTED]
Sent: 26/01/2024 16:19:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, can I suggest that you review paragraph 1.3 of the Draft Supplementary Measures to remove any loopholes or ambiguity. For example, you could remove "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", and clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Message

From: Mike Stamper [REDACTED]
Sent: 26/01/2024 16:20:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: phil meadows [REDACTED]
Sent: 26/01/2024 16:21:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Laura Saunders [REDACTED]
Sent: 26/01/2024 16:21:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Anthony Albert [REDACTED]
Sent: 26/01/2024 16:22:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Dubreen Alas [REDACTED]
Sent: 26/01/2024 16:22:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 16:23:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Jean-Pierre Dewit

Message

From: Christian Garland [REDACTED]
Sent: 26/01/2024 16:25:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Ana Waissbein [REDACTED]
Sent: 26/01/2024 16:25:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Ana Waissbein

Message

From: christine mould [REDACTED]
Sent: 26/01/2024 16:25:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Filza Chaudhry [REDACTED]
Sent: 26/01/2024 16:26:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Filza Chaudhry

Message

From: Helen [REDACTED]
Sent: 26/01/2024 16:27:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from [Outlook for iOS](#)

Message

From: Robin Myers [REDACTED]
Sent: 26/01/2024 16:27:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

rob myers

Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 16:27:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my Galaxy

Message

From: [REDACTED]
Sent: 26/01/2024 16:28:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Llewelyn LaVista

Message

From: Cristina Gonzalez [REDACTED]
Sent: 26/01/2024 16:28:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sent from [Outlook](#)

Message

From: Gianna Cernuschi [REDACTED]
Sent: 26/01/2024 16:29:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Gianna Cernuschi

Message

From: Elaine Crayton [REDACTED]
Sent: 26/01/2024 16:29:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Elaine Crayton

Message

From: Stephen Moorehead [REDACTED]
Sent: 26/01/2024 16:30:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Raoul [REDACTED]
Sent: 26/01/2024 16:30:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Raoul Facchin

Message

From: Diane Batten [REDACTED]
Sent: 26/01/2024 16:30:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Carol Joyce [REDACTED]
Sent: 26/01/2024 16:31:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

Message

From: Mahiri Dyana [REDACTED]
Sent: 26/01/2024 16:32:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Daniel Cortes [REDACTED]
Sent: 26/01/2024 16:32:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Daniel

Message

From: Tomasz Marchewka [REDACTED]
Sent: 26/01/2024 16:34:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

--

Sent from my Android phone with [REDACTED] Please excuse my brevity.

Message

From: [REDACTED]
Sent: 26/01/2024 16:35:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Tommy Larsen [REDACTED]
Sent: 26/01/2024 16:36:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Du får ikke ofte mails fra [REDACTED]. Få mere at vide om, hvorfor dette er vigtigt

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Kind regards,
Tommy Larsen [REDACTED]

Message

From: Suzanne Molyneux [REDACTED]
Sent: 26/01/2024 16:37:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Suzanne
[REDACTED]

Message

From: Carol Dixon [REDACTED]
Sent: 26/01/2024 16:38:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Nathan Schaper [REDACTED]
Sent: 26/01/2024 16:39:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: doug mccorkindale [REDACTED]
Sent: 26/01/2024 16:40:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: SALLY MUSSON [REDACTED]
Sent: 26/01/2024 16:40:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: André Mung [REDACTED]
Sent: 26/01/2024 16:40:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Daniela Reis [REDACTED]
Sent: 26/01/2024 16:40:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Susanne Jackson [REDACTED]
Sent: 26/01/2024 16:41:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Susanne Jackson

“Be the change you want to see in the world”

Message

From: [REDACTED]
Sent: 26/01/2024 16:41:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Non si ricevono spesso messaggi di posta elettronica da [REDACTED]
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Kind regards, and with much gratitude for this whole process, which I hope will rapidly be imitated elsewhere!
Michael Knapton [REDACTED]

Message

From: Pol Plot [REDACTED]
Sent: 26/01/2024 16:42:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: David Dugmore [REDACTED]
Sent: 26/01/2024 16:42:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: William Rennie [REDACTED]
Sent: 26/01/2024 16:44:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Michael Talbot [REDACTED]
Sent: 26/01/2024 16:45:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 26/01/2024 16:46:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kindest regards,
Cat Marshall

Message

From: janita monteiro [REDACTED]
Sent: 26/01/2024 16:47:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Paul Wilson [REDACTED]
Sent: 26/01/2024 16:47:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Shirley Franklin [REDACTED]
Sent: 26/01/2024 16:48:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Shirley Franklin

Message

From: Susan Turansky [REDACTED]
Sent: 26/01/2024 16:51:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Susan Turansky
[REDACTED]

Message

From: peanut white [REDACTED]
Sent: 26/01/2024 16:52:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Anna-Marie Hafner [REDACTED]
Sent: 26/01/2024 16:52:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Anna-Marie

Message

From: Linda Fox [REDACTED]
Sent: 26/01/2024 16:53:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind regards,

Message

From: Georgio Raphaelli [REDACTED]
Sent: 26/01/2024 16:53:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Georgio.

Message

From: katriene broersma [REDACTED]
Sent: 26/01/2024 16:53:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Message

From: Irene Lam [REDACTED]
Sent: 26/01/2024 16:53:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Daniela Stegelmann [REDACTED]
Sent: 26/01/2024 16:54:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: cinzia roncarati [REDACTED]
Sent: 26/01/2024 16:54:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Inviato da iPhone

NICAM's response to CNAM's public consultation on the Draft Online Safety Code

First of all, the Netherlands Institute for the Classification of Audiovisual Media (NICAM) hereby expresses her gratitude to Coimisiún na Meán (CnM) for providing the opportunity to respond to this consultation. And we can say that after providing our input to the Call for Inputs in September (Cfi), the work done on the code is impressive.

In addition to the input provided to the Cfi, we selected a number of questions to which NICAM would like to stress specific elements or concerns, which we feel could potentially further improve the protection of minors online and safeguard the rights they have.

Selected questions

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

This approach could be beneficial to children's safety as long as the content is being evaluated by means of uniform, scientifically based criteria supervised by an independent body or regulator.

NICAM's expertise lies in the content analysis of Audiovisual content, we know that different content types need different approaches concerning harmfulness to children up to certain ages.

Text, images, videos, interaction all have different capabilities of harming children up to certain ages. Video's and images for instance can be harmful to children from very young ages, starting when basic eye-sight is functioning and understanding of the images developing throughout their childhood. Hence also our recommendations in question 5.

5. Do you have any comments on any other definitions provided in the draft Code?

In the code a child is being defined as anyone under 18. While this makes sense, the code leaves little room for distinction between children in different developmental stages. What is potentially harmful for a 9 year old or 12 year old differs greatly from what is harmful for a 16 or 17 year old (e.g., horror content that does not necessarily include gratuitous violence may be fine for a 16 year old, but is harmful for a 12 or 13 year old).

Furthermore. In regulated content harmful for children risky challenges are covered which is good in our view, however, other well-known and well-studied health risk behaviors (particularly substance use) are not. It is stated that "Other types of content harmful to children were raised by a few respondents to the call for inputs. *These include content that encourages the consumption of alcohol or illegal drugs, and exposure to extremist content. Audiovisual commercial communications for alcohol that is aimed specifically at children is prohibited by the draft Code as harmful to children.*"

However: commercial communications for alcohol/ tobacco products that are not aimed specifically at children or that are not commercial (peers smoking/ drinking) would still be potentially (very) harmful for children, these should be included in our view. Furthermore, social media platforms also contain non-commercial content that encourages the consumption of alcohol, illegal drugs, tobacco, vaping etc. These also, should be included since they pose big health risks to children. Especially since creators on VSPS are considered by children as super peers which enhances the impact of what they do or say even more than the mere attraction to this kind of risk behavior during their teenage years.

Scientific backgrounds:

[Viral Vaping: A systematic review and meta analysis of e-cigarette and Tobacco-Related social media content and its influence on youth behaviours and attitudes - ScienceDirect](#)

[User-generated content and influencer marketing involving e-cigarettes on social media: a scoping review and content analysis of YouTube and Instagram | BMC Public Health \(springer.com\)](#)

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

The terms and conditions prescriptions do not include an obligation for users to rate their productions. This is something we would advocate in order for the age ratings to be taken seriously on these platforms. As mentioned in our previously provided input, rating content and the showing of national age ratings should be an integral part of these services.

Something else what stood out for us is that the general responsibilities for the protection of minors are given to users and parents by having to include that:

- children cannot use the service under a certain age
- adult users are not allowed to share their accounts with children
- technical measures should prevent them from accessing

This poses a lot of risks, especially since we know that children are very capable of finding different way to access platforms despite technical protection measures or Terms and Conditions.

Generally speaking the code leans very much on the technical protection measures provided by the platforms. These will be a black box and access to camera/ data/ privacy sensitive information will be needed in many cases. Which is an unwanted situation especially where children are concerned.

The code is mainly focused on defining 18+ content and creating 18+ accounts with terms and conditions. However, this seems to put a lot of the responsibility on the user and relatively little responsibility with the platforms with regard to providing content information / warnings. Setting up age verification techniques at 18 years, will not stop children from using these platforms and we should take this into account.

Therefore, we think that making VSPS a safe place until you can identify yourself being 18+ would be the preferred solution here. This should in our view be combined with the deliverance of content information on the platform in the form of age ratings and content advice to enable children to make their own, informed decisions. This should be information that they can trust. Generated based on uniform (scientific) criteria, provided in easy to understand information on the platforms and monitored independently. Preferably by a non-profit organization that has their best interests at the core of their business.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

NICAM's experience with this is that an independent organization overseeing a flagging and/ or complaints procedure, including the obligation to publish decisions made (for transparency), is in the public interest and strengthens the reliability of the method or system.

Within NICAM/ Kijkwijzer we are working with an independent complaints board to deal with complaints from the public. After a decision has been made by this board, it is published on our public website and sanctions can be imposed based on the outcome.

In general we can say that from our experience we can strongly advise to create a system where the requirements, timelines and potential sanctions are clear and transparent combined with a means of escalation in the form of independent complaints board followed by an appeals board and publication of decisions.

9. What is your view on the requirements in the draft Code in relation to age verification?

VSPS should, in principle, be a safe place for children. This means that content rated higher than All ages would not be accessible without an account (parent and or child), parental controls and potentially age verification. When certain (back catalogue) content has not been rated, it should not be accessible for kids (i.e., treated the same as content with the highest age rating). When profiles are not logged in, only content suitable for all ages should be accessible. For this approach, it is necessary that all content gets rated (e.g., by uploaders during the uploading process) and parental controls and age verification (for adults) is in place.

We would strongly recommend to not suggest automated systems for age estimation in the code. We see two major issues with those: firstly the users are being made responsible and secondly it offers additional major risks in relation to privacy and reliability.

Children are very inventive when it comes to technical protection measures preventing them from accessing the content they would like to access. From our experience and research we can say that we do not believe that age verification will lead to children not using their favourite platforms. They will find ways to access them as they do now leading to serious and harmful situations.

Therefore, acknowledging that children are accessing these platforms and taking their safety serious without impacting their privacy would be our strong suggestion. Rather we would advise empowering them and their parents to enable them to make an informed decision. We believe that this can be done by informing them by means of ages content ratings and content descriptors (see question 10) and linking these to parental controls.

10. What is your view on the requirements in the draft Code in relation to content rating?

NICAM is happy to see that content rating requirements are included in the code. In our view age ratings combined with content advise, as advised in the AVMSD, forms the basis for almost all protection measures. It empowers children and parents by providing additional information on which they can base their viewing decisions. Access to this kind of information is seen as a basic children's right:

Children have the right to get information from the Internet, radio, television, newspapers, books and other sources. Adults should make sure the information they are getting is not harmful. Governments should encourage the media to share information from lots of different sources, in languages that all children can understand.

Source (Unicef): <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>

The code seems to leave the specifics of content rating very open and up to the platforms. We argue to be more specific in the requirements regarding objective content ratings and place more responsibility on the platforms, as well as requiring them to work with us and facilitate the showing of our ratings and pictograms on their platforms. Preferably a uniform rating system applicable to all VSPS available to children in the EU.

11.22 states: *The content rating system shall enable users to rate whether the content is appropriate for children and shall enable users to suggest the age(s) of children for whom the content is appropriate, or inappropriate, as the case may be.*

However, it is unclear what users or platforms should base those suggested ages on. It is unlikely that users will have adequate knowledge on children's development in relation to media and potentially harmful media effects to properly make such decisions or recommendations. The same may be said for VSPS themselves, who on top of this may also have commercial interests.

For content ratings to be valuable and trusted by the users (children and parents) on the VSPS the content rating system must deliver age ratings plus content labels based on uniform (scientific) criteria.

As with food ingredient labels, consumers have the right to this information upfront to be able to make a well informed decision on what to watch.

The AVMSD describes age labelling and content advise as an obligation. This is not reflected in this version of the code. We would strongly advise for these to be included as an obligation also for the regulated content and also for ages under 18 since we know that younger children are using VSPS.

NICAM strongly advises to include in the code an obligatory cooperation of the VSPS with national regulators and rating bodies on age rating requirements and to facilitate these national systems on their platforms. The task of creating a (preferably universal) rating system for VSPS can then be taken up by independent regulators/ bodies like NICAM with the sole aim of the protection of minors.

We advise to create a universal system which has the potential to create a levelled playing field for the protection of minors on all VSPS in the EU to prevent unwanted effects that could occur due to commercial motives. We advise to take one universal approach. These unwanted effects could include competition between EU memberstates or VSPS on the level of protection on their platforms or in regulation.

11.23 states: That platforms "*shall ensure that the system adopted is objective*" but also remains unclear on what this should entail. This could mean that each platform could come up with their own content rating systems, based on their own (potentially commercially driven) preferences which could essentially become a black box.

For users, an objective and consistent (universal) third party rating system that is transparent and based upon media effect studies and developmental psychology is essential. This is also touched upon in the guidance on page 68/69. We very much appreciate the referral to NICAM as a national rating system. However, rather than merely advising the use of national rating systems, while a more universal rating system is pending in the guidance, it would seem preferable to include this also in the code. Also since Dutch creator already are obliged to use ratings on their content according to the Dutch Media Act.

11. What is your view on the requirements in the draft Code in relation to parental controls?

From our research we have learned that parental controls are used only for younger children up unto 9 years of age. Therefore, for these measures to be effective, age ratings and content advise for all content, specifically for the content that might be milder but still harmful to this younger group of children (3 – 9), is needed to make these effective.

Parental controls that are not easy to setup or are based on unclear or untrusted ratings/ criteria will most likely not be understood/ trusted by parents and therefore not used. Additionally, we feel it should be an obligation to have the parental controls on by default. Protecting children that are wondering on a VSPS without supervision.

12. What is your view on the requirements in the draft Code in relation to complaints?

See our previous comments on question 8.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

The need for processing of children’s personal data in general should be avoided at all cost, especially by commercial organizations. A ‘safe by default’ approach would not create a need for processing children’s data, just that of adults, who understand what they sign up to.

Accessing children’s data even when not used commercially, by commercial organisations sounds a bit like telling a child to not touch the cookies on the table. At least, the code should include what happens to the personal data of the children once they turn 18.

Guidance

Age verification

Generally: these technical measures should not be directed at children, storing any of their data while declaring their age. We feel that the potential privacy risks do not outweigh the advantages these measures will have.

Direct these towards adults, by means of payment methods/ id/ tokenised age checking.

Content rating:

Commission may consider at a future date whether to introduce a consistent system to be used by providers.

NICAM strongly recommends to deal with this now and create this consistent and universal system for age rating content and include this in the code.

It now states: Content rating could distinguish between material posted as a contribution to civic discourse or for educational purposes as opposed to material that is intended to entertain, disgust or shock.

How can anyone determine the intention of a certain production? There can be mitigating factors as we distinguish within our rating system, but we strongly advise to make these objective.

Message

From: Kenneth Butcher [REDACTED]
Sent: 26/01/2024 16:57:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

Message

From: yosel mouzo [REDACTED]
Sent: 26/01/2024 16:58:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent: 26/01/2024 16:58:39
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From: Ian Burrow [REDACTED]
Sent: 26/01/2024 16:59:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iBrain

Message

From: Maria Hooper [REDACTED]
Sent: 26/01/2024 16:59:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 16:59:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Robin Knight

Message

From: Edson A. Andrade do Carmo [REDACTED]
Sent: 26/01/2024 17:00:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Garth Wiebe [REDACTED]
Sent: 26/01/2024 17:01:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Garth

Message

From: Callen Lahsas [REDACTED]
Sent: 26/01/2024 17:02:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Thank you,
Callen

Message

From: Patrick Tougas [REDACTED]
Sent: 26/01/2024 17:03:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Paul Janssens [REDACTED]
Sent: 26/01/2024 17:03:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Paul Janssens

Message

From: Chloe Chard [REDACTED]
Sent: 26/01/2024 17:04:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Chloe Chard

Message

From: Craig Williams [REDACTED]
Sent: 26/01/2024 17:05:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Andrzej Bański [REDACTED]
Sent: 26/01/2024 17:05:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Andrzej Bański

Message

From: Heloisa Ulian [REDACTED]
Sent: 26/01/2024 17:06:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: BIRGIT HERMANN [REDACTED]
Sent: 26/01/2024 17:06:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sent from my iPhone

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From: Anders Bergman [REDACTED]
Sent: 26/01/2024 17:06:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Mr A. Bergman

Message

From: Mark Mansfield [REDACTED]
Sent: 26/01/2024 17:07:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Tim Graham [REDACTED]
Sent: 26/01/2024 17:08:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Adam Rohrlick [REDACTED]
Sent: 26/01/2024 17:08:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Adam Rohrlick

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From: Adrien Jeannerot [REDACTED]
Sent: 26/01/2024 17:09:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Adrien Jeannerot

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Sent: 26/01/2024 17:10:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: sam huang [REDACTED]
Sent: 26/01/2024 17:10:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Alex Murphy [REDACTED]
Sent: 26/01/2024 17:11:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Margaret McDonald [REDACTED]
Sent: 26/01/2024 17:11:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Margaret McDonald

Sent from my iPad

Message

From: Lorenzo Martire [REDACTED]
Sent: 26/01/2024 17:11:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Lefèbre [REDACTED]
Sent: 26/01/2024 17:12:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Domenica Lefèbre

Message

From: Heather Jewers [REDACTED]
Sent: 26/01/2024 17:14:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Heather Jewers

Sent from my iPhone

Message

From: Afreen Huq [REDACTED]
Sent: 26/01/2024 17:16:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Afreen H Huq

Message

From: Ricardo van Gelderen [REDACTED]
Sent: 26/01/2024 17:17:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: susan lockyer [REDACTED]
Sent: 26/01/2024 17:17:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Margaret Grant [REDACTED]
Sent: 26/01/2024 17:18:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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You could do so much to make life better for our growing children and young people.

Kind regards,

Margaret Grant

Message

From: Ildi Racho [REDACTED]
Sent: 26/01/2024 17:18:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: Christine Proulx [REDACTED]
Sent: 26/01/2024 17:19:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Christine Proulx

Message

From: John Baser [REDACTED]
Sent: 26/01/2024 17:19:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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John Baser

Message

From: Asad Ismi [REDACTED]
Sent: 26/01/2024 17:20:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: malik guerniche [REDACTED]
Sent: 26/01/2024 17:20:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Maria Archer [REDACTED]
Sent: 26/01/2024 17:21:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Vera Helena Manga do Amaral [REDACTED]
Sent: 26/01/2024 17:22:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Fatima Thobani [REDACTED]
Sent: 26/01/2024 17:22:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

Message

From: Stephen Burns [REDACTED]
Sent: 26/01/2024 17:22:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: C-HUBY [REDACTED]
Sent: 26/01/2024 17:23:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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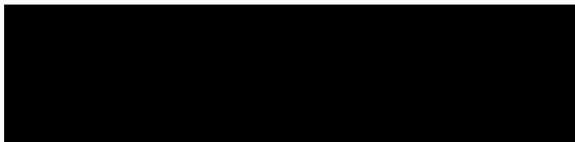
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Kind regards,

Charles HUBY
Portraitiste photographe



Message

From: Jesse Reyes [REDACTED]
Sent: 26/01/2024 17:23:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jesse Reyes

[REDACTED]

Sent from my iPhone

Message

From: Nathalie Guillemette [REDACTED]
Sent: 26/01/2024 17:23:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Rosemary Wakelin [REDACTED]
Sent: 26/01/2024 17:26:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Rosemary Wakelin

Sent from my iPad

Message

From: John O'Connor [REDACTED]
Sent: 26/01/2024 17:27:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: paul des [REDACTED]
Sent: 26/01/2024 17:27:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Message

From: Ali Hart [REDACTED]
Sent: 26/01/2024 17:29:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Ali Hart

Message

From: Brian Hogg [REDACTED]
Sent: 26/01/2024 17:29:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Virus-free. www.avg.com

Message

From: Rauline Freier [REDACTED]
Sent: 26/01/2024 17:30:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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I would like emphasis on # 13! Thank you . Rauline Freier

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Kind regards,

Sent from my iPhone

Message

From: Claudia Leete [REDACTED]
Sent: 26/01/2024 17:30:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Claudia

Message

From: Dorothy Fall [REDACTED]
Sent: 26/01/2024 17:30:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Dorothy Fall
[REDACTED]

Message

From: [REDACTED]
Sent: 26/01/2024 17:31:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 17:32:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Shenpen

Message

From: [REDACTED]
Sent: 26/01/2024 17:32:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

All the best,
Taran

Message

From: Sarah Fairbairns [REDACTED]
Sent: 26/01/2024 17:32:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sarah Fairbairns

Sent from my iPhone

Message

From: Gloria Albert [REDACTED]
Sent: 26/01/2024 17:33:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Wellness Works

Gloria Albert, Director
[REDACTED]

Message

From: Juwairiah Khan [REDACTED]
Sent: 26/01/2024 17:34:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]

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Kind regards,

Juwairiah Khan

Message

From: Kristine Hammel [REDACTED]
Sent: 26/01/2024 17:34:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: [REDACTED]
Sent: 26/01/2024 17:34:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Guillaume Rousseau PhD
Soil Ecologist
Postgraduate Program in Agroecology
Maranhão State University
São Luis, Brazil

Message

From: Victoria Meacock [REDACTED]
Sent: 26/01/2024 17:36:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Regine Baur-Guth [REDACTED]
Sent: 26/01/2024 17:36:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Sie erhalten nicht oft eine E-Mail von [REDACTED]. [Erfahren Sie, warum dies wichtig ist](#)

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Kind regards,
Regine Baur-Guth

Message

From: Caio Fernando de Oliveira [REDACTED]
Sent: 26/01/2024 17:37:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

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Kind regards,

Message

From: susan diane [REDACTED]
Sent: 26/01/2024 17:37:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Susan Diane

Sent from my iPhone

Message

From: Christian Hikisch [REDACTED]
Sent: 26/01/2024 17:38:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Lorenzo Martire [REDACTED]
Sent: 26/01/2024 17:38:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: C Thomas [REDACTED]
Sent: 26/01/2024 17:40:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Corinne Mongey [REDACTED]
Sent: 26/01/2024 17:43:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Roger Turner [REDACTED]
Sent: 26/01/2024 17:43:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Paula Robb [REDACTED]
Sent: 26/01/2024 17:44:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Colleen Berg [REDACTED]
Sent: 26/01/2024 17:44:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Joshua Dyson [REDACTED]
Sent: 26/01/2024 17:45:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Joshua Dyson.

Message

From: Brett Langridge [REDACTED]
Sent: 26/01/2024 17:46:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Sabine Bürgermeister [REDACTED]
Sent: 26/01/2024 17:46:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Sabine Buergermeister

--
Sabine Buergermeister
[REDACTED]

Message

From: Jean McNeil [REDACTED]
Sent: 26/01/2024 17:46:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: W Barth [REDACTED]
Sent: 26/01/2024 17:46:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

W Bartholomew

Message

From: John Fletcher [REDACTED]
Sent: 26/01/2024 17:47:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: MaR TF [REDACTED]
Sent: 26/01/2024 17:47:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Martha Torres F

Message

From: Renato Crapanzano [REDACTED]
Sent: 26/01/2024 17:47:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Gordon Flett [REDACTED]
Sent: 26/01/2024 17:49:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Christa K. [REDACTED]
Sent: 26/01/2024 17:50:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Von meinem iPad gesendet

Message

From: Nancy Buye [REDACTED]
Sent: 26/01/2024 17:51:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost, especially the children.

I feel the Coimisiún na Meán would make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Thank you for your consideration and for taking action.

Kind regards,
Nancy

Message

From: [REDACTED]
Sent: 26/01/2024 17:51:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

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Kind regards,

Caroline Newings

Sent from my HUAWEI P30

Message

From: [REDACTED]
Sent: 26/01/2024 17:55:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Kathleen Baker

Message

From: Larry Church [REDACTED]
Sent: 26/01/2024 17:55:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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These corporations prey on young children and people gullible enough to believe them. The CEOs are paid millions of \$\$\$\$\$ to cause havoc around the world. They are sick people. They need to be stopped. They should not have the right or freedom to spread their filth. They know what they are doing and are laughing all the way to the bank. One has wonder what is the purpose behind all this hate and miss-representation of the truth. The truth is not something they want you to know. They want you to know and believe only what they tell you.

We all must work hard at stopping them. Please make your legislation strong to protect all people from their corporate hate. You must think not of corporate profit but of corporate GREED. Money first and last people never.

Kind regards,

Message

From: David Daniels-Malboeuf [REDACTED]
Sent: 26/01/2024 17:55:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

David Daniels

Sent from my shoePhone
please excuses any typos from my text or dictation.

Message

From: Julie Williams [REDACTED]
Sent: 26/01/2024 17:57:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: David Cleaton [REDACTED]
Sent: 26/01/2024 17:57:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

David Cleaton

Message

From: Jill Fillis [REDACTED]
Sent: 26/01/2024 17:58:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jill Fillis
[REDACTED]

Sent from my iPad

Message

From: [REDACTED]
Sent: 26/01/2024 17:59:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Keith Pope

Message

From: Jill McCormick [REDACTED]
Sent: 26/01/2024 17:59:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: connie duchene [REDACTED]
Sent: 26/01/2024 18:00:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind regards,

Connie Duchene
[REDACTED]

Message

From: Emily Austin [REDACTED]
Sent: 26/01/2024 18:00:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Emily

Message

From: Christine Cherniski [REDACTED]
Sent: 26/01/2024 18:01:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Janneke Kramer [REDACTED]
Sent: 26/01/2024 18:02:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Esther Toft [REDACTED]
Sent: 26/01/2024 18:02:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Esther Toft

ॐ

शांति और प्रेम

Sent from my iPhone

Message

From: Janis Nolan [REDACTED]
Sent: 26/01/2024 18:04:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Janis Nolan
[REDACTED]

Message

From: Terry Korman [REDACTED]
Sent: 26/01/2024 18:04:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: roz.ryder [REDACTED]
Sent: 26/01/2024 18:05:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my Galaxy

Message

From: Paul Richards [REDACTED]
Sent: 26/01/2024 18:06:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Richard Han [REDACTED]
Sent: 26/01/2024 18:08:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

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Kind regards,
Richard Han

Message

From: Rob Wynn [REDACTED]
Sent: 26/01/2024 18:08:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Rob

Message

From: Elena Zoccoletto [REDACTED]
Sent: 26/01/2024 18:09:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Inviato da iPhone

Message

From: Abdul Jallo [REDACTED]
Sent: 26/01/2024 18:09:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Abdul Jallo [REDACTED]
Sent: 26/01/2024 18:10:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Abdul Jallo

Message

From: Jeannine Colvin [REDACTED]
Sent: 26/01/2024 18:13:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: Ricardo Díaz [REDACTED]
Sent: 26/01/2024 18:13:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Ricardo Díaz Borioli

Message

From: Francesca Ranalli [REDACTED]
Sent: 26/01/2024 18:14:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Francesca

Message

From: Grace Barber [REDACTED]
Sent: 26/01/2024 18:15:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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this is important

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Kind regards,

Grace Barber

Message

From: Emily Weaver [REDACTED]
Sent: 26/01/2024 18:17:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Emily Weaver

Message

From: AGLVDB [REDACTED]
Sent: 26/01/2024 18:17:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Chantal Buslot [REDACTED]
Sent: 26/01/2024 18:17:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Chantal Buslot [REDACTED]

Message

From: Debra Pearce [REDACTED]
Sent: 26/01/2024 18:19:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Lauren Joe [REDACTED]
Sent: 26/01/2024 18:19:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Lauren Joe
[REDACTED]

Message

From: Rafael Pinheiro [REDACTED]
Sent: 26/01/2024 18:20:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Enviado do meu iPhone

Message

From: Harold and [REDACTED] Saunders [REDACTED]
Sent: 26/01/2024 18:20:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, Harold Saunders

[REDACTED]

Message

From: Luiz Alberto Bonin [REDACTED]
Sent: 26/01/2024 18:23:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
K.K. from [REDACTED]

Message

From: Fiona McLean [REDACTED]
Sent: 26/01/2024 18:24:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Fiona

Message

From: patricia maddalena [REDACTED]
Sent: 26/01/2024 18:26:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPhone

Message

From: Charlotte Smith [REDACTED]
Sent: 26/01/2024 18:28:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Miss c n smith

Message

From: Tracy Marie Wylie [REDACTED]
Sent: 26/01/2024 18:29:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Tracy

Message

From: David Hartley [REDACTED]
Sent: 26/01/2024 18:31:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Linda Ruth Ciglen [REDACTED]
Sent: 26/01/2024 18:33:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. I'm thrilled by the work you are doing to make the internet safer for children!

I'd like to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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Kind regards,

Linda Ruth Ciglen
Concerned Citizen

Message

From: Nasima Sultana [REDACTED]
Sent: 26/01/2024 18:34:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: georgiana parascanu [REDACTED]
Sent: 26/01/2024 18:35:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Cecile Grou [REDACTED]
Sent: 26/01/2024 18:35:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Cécile Grou

Message

From: Brian Kirby [REDACTED]
Sent: 26/01/2024 18:36:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Oprea Alina [REDACTED]
Sent: 26/01/2024 18:36:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Mar Baena Nieto [REDACTED]
Sent: 26/01/2024 18:39:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Peter Apczynski [REDACTED]
Sent: 26/01/2024 18:39:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Mr P Apczynski

Message

From: [REDACTED]
Sent: 26/01/2024 18:39:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: paul o'malley [REDACTED]
Sent: 26/01/2024 18:39:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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paul o'malley

Message

From: Irene ECONOMIDES [REDACTED]
Sent: 26/01/2024 18:40:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Judy Schneider [REDACTED]
Sent: 26/01/2024 18:40:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Commision na Meán,

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Kind regards,
Judy Schneider

Message

From: Louise Allcoat [REDACTED]
Sent: 26/01/2024 18:40:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Rolf Giebel [REDACTED]
Sent: 26/01/2024 18:41:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Rolf Giebel

Message

From: Theresa Galdes [REDACTED]
Sent: 26/01/2024 18:43:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Theresa Galdes
[REDACTED]

Message

From: Michael Milmoe [REDACTED]
Sent: 26/01/2024 18:43:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Michael Milmoe.

Message

From: Florence Labregere [REDACTED]
Sent: 26/01/2024 18:45:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Vous ne recevez pas souvent de courriers de la part de [REDACTED]
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Kind regards,
Florence Labregere

Message

From: Sera Plaine [REDACTED]
Sent: 26/01/2024 18:45:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Margaret Smith [REDACTED]
Sent: 26/01/2024 18:45:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Livjot Kaur L. Clarke [REDACTED]
Sent: 26/01/2024 18:46:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Sharon Coffey [REDACTED]
Sent: 26/01/2024 18:47:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
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Kind regards,
Sharon Coffey

Message

From: Khairieh Amr [REDACTED]
Sent: 26/01/2024 18:48:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Khairieh Amr

Message

From: Sue Horwood [REDACTED]
Sent: 26/01/2024 18:50:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sue Horwood
[REDACTED]

Message

From: Liz Daly [REDACTED]
Sent: 26/01/2024 18:50:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: [REDACTED]
Sent: 26/01/2024 18:51:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Rachel Bowyer

Message

From: Alice Lewis [REDACTED]
Sent: 26/01/2024 18:53:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Agata Szaławska [REDACTED]
Sent: 26/01/2024 18:53:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Agata Szaławska

Message

From: Cris B. [REDACTED]
Sent: 26/01/2024 18:54:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Sandy Cooper [REDACTED]
Sent: 26/01/2024 18:54:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sandra Cooper

Message

From: steph windsor [REDACTED]
Sent: 26/01/2024 18:54:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

S. Windsor

Message

From: Cheryl Skinner [REDACTED]
Sent: 26/01/2024 18:56:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Cheryl Skinner

Message

From: Gaetan Blouin [REDACTED]
Sent: 26/01/2024 18:57:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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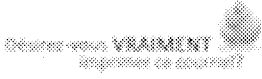
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Kind regards,

G
[REDACTED]



Message

From: Tarcisio Conte [REDACTED]
Sent: 26/01/2024 19:00:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Christine [REDACTED]
Sent: 26/01/2024 19:00:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Thank you so much for your good work and protection those who cannot protect themselves.

sincerely,
Christine

--

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Message

From: Elaine Brown [REDACTED]
Sent: 26/01/2024 19:01:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Elaine Brown

Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 19:03:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Beverley Reive

Sent from my iPhone

Message

From: Caitlin Craggs [REDACTED]
Sent: 26/01/2024 19:03:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Caitlin

Message

From: Mohammed Allane [REDACTED]
Sent: 26/01/2024 19:04:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mohammed Allane.

Message

From: Mladen Obradovic [REDACTED]
Sent: 26/01/2024 19:04:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Mladen Obradovic

Message

From: Kate Horner [REDACTED]
Sent: 26/01/2024 19:06:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Silvia [REDACTED]
Sent: 26/01/2024 19:07:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Best regards,

Silvia Bezoari

Message

From: Serena Taylor [REDACTED]
Sent: 26/01/2024 19:07:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Judith Cherry [REDACTED]
Sent: 26/01/2024 19:08:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Judith Cherry

Sent from my iPhone

Message

From: Guy Pelletier [REDACTED]
Sent: 26/01/2024 19:09:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Guy Pelletier

Message

From: Peter Vince [REDACTED]
Sent: 26/01/2024 19:10:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Peter Vince

Message

From: Mathew Redfern [REDACTED]
Sent: 26/01/2024 19:10:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mathew Redfern

Message

From: chalise giosia [REDACTED]
Sent: 26/01/2024 19:11:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Beverley Cochrane [REDACTED]
Sent: 26/01/2024 19:13:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Max Cornwell [REDACTED]
Sent: 26/01/2024 19:17:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Renee La Pan [REDACTED]
Sent: 26/01/2024 19:20:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Renee La Pan

Message

From: Arlette Hellemans [REDACTED]
Sent: 26/01/2024 19:20:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: David Shaw [REDACTED]
Sent: 26/01/2024 19:22:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Romina Blanco [REDACTED]
Sent: 26/01/2024 19:23:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

No suele recibir correos electrónicos de [REDACTED]. [Por qué esto es importante](#)

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Kind regards,

Obtener [Outlook para Android](#)

Message

From: Patti Chapman [REDACTED]
Sent: 26/01/2024 19:24:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Inés Mohamed [REDACTED]
Sent: 26/01/2024 19:25:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Ingrid Price [REDACTED]
Sent: 26/01/2024 19:32:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Mrs Ingrid Price

Sent from my iPhone

Message

From: Oliver Oja [REDACTED]
Sent: 26/01/2024 19:34:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Et saa usein sähköpostia lähettäjältä [REDACTED]. [Lisätietoja siitä.](#)
miksi tämä on tärkeää

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Oliver Oja

Message

From: Vitor Villares [REDACTED]
Sent: 26/01/2024 19:36:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Ria Hamblett [REDACTED]
Sent: 26/01/2024 19:37:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Ria Hamblett

Message

From: Kristin von Ranson [REDACTED]
Sent: 26/01/2024 19:42:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Kristin von Ranson

Message

From: Bill Burton [REDACTED]
Sent: 26/01/2024 19:42:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Bill Burton

Message

From: Andrew Stutt [REDACTED]
Sent: 26/01/2024 19:45:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Carole O'Connell [REDACTED]
Sent: 26/01/2024 19:46:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Judy Daniels [REDACTED]
Sent: 26/01/2024 19:47:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Judy

[REDACTED]

Message

From: Nicola Chambers [REDACTED]
Sent: 26/01/2024 19:49:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Nicola Chambers

Message

From: Bill Hadgkiss [REDACTED]
Sent: 26/01/2024 19:49:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Joris Smeets [REDACTED]
Sent: 26/01/2024 19:50:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
J.S.

Message

From: Gabriel Schmitt [REDACTED]
Sent: 26/01/2024 19:53:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: jenny hopkins [REDACTED]
Sent: 26/01/2024 19:54:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jennifer Hopkins

Message

From: Maria Valkenburg [REDACTED]
Sent: 26/01/2024 19:56:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

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Kind regards,

Julia Grabowska

Message

From: Richard Trottier [REDACTED]
Sent: 26/01/2024 19:56:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

J. Trottier

Message

From: [REDACTED]
Sent: 26/01/2024 19:58:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Patricia Kane

Message

From: Warren Brown [REDACTED]
Sent: 26/01/2024 19:59:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Jeffmoore [REDACTED]
Sent: 26/01/2024 19:59:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Justin Wright [REDACTED]
Sent: 26/01/2024 19:59:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Justin Wright

Sent from my iPhone

Message

From: holy martinez [REDACTED]
Sent: 26/01/2024 19:59:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Carl Busby [REDACTED]
Sent: 26/01/2024 20:01:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Carl Busby

Message

From: Eveline Veloso [REDACTED]
Sent: 26/01/2024 20:05:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Gordon [REDACTED]
Sent: 26/01/2024 20:06:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: FYI [REDACTED]
Sent: 26/01/2024 20:07:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Mark Bobbitt [REDACTED]
Sent: 26/01/2024 20:08:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards

Mark Bobbitt

Message

From: donald scarratt [REDACTED]
Sent: 26/01/2024 20:10:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Chantal Knight [REDACTED]
Sent: 26/01/2024 20:11:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Michael Krahl [REDACTED]
Sent: 26/01/2024 20:13:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Michael Krahl

Message

From: Chrissie Jorgensen [REDACTED]
Sent: 26/01/2024 20:14:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPad

Message

From: Tracy Gibbens [REDACTED]
Sent: 26/01/2024 20:14:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Mary Harkin [REDACTED]
Sent: 26/01/2024 20:15:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Richard Bannister [REDACTED]
Sent: 26/01/2024 20:17:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Margaret O'Brien [REDACTED]
Sent: 26/01/2024 20:18:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Margaret O'Brien

Message

From: David Lancaster [REDACTED]
Sent: 26/01/2024 20:19:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
David Lancaster.

Message

From: Stephanie J [REDACTED]
Sent: 26/01/2024 20:19:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Stephanie Jelks

Message

From: Russell Ziegler [REDACTED]
Sent: 26/01/2024 20:20:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: leanne silvester [REDACTED]
Sent: 26/01/2024 20:20:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Robert Took [REDACTED]
Sent: 26/01/2024 20:28:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Paul Dunn [REDACTED]
Sent: 26/01/2024 20:32:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Paul Dunn
[REDACTED]

Message

From: Beth Charleston [REDACTED]
Sent: 26/01/2024 20:35:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Beth Charleston.

Message

From: Richard Franks [REDACTED]
Sent: 26/01/2024 20:36:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Richard Franks

Message

From: Rebecca Reid [REDACTED]
Sent: 26/01/2024 20:41:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Rebecca Reid

Message

From: John Hamilton [REDACTED]
Sent: 26/01/2024 20:49:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Michael & Sue Wright (public) [REDACTED]
Sent: 26/01/2024 20:51:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Pippa vL [REDACTED]
Sent: 26/01/2024 20:51:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
P.v

Message

From: Pippa vL [REDACTED]
Sent: 26/01/2024 20:52:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Richard Hennessey [REDACTED]
Sent: 26/01/2024 20:55:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

R Hennessey

Message

From: Quang Dao [REDACTED]
Sent: 26/01/2024 20:55:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Quang Dao

Message

From: alan Haas [REDACTED]
Sent: 26/01/2024 20:55:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: Michael Lichon [REDACTED]
Sent: 26/01/2024 20:56:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Dr Michael Lichon

Sent from my iPad

Message

From: Emilie de Loès [REDACTED]
Sent: 26/01/2024 20:57:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Ellie Craig [REDACTED]
Sent: 26/01/2024 21:00:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Ellie

Sent from my iPhone

Message

From: Laurie Neale [REDACTED]
Sent: 26/01/2024 21:00:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Laurie Neale

Message

From: Acioly Netto [REDACTED]
Sent: 26/01/2024 21:00:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind regards,

Message

From: John and/or [REDACTED]
Sent: 26/01/2024 21:05:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
John Anderson

Message

From: Marjut Tynkkynen [REDACTED]
Sent: 26/01/2024 21:06:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: zena gordon [REDACTED]
Sent: 26/01/2024 21:07:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Zena Gordon

Message

From: Svyetlana Hadgraft [REDACTED]
Sent: 26/01/2024 21:10:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Rafaela Biasi Sanchez [REDACTED]
Sent: 26/01/2024 21:11:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Multiversity Enterprise [REDACTED]
Sent: 26/01/2024 21:13:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Jan Fahie [REDACTED]
Sent: 26/01/2024 21:14:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Jan Fahie

Message

From: john mcmanus [REDACTED]
Sent: 26/01/2024 21:16:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: PATRICK O'CONNOR [REDACTED]
Sent: 26/01/2024 21:16:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Pat O'Connor.

Sent from my iPad

Message

From: Lo W [REDACTED]
Sent: 26/01/2024 21:16:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

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Message

From: Lynette Kuosa [REDACTED]
Sent: 26/01/2024 21:17:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Rhonda Green [REDACTED]
Sent: 26/01/2024 21:20:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Rhonda Green.

Sent from my iPad

Message

From: Richard Hambridge [REDACTED]
Sent: 26/01/2024 21:21:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

R. K. Hambridge

Message

From: Karolina Kunka [REDACTED]
Sent: 26/01/2024 21:22:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Karolina Kunka

Message

From: [REDACTED]
Sent: 26/01/2024 21:26:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Maria Almeida

Message

From: Kate Hajmasy [REDACTED]
Sent: 26/01/2024 21:28:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Kate

Message

From: Howard Moses [REDACTED]
Sent: 26/01/2024 21:34:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

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From: Tina Mais [REDACTED]
Sent: 26/01/2024 21:37:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Tina Mais-Garza

Message

From: Jude Cluley [REDACTED]
Sent: 26/01/2024 21:38:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPad

Message

From: Andrew Mctiernan [REDACTED]
Sent: 26/01/2024 21:45:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: roseanne gough [REDACTED]
Sent: 26/01/2024 21:47:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: David Marsh [REDACTED]
Sent: 26/01/2024 21:50:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: PETER WARD [REDACTED]
Sent: 26/01/2024 21:50:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Michelle Floyd [REDACTED]
Sent: 26/01/2024 21:50:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Timon [REDACTED]
Sent: 26/01/2024 21:51:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Kind regards
Timon Jansen

Message

From: Angela Farrugia [REDACTED]
Sent: 26/01/2024 21:52:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: gajewski.mary [REDACTED]
Sent: 26/01/2024 21:55:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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From: Judy downey [REDACTED]
Sent: 26/01/2024 21:56:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Indira Osmanovic [REDACTED]
Sent: 26/01/2024 22:01:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Indira Osmanovic

Sent from my iPhone

Message

From: [REDACTED]
Sent: 26/01/2024 22:06:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Rita O'Sullivan.

Message

From: Fernando Machado Silva [REDACTED]
Sent: 26/01/2024 22:08:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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From: Gayle [REDACTED]
Sent: 26/01/2024 22:09:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Albert Roca Enrich [REDACTED]
Sent: 26/01/2024 22:10:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Petition

No suele recibir correos electrónicos de [REDACTED]. [Por qué esto es importante](#)

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Message

From: Lucy Lane [REDACTED]
Sent: 26/01/2024 22:10:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Tony Wright [REDACTED]
Sent: 26/01/2024 22:11:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission
Attachments: pastedGraphic.tiff

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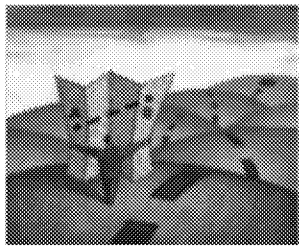
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Kind regards

Tony Wright

Tony Wright
Coach & Career Consultant
www.freshperspectives.com.au



Fresh Perspectives

Message

From: Georgia Skelt [REDACTED]
Sent: 26/01/2024 22:14:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards
Georgia

Message

From: Ian Dixon [REDACTED]
Sent: 26/01/2024 22:16:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Isabel Ribeiro [REDACTED]
Sent: 26/01/2024 22:19:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Isabel Ribeiro

Message

From: [REDACTED]
Sent: 26/01/2024 22:19:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Celeste Krause

Message

From: Yvonne Meehan [REDACTED]
Sent: 26/01/2024 22:21:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Y Meehan

Message

From: rebecca jones [REDACTED]
Sent: 26/01/2024 22:22:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Rebecca Jones

Sent from my Galaxy

Message

From: [REDACTED]
Sent: 26/01/2024 22:24:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: [REDACTED]
Sent: 26/01/2024 22:34:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Elizabeth [REDACTED]
Sent: 26/01/2024 22:37:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Elizabeth Eaton

Message

From: Gianna Vizzari [REDACTED]
Sent: 26/01/2024 22:42:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Giovanna Vizzari

Message

From: Matthew Campbell [REDACTED]
Sent: 26/01/2024 22:45:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. Ambiguity is a tool of ill-intentioned and, often, ill-informed people whose spread of disingenuous content perpetuates and emboldens prejudices and toxic practices around the globe.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

All the best,
Matt

Message

From: Gérard MOINE [REDACTED]
Sent: 26/01/2024 22:50:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dr. Gerard MOINE

Message

From: Sarah Cooper [REDACTED]
Sent: 26/01/2024 22:51:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Sarah Cooper

Message

From: DAC MCREA [REDACTED]
Sent: 26/01/2024 22:54:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: [REDACTED]
Sent: 26/01/2024 22:56:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Michelle Ellis

Message

From: Yvonne Marcus [REDACTED]
Sent: 26/01/2024 22:59:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Sincerely,
Yvonne Marcus

Message

From: Maria Cuniberti [REDACTED]
Sent: 26/01/2024 23:07:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Jorge Rodríguez Perera [REDACTED]
Sent: 26/01/2024 23:08:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Natália Nogueira [redacted]
Sent: 26/01/2024 23:10:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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this is important

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Message

From: Peter Mort [REDACTED]
Sent: 26/01/2024 23:10:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, Peter

Message

From: Maria Heenan [REDACTED]
Sent: 26/01/2024 23:15:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Alexandra Pifarré [redacted]
Sent: 26/01/2024 23:16:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [redacted] [Learn why this is important](#)

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Kind regards,

Alexandra Pifarré.

Message

From: [REDACTED]
Sent: 26/01/2024 23:16:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Julie

Message

From: Jason Smith [REDACTED]
Sent: 26/01/2024 23:17:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jason Smith

Message

From: christine mower [REDACTED]
Sent: 26/01/2024 23:19:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Dr. Bonnie [REDACTED]
Sent: 26/01/2024 23:19:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dr. Bonnie Sonnenschein

Message

From: Warwick Blair [REDACTED]
Sent: 26/01/2024 23:26:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Ineke Klaver [REDACTED]
Sent: 26/01/2024 23:27:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie](#) over waarom dit belangrijk is

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Kind regards,
I.C. Klaver

Message

From: ingrid williams [REDACTED]
Sent: 26/01/2024 23:27:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Natalie Telfer [REDACTED]
Sent: 26/01/2024 23:29:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

Thank you for your significant efforts to ensure protection of the public, particularly the vulnerable. I am writing to you about Ireland's Online Safety Code public consultation.

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Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

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Kind regards,

Sent from my iPhone

Message

From: jjb ocelot [REDACTED]
Sent: 26/01/2024 23:42:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why](#)
this is important

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. I'm so glad you are taking action on this serious issue. As a parent of teens, I know how vulnerable they are at the same time as thinking they know it all, and are therefore more vulnerable to algorithms and things out of parental control. Our children have so many more mental health issues, and yet are exposed to such fast moving influences. It is so important that we get this right, and I am grateful that you are attending to this. I hope more countries do it.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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Kind regards,

Message

From: Pam Wortley [REDACTED]
Sent: 26/01/2024 23:48:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Pam Wortley

Sent from my iPad

Message

From: Trudy Duivenvoorden Mitic [REDACTED]
Sent: 26/01/2024 23:48:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Trudy Duivenvoorden Mitic

Message

From: Michael J. Ahn [REDACTED]
Sent: 26/01/2024 23:48:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Michelle [REDACTED]
Sent: 26/01/2024 23:54:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

MD

Message

From: Raymond Mathiesen [REDACTED]
Sent: 26/01/2024 23:55:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Virus-free www.avq.com

Message

From: AW [REDACTED]
Sent: 26/01/2024 23:57:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Care for Earth. It's the only one we've got.

Message

From: Alison Stenson [REDACTED]
Sent: 27/01/2024 00:03:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Darcy Skarada [REDACTED]
Sent: 27/01/2024 00:05:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: [REDACTED]
Sent: 27/01/2024 00:05:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Pat Crook

Message

From: Josephine Brown [REDACTED]
Sent: 27/01/2024 00:08:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Josephine Brown, [REDACTED]

Message

From: Sandra Ferreira [REDACTED]
Sent: 27/01/2024 00:08:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Matthew Smith [REDACTED]
Sent: 27/01/2024 00:12:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: pierce plikett [REDACTED]
Sent: 27/01/2024 00:13:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

-Pierce Marks Plikett
[REDACTED]
[REDACTED]

Message

From: Peter Forte [REDACTED]
Sent: 27/01/2024 00:19:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Nikki Yau [REDACTED]
Sent: 27/01/2024 00:21:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Nikki Y.

Sent from [Outlook for Android](#)

Message

From: Tracey Cottle [REDACTED]
Sent: 27/01/2024 00:26:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Julie Turgeon [REDACTED]
Sent: 27/01/2024 00:29:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Julie Turgeon, SF

Message

From: Leanne Moores [REDACTED]
Sent: 27/01/2024 00:33:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: [REDACTED] & Barbara Lowe [REDACTED]
Sent: 27/01/2024 00:35:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Barbara Lowe

Message

From: Michelle Roadley [REDACTED]
Sent: 27/01/2024 00:52:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Michelle Roadley

Message

From: Linda Coulthard [REDACTED]
Sent: 27/01/2024 01:03:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Gwen Coates [REDACTED]
Sent: 27/01/2024 01:06:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Virus-free. www.avast.com

Message

From: Bárbara Planche [REDACTED]
Sent: 27/01/2024 01:06:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Jack Brincat [REDACTED]
Sent: 27/01/2024 01:09:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Jack Brincat

Message

From: Kathryn Lance [REDACTED]
Sent: 27/01/2024 01:10:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Kathryn Lance
[REDACTED]

Sent from my iPhone

Message

From: louis Béchard [REDACTED]
Sent: 27/01/2024 01:14:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Louis Béchard

Message

From: Vishal Haria [REDACTED]
Sent: 27/01/2024 01:20:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Vishal

Message

From: Colin Parnell [REDACTED]
Sent: 27/01/2024 01:31:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

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Kind regards,

Message

From: Wendy Wright [REDACTED]
Sent: 27/01/2024 01:34:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Karim Manji [REDACTED]
Sent: 27/01/2024 01:36:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Karim Manji

Message

From: Helen Killeen [REDACTED]
Sent: 27/01/2024 01:43:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Helen Killeen

Message

From: Stefan Tober [REDACTED]
Sent: 27/01/2024 01:43:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Stefan Tober (he/him)
[REDACTED]
[REDACTED]

Message

From: Natasha Moore [REDACTED]
Sent: 27/01/2024 01:56:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Hilda Postenka [REDACTED]
Sent: 27/01/2024 02:00:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Hilda Postenka
Sent from my iPhone

Message

From: Claudiana [REDACTED]
Sent: 27/01/2024 02:03:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Joe Tricase [REDACTED]
Sent: 27/01/2024 02:05:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Joe Tricase

Sent from my iPad

Message

From: Sasha B [REDACTED]
Sent: 27/01/2024 02:08:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from iPhone

Message

From: Norah Leighton [REDACTED]
Sent: 27/01/2024 02:30:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: carmelo militano [REDACTED]
Sent: 27/01/2024 02:32:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Carmelo Militano

Message

From: Octavio Barbosa [REDACTED]
Sent: 27/01/2024 02:37:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Não costuma receber e-mails de [REDACTED]. Saiba por que motivo isto é importante

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 Octavio  Barbosa

Message

From: Charles Paquin [REDACTED]
Sent: 27/01/2024 02:40:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Vous ne recevez pas souvent de courriers de la part de [REDACTED]
[Découvrez pourquoi cela est important](#)

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Charles Paquin

Message

From: Judy M [REDACTED]
Sent: 27/01/2024 02:55:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: suki reid [REDACTED]
Sent: 27/01/2024 03:09:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Geoff Phillips [REDACTED]
Sent: 27/01/2024 03:19:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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[REDACTED]

Message

From: Judith Long [REDACTED]
Sent: 27/01/2024 03:22:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Judith Long
[REDACTED]

Message

From: Lidia Terán Garrido [REDACTED]
Sent: 27/01/2024 03:29:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: dennis nagel [REDACTED]
Sent: 27/01/2024 03:42:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: allan medway [REDACTED]
Sent: 27/01/2024 03:42:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: [REDACTED]
Sent: 27/01/2024 03:56:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Neil Barker

Sent from my iPhone

Message

From: Botezatu Răzvan-Alin [REDACTED]
Sent: 27/01/2024 04:05:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Botezatu Răzvan-Alin

Message

From: Parween Irani [REDACTED]
Sent: 27/01/2024 04:07:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Parween Irani

Message

From: Michelle Austin [REDACTED]
Sent: 27/01/2024 04:30:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Merna Schmidt [REDACTED]
Sent: 27/01/2024 04:43:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Merna Schmidt

Message

From: Judy Dube [REDACTED]
Sent: 27/01/2024 04:55:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: [REDACTED]
Sent: 27/01/2024 05:17:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
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Kind regards,

Julia Underhill

Sent from [Outlook](#)



Virus-free. www.avg.com

Message

From: fairuz abrahams [REDACTED]
Sent: 27/01/2024 05:23:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

F Abrahams

Message

From: sue_jackson [REDACTED]
Sent: 27/01/2024 05:29:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Violetta Dima [REDACTED]
Sent: 27/01/2024 05:30:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public consultation submission

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Message

From: [REDACTED]
Sent: 27/01/2024 06:05:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

David Bryan

Message

From: John Wong [REDACTED]
Sent: 27/01/2024 06:20:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPad

Message

From: [REDACTED]
Sent: 27/01/2024 06:23:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Ian Riddell [REDACTED]
Sent: 27/01/2024 06:27:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Robin Gardner [REDACTED]
Sent: 27/01/2024 06:32:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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r gardner

Message

From: Hanneke Zigmans [REDACTED]
Sent: 27/01/2024 06:36:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: "1.3 Recommender System Safety"

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Kind regards,
Hanneke Zigmans
[REDACTED]

Message

From: CAROL ROBB [REDACTED]
Sent: 27/01/2024 06:48:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Carol Robb
[REDACTED]

Message

From: Shirley Walden [REDACTED]
Sent: 27/01/2024 07:00:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Shirley Walden

Message

From: Laurence Reynolds [REDACTED]
Sent: 27/01/2024 07:11:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Laurence Reynolds

Message

From: Carolyn Coe [REDACTED]
Sent: 27/01/2024 07:15:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Helen Young [REDACTED]
Sent: 27/01/2024 07:33:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Helen Young

Message

From: sean davis [REDACTED]
Sent: 27/01/2024 07:35:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: JO OTERO [REDACTED]
Sent: 27/01/2024 07:39:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Jo Otero {Mrs}

Message

From: [REDACTED]
Sent: 27/01/2024 07:48:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Peter Wiebe

Message

From: Giulio Cordaro [REDACTED]
Sent: 27/01/2024 07:52:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Non si ricevono spesso messaggi di posta elettronica da [REDACTED]
[Informazioni sul perché è importante](#)

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Message

From: John Hansen [REDACTED]
Sent: 27/01/2024 08:04:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Du får ikke ofte mails fra [REDACTED] [Få mere at vide om, hvorfor dette er vigtigt](#)

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Message

From: George Kechagioglou [REDACTED]
Sent: 27/01/2024 08:09:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Georgios Kechagioglou

Message

From: Kath Foster [REDACTED]
Sent: 27/01/2024 08:13:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Kath & Ian

Message

From: katherine casals [REDACTED]
Sent: 27/01/2024 08:23:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Katherine Casals

Message

From: Anthony Le Gry [REDACTED]
Sent: 27/01/2024 08:32:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Anthony Le Gry

Message

From: anna factor [REDACTED]
Sent: 27/01/2024 08:35:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPad

Message

From: Jennifer Ashman [REDACTED]
Sent: 27/01/2024 08:41:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

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From: [REDACTED]
Sent: 27/01/2024 08:46:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

D. Marc Rogers

Message

From: Mark Skrebels [REDACTED]
Sent: 27/01/2024 08:47:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Mark S

Message

From: [REDACTED]
Sent: 27/01/2024 08:51:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 27/01/2024 08:52:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Simone Booth

Message

From: Jane Catlin [REDACTED]
Sent: 27/01/2024 08:54:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: [REDACTED]
Sent: 27/01/2024 08:54:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

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Kind regards,

[REDACTED]

Message

From: D Smith [REDACTED]
Sent: 27/01/2024 09:03:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Paramatma Saraswati [REDACTED]
Sent: 27/01/2024 09:09:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Patrick Cusack [REDACTED]
Sent: 27/01/2024 09:11:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Patrick Cusack

Message

From: Jessica Baillie [REDACTED]
Sent: 27/01/2024 09:17:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jess Baillie

Message

From: Paul Dungey [REDACTED]
Sent: 27/01/2024 09:25:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Paul Dungey

Sent from my iPad

Message

From: Francis Renem [REDACTED]
Sent: 27/01/2024 09:40:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Anne Bryce [REDACTED]
Sent: 27/01/2024 09:43:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Paulo Santana [REDACTED]
Sent: 27/01/2024 09:43:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Não costuma receber e-mails de [REDACTED]
[Saiba por que motivo isto é importante](#)

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Message

From: [REDACTED]
Sent: 27/01/2024 09:46:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Alexis Molina Altunaga

Message

From: Daniela Prentkowski [REDACTED]
Sent: 27/01/2024 09:50:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Herzlichst/Sincerely
Daniela Prentkowski 😊

[REDACTED]
Von meinem iPhone gesendet

Message

From: Glyn Jones [REDACTED]
Sent: 27/01/2024 09:51:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission
Attachments: PastedGraphic-3.tiff

You don't often get email from [REDACTED]

[Learn why this is important](#)

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Kind regards,

Revd. E G Jones, BDS.

Assistant Curate –

[Redacted]

[Redacted]

[Redacted]



Message

From: [REDACTED]
Sent: 27/01/2024 09:54:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Martin Rennhofer [REDACTED]
Sent: 27/01/2024 09:56:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Sie erhalten nicht oft eine E-Mail von [REDACTED].
[Erfahren Sie, warum dies wichtig ist](#)

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Kind regards,
Dr. Martin Rennhofer

Mit freundlichen Grüßen
Martin Rennhofer
www.spirit-inside.at

Message

From: Françoise CABANAC [REDACTED]
Sent: 27/01/2024 10:04:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Françoise Cabanac.

Message

From: John Bennett-Green [REDACTED]
Sent: 27/01/2024 10:06:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, John
John Bennett-Green
[REDACTED]

Message

From: Dorit Nipper [REDACTED]
Sent: 27/01/2024 10:17:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Venlige hilsner
Dorit

Vær altid god og venlig, når det er muligt...
Det er altid muligt!

Dalai Lama

Message

From: Kitt Bandick [REDACTED]
Sent: 27/01/2024 10:33:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Ray Middleton [REDACTED]
Sent: 27/01/2024 10:34:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: Andrew Green [REDACTED]
Sent: 27/01/2024 10:37:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Andrew Green

Message

From: Francesco CAVARRA [REDACTED]
Sent: 27/01/2024 10:38:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Francesco Cavarra

Message

From: jenny collins [REDACTED]
Sent: 27/01/2024 10:41:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPhone

Message

From: Peter Mulhall [REDACTED]
Sent: 27/01/2024 10:41:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Peter

Message

From: [REDACTED]
Sent: 27/01/2024 10:45:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Seven

Message

From: Carol Brewster [REDACTED]
Sent: 27/01/2024 10:47:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Katrin Sippel [REDACTED]
Sent: 27/01/2024 10:48:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Elisabeth Elmquist [REDACTED]
Sent: 27/01/2024 10:50:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Elisabeth N-G Elmquist

Message

From: Rosmari Andersson [REDACTED]
Sent: 27/01/2024 10:58:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Du får inte e-post ofta från [REDACTED].
[REDACTED] [Se varför det här är viktigt.](#)

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Rosmari Andersson

Message

From: Anne Garsed [REDACTED]
Sent: 27/01/2024 11:12:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: james Mclardy [REDACTED]
Sent: 27/01/2024 11:12:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

James Mclardy

Sent from my iPhone

Message

From: sonia romero [REDACTED]
Sent: 27/01/2024 11:34:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Deborah Knight [REDACTED]
Sent: 27/01/2024 11:39:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about *1.3 Recommender System Safety* in the Draft Supplementary Measures for inclusion in the Online Safety Code, requesting that you remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the words 'whether and' in the sentence 'In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them', you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,
Ms Deborah Knight.

Message

From: Kevin Mendes [REDACTED]
Sent: 27/01/2024 11:40:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Kevin

Message

From: Susanne Gudmunds [REDACTED]
Sent: 27/01/2024 11:43:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Du får inte e-post ofta från [REDACTED]. [Se varför det här är viktigt.](#)

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Kind regards,
Susanne Gudmunds
[REDACTED]

Message

From: Eduardo [REDACTED]
Sent: 27/01/2024 11:58:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Nuala [REDACTED]
Sent: 27/01/2024 11:59:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Gioia Fiori [REDACTED]
Sent: 27/01/2024 11:59:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Gioia Fiori

Message

From: [REDACTED]
Sent: 27/01/2024 12:01:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Olga Passalidou

Message

From: Fran Smitherman [REDACTED]
Sent: 27/01/2024 12:01:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Fran Smitherman

Message

From: [REDACTED]
Sent: 27/01/2024 12:02:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Audrey Kingham

Sent from my iPad

Message

From: Deborah Clement [REDACTED]
Sent: 27/01/2024 12:08:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Dabney Clement [REDACTED]

Message

From: Lavinia Mitchell [REDACTED]
Sent: 27/01/2024 12:11:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Lavinia Mitchell

Message

From: John Balmer [REDACTED]
Sent: 27/01/2024 12:32:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

John Balmer

Message

From: DImosthenis Akritidis [REDACTED]
Sent: 27/01/2024 12:35:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Mike McCool [REDACTED]
Sent: 27/01/2024 12:38:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 27/01/2024 12:42:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

[REDACTED]

Message

From: Joe Donlon [REDACTED]
Sent: 27/01/2024 12:45:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 27/01/2024 12:54:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Zuzanna Wilk

Message

From: Ed Boender [REDACTED]
Sent: 27/01/2024 12:56:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Oto Ayres Fernandes [REDACTED]
Sent: 27/01/2024 12:58:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Oto

Message

From: Anna Maria Kolman [REDACTED]
Sent: 27/01/2024 12:58:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Anna Kolman

Message

From: Don Ross [REDACTED]
Sent: 27/01/2024 12:59:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Don & Heather Ross Milford, [REDACTED]

Support our CSG Annual Rain Barrel Fundraiser at <https://rainbarrel.ca/csgpicton>
<https://facebook.com/groups/countysustainabilitygroup/>
www.ecosia.org - Switch to the search engine that plants trees
Power your home with 100% Green electricity from Bullfrog Power
"Be the change you wish to see in the world." - Gandhi

Message

From: DAVID FABREGAS FERNANDEZ [REDACTED]
Sent: 27/01/2024 12:59:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

David Fàbregas

Message

From: Luisa Tortolina [REDACTED]
Sent: 27/01/2024 13:06:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Luisa Tortolina

Message

From: Rose Jacka [REDACTED]
Sent: 27/01/2024 13:12:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Doreen Foster [REDACTED]
Sent: 27/01/2024 13:13:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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If Coimisiún na Meán maintains its ground and defies pressure from the platforms, it could significantly boost corporate responsibility. It is not their place to create personal accounts for minors or anyone whose age is unknown in order to influence them for financial gain.

Your proposed supplemental measures, Section 1.3, have the potential to significantly reduce the platform's artificial amplification of hate speech, hysteria, suicide and misinformation, as well as to promote internet innovation that prioritises the needs of people over business.

Make it as strong as you can, please.

Kind regards,

Doreen Foster

D S FOSTER (Ms)

Message

From: Dominique Woods [REDACTED]
Sent: 27/01/2024 13:21:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dominique Woods

Message

From: Diana Friès [REDACTED]
Sent: 27/01/2024 13:23:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Aldegonde Melis [REDACTED]
Sent: 27/01/2024 13:24:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Aldegonde Melis

Message

From: Helen [REDACTED]
Sent: 27/01/2024 13:28:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Helen Willis-Smith

Message

From: sunetra neogy [REDACTED]
Sent: 27/01/2024 13:35:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Sarah Cousins [REDACTED]
Sent: 27/01/2024 13:45:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Sarah Cousins

Message

From: SHEILA MUNRO [REDACTED]
Sent: 27/01/2024 13:51:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sheila Munro

Message

From: Emily Gateshill [REDACTED]
Sent: 27/01/2024 13:59:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Emily Gateshill

Sent from my iPhone

Message

From: Ian Scrimgeour [REDACTED]
Sent: 27/01/2024 14:21:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Anthony Jones [REDACTED]
Sent: 27/01/2024 14:23:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

A.L.Morton-Jones.

Message

From: Kelly Garrett [REDACTED]
Sent: 27/01/2024 14:35:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Thank you,
Kelly

Kelly Garrett

[REDACTED]

Message

From: Susan Kelly [REDACTED]
Sent: 27/01/2024 14:37:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Susan Kelly

Message

From: Alison Samplawski [REDACTED]
Sent: 27/01/2024 14:41:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Alison Samplawski

Message

From: Cheryl Rainfield [REDACTED]
Sent: 27/01/2024 14:42:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Cheryl Rainfield

Message

From: P. Tim [REDACTED]
Sent: 27/01/2024 14:50:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Privo di virus. www.avast.com

Message

From: Rosalind Fish [REDACTED]
Sent: 27/01/2024 15:06:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Cheers
R. Fish

Message

From: caroline mclaughlin [REDACTED]
Sent: 27/01/2024 15:23:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Antonia Lima [REDACTED]
Sent: 27/01/2024 15:36:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent: 27/01/2024 15:37:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Jessica Evans [redacted]
Sent: 27/01/2024 15:40:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: beverley morris [REDACTED]
Sent: 27/01/2024 15:43:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Kate Taylor [REDACTED]
Sent: 27/01/2024 15:49:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Kate Taylor.

Message

From: Pedro Lippmann [REDACTED]
Sent: 27/01/2024 16:05:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Você não costuma receber emails de [REDACTED] Saiba por que isso é importante

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Kind regards,

Pedro Lippmann

Message

From: Liam _ [REDACTED]
Sent: 27/01/2024 16:28:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Laney Bryenton [REDACTED]
Sent: 27/01/2024 16:41:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Jack Morrissey [redacted]
Sent: 27/01/2024 16:42:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Jack Morrissey

Message

From: Rachel Perkins [REDACTED]
Sent: 27/01/2024 16:51:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Scharlie Wraight [REDACTED]
Sent: 27/01/2024 16:51:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Scharlie Wraight

Message

From: Jane H [REDACTED]
Sent: 27/01/2024 17:02:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Matthew Hyatt [REDACTED]
Sent: 27/01/2024 17:24:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards

Matthew Hyatt

Message

From: Colette Quinn [REDACTED]
Sent: 27/01/2024 17:32:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Colette Quinn

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From: Darren Lawrence [REDACTED]
Sent: 27/01/2024 17:32:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPad

Message

From: Rachel Gilmore [REDACTED]
Sent: 27/01/2024 17:35:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Rachel Gilmore
[REDACTED]
[REDACTED]
[REDACTED]

Message

From: Eleanor Keech [REDACTED]
Sent: 27/01/2024 17:38:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPad

Message

From: Gabriella Robichaud [REDACTED]
Sent: 27/01/2024 17:40:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Warm regards,
Gabriella Robichaud

Message

From: Barny Wreyford [REDACTED]
Sent: 27/01/2024 17:48:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Beverly Chysyk [REDACTED]
Sent: 27/01/2024 17:48:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Daniel Key [REDACTED]
Sent: 27/01/2024 17:54:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Laura Holland [REDACTED]
Sent: 27/01/2024 17:57:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Vera-Anne Anderson [REDACTED]
Sent: 27/01/2024 18:02:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Message

From: Catherine Swift [REDACTED]
Sent: 27/01/2024 18:03:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPhone

Message

From: geraldine obrien [REDACTED]
Sent: 27/01/2024 18:17:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online safety code.
Flag: Follow up

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I wish to add my voice to the document below.

A small introduction

I am a citizen of Ireland & was born in Dublin. I have raised my children and my children are all raising children themselves now.

I have now 2 grandchildren living in Ireland and 1 grandchild living in America.

I am very concerned about a numbers of issues around this bill.

Namely self verification and/or providing state identity documents being offered the technology companies to prove identity.

I see you mention safety by design which I believe should be a given not added on to and suitable regulations.

As we know the large technology companies have deep pockets & will protect their profits at all costs. Challenging any new regulation in law courts.

Thus delaying regulation further.

I hope the penalties delivered by the courts or adjudication process.

Will include :

Making it more attractive to pay fines than going through the justice system as a delaying tactic.

The possibility of CEO/ Bord members doing community service in an appropriate area to see the damage their service may have or potentially could cause.

A digital version of (conventional building) planning permissions is needed for introducing new features in online.

I am hoping this bill will also look at the possibility of being reviewed & updated on a regular basis. In order to keep pace with technology coming down the tracks that is yet to be imagined.

I am a very concerned grandmother who has worked and paid my taxes in this country since I was sixteen years old.

It is your hands to make this bill as strong as possibly for every digital citizen.

Thank you for giving me the opportunity to make this observation.

Geraldine O'Brien

Consultation Document: Online Safety

This document contains consultations on:

1. A draft Online Safety Code
2. Draft Statutory Guidance Material
3. The proposed application of the Online Safety Code to the Category of Video-Sharing Platform Services
4. Supplementary Measures for Further Consideration

Sent fro my iPhone

Message

From: Bachus Quantua [REDACTED]
Sent: 27/01/2024 18:19:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Você não costuma receber emails de [REDACTED] Saiba por que isso é importante

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Message

From: Marc Frisch [REDACTED]
Sent: 27/01/2024 18:50:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Lily Hopwood [REDACTED]
Sent: 27/01/2024 19:00:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Lily Hopwood

Sent from [Mail](#) for Windows

Message

From: Rod Macrorie [REDACTED]
Sent: 27/01/2024 19:59:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Rod MacRorie

Message

From: Livia Elena Vélez M. [REDACTED]
Sent: 27/01/2024 20:05:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Livia Elena Vélez M

Message

From: Marie Konrath [REDACTED]
Sent: 27/01/2024 20:39:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Marie Konrath

Message

From: phil.mansfield [REDACTED]
Sent: 27/01/2024 20:43:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Philip Mansfield

Message

From: steven overton [REDACTED]
Sent: 27/01/2024 20:51:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Steve Overton

[REDACTED]
[REDACTED]

Message

From: Dorothy Firth [REDACTED]
Sent: 27/01/2024 20:54:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Gerard Yaxley [REDACTED]
Sent: 27/01/2024 21:00:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Gerard Yaxley

Message

From: Francis Kremler [REDACTED]
Sent: 27/01/2024 21:13:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Ciara H [REDACTED]
Sent: 27/01/2024 21:19:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Ciara Humphreys

Message

From: Dino Romano [REDACTED]
Sent: 27/01/2024 21:23:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
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Message

From: Monica Haddad [REDACTED]
Sent: 27/01/2024 21:31:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Monica H

Message

From: Linda van Weereld [REDACTED]
Sent: 27/01/2024 21:38:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Linda van Weereld

Message

From: Lenore Domeij [REDACTED]
Sent: 27/01/2024 21:51:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Sent from my iPhone

Message

From: Richard Connell [REDACTED]
Sent: 27/01/2024 22:09:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Dan Saragosti [REDACTED]
Sent: 27/01/2024 22:15:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Dan Saragosti

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From: [REDACTED]
Sent: 27/01/2024 22:20:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sandra Connan

Message

From: [REDACTED]
Sent: 27/01/2024 22:26:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Cairn Mahoney

Message

From: Eri-lfe Adepaju [REDACTED]
Sent: 27/01/2024 22:37:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Eri Adepaju

Message

From: Jan Lorier [REDACTED]
Sent: 27/01/2024 23:16:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jan Lorier

Message

From: Jake (Jacques) Urech [REDACTED]
Sent: 27/01/2024 23:28:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jacques Urech

Message

From: Virginia Salerno [REDACTED]
Sent: 27/01/2024 23:37:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Dany Marqass [REDACTED]
Sent: 27/01/2024 23:41:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Thank you,
Dany Marqass
[REDACTED]

Message

From: Jenni Woodroffe [REDACTED]
Sent: 28/01/2024 01:18:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Jenni Woodroffe

Message

From: sonya.dunn [REDACTED]
Sent: 28/01/2024 01:53:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Helen Carse [REDACTED]
Sent: 28/01/2024 02:44:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 28/01/2024 03:54:08
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Ren

Message

From: Rodney Wilkinson [REDACTED]
Sent: 28/01/2024 04:43:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 28/01/2024 05:51:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Ylva Nordström, [REDACTED]

skickat från min iPhone

Message

From: Martin Scurrah [REDACTED]
Sent: 28/01/2024 06:02:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Martin Scurrah

Message

From: Jane Carroll [REDACTED]
Sent: 28/01/2024 07:21:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Jane Carroll
Teacher of 50 years.

Sent from my iPhone

Message

From: Melanie Rowland [REDACTED]
Sent: 28/01/2024 07:54:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent: 28/01/2024 08:02:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

María Jungmarker

Skickat från min iPhone

Message

From: lillie paxton-white [REDACTED]
Sent: 28/01/2024 08:31:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Doug Francis [REDACTED]
Sent: 28/01/2024 08:40:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Douglas Francis
BA Ethnology UC Berkeley; Master, Harbours & Rivers Australia (ret)

Message

From: Beverley Booth [REDACTED]
Sent: 28/01/2024 08:59:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Rebecca Bodey [REDACTED]
Sent: 28/01/2024 09:04:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Many thanks,

Rebecca Bodey

Message

From: Boaz Shacham [REDACTED]
Sent: 28/01/2024 09:12:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Boaz SHACHAM, Ecologist & Zoologist

Message

From: Pia-Sophie Daldrup [REDACTED]
Sent: 28/01/2024 09:30:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

--
Diese Nachricht wurde von meinem Android Mobiltelefon mit [REDACTED] gesendet.

Message

From: Deborah Clarke [REDACTED]
Sent: 28/01/2024 09:30:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Elena del Castillo González [REDACTED]
Sent: 28/01/2024 09:43:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Kelly Van Der Meiren [REDACTED]
Sent: 28/01/2024 09:45:47
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED]. [Meer informatie over waarom dit belangrijk is](#)

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Kind regards,
Kelly

Message

From: Helena Silva [REDACTED]
Sent: 28/01/2024 10:12:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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helena

Message

From: Ian Wall [REDACTED]
Sent: 28/01/2024 10:46:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Ian Wall

Prof Ian Wall
FRSE FRICS HonFRIAS

Message

From: Rob [REDACTED]
Sent: 28/01/2024 10:57:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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I am confident that you will try your best.

Kind regards,

Rob

Message

From: Doctor Mcneil [REDACTED]
Sent: 28/01/2024 11:05:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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From: [REDACTED]
Sent: 28/01/2024 11:23:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Ralf Kauer

Ralf Kauer
[REDACTED]
[REDACTED]
[REDACTED]

Message

From: AMANDA Waters [REDACTED]
Sent: 28/01/2024 11:38:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Amanda

Message

From: S S [REDACTED]
Sent: 28/01/2024 11:49:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Geoff [REDACTED]
Sent: 28/01/2024 12:20:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: María José Coutiño [REDACTED]
Sent: 28/01/2024 12:28:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Maria Coutino

Message

From: Roberta Tomeucci [REDACTED]
Sent: 28/01/2024 12:36:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
roberta tomeucci

Message

From: Margaret Besomo [REDACTED]
Sent: 28/01/2024 13:01:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,
Margaret Besomo

Sent from my iPhone

Message

From: Rax Green [REDACTED]
Sent: 28/01/2024 13:04:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Sebastien Lherbret [REDACTED]
Sent: 28/01/2024 13:07:20
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards, **I am a parent and I would like you to think in terms of being parent of young human beings who will later hold our society together.**

Sebastien Lherbret

Message

From: José Wilmar Krautler [REDACTED]
Sent: 28/01/2024 13:15:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Alex Pelli [REDACTED]
Sent: 28/01/2024 13:26:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Alex
(She/they)

Message

From: Juan Carlos Latorre [REDACTED]
Sent: 28/01/2024 13:27:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission.

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Kind regards,
Juan Carlos Latorre del Salvador.



Libre de virus. www.avg.com

Message

From: Jan Higgins [REDACTED]
Sent: 28/01/2024 13:38:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Janice Higgins
[REDACTED]

Message

From: Finbarr Harrington [REDACTED]
Sent: 28/01/2024 13:40:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Gavin Ellis [REDACTED]
Sent: 28/01/2024 13:54:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Gavin Ellis

Message

From: Zain Rajani [REDACTED]
Sent: 28/01/2024 14:09:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Zain

Message

From: Jacqueline de Witt [redacted]
on behalf of Jacqueline de Witt [jacqui@dewitt.id.au]
Sent: 28/01/2024 14:12:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sláinte

Jacqueline A.M. de Witt Stewart Bedford
BAppSc(Physio.) DPT BA(Hist./Philos.)

Excellence Honours God & Inspires Others

Sent from my iPhone

Message

From: Alita Schaller [REDACTED]
Sent: 28/01/2024 14:33:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Alita

Sent from my iPhone

Message

From: SHIRLEY MILLS [REDACTED]
Sent: 28/01/2024 15:31:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
S.Mills

Message

From: Hannah Craik [REDACTED]
Sent: 28/01/2024 15:31:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Hannah Craik

Sent from my [REDACTED] sorry for the typos

Message

From: linda bishop [REDACTED]
Sent: 28/01/2024 15:38:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Linda Bishop

Message

From: neil devlin [REDACTED]
Sent: 28/01/2024 15:43:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Neil Devlin

Message

From: Neil Cole [REDACTED]
Sent: 28/01/2024 16:16:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: sue owen [REDACTED]
Sent: 28/01/2024 16:32:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: marcia cristina theophilo [REDACTED]
Sent: 28/01/2024 16:33:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Naomi Anne Miller [REDACTED]
Sent: 28/01/2024 16:41:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Respectfully submitted,

Naomi A Miller MD (Retired), [REDACTED]

Message

From: wendy Elliott [REDACTED]
Sent: 28/01/2024 16:44:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Sue Walsh [REDACTED]
Sent: 28/01/2024 16:47:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Sue Walsh

Message

From: David Hann [REDACTED]
Sent: 28/01/2024 16:54:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
David Hann

Message

From: [REDACTED]
Sent: 28/01/2024 17:00:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Stuart Lancaster

Message

From: Mariana [REDACTED]
Sent: 28/01/2024 17:17:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Mariana Martins

Message

From: Úna Ní Riain [REDACTED]
Sent: 28/01/2024 17:44:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Úna Ní Riain.

Message

From: Janet Cooper [REDACTED]
Sent: 28/01/2024 17:46:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Janet Cooper

Message

From: Maria de Fátima do Prado Valladares [REDACTED]
Sent: 28/01/2024 17:56:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Enviado do meu iPhone

Message

From: Rose Machin [REDACTED]
Sent: 28/01/2024 18:40:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Rose Machin

Message

From: Christopher Shepherd [REDACTED]
Sent: 28/01/2024 18:42:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Anna Jasiukiewicz [REDACTED]
Sent: 28/01/2024 18:58:35
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Anna Jasiukiewicz

Message

From: Sofia Karvouna [REDACTED]
Sent: 28/01/2024 19:18:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sofia Karvouna

Message

From: Piedad Navarro Dominguez [REDACTED]
Sent: 28/01/2024 19:30:21
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Patrick van Soelen [REDACTED]
Sent: 28/01/2024 19:31:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Patrick van Soelen

Message

From: Turlacu Radu [REDACTED]
Sent: 28/01/2024 19:32:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Radu Turlacu,
[REDACTED]

Message

From: Alan Canvess [REDACTED]
Sent: 28/01/2024 19:44:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Message

From: Valdemar W. Setzer [REDACTED]
Sent: 28/01/2024 19:59:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

Please make the System Safety regulation more strict. Children and adolescents just don't have the knowledge, life experience, maturity and self-control to resist to media with screens. There is no solution, other than prohibiting them to use the devices. Certainly you have prohibitions of minors drinking alcohol and smoking, because it has been proven that they are dangerous. It has been already proven that media with screen is dangerous to minors, is addictive and damages their learning process. What are you waiting for?

Sincerely,

[REDACTED]

Message

From: D Tsit [REDACTED]
Sent: 28/01/2024 20:42:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Dimitris Tsitakis

Message

From: EMILIO MARIOTTI [REDACTED]
Sent: 28/01/2024 20:42:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Paul Vidler [REDACTED]
Sent: 28/01/2024 21:19:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Paul Vidler

Message

From: Maria Del Bianco [REDACTED]
Sent: 28/01/2024 21:46:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Maria Del Bianco

Message

From: Alicia Acosta de Montfort [REDACTED]
Sent: 28/01/2024 21:47:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

No suele recibir correos electrónicos de [REDACTED]. [Por qué esto es importante](#)

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Message

From: sharon webster [REDACTED]
Sent: 28/01/2024 21:48:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sharon Webster

Sent from my iPad

Message

From: Alexandra Mia Ragauskas [REDACTED]
Sent: 28/01/2024 22:07:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Alexandra Mia Ragauskas

Message

From: Angela Robinson [REDACTED]
Sent: 28/01/2024 22:31:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Angela Robinson

Message

From: Lino Martins [REDACTED]
Sent: 28/01/2024 23:01:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Lino Martins

Message

From: sf [REDACTED]
Sent: 28/01/2024 23:08:12
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sean

Sent from my iPhone

Message

From: Shaindel Zimmerman [REDACTED]
Sent: 28/01/2024 23:27:13
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Des McHugh [REDACTED]
Sent: 29/01/2024 00:24:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code - Observations
Flag: Follow up

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Hi,

From reading your proposed code, I am concerned that you are not passing enough regard to privacy and safety in your draft(s) published to date, while acknowledging that your proposal is driven by good intentions.

While attempting to achieve good outcomes, the processes that you are asking to be put in place, and in particular the examples or concepts you have identified, create significant concern for human rights advocates, and specifically for data protection experts, and for members of the public such as myself. The idea that I would share identity documents or biometrics (facial photos) for these purposes with online platforms such as the ones you have designated, or others that you will be regulating, is farcical.

Given the history of known data breaches, the inevitability of future ones and, what I would consider most important, the repeated and recurring examples where a number of the designated platforms have been disingenuous and dishonest about how they have processed personal data of their users, you should not be suggesting that their users should be providing sensitive data to them.

It seems very obvious that you have not taken into account viewpoints from serious experts in these areas, or perhaps have ascribed too much weight to naive and non-expert views. These are not good ideas and should very seriously be revisited.

Notwithstanding the above, your intention to enforce that “recommender” algorithms be off by default for these platforms is a hugely worthy position and I would strongly agree that you should maintain this position through into your regulating and enforcement.

Thank you,
Des McHugh

Message

From: [REDACTED]
Sent: 29/01/2024 00:54:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Massimo Dario

[REDACTED]

Message

From: Fiona Paton [REDACTED]
Sent: 29/01/2024 01:24:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Fiona Paton

Message

From: Marilynne Turcotte [REDACTED]
Sent: 29/01/2024 01:34:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Lucy Butcher [REDACTED]
Sent: 29/01/2024 02:28:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Joan Adamson [REDACTED]
Sent: 29/01/2024 02:47:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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I am Irish but living in [REDACTED]. I want to be proud of my Irish background and not look foolish among my new [REDACTED] friends and those of other nationalities. Do the right thing.

Kind regards,

Message

From: Andre Acker [REDACTED]
Sent: 29/01/2024 04:42:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
André Acker [REDACTED]

Message

From: Kjersti Velsand [REDACTED]
Sent: 29/01/2024 05:23:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Kjersti Velsand

Message

From: Ganja [REDACTED]
Sent: 29/01/2024 05:25:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Julien Aymé [REDACTED]
Sent: 29/01/2024 05:28:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Julien Aymé,
Worried father of two teenage daughters

Message

From: Mikušincová Stanislava, Ing. [REDACTED]
Sent: 29/01/2024 06:08:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Stanislava Mikusincova.

Message

From: Ivica Rus [REDACTED]
Sent: 29/01/2024 06:50:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Staffan Pernler [REDACTED]
Sent: 29/01/2024 07:24:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

It seems to be a great step forward in online safety! However, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures.

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Kind regards, Staffan

Message

From: Julia Steinkellner [REDACTED]
Sent: 29/01/2024 07:35:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Julia

Message

From: Silvina Cassarino [REDACTED]
Sent: 29/01/2024 08:23:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Silvina Cassarino

Message

From: Angela Hodgson [REDACTED]
Sent: 29/01/2024 08:29:55
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Angela H

Message

From: Elodie Desseaux [REDACTED]
Sent: 29/01/2024 08:49:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Elodie Desseaux

Message

From: Luke O'Doherty [REDACTED]
Sent: 29/01/2024 09:00:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Luke O'Doherty

Message

From: [REDACTED]
Sent: 29/01/2024 09:10:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Adam

Message

From: Jasper | [REDACTED]
Sent: 29/01/2024 09:17:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Jasper van der Meer.

Message

From: Haytham Bayasi [REDACTED]
Sent: 29/01/2024 09:17:40
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: [REDACTED]
Sent: 29/01/2024 09:25:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Massimiliano Doria

[REDACTED]

Message

From: Paul Evans [REDACTED]
Sent: 29/01/2024 09:26:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Paul Evans

Message

From: marek malinowski [REDACTED]
Sent: 29/01/2024 09:46:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Alison Lees [REDACTED]
Sent: 29/01/2024 09:49:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

--
Alison Lees

Message

From: Elpida Koryfidou [REDACTED]
Sent: 29/01/2024 10:25:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Elpida Koryfidou

Message

From: Nicolas Pascal [REDACTED]
Sent: 29/01/2024 10:49:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please make it as robust as possible. Kind regards,

Nicolas Pascal

Message

From: Unai Fuente Gómez [REDACTED]
Sent: 29/01/2024 11:14:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Unai Fuente

Message

From: Aimee Rouschop [REDACTED]
Sent: 29/01/2024 11:54:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Aimée Rouschop

Message

From: m s [REDACTED]
Sent: 29/01/2024 12:26:34
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: David Stoughton [REDACTED]
Sent: 29/01/2024 12:34:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Yours sincerely,

David Stoughton

Message

From: David Bond [REDACTED]
Sent: 29/01/2024 13:06:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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From: John Welsh [REDACTED]
Sent: 29/01/2024 13:07:52
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Sent from my iPhone

Message

From: Darren Fletcher [REDACTED]
Sent: 29/01/2024 13:28:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Eric Bayer [REDACTED]
Sent: 29/01/2024 13:51:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Eric Bayer

Message

From: Donna Bond [REDACTED]
Sent: 29/01/2024 14:04:22
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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From: solomon oladimeji [REDACTED]
Sent: 29/01/2024 14:27:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Public Consultation Submission

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From: Domenico Tropeano [REDACTED]
Sent: 29/01/2024 14:28:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Miriam Thorn [REDACTED]
Sent: 29/01/2024 14:44:41
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Miriam Thorn

Sent from my iPhone

Message

From: Kevin Russell [REDACTED]
Sent: 29/01/2024 15:22:42
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Demetrio Rivas [REDACTED]
Sent: 29/01/2024 15:23:24
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: robert williams [REDACTED]
Sent: 29/01/2024 15:38:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Annette Korver [REDACTED]
Sent: 29/01/2024 16:02:48
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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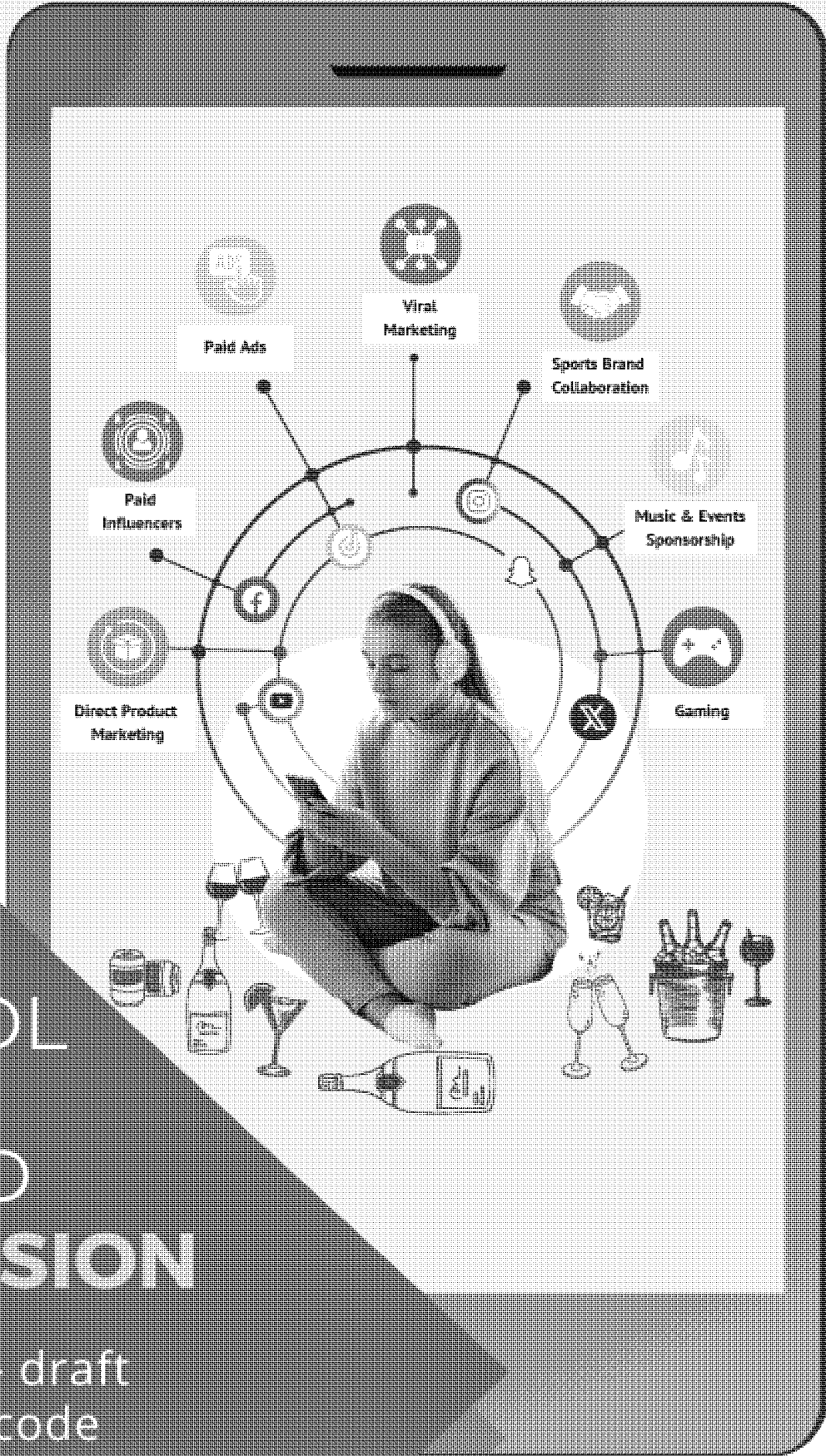
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Kind regards,



ALCOHOL ACTION IRELAND SUBMISSION

Consultation - draft
online safety code
for video sharing
platform (VSP) services

January 2024

Alcohol Action Ireland (AAI) was established in 2003 and is the national independent advocate for reducing alcohol harm. We campaign for the burden of alcohol harm to be lifted from the individual, community and State, and have a strong track record in campaigning, advocacy, research and information provision.

Our work involves providing information on alcohol-related issues, creating awareness of alcohol-related harm and offering policy solutions with the potential to reduce that harm, with a particular emphasis on the implementation of the Public Health (Alcohol) Act 2018. Our overarching goal is to achieve a reduction in consumption of alcohol and the consequent health and social harms which alcohol causes in society.

Alcohol Action Ireland Directors: Prof. Frank Murray (Chair), Catherine Brogan, Pat Cahill, Paddy Creedon, Michael Foy, Dr Jo-Hanna Ivers, Dr Mary O'Mahony, Dr Colin O'Driscoll, Dr Bobby Smyth, Anita Whyte

Patron: Prof. Geoffrey Shannon

Alcohol Action Ireland is a registered Irish Charity.

Registered Charity Number: 20052713

Company No: 378738.

CHY: 15342.

Alcohol Action Ireland
Coleraine House
Coleraine Street
Dublin, D07 E8XF
Tel [+353 1 878 0610](tel:+35318780610)
admin@alcoholactionireland.ie
alcoholireland.ie

Summary of Recommendations:

Alcohol harm is one of Ireland's greatest preventable health risks. Alcohol and three other harmful commodity products – tobacco, unhealthy foods and fossil fuels – are responsible for at least a third of global deaths per year. According to the World Health Organization (WHO) 25% of deaths of 20-24 year olds in the WHO European region are due to alcohol.

Yet despite this knowledge, because of loose regulation of alcohol advertising, young people are being targeted and recruited by the alcohol industry which is increasingly using online platforms to aggressively market its addictive products to young people.

It is vital that Governments – through bodies like Coimisiún na Meán – ensure that platforms develop policies and technologies which can measure, control and restrict alcohol marketing, compelling them by regulation to supply relevant marketing data, including marketing spending, media used and data on the demographics of audiences reached.

We know that the best protection from exposure to digital marketing of alcohol, with its associated risks, is to remove it from all online contexts. In the absence of that, online safety regulations must ensure that any messages and images should be limited to factual content, without links to celebrities, such as influencers, for the purposes of promotion. Regulatory codes should state what is permitted, rather than what is not, with the legal presumption that what is not named is not allowed.

Regulations set out in Ireland's first online safety framework should ensure:

- Social media and video sharing platforms are compelled to provide to governments relevant marketing data, including marketing spending, media used and data on the demographics of audiences reached.
- Prohibition of personalised targeted marketing of addictive or harmful products. Clear identification of all kinds of ads (see appendix) including influencer content.
- Prohibition of the tracking, profiling, monitoring or targeting of children for commercial purposes.

- Severe penalties for non-compliance with regulations for the advertiser, alcohol producer and the digital platform. These penalties should be based on the global profits of the offending companies, comparable to those in relation to violations of GDPR.
- Comprehensive monitoring and compliance systems. These should be funded by levies on advertisers and the platforms on which the advertisements appear.
- Self-regulatory bodies should not be involved in the regulation of commercial communications or in the implementation of the Online Safety Code. Statutory mechanisms should be the sole structures by which Online Safety Codes are designed, implemented and enforced. Allowing self-regulatory bodies to be involved in monitoring compliance would undermine the work and principles of Coimisiún na Meán.

1.0 Introduction:

Alcohol is one of the most heavily marketed products, with the annual spend on alcohol advertising in 2021 conservatively estimated at €115m in Ireland alone. Young people are an important market for the alcohol industry. Comprehensive research now clearly tells us that alcohol marketing, including advertising, sponsorship and other forms of promotion, increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol.

As countries are beginning to regulate advertising of alcohol in real world settings, there has already been a significant move towards online advertising. Publicly available data on alcohol marketing expenditures are scarce, but it is estimated that the global total marketing spending for six of the largest alcohol companies was US\$17.7 billion in 2017. As digital marketing is now the most important marketing platform for alcohol brands there is an urgent need to develop adequate regulatory frameworks, technical tools and skills to monitor and restrict this.

According to the World Health Organisation (WHO)'s latest digital marketing report, "the invasion of children and young people's digital social spaces by companies promoting alcohol consumption normalizes a drinking culture from a very young age, placing them especially at risk of harm."

As policy makers, legislators and protectors of children's rights, we are already way behind industry tactics designed to ensure young people drink as soon as possible and as often as possible. People's well-being must be prioritised over commercial profits.

2.0 “Surround sound”

Alcohol producers are aware of the power of digital platforms, where most of their marketing spend is moving to. For example, Diageo now conducts most of its online presence through Facebook and was among the top 20 Facebook advertisers in 2019. By 2017, Heineken concentrated its advertising and marketing budget on digital platforms, primarily Google and Facebook, instead of traditional broadcasting.

A study published in Jan 2024 has shown that social media platforms Facebook, Instagram, Snapchat, TikTok, X and YouTube collectively derived nearly \$11 billion in advertising revenue from U.S.-based users younger than 18 in 2022. The researchers called for greater data transparency as well as public health interventions and government regulations.

Because of the way in which internet marketing works, we cannot allow advertisers and platforms to continue with the low bar set by the current EU directive, which states: *audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages*; because this will allow companies to continue acting in ways that reach children.

As was borne out by a recent study on the behavior of tobacco producers and the targeting of children, advertisers and platforms are engaging with people very differently than in the real world, using a wide range of methods that creates a ‘surround sound’ effect. (See Appendix 1 for examples). Alcohol producers cannot be allowed to infer that online is the same as real world, or that they are subject to strict rules already, a claim often made but that has no basis in fact, especially in terms of online advertising.

Commentary within the consultation document states that alcohol advertising to children is illegal but this is not the case. Advertising alcohol to children *should* be illegal with heavy sanctions. However, what is in place are limited areas of statutory restrictions under the Public Health (Alcohol) Act 2018 (PHAA) and self-regulatory codes for other types of advertising.

Under the PHAA, alcohol ads are restricted in certain areas (eg within 200m of schools, on public transport, during children’s

events and from January 2025 a broadcast watershed of 9pm). This is with the explicit purpose of trying to reduce the amount of alcohol advertising to which children are exposed. There are penalties if alcohol advertisements appear in those limited places. However, there are currently no sanctions if children see alcohol advertisements in other locations such as at 201m from schools or online.

Major alcohol producers, such as Diageo, claim that they do not target children with their ads. However, the Broadcasting Authority of Ireland in its 2021 report on the operation of the Children's Communications Code found that Diageo was the Number 4 broadcast advertiser to children in traditional media. There is currently no legal sanction in place to address this.

In addition, the response from alcohol producers to the very modest restrictions under the PHAA has been to replace alcohol ads with ads for zero alcohol products using identical branding to the alcohol master brand. This means that children are still being bombarded by advertising from alcohol brands, perhaps even more so than prior to the proliferation of zero alcohol adverts.

3.0 Protecting children and vulnerable populations

AAI welcomes that Coimisiún na Meán's new online media code states that: *"Audiovisual commercial communications for alcohol that is aimed specifically at children is prohibited by the draft Code as harmful to children."*

This demonstrates a recognition that alcohol advertising to children is harmful.

This then, makes it incumbent on the regulator to take a strong and unequivocal stance in relation to the tactics that industry uses online to capture young people's attention. It is vital that the commission is cognizant of industry tactics and claims while policing this area and that it considers alcohol when it comes to monitoring and prohibiting *"audiovisual commercial communications which encourage behaviour prejudicial to health or safety."*

Given the documented experience of alcohol advertising in traditional media, it is not surprising that there is also ample evidence of similar practices online though in this case the practices are even more insidious. Alcohol marketing inhabits the spaces where children live online and uses dark and untraceable methods to target young people.

Research has demonstrated that because social media sites have become so popular and pervasive with young people, they have also become an important aspect of the alcohol industry's multi-platform marketing strategies and are creating 'intoxicogenic digital spaces' where young people learn about alcohol and underage drinking is normalised.

Alcohol brands also use 'dark' and novel forms of alcohol marketing. For example, there is evidence from Australia that people are being bombarded to tailored alcohol, junk foods and gambling adverts which disappear after a short time, are not visible to others and viewers have no record of what they have been exposed to.

Children are coaxed into becoming the messenger for the alcohol industry by routinely telling and re-telling drinking stories online and sharing images depicting drinking and following influencers who sometimes do not declare their interests. User-generated alcohol-related videos on platforms such as TikTok have been

shown overwhelmingly to promote positive associations with alcohol, including humour and camaraderie, while rarely showing negative outcomes associated with alcohol consumption.

Brands encourage social media users to upload content of themselves drinking their alcohol products. This approach is highly attractive to the industry as it isn't recognised as a breach of advertising rules.

Additionally, in order to get around restrictions designed to protect children in their lived environments, alcohol producers have discovered an insidious way to ensure cradle-to-grave advertising through the now increasingly widespread marketing of zero alcohol products using identical branding to their alcohol master brands in areas which are restricted for alcohol advertising. There is no doubt this will continue and grow online.

4.0 Profiling and targeting of people online

It is now well known that algorithmic marketing systems use methods that target people's characteristics, interests and behaviours. Companies selling harmful and addictive products like alcohol and nicotine pay to access sophisticated systems to aggressively market products that hurt people's health and wellbeing.

A study published in the Journal of Studies on Alcohol and Drugs took the top 100 videos on TikTok including the hashtag #alcohol and looked for trends in categories such as user attitudes towards alcohol and level of alcohol use. They found most videos had a pro-alcohol sentiment (98%) and often depicted the consumption of large amounts of alcohol (61%). Yet still the data behind exactly who companies target is largely kept out of the public domain. In order to protect children's rights and the rights of vulnerable populations, this must change.

As highlighted by international experts on children's health and rights: "Large companies incorporate the science of the life course approach into their marketing, to achieve the adherence and fidelity of children to capture future consumption....the rapid spread of sophisticated digital and mobile communications means that children are exposed, as never before, to a torrent of commercial marketing pressures from corporate powers."

Other vulnerable groups such as anyone with, or at risk of, substance use problems, and indeed the wider public should also be protected. For example, in the case of alcohol marketing, this ability to prey on people's susceptibilities is particularly harmful because it can disproportionately target people experiencing alcohol dependence.

AAI welcomes the online safety code statement that: *"Video-sharing platform service providers shall ensure that personal data of children collected or otherwise generated by them when implementing obligations in this Code relating to age verification and parental controls is not processed for commercial purposes, such as direct marketing, profiling and behavioural targeted advertising."*

However, AAI believes this does not go far enough and that social media platforms should be compelled to provide to governments relevant marketing data, including marketing spending, media

used and data on the demographics of audiences reached. In the event that some alcohol marketing activities continue to be permitted, any messages and images should be limited to factual content, without links to celebrities, such as influencers, for the purposes of promotion. Regulatory codes should state what is permitted, rather than what is not, with the legal presumption that what is not named is not allowed.

Full disclosure should enable individuals to see if a piece of content is being paid for, if so, by whom and what data have been used for targeting them. Health bodies should also be able to have access to data sources indicating at scale what kinds of content are being circulated and how targeting of populations and individuals happens.

5.0 Monitoring and enforcement

Self-regulatory bodies should not be involved in the regulation of commercial communications or in the implementation of the Online Safety Code for VSPs. Currently, the Advertising Standards Authority of Ireland (ASAI) code regulates advertising – including online advertising – in Ireland, but this code is self-regulatory. The ASAI is 100% funded by industry, and therefore has industry interests at its core. It is not a suitable body to provide robust and independent adjudications on advertising carried out by its own members/funders.

Indeed, this is precisely the reason why commercial content needs a more robust approach. Essentially, up to now, advertisers have set their own advertising rules. The rules are weak and even when complaints are made, invariably the ASAI rules in favour of the advertiser. (Details supplied in Appendix 2). In fact, the ASAI doesn't appear to make an independent adjudication at all on adverts, but as per its adjudication re 'Rockshore', sends the complaint to the advertiser for comment, and rules accordingly.

For example, AAI complained to the ASAI in 2019 under their own advertising standards code regarding a billboard ad for 'Guinness Six Nations Some things just belong together'. It was close to a school in contravention of the ASAI's own guidelines. The complaint was rejected and while making a highly convoluted argument about distances the ASAI also included a note that *'the advertising in this case is not alcohol brand advertising, that it wasn't an ad for Guinness, but for a rugby competition.'* By any standard, this is a farcical view of Diageo's investment in rugby sponsorship – a marketing deal which the industry proudly boasted had increased sales of Guinness by 77%.

Other similar bodies around the world ([UK](#) and [Australia](#)) consistently come down on the side of advertisers – after all, that is who keeps them in business. ASAI is not independent and therefore by proxy, neither will Coimisiún na Meán be, if it allows industry to police itself.

Statutory mechanisms should be the sole structures by which Online Safety Codes are designed, implemented and enforced. Sanctions to be imposed for inappropriate activities need to be strong, with robust enforcement. These should be funded by levies on advertisers.

The alcohol industry claims it does not target children, but the tactics outlined here demonstrate how alcohol companies are using an array of methods to ensure that marketing of their product not only reaches the widest possible audience but is also appealing to young people. Examples of the 'surround sound' of marketing online that is available to anyone online include:

Direct marketing

Paid for ads 'pop up' in newsfeeds or stories. Social media accounts are often filled with 'sponsored' alcohol advertisements that 'pop up' in newsfeeds or stories. These posts are similar to traditional advertising, as alcohol brands pay for them to be placed in the newsfeeds of their target audience. These ads tend to appear more frequently for people who search for, talk about, or purchase alcohol online, as companies can use personal data to target people 'interested' in alcohol.

Alcohol brands create official social profiles to encourage 'fans' to engage with their posts through questions/polls, posting photos and memes and using the brands hashtag for a chance to be featured on their page. This creates huge engagement with not just the brand's account but also the hashtag for brand or product. This content is highly interactive and easily shared.

Alcohol & sports

An array of marketing activities are used to leverage the link between alcohol, sports and elite athletes, which ultimately drives consumption of alcohol. Sponsorship related to alcohol often associates itself with sporting and cultural events in online contexts.

An international brewing company gives its name and sponsorship to UEFA (Union of European Football Associations) Champions League. Research carried out on behalf of the brewers found that globally more than eight out of 10 people follow this League using at least one digital channel (for example online live streams or social media), while approximately one in six exclusively use digital channels to follow matches.

The "reach" to potential consumers therefore using social media and live streams through their sponsorship of these competitions is expanded rather than relying or using simply traditional forms of marketing. (From WHO digital marketing report).

Alcohol & music

Wherever young people are, that is where alcohol brands in general want to be. That is why they create partnerships with Spotify and why they sponsor music events. Increasingly, digital media is being used to connect with and engage the audience before and after events. This approach of integrating multiple media channels to get strategic synchronicity is called Integrated Marketing Communications and is one of the most important approaches in marketing today, again creating a 'surround sound' effect.

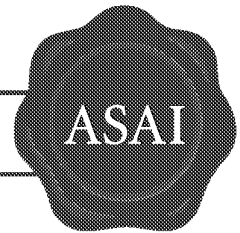
Alcohol influencers

Alcohol companies pay social media influencers to upload photos or videos of themselves with alcoholic drinks. Alcohol companies leverage these creators to educate and build awareness around their brand. By using these influencers, alcohol companies bypass codes and can advertise directly to their young followers.

Research shows that influencers reach minors and are effective in making alcohol consumption popular and normative. Influencers post many alcohol brands but often do not disclose this; moreover, when they do, there is evidence that these posts are not liked or shared as much as posts without disclosure. A former England international footballer advertised a whisky brand to his 66.5 million followers on Instagram. In this picture he appears to be having a night out partying and has chosen this whisky at random to drink from the bottle. In fact, according to the alcohol company website he is a "partner" in this business. The only hint that this is the case is the hashtag "ad" on the Facebook post. The former footballer's followers can receive this advertisement without any age verification checks. (From WHO digital marketing report).

Gaming

Esports, defined as competitive online video gaming is rapidly becoming the largest entertainment industry in the world, with an audience of 500million globally. Leading alcohol companies are among those sponsoring the various leagues and games produced by the e-sports industry, which are able to take advantage of the virtual formats to promote their brands in prominent spaces, and often to children and young people (Chambers, 2020). There is also evidence of vulnerability to alcohol sponsorship among 25–34 year olds and heavy gamer cohorts. Research shows that current advertising restrictions do not capture this arena.



Advertising Standards Authority for Ireland

In Reply Please Quote
Our Ref: 32839 (Complaint 32805).sp

By Email

4th July 2019

Mr Eunan McKinney

Head of Communications and Advocacy

Alcohol Action Ireland

Coleraine House

Coleraine Street

Dublin 7

Email: [REDACTED]

RE: Placement of Advertising for Guinness Six Nations

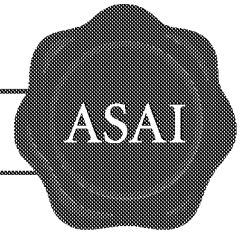
Dear Mr McKinney,

I refer to your complaint regarding the placement of a poster advertisement for the Guinness Six Nations Championships.

As you may know, complaints regarding the placement of alcohol advertisements in media are examined under the Alcohol Marketing, Communications and Sponsorship Codes of Practice. The Codes were drawn up by the Department of Health and the Drinks Industry and they contain rules for each media. The purpose of these Codes is to reduce the exposure of young people to alcohol advertising and marketing.

The function of the Advertising Standards Authority for Ireland in this matter is to examine the details of the complaint and to report the outcome to the Alcohol Marketing Communications Monitoring Body (AMCMB), and the complainant. We also advise the advertisers and the media involved of any breaches or potential breaches of the Voluntary Code to limit the exposure of young people to alcoholic drink advertising.

The Outdoor Media Code of Practice for Alcohol Advertising requires that The Outdoor Media Association will not place advertising for any alcoholic drinks within 100 metres of a primary or secondary school entrance. As stated above, the purpose of the Code is to reduce the exposure of young people to alcohol advertising and marketing, however, the Codes do not prohibit the advertising of events. While the advertising in this instance is for the Guinness Six Nations Championship and not the Guinness brand itself, we did make enquiries with both Diageo and the media company. In their reply Diageo stated that as with all sites where they advertise, they measure the shortest, most direct route to the entrance of the school using a trundle wheel to ensure accuracy and they also reflect how people walk or travel from the site to the entrance of the school. In this case they said that the distance was measured at 113 metres.



Mr Eunan McKinney 4th July 2019

In their reply, the media company stated that they had sent one of their site inspectors down to this area on receipt of our correspondence. They said that it was not possible to walk the route as per the line featured in the photograph you provided with your complaint and that anyone trying to do this would have to climb over a pile of boulders and then a fence. They said that there is access with steps and a walkway and that the distance using this route from the poster site to the school was 134.9 meters.

In view of the fact that the poster site is at least 113 metres from the entrance to the school in question then the placement of alcohol advertising on this site is not in breach of the Alcohol Marketing, Communications and Sponsorship Codes of Practice. While the advertising in this case is not alcohol brand advertising, we have brought this matter to the attention of the Monitoring Body.

We would like to thank you for contacting us in the matter.

Yours sincerely,


Seána Parker,

Code and Copy Advice Manager.

In Reply Please Quote
Our Ref: 38508.mc

7th September 2021 by email: [REDACTED]

Mr Eunan McKinney
Alcohol Action Ireland
Coleraine House
Coleraine Street
Dublin 7 D07E8XF

RE: Advertising for Rockshore Lager - Summer 2021

Dear Mr. McKinney,

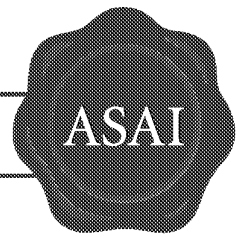
I refer to your complaint on behalf of Alcohol Action Ireland (AAI) regarding the above.

The function of the Advertising Standards Authority for Ireland (ASAI) is to ensure that advertisers comply with the requirements of the Code of Standards for Advertising and Marketing Communications in Ireland and to investigate complaints concerning commercial advertisements that may be considered to be in breach of the Code.

When we received your complaint, we forwarded it to the advertisers for their comments. They said as the world's leading drinks company, they take their commitments to promoting a positive and responsible attitude towards alcohol consumption and a balanced lifestyle to people who choose to consume their products. They were the first in their industry to develop a strict marketing code, the Diageo Marketing Code, which guides all aspects of their activity and demonstrates their commitment to ensuring that they only depict and encourage responsible and moderate drinking. In addition, all their campaigns are designed to ensure that they fully comply with both the letter and the spirit of the regulations laid out by the ASAI Code (the Code), and all are approved by Copy Clear before going live, after going through an extensive verification process.

In addressing your concern in relation to the depiction of water in alcohol advertising, they said that the ASAI Code did not prevent the depiction of water in such advertising, but rather prevented direct association with the consumption of alcohol and activities or locations where drinking would be unsafe. They said their advertising depicted a weekend between friends where they engaged in a series of normal activities over two days, such as running on a beach, playing frisbee, hiking and surfing, all of which took place in broad daylight and with no alcohol being consumed or implied. Consumption happened half-way through the advertisement in a night-time setting, during what was the last night of the weekend, with absolutely no indication that any of those featured would be going back into the water.

Contd./



The advertisers said that a barrier was clearly visible behind one of the actors to mark a clear separation between the place where they drank and the water. The scene immediately following also showed one of the characters sitting in a bus, indicating clearly that the weekend was over.

The advertisers also said that the setting of the advertisement was important for context and was especially relevant this summer, where an emphasis was put, even at Government level, on an “outdoor summer”. People were encouraged to do staycations and the West of Ireland was one of the key destinations to enjoy outdoor socialising opportunities and a wide range of coastal activities. They said they believed that they should be able to depict real, daily life situations in their advertising and summer weekends with friends by the coast, having fun on the beach, was one such situation. No risky behaviour was shown, no alcohol was consumed or implied in relation to water activities, and the presence of the sea should not be seen as being non-compliant with the Code.

In relation to your concern surrounding the age of the actors featured in the advertising, the Advertising Agency confirmed to ASAI their ages and that they were over 25, being closer to 30 than to 25.

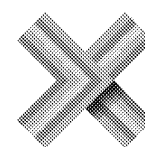
In view of the advertisers’ response and considering that there was no alcohol consumed or implied in relation to water activities and that the ages of the actors were confirmed as being over 25, we do not consider that there is a case for further investigation under the ASAI Code.

We would like to thank you for taking the time to contact us with your concerns.

Yours sincerely,

Mairead Collins
Mairead Collins,

Code Compliance Manager



AlcoholAction
Ireland

Message

From: Deborah Hofman [REDACTED]
Sent: 29/01/2024 16:24:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Deborah Hofman

Message

From: Afke-Huldrike Hiemstra [REDACTED]
Sent: 29/01/2024 16:37:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Afke-Huldrike Hiemstra

Message

From: O. B. [REDACTED]
Sent: 29/01/2024 16:58:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

U ontvangt niet vaak e-mail van [REDACTED].
[Meer informatie over waarom dit belangrijk is](#)

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Message

From: Peter Hill [REDACTED]
Sent: 29/01/2024 17:03:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Peter Hill

Message

From: Hazel Wood [REDACTED]
Sent: 29/01/2024 17:54:38
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Mariana Haddad [REDACTED]
Sent: 29/01/2024 18:05:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: Elisabeth H. [REDACTED]
Sent: 29/01/2024 18:07:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Coimisiún na Meán,

as a mother of two teenage kids

I am writing to you about Ireland's Online Safety Code public consultation.

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Thank you !!

Kind regards,

Elisabeth Hensel

Sent from [REDACTED]

Message

From: Jon Spitz [REDACTED]
Sent: 29/01/2024 18:10:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: James Fannon [REDACTED]
Sent: 29/01/2024 18:12:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

as a father of two teenage kids I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

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Thank you !!

Kind regards.

James Fannon

Message

From: massimo dario [REDACTED]
Sent: 29/01/2024 18:51:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Massimo Dario
[REDACTED]

Message

From: Jean Wren [REDACTED]
Sent: 29/01/2024 19:38:54
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: [REDACTED]
Sent: 29/01/2024 20:53:57
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Via Des

Message

From: Anna Madder [REDACTED]
Sent: 29/01/2024 20:58:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Vicky Marsham [REDACTED]
Sent: 29/01/2024 21:11:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Sent from my iPhone

Message

From: Erin mcilroy [REDACTED]
Sent: 29/01/2024 21:47:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Sent from my iPhone

Message

From: Barbara Baker [REDACTED]
Sent: 29/01/2024 22:05:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

B Baker

Sent from my iPhone

Message

From: leon vanderveen [REDACTED]
Sent: 29/01/2024 22:55:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: moona malfitano [REDACTED]
Sent: 29/01/2024 23:31:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind regards,

M. OM

Message

From: Alison Dale [REDACTED]
Sent: 29/01/2024 23:33:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Alison Dale

Message

From: [REDACTED]
Sent: 30/01/2024 00:16:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Dario Marchionni
[REDACTED]

Message

From: Sophia Coordinator [REDACTED]
Sent: 30/01/2024 00:41:40
To: VSPS Regulañ [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Public Consultation Submission

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Kind regards,

Message

From: H. van Hilst [REDACTED]
Sent: 30/01/2024 01:41:26
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Hans van Hilst

Message

From: Bob McGregor [REDACTED]
Sent: 30/01/2024 02:09:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,
Bob McGregor

Message

From: Frederieke van Dongen [REDACTED]
Sent: 30/01/2024 07:24:25
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Frederieke van Dongen

Sent from my iPhone

Message

From: Kylie Berry [REDACTED]
Sent: 30/01/2024 07:39:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Message

From: jackie rogers [REDACTED]
Sent: 30/01/2024 07:51:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: 장가원 [REDACTED]
Sent: 30/01/2024 09:03:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Ka Won Jang

Message

From: John Trafford [REDACTED]
Sent: 30/01/2024 09:30:18
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Regards John Trafford

Message

From: Deolinda Revez [REDACTED]
Sent: 30/01/2024 10:01:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: Sylvie Lamy [REDACTED]
Sent: 30/01/2024 10:30:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Envoyé de mon iPhone

Message

From: James Parker [REDACTED]
Sent: 30/01/2024 11:26:46
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Sent from my iPhone

Message

From: Jacqueline Burke [REDACTED]
Sent: 30/01/2024 11:42:45
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Jacqueline

**Coimisiún na Meán - Consultation Document: Online Safety
DCEDIY – Child Protection Policy and Legislation Unit (CPPLU) Response
January 2024**

Consultation Question:

4. What is your view on the other definitions of illegal content and regulated content?

The definition of “illegal content harmful to the general public” and “regulated content harmful to the general public” including content which constitutes a criminal offence relating to child pornography and content that incites violence or hatred against an individual or group is to be welcomed.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

We agree that it must be made clear in a video-sharing platform service (VSPS) provider’s terms and conditions that any uploading or sharing of illegal content harmful to the general public and regulated content harmful to the general public should be prohibited. We also agree that illegal content harmful to children should be prohibited.

We welcome the provision that providers are to also prohibit the uploading or sharing of regulated content harmful to children and note the exceptions under 11.3-11.8 in this regard.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

We would suggest that consideration be given to making a distinction in the draft Code between users who have infringed and users who have repeatedly infringed the terms and conditions of the service. We would suggest that suspension of the account may be appropriate for the former group and termination of the account may be appropriate for the latter group.

9. What is your view on the requirements in the draft Code in relation to age verification?

The age verification requirements are welcome to ensure that children are protected from age-inappropriate content. The proposal to not specify the particular techniques for age verification appears to be well considered and provides room for flexibility as technology develops.

We welcome the requirement for providers to be transparent about the age verification techniques that they use and entirely agree that self-declaration of age is not an effective age verification technique.

10. What is your view on the requirements in the draft Code in relation to content rating?

It is noted that, pending the consideration by the Commission of introducing a consistent system of content rating, the draft Code will require VSPS providers to establish easy-to-use rating systems in which users will rate content.

In this regard, the advice for VSPS providers around content rating contained in the draft Statutory Guidance¹ is important. That is, providers should facilitate users to rate content based on the national ratings system in effect in their country eg IFCO for Ireland. The measures suggested for providers to develop the media literacy skills of their users, including around understanding harmful content, understanding the content rating feature being used on the service and sharing content responsibly and safely is welcome.²

11. What is your view on the requirements in the draft Code in relation to parental controls?

The guidelines set out for parental controls in the draft code are to be welcomed. It is important that parents have the ability to put controls in place over the content that their children are accessing. Therefore, it is important that these controls are made accessible and offered when an account is created.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

We welcome the broad range of media literacy measures suggested for providers in the draft Statutory Guidance³, particularly those measures focussed on addressing harmful content.

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?

We welcome the draft Statutory Guidance to accompany the draft Code. The advice to VSPS providers to direct users to best practice guidelines on how to avoid causing harm or avoid disseminating harmful content is welcome. In this regard, we would support the Commission's proposal to publish sample best practice guidelines on its website.

We note that the Commission advises that the measures providers take to develop the media literacy skills of their users⁴ should aim to, inter alia, promote users' awareness of the provider's responsibilities under the Code. We would suggest including a reference to promoting users' awareness of their own responsibilities under the terms and conditions of the service in this part of the Guidance.

28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Safety by design

We support the Commission's proposal to require VSPS providers to conduct safety impact assessments that are effective in identifying and mitigating safety issues, especially those that affect children and to provide statutory guidance on this. We also support the proposal

¹ On p.68/69 of the draft Statutory Guidance

² On p.73/74 of the draft Statutory Guidance

³ On p.73/74 of the draft Statutory Guidance

⁴ On p. 73/74 of the draft Statutory Guidance

to require providers to submit a copy of their online safety impact assessment, on request, to the Commission.⁵

As noted in DCEDIY's previous submission, the Children First Act 2015 requires organisations providing 'relevant services' to children to keep children safe from harm while they are using the service, to undertake a risk assessment and to develop a Child Safeguarding Statement (CSS) setting out the procedures in place to manage any risk identified. These should include policies and procedures on child safeguarding awareness and training and the reporting of child protection concerns. The types of organisations to which these statutory obligations apply are set out in Schedule 1 to the Act. The onus is on VSPS providers to examine the legislation to determine whether any aspect of their work brings them within the definition of 'relevant services'. Further information on the statutory obligations of relevant services and safeguarding best practice for all organisations working with children and young people can be found on the Tusla website <https://www.tusla.ie/children-first/organisations/>

Online Safety Supports

We agree that the protection of users from harm should include providing support for users who are affected by illegal or harmful content. We note the range of options the Commission will encourage VSPS providers to consider to support users so affected.⁶ For the last item, '*contacting local authorities in circumstances where the provider considers there may be an imminent and serious risk to the life or health of a user*', we would suggest that this be amended to include '*...where **the user or** the provider considers...*'. It may also be helpful to clearly state that the police service should be contacted in such instances.

For the Commission's information, the Children First National Guidance (2017) includes definitions of child abuse and signs for its recognition. It also explains how reports about reasonable concerns of child abuse or neglect should be made by the general public and professionals to Tusla. The Guidance as well as the Children First Act 2015 is available on the Tusla website <https://www.tusla.ie/children-first/children-first-guidance-and-legislation/>

Anyone who is concerned about a child in Ireland should contact Tusla. Details about local duty social work offices are available on the Tusla website at <https://www.tusla.ie/children-first/contact-a-social-worker3/> or child protection concerns can also be reported through the Tusla online portal at <https://www.tusla.ie/children-first/web-portal/>. In cases of emergency, where a child or young person appears to be at immediate and serious risk, An Garda Síochána (AGS) should be contacted. It might be helpful for the Commission to include this information in their guidance material for VSPS providers supporting users affected by illegal or harmful content.

⁵ On p.76 of the draft Statutory Guidance

⁶ On. P.77 and p.79 of the draft Statutory Guidance

Message

From: Eden Harbud [REDACTED]
Sent: 30/01/2024 12:30:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,
Eden Harbud

Message

From: W Attwell [REDACTED]
Sent: 30/01/2024 12:41:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Wendy Attwell
[REDACTED]

Message

From: Hilary Saunders [REDACTED]
Sent: 30/01/2024 13:28:06
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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I am so grateful to you for at least consulting about this vital child protection issue.

Kind regards,

Hilary Saunders,
[REDACTED]

Message

From: Barry [REDACTED]
Sent: 30/01/2024 13:37:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Barry Kalmin



Draft Online Safety Code

Submission by, The Alders Unit Children's Health Ireland, Specialist Child Sexual Abuse Services (previously St Louise's and St Clare's Units)
Eimear Lacey, Principal Social Worker, The Alders Unit at Tallaght
Rosaleen McElvaney, Principal Psychotherapist, The Alders Unit at Connolly
Christopher Behan, Senior Social Worker, The Alders Unit at Tallaght
Oriell Smith, Senior Social Worker, The Alders Unit at Connolly

25 JANUARY 2024

List of Consultation Questions: Consultation on Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

Throughout the document there are references to "child pornography" we agree with the commissions view that CSAM is a more appropriate term and would like to see this used more consistently in the body of the text and the term "child pornography" perhaps used at the footnote.

We would welcome point 4.16 of the code and feel that this is an important addition to the draft

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

We find this question difficult to understand and unclear so we could not provide clear feedback in this section.

3. What is your view on the definitions of "illegal content harmful to children" and "regulated content harmful to children"?

Our view is that this is clear and comprehensive.

9. What is your view on the requirements in the draft Code in relation to age verification?

We welcome the reference to using various measures for age verification and a move away from self-declaration as an effective measure. The responsibility for VSPS to explicitly provide information regarding their processes is also viewed

positively (11.8). The need for age verification to occur with regularity is an important measure to ensure safety.

11. What is your view on the requirements in the draft Code in relation to parental controls?

There is an assumption in this part of the code that parents act as a protective factor, however there should be a recognition in the code that this may not always be the case, for example the harmful content such as CSAM could be live streamed by a parent. In this instance the ultimate responsibility lies with the VSPS provider.

23. Do you have any comments on the Annex?

We believe it would be helpful to refer to the UNCRC in order to bolster efforts to ensure that VSPS providers integrate safety by design as part of their operational models.

Consultation on Statutory Guidance

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

It is our view that there needs to be a mechanism in place so that any fines resulting from non-compliance with the code are directed towards services that offer support to those who have been negatively impacted by breaches of online safety. This should be explicit in the code.

Message

From: Joe Fry [REDACTED]
Sent: 30/01/2024 13:58:32
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: sarah brouwers [REDACTED]
Sent: 30/01/2024 13:59:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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From: eugenia [REDACTED]
Sent: 30/01/2024 14:01:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Eugenia Cabal Montes

Message

From: Leonor Mendes [REDACTED]
Sent: 30/01/2024 14:44:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Enviado do meu telemóvel Huawei.

Message

From: Carolina Belmonte dos Santos [REDACTED]
Sent: 30/01/2024 16:12:10
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

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Kind regards,

Message

From: [REDACTED]
Sent: 30/01/2024 16:39:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online safety code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Philippe Olza

Niamh Hodnett
Online Safety Commissioner
Coimisiún na Meán
2–5 Warrington Place
Dublin 2, D02 XP29

30 January 2024

Dear Commissioner,

We, the undersigned groups, and organisations, call on Coimisiún na Meán to redraft the Online Safety Codes to address the issue of ‘legal but harmful content’ for persons of all ages.

The Codes in their current form fall short of fully addressing section 139 of the Online Safety and Media Regulations Act 2022 which does not identify harms or the provision of safety codes as something only for minors but indicates the codes are to make provisions for ‘all users.’

As a sector, we are deeply concerned by the lack of care and protection for persons over the age of 18 despite the well-documented prevalence of harms extending into adulthood in areas such as, but not limited to suicide/self-harm, eating disorders, and various form of cyberbullying.

The internet has the potential to be a powerful tool for good for people of all ages offering a space of belonging or a way to make connections with people you might not otherwise meet. The internet can also open a person up to cyberbullying and provide access to content that can be distressing, triggering, and in some cases of harm, instructive. These harms do not disappear on a person’s eighteenth birthday, and we urge Coimisiún na Meán to address this vulnerability and omission within the Codes.

Thorough helplines, advice pages, emails, webchats, and face-to-face – we are the groups and organisations that support people of all ages who often share the impact the internet has on their daily lives.

Many undersigned organisations submitted responses to the first call and will again reply to the latest consultation with submissions including firsthand accounts and experiences from people the codes, in their current form, will not protect. It is of the utmost importance and urgency you review and strongly consider these submissions and the many voices behind them.

The future of online safety will be shaped by the Codes being drafted now. We are here to work with you to help deliver what we believe can be our shared agenda – a safer internet for people of all ages.

Yours sincerely,



Sarah O'Toole

Sarah O'Toole
Executive Director
Samaritans Ireland



Ian Power

Ian Power
CEO
spunout



HEADLINE
Supporting men, changing attitudes

Aine O'Meara
Áine O'Meara
Headline Programme Lead
Headline



**National Suicide
Research Foundation**

Eve Griffin

Dr. Eve Griffin
CEO
National Suicide Research Foundation



JIGSAW
Young people's
health in mind

Joseph Duffy

Joseph Duffy
CEO
Jigsaw



Shine
Supporting people affected by mental ill health

Nicola Byrne

Nicola Byrne
CEO
Shine



IASW
Irish Association of
Social Workers

Vivian Gerian
Chairperson
Irish Association of Social Workers



**Mental
Health
Reform**

Fiona Coyle

Fiona Coyle
CEO
Mental Health Reform



**LGBT
IRELAND**
For Inclusion
For Equality
For Everyone

Paula Fagan
CEO
LGBT Ireland

Kerry Cuskelly
Chair
Social Workers in Adult Mental Health
Special Interest Group
Irish Association of Social Workers



**AlcoholAction
Ireland**
Sheila Gilheany
CEO
AAI



nwc
National Women's Council
Doireann Crosson
Women's Health Coordinator
National Women's Council

Headline Response to Coimisiún na Meán on the Draft Online Safety Code for Video-Sharing Platform Services (VSPS)

January 30, 2023

On behalf of all at Shine and particularly our Headline team, we wish to express our deep concern at the lack of protection offered to adults by the Draft Online Safety Code for Video Sharing Platform Services. While many other organisations have expressed similar sentiments, our response is focused on three main areas of concern:

- a) **Definitions** in the Draft Code
- b) **Recommender Feeds** in the Draft Statutory Guidance Materials
- c) Overall **Accessibility** of the Draft Code and supplementary materials

Our original submission during the consultation phase of this Code's development emphasised the importance of addressing harms associated with online content and users' mental health. In gathering the data for our submission, we consulted with people using Shine's recovery services, who have a wide range of mental health experiences. In Shine, we believe that people with lived experience of mental health challenges have invaluable knowledge and can offer great insights to improve mental health support and services in Ireland, as well as other areas affecting people's mental health. The development of Ireland's Online Safety Code is one such area. In our response to the Draft Code, we have outlined the area of concern, followed by our suggested amendment.

A) Definitions

Section 10 sets out the Commission's definitions for the Draft Code. We believe there is a serious omission in the definition of '**regulated content harmful to the general public**'¹. The definition as it stands is contrary to [Section 139K of the Online Safety and Media Regulations 2022](#) which makes provisions for 'all users'. The Draft Code as it stands, provides specific protections for minors and minimal protections for adults. While we agree that there are some harms unique to children, we believe that due care should also be given to adults. This sentiment is reflected in the survey responses we previously submitted. Those we consulted with have clearly identified harmful content as being a serious issue for adults also:

'There is a lot of video content that is very triggering and dangerous for vulnerable people. I believe there's a lot of content that could lead to 'copycat' behaviours.'

¹ pg. 48, Draft Online Safety Code Consultation Document

We request that the definition of '**regulated content harmful to the general public**' be expanded to include:

- content consisting of the other categories of harmful online content defined by section 139A(1)(b) and (3) of the Act, namely:
 - (a) content by which a person bullies or humiliates another person,
 - (b) content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder,
 - (c) content by which a person promotes or encourages self-harm or suicide,
 - (d) content by which a person makes available knowledge of methods of self-harm or suicide.

B) Recommender Feeds

*'From time to time I will see these videos and click not interested so they stop but after a few weeks they come back around.'*²

In the Draft Statutory Guidance Materials outlined in Appendix 2, we note that the Commission is not mandating VSPS to implement protections within the Recommender Feeds function, but rather 'encourages'³ such protections be made available. While we welcome that this issue has been acknowledged as an area of concern in the Draft Code, this must be a **binding principle**.

The Code has identified 'the rights to freedom of thought' and 'those with protected characteristics', as outlined in section 4.14.⁴ Our survey respondents, who fall under the category of 'those with protected characteristics', have identified a clear threat to their mental health in the Recommender Feed. Users must be allowed to limit and permanently block content which they have identified as being harmful to their mental health. VSPS who fail to implement this protective function should be penalised.

² Survey respondent quoted in Headline submission, 04/09/2023

³ pg. 79, Draft Online Safety Code Consultation Document

⁴ pg. 41, Draft Online Safety Code Consultation Document

We also note that under the 'Guidance' section, the Commission states, 'It will be a matter for providers to decide what constitutes best practice'⁵. We strongly urge the Commission to reassess this position and move away from a long era of problematic self-regulation. When there is a risk to life, there must be no doubt or room for interpretation on what constitutes 'best practice'.

C) Accessibility of Draft Code and supplementary materials

We note that the Draft Code itself is laden with legislative language and not accessible for a general public audience. We recommend Sections 3.2 through to Section 9 (pg. 37-44) be relocated to the Annex and the body of the Code be Plain English approved. We note the Commission's predecessor, the Broadcasting Authority of Ireland, published a very accessible Code of Programme Standards, and recommend a similar approach to clarity and design be adopted for the Online Code, which serves a similar audience.

Our feedback is uniquely lead by the voice of lived experience with regards to mental health challenges and gives essential insight as to the effectiveness of this Code.

Furthermore, we have worked with key organisations in this sector to jointly express our concerns (see attached). It is important that the experience and collective insights be used to create the best codes to ensure this opportunity is met to create a safer online experience for all. Such an approach we know will ultimately serve to optimise mental health recovery rates and decrease suicide rates.

We know the Commission values collaboration and consultation. We welcome further discussion on these matters and hope the Commission considers the serious nature of the issues raised.

Kind regards,



Nicola Byrne

CEO, Shine

⁵ pg. 65, Draft Online Safety Code Consultation Document

safefood submission

Introduction

safefood, the Food Safety Promotion Board, welcomes the opportunity to make a written submission to Coimisiún na Meán on developing Ireland's first binding Online Safety Code for video-sharing platform services, intended to ensure that Video-Sharing Platform Services (VSPS) take appropriate measures to protect children from harmful content. Furthermore, we welcome further engagement with Coimisiún na Meán in the coming months as the Code is finalised, the super complaints mechanism is established, and further media codes are developed.

safefood is an all-island implementation body set up under the British-Irish Agreement with a remit to promote food safety and healthy eating on the island of Ireland. safefood has been working in the area of advertising of food to children for the past 25 years including:

- Support for the development of the children's advertising code by the Broadcasting Commission of Ireland (2005) and review of the code in 2008.
- Commissioning research on the nature and extent of children's exposure to food advertising¹
- Facilitating the discourse on food advertising to children²
- Supporting the development of critical media literacy skills in the primary school setting³

safefood, as a member also of the Healthy Weight for Children Group, sees an important role for the regulation of harmful content in protecting children's health and protecting them from privacy risks, loss of reputation, commercial exploitation of personal data, profiling and cyber harassment. Today's youth – in the womb through to adolescence - are at the epicentre of an exploding digital media and marketing landscape. Indeed, there is significant scope for the Media Commission to recognise and support the position that children hold in the digital ecosystem, as articulated by UNICEF: "that of rights holders, entitled to be protected from violations of their privacy and deserving an Internet free from manipulative and exploitative practices."

Due to the current complexity of the regulatory framework on commercial communications – which covers media law, consumer protection law, e-commerce law and data protection law – policy makers and legislators are being faced with increasing difficulties in how to provide accountability mechanisms, and regulate for, commercial communications that appear across various platforms (traditional media and internet content). We welcome that this first Online Safety Code begins to deal with some of these issues for Video-Sharing Platform Services.

There is clear evidence that children continue to be exposed to powerful food marketing, which predominantly promotes foods high in saturated fatty acids, trans-fatty acids, free sugars and/or sodium and uses a wide variety of marketing strategies that are likely to appeal to children. Food marketing has a harmful impact on children's food choice and their dietary intake, affects their purchase requests to adults for marketed foods and influences

¹ Food marketing to preschool children | safefood; Many in Ireland back ban on unhealthy foods | safefood; Public RFT - Reducing the exposure of children and adolescents to digital marketing of unhealthy foods: (e-supply.com)

² Tackling the marketing of unhealthy food to children | Event (safefood.net); Marketing unhealthy food to children | safefood podcast

³ MediaWise - Primary schools education resource | safefood

the development of their norms about food consumption. Food marketing is also increasingly recognized as a children's rights concern, given its negative impact on several of the rights enshrined in the United Nations Convention on the Rights of the Child⁴ (1). The World Health Organisation has provided Member States with recommendations and implementation considerations on policies to protect children from the harmful impact of food marketing, based on evidence specific to children and to the context of food marketing. Policies include all measures to regulate marketing to which children are exposed, whether through legal instruments mandating compliance (such as legislation and regulations), government-led measures with which compliance is voluntary (such as codes of conduct and standards), or measures by which industry actors voluntarily undertake to restrict marketing (such as pledges and codes). Evidence from the narrative review completed by the WHO showed that food marketing predominantly promoted foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt (HFSS foods), and that digital spaces popular with young people is one of the key areas where food marketing was prevalent.

The WHO statement of good practice is that children of all ages should be protected from marketing of foods that are high in saturated fatty acids, trans-fatty acids, free sugars and/or salt.

The WHO recommends the implementation of policies to restrict marketing of foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt to which children are exposed, and that such policies:

- **be mandatory.**
- **protect children of all ages.**
- **use a government-led nutrient profile model to classify foods to be restricted from marketing.**
- **be sufficiently comprehensive to minimize the risk of migration of marketing to other media, to other spaces within the same medium or to other age groups; and**
- **restrict the power of food marketing to persuade.**

It is in the context of this unambiguous recommendation from the World Health Organisation and safe food's work in this area for the last 25 years that we call upon the Coimisiún na Meán to amend the definition of "audiovisual commercial communications harmful to children" to include:

- audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
- audiovisual commercial communications for infant formula and follow-on formula

In our response, we outline the concerns which are all jointly shared by members of the Healthy Weight for children group our concerns regarding online advertising of high fat, salt and sugar foods (HFSS) and discuss issues with current regulations for online advertising of these foods. Audiovisual commercial communications strongly influence what young people eat and drink, harming their health, well-being, and rights. Additionally, these commercial communications are incompatible with

⁴ Policies to protect children from the harmful impact of food marketing: WHO guideline [Internet]. Geneva: World Health Organization; 2023. Executive summary. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK594727/>

a vision for health-promoting and sustainable food systems and, as such, must be addressed by Coimisiún na Meán in the development of this Online Safety Code.

How the Submission is structured

The Consultation document set out a number of questions across four topics, exploring a wide range of issues, many of which are outside the direct expertise of safefood. Therefore, questions relevant to the work of safefood as well as the Healthy Weight for Children group, of which safefood is a member, are addressed in order.

Some question responses are linked and reference each other, given some of the related content and importance to this submission. This submission to the Online Safety Consultation document responds to the questions provided by Coimisiún na Meán.

Why is the regulation of commercial communication of high fat, sugar, and salt (HFSS) foods so important?

The scale of overweight and obesity in Ireland emphasises the need for comprehensive action. Safefood research estimates that 55,056 children currently living in the Republic of Ireland and 85,688 on the whole island will die prematurely due to overweight and obesity.⁵ Research by the World Obesity Federation predicts that by 2025, 241,000 schoolchildren in Ireland will be overweight or obese by 2025 and as many as 9,000 will have impaired glucose intolerance; 2,000 will have type 2 diabetes; 19,000 will have high blood pressure; and 27,000 will have first stage fatty liver disease.⁶ According to the WHO, 65% of the diabetes burden, 23% of heart disease and between 7% and 41% of certain cancers are attributable to overweight and obesity.⁷ Similarly, the risk of coronary heart disease, ischaemic stroke and type 2 diabetes grows steadily with increasing body mass.

A 2022 World Health Organisation (WHO) Europe region report identified banning online advertising of unhealthy food to children amongst the most promising whole population policies for improving health and tackling overweight and obesity.⁸ This is because, in summary:

- Recognition of food marketing across channels begins in infancy
- Brand logos are learned and linked to the products they sell before children know their ABCs^{9,10}
- Almost all sales by these major brands are unhealthy¹¹. For example, of sales of the top 20 global food and beverage companies, 89% was classified as unhealthy (using the WHO Europe nutrient profile model).
- Much food marketing (across all channels) bypasses conscious choice
- Ubiquitous promotion of unhealthy foods and beverages further normalises harmful eating preferences and practices.

⁵ Ivan J. Perry, Seán R. Millar, Kevin P. Balandá, Anne Dee, David Bergin, Laura Carter, Edel Doherty, Lorraine Fahy, Douglas Hamilton, Abigail Jaccard, André Knuchel-Takano, Laura McCarthy, Adam McCune, Grace O'Malley, Laura Pimpin, Michelle Queally and Laura Webber. (2017). What are the estimated costs of childhood overweight and obesity on the island of Ireland?. Safefood ISBN: 978-1-905767-75-5
Publication date: November 2017 [Online] Available from: <https://www.safefood.net/getmedia/07c9ceb0-dd71-4658-b679-cfc40c03e16b/Cost-of-childhood-obesity-Report.aspx?ext=.pdf>

⁶World Obesity Federation. (2017). Ireland National Infographic. Available from:
<http://www.obesityday.worldobesity.org/fullscreen-page/comp-it36nur2/068a7dcd-eb0d-4dd7-9cf6-1220ddc79ef0/60/%3F%3D60%26p%3D0a2r2%26s%3Dstyle-j84eeb5h>

⁷ World Health Organisation (2009). Global Health Risks - Mortality and burden of disease attributable to selected major risks. Available from: http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

⁸ WHO Regional Office for Europe (2022). WHO European Regional Obesity Report 2022. Copenhagen. Licence: CC BY-NC-SA 3.0 IGO. [Online] Available from: <https://apps.who.int/iris/bitstream/handle/10665/353747/9789289057738-eng.pdf>

⁹ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children's food brand knowledge. Early development and associations with television viewing and parent's diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

¹⁰ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children's Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792-797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

¹¹ Bandy L, Jewell J, Luick M, Rayner M, Li Y, Shats K, Jebb S, Chang S, Dunford E. The development of a method for the global health community to assess the proportion of food and beverage companies' sales that are derived from unhealthy foods. *Global Health*. 2023 Dec 1;19(1):94. doi: 10.1186/s12992-023-00992-z. PMID: 38041091; PMCID: PMC10690999 [Online] Available from: <https://globalizationandhealth.biomedcentral.com/counter/pdf/10.1186/s12992-023-00992-z.pdf>

Summary of Recommendations

1. The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink and Breastmilk Substitutes, must be addressed in the harms as set out in the Online Safety Codes.
2. The definition of “audiovisual commercial communications harmful to children” should include the additional points:
 - audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
 - audiovisual commercial communications for infant formula and follow-on formula
3. A publicly available database where VSPS recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.
4. There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.
5. Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme.
6. Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
7. Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Consultation on Draft Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

On page 38, Section 4 Regulatory Principles Relevant to the Code at subsection 4.3, it notes:

“Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children.”

The 2020 WHO- UNICEF-Lancet Commission on the future for the world’s children noted that “commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing”.

The commercial advertising and marketing of several products, services and brands are associated with poor health. Harmful commodities include but are not limited to unhealthy food and beverages and breastmilk substitutes. Keeping in line with Section 4.3 of the Draft Code, other relevant sections of the Online Safety Code should specifically regulate harmful commercial advertising and marketing to prevent children’s exposure to such audiovisual commercial communications. Such regulation relating to the digital environment should in no circumstance be less effective than regulation in the offline environment.

Recommendation:

The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink and Breastmilk Substitutes (BMS), must be addressed in the harms as set out in the Online Safety Codes.

5. Do you have any comments on any other definitions provided in the draft Code?

By establishing a robust, clear and comprehensive set of definitions for the Online Safety Code, then no segment of the environment of Video Sharing Platforms should be at a competitive advantage. This is especially so when it comes to the regulation of commercial communications.

Overall, safefood recommends that harmful products are not exempt from the definitions in the Online Safety Code, both to protect adults and children from harmful communications relating to HFSS food and drink and BMS, but also as a means of working towards the overall policy objective of reducing harms given the relationships these products and public health concerns.

- **Definition at page 44: “child” means a person under the age of 18 years.**

Read in conjunction with the statutory guidance and associated explanatory note where it notes that “Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications”, there is a friction and concrete example of the lack of cohesion between statutory and non-statutory mechanisms. As per the ASAI guidance note on High Fat, Salt and Sugar (HFSS) Food and Non-alcoholic beverages marketing communications, “The ASAI Code sets out rules which restrict the advertising of HFSS foods to children under the age of 15.” There is a clear conflict here as the Online Safety Code refers to children as under 18, but self-regulatory bodies (to which the OSC refers and recommends to VSPs) only use under 15s.

Any legislation or regulatory codes which purport to protect children should use the Convention on the Rights of the Child (CRC) definition of children – individuals under 18 years. If policies and codes start to employ different definitions of children in different documents or with respect to different activities, there will be a differential level of protection offered. We cannot accept a situation where policy deems older children’s rights less worthy of strong protection. Moreover, it cannot be the case that the OSC offers protection to children (under 18) from online harms, except in certain circumstances where it promotes self-regulatory mechanisms. This creates hierarchies in the protection of children and undermines the need for comprehensive regulation.

- **Definition at page 4: “audiovisual commercial communications harmful to children” means...**

The definition of “Audiovisual commercial communications harmful to children” excludes HFSS foods and drinks, as well as breast milk substitutes.

In the Public consultation Q&A document, it notes:

“Legal Provisions 1. What legislation is the code based on? The power for Coimisiún na Meán to make Online Safety Codes is contained in Section 139K of the Online Safety and Media Regulation Act 2022. In addition, the Code must address the harms set out in Article 28b of the EU Audiovisual Media Services Directive 2018.”

Section 139K contains the wording:

“Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”

Therefore, Coimisiún na Meán has the power to include these products in the definitions of “Audiovisual commercial communications harmful to children”.

While those harms, audiovisual commercial communication and regulated content harms, referenced in the OSC unquestionably require regulation, and the promotion of unhealthy foods and beverages is often perceived as innocuous in comparison, it is important to note that unhealthy food marketing is, health data show, a silent, slow-burn killer, promoting food preferences, requests and consumption that are shortening the lives of a third of the population.

Indeed, “Unhealthy diets are a leading global public health risk, contributing to all forms of malnutrition (i.e. undernutrition; micronutrient-related malnutrition; and overweight, obesity and diet-related noncommunicable diseases (NCDs)).”¹²

HFSS food and drink marketing is harmful and there is a clear link between food promotion and children’s food preferences, what they buy and what they eat.¹³ Advertising influences how much children eat¹⁴, and can lead to them ‘pestering’ parents to buy unhealthy products.^{15 16} Children are a vulnerable group who have the right to protection from advertising due to their limited capacity to critically understand advertising and marketing practices.¹⁷ Research shows that children as young as 18 months can recognise brands¹⁸, with preschool children demonstrating preferences for branded products.¹⁹ **Audiovisual commercial communications of these products are harmful to children, and so should fall within the scope of “audiovisual commercial communications harmful to children”.**

The opportunity to protect children online in a meaningful way should not provide loopholes to companies that exploit children’s online activities for profit. Simply leaving HFSS food and BMS out of the definition of harmful audiovisual commercial communications on the basis that they will be addressed in a separate code is insufficient. There is no guarantee that those extra codes will be developed in a timely manner, nor is there certainty as to the scope of these codes. Moreover, and

¹² World Health Organization (2023) Policies to protect children from the harmful impact of food marketing: WHO guideline. Geneva: World Health Organization [Online] Available from: https://apps.who.int/iris/rest/bitstreams/1514114/retrieve_pix

¹³ Public Health England (2015). Sugar Reduction: the evidence for action. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470179/Sugar_reduction_The_evidence_for_action.pdf

¹⁴ Emma J Boyland, Sarah Nolan, Bridget Kelly, Catrin Tudur-Smith, Andrew Jones, Jason CG Halford, Eric Robinson; Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults, *The American Journal of Clinical Nutrition*, Volume 103, Issue 2, 1 February 2016, Pages 519–533, <https://doi.org/10.3945/ajcn.115.120022>. Available from: <https://academic.oup.com/ajcn/article/103/2/519/4662876>

¹⁵ Gerard Hastings, Laura McDermott, Kathryn Angus, Martine Stead and Stephen Thomson. (2006). The extent, nature and effects of food promotion to children [electronic resource] : a review of the evidence : technical paper / prepared for the World Health Organization. WHO. Available from: http://www.who.int/dietphysicalactivity/publications/Hastings_paper_marketing.pdf

¹⁶ Laura McDermott, Terry O’Sullivan, Martine Stead & Gerard Hastings (2015) International food advertising, pester power and its effects, *International Journal of Advertising*, 25:4, 513-539, DOI: 10.1080/02650487.2006.11072986. Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2006.11072986>

¹⁷ Young, B (2003). Does food advertising influence children’s food choices? A critical review of some of the recent literature, *International Journal of Advertising*, 22:4, 441-459, DOI: 10.1080/02650487.2003.11072862. Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2003.11072862>

¹⁸ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children’s food brand knowledge. Early development and associations with television viewing and parent’s diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

¹⁹ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children’s Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792–797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

considering the content of the statutory guidance, the statutory standing of any future codes in this area is also unclear. ***This OSC for VSPs may be the one and only chance to subject HFSS food and BMS advertising to meaningful legal controls.***

The explanatory note (page 2) says that “The definitions of “audiovisual commercial communications harmful to the general public” and “audiovisual commercial communications harmful to children” address the requirements of Article 9(1) of the Audiovisual Media Services Directive.” However, given the omission of HFSS food and drink and BMS from the definitions, there is scope for their inclusion in the codes. Coimisiún na Meán can certainly go beyond the requirements of Article 9(1), so long as the rules are compatible with the general principles of EU free movement law, which given the public health interests of children, would be considered appropriate and necessary for protecting public health.

The inclusion, and recognition, of HFSS food and drink advertising as commercial communications harmful to children is proportionate to the scale of childhood overweight and obesity in Ireland, and the consequences for life and long-term health.

The WHO identify the safeguarding of child health and development from harmful commercial marketing, including from formula marketing, as an opportunity for action²⁰. The exclusion of babies and infants from the protections of this Online Safety Code could therefore undermine its effectiveness as a tool to prevent the evolution of childhood obesity and other harms to the physical health of children.

Breastfeeding is described as a protective factor with regards to obesity development, with research exploring the relationship between breastfeeding and obesity in 22 European countries finding that, compared to children who were breastfed for at least 6 months, the odds of obesity were higher among children never breastfed or breastfed for a shorter period.²¹

Overall, we recommend that these products are not exempt from the definitions, both to protect adults and children from BMS marketing, but also as a means of working towards the overall policy objectives of reducing harms given the relationship between breastfeeding and public health.

Recommendation:

The definition of “audiovisual commercial communications harmful to children” should include the additional points:

- audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
- audiovisual commercial communications for infant formula and follow-on formula

²⁰ World Health Organization and the United Nations Children’s Fund (UNICEF). (2022). How the marketing of formula milk influences our decisions on infant feeding. Geneva Licence: CC BY-NC-SA 3.0 IGO [Online] Available from: <https://www.who.int/publications-detail-redirect/9789240044609>

²¹ Rito AI, Buoncristiano M, Spinelli A, Salanave B, Kunešová M, Hejgaard T, García Solano M, Fijałkowska A, Sturua L, Hyska J, Kelleher C, Duleva V, Musić Milanović S, Farrugia Sant’Angelo V, Abdrakhmanova S, Kujundzic E, Peterkova V, Gualtieri A, Pudule I, Petrauskienė A, Tanrygulyyeva M, Sherali R, Huidumac-Petrescu C, Williams J, Ahrens W, Breda J. Association between Characteristics at Birth, Breastfeeding and Obesity in 22 Countries: The WHO European Childhood Obesity Surveillance Initiative – COSI 2015/2017. *Obes Facts*. 2019;12(2):226-243. doi: 10.1159/000500425. Epub 2019 Apr 26. PMID: 31030194; PMCID: PMC6547266. [Online] Available from: <https://pubmed.ncbi.nlm.nih.gov/31030194/>

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is worrying that VSPs are setting their own targets. There is concern that they will set targets that are arbitrary or achievable. Similarly, there are questions on whether VSPs are being left to evaluate their own targets, then reporting their own findings to Coimisiún na Meán who just evaluate if they have met their self-set targets.

Rigorous reporting is needed to avoid VSPs effectively setting their own standards. Currently the industry has the capacity to furnish significantly more information than they do. The code must insist on this. Relying on the VSPs to just report themselves, creates the opportunity for them to just comply, and to be creative in what the targets they set are and the evaluations they will do of their own targets.

12. What is your view on the requirements in the draft Code in relation to complaints?

The content for question 12 is allied to the substantive response in Question 25. There can be no doubt that the issue of complaints, particularly with respect to audiovisual commercial communications, is inextricably linked to the regulatory mechanism in place. In that regard, complaints processes and mechanisms, and the associated bodies or flaggers to be established, should not be industry bodies.

A 2013 systematic review²² found significant divergence between the reported impact of marketing regulation (including self-regulation by industry) provided in peer-reviewed journals, or industry-sponsored reports, showing the need for external monitoring. Moreover, of studies evaluating voluntary policies, significantly more studies showed undesirable effects than desirable effects on exposure to, and power of, food marketing. This was not the case for studies evaluating mandatory policies.²³

Self-regulation is dealt with in more detail in Question 25.

²² Galbraith-Emami, S. and Lobstein, T. (2013) 'The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review'. *Obesity Reviews*.

²³ Boyland, E, McGale, L, Maden, M, Hounsome, J, Boland, A, Jones, A. Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed. *Obesity Reviews*. 2022; 23(8):e13447. doi:10.1111/obr.13447

13. Do you have any other comments on the requirements in section 11 of the draft Code?

The importance of transparency on the part of the services and platforms being regulated, and of the regulatory rules that are imposed on them, must be paramount. In the first instance, platforms and on-demand providers must respond to requests for information from the Commission. Currently, information in the public domain about platforms' approaches to dealing with harmful content is limited, with inconsistencies in the information that is available across platforms - there is no way of assessing the impact and effectiveness of these approaches, either with respect to takedown of material or blocking of legal content. Evaluations are generally conducted by intermediaries and platforms themselves, who have discretion on what to measure and disclose, with the transparency reports provided by many platforms noted not to "represent a comprehensive assessment of the impact of their content governance activities."²⁴

Indeed, it has been noted that outside of proprietary industry research, there is no independent public data to reliably monitor the extent to which children are exposed to commercial advertising and marketing online, and the impact these powerful and opaque digital marketing strategies have on children's identities, behaviour and development.²⁵

Much more information is required in order to better understand how harmful behaviour is perpetrated online, how harmful content is shared and amplified, and how well digital platforms are responding to improve safety.

Recommendation:

A publicly available database where VSPS recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.

²⁴ Mark Bunting. (2018). *Keeping Consumers Safe Online Legislating for platform accountability for online content*. [Online]. Available from:

<http://static1.1.sqspcdn.com/static/f/1321365/27941308/1530714958163/Sky+Platform+Accountability+FINAL+020718+200.pdf?token=lv5b6G14vlgGq8x%2BWRFKHhNTN4%3D> p13

²⁵ Garde, A et al. (2020). General Comment submission Children's rights in relation to the digital environment. [Online]. Available from: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

When considering harmful audiovisual commercial communications that impinge on the rights of children, commercial communications to or at children alone, should not just be considered. While “women are the primary targets of formula milk marketing and have been for decades... Approaches aim to engage women early in their pregnancies to create brand loyalty from then through their children’s infancy, the toddler years and beyond” and these advertising strategies directly undermine children’s health and development. Online Safety Codes should protect all children, not just those old enough to have digital access. Babies and infants are our most vulnerable children and their protection should be extended through the caregiver by shielding the caregiver from infant formula marketing messages. The UN Convention on the Rights of the Child identifies implementation of the International Code of Marketing of Breast-milk Substitutes and strengthening the State’s regulatory framework for industries and enterprises to ensure that their activities do not have adverse impacts on children’s rights as crucial steps to upholding the Convention on the Rights of the Child.

Further content for question 17, linked to the paragraph below, is allied to the substantive response in Question 25.

A 2023 report on protecting children from the harmful impact of food marketing from the World Health Organization and the United Nations Children’s Fund note that “the main stakeholders responsible for implementing effective policies to protect children from the harmful impact of food marketing should be trusted public authorities, as the bearers of a duty to protect children’s rights and public health. Delegation of responsibility to other stakeholders (e.g. sector associations representing the advertising industry or broadcasters) is not recommended as it has been shown to create conflicts of interest at the heart of policy discussions in many countries”.²⁶

Voluntary actions have not been demonstrated to work effectively to protect children from the impact of harmful commercial communications. They are not – and should not be viewed as – an appropriate mechanism to ensure that children are effectively protected from harmful marketing.

Key findings and recommendations from research in this area:

- Food advertising targeting children is pervasive and its influence on children’s behaviour contributes to the childhood obesity epidemic;
- Online food marketing is exploitative, surveillant and violates multiple rights, including children’s rights to health, privacy and freedom from exploitation²⁷
- Advertising standards authorities/ associations are industry bodies. They have little or no formal accountability to government or the public. They are established and financed by the advertising industry. They exist to protect advertising industry interests.
- Similarly, industry-led regulatory mechanisms such as the EU Pledge have been shown to be slow, reactive, weak²⁸ and not fit for the purpose of protecting children and adolescents from

²⁶ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf> p26

²⁷ Tatlow-Golden, Mimi & Garde, Amandine. (2020). Digital food marketing to children: Exploitation, surveillance and rights violations. *Global Food Security*. 27. 100423. 10.1016/j.gfs.2020.100423.

²⁸ https://epha.org/wp-content/uploads/2016/12/Self-Regulation-a-False-Promise-for-Public-Health_EPHA_12.2016.pdf

the harmful effects of conditioning to view unhealthy commodities as a source of love, fun and pleasure from infancy onwards.

- The extent of lobbying of governments by unhealthy food corporations – identified as the greatest lobbying spenders of lobbyists for unhealthy commodities and practices in the US²⁹ is such that it makes a mockery of regulatory processes to charge their representatives with safeguarding children and their health.
- The public health objective is to protect children from the harmful effects of food advertising. The advertiser's overriding commercial interest means using advertisements that effectively encourage children to consume unhealthy food. A *clear* conflict of interest exists.
- To devolve responsibility for and monitoring of advertising practice and standards to the advertising industry is a failure of a government's duty of care to its people.
- Government regulation of food advertising to children must be implemented globally.

²⁹ Chung, H., Cullerton, K. and Lacy-Nichols, J. (2024), Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. *Milbank Quarterly*. <https://doi.org/10.1111/1468-0009.12686>

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

“To prevent harm to people’s health and fulfil their obligation under the right to health, States should put in place national policies to regulate advertising of unhealthy foods. States should formulate laws and a regulatory framework with the objective of reducing children’s exposure to powerful food and drink marketing... Companies often voluntarily adopt self-formulated guidelines and standards to restrict Government regulation and respond public demands... However, self-regulation by companies has not had any significant effect on altering food marketing strategies... Due to a variety of reasons, such as the non-binding nature of such self-regulation, lack of benchmarks and transparency, inconsistent definition of children and different nutrition criteria, companies may be able to circumvent guidelines, blunting the intended effect of marketing guidelines they instituted... Owing to the inherent problems associated with self-regulation and public-private partnerships, there is a need for States to adopt laws that prevent companies from using insidious marketing strategies.”³⁰

We do not support the current approach of industry-led self-regulation for online advertising, and believe the system fundamentally needs to change towards stronger independent statutory regulation and enforcement. There is widespread evidence which shows that voluntary and industry-led regulation is ineffective³¹³²³³, with industry protecting their own interests over public health and other considerations. Such systems are insufficient to undertake the robust regulation required to protect both children and adults from pervasive HFSS advertising³⁴³⁵.

Problems with self-regulatory complaints mechanisms include:

- Complaint procedures do not provide a level playing field between citizens and industry: they are onerous and time-consuming processes for individual complainants.
- There is a lack of effective enforcement mechanisms such as fines to serve as a deterrent.
- Compliance and informal resolution processes are not open to public scrutiny.

Reflecting responses to other questions 12, 17 and 25, we do not believe the ASAI should be responsible for the day-to-day regulation of the HFSS advertising restrictions. We call for regular proactive monitoring to identify non-compliance. The success of measures contained in the Code cannot rely on reactive complaints alone. Proactive monitoring should be carried out by an independent group with full details on breaches published and pursued for enforcement.

³⁰ UN General Assembly Human Rights Council. (2014). Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover: Unhealthy foods, non-communicable diseases and the right to health. [Online] Available from:

https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-31_en.doc

³¹ World Cancer Research Fund International (2020). Building Momentum: lessons on implementing robust restrictions of food and non-alcoholic beverage marketing to children. Available at wcrf.org/buildingmomentum

³² Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764.

³³ Reeve, B. and Magnusson, R., (2018). Regulation of food advertising to children in six jurisdictions: a framework for analyzing and improving the performance of regulatory instruments. *Ariz. J. Int'l & Comp. L.*, 35, p.71

³⁴ Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764

³⁵ Hawkes, C. (2008). Agro-food industry growth and obesity in China: what role for regulating food advertising and promotion and nutrition labelling?. *Obesity Reviews*, 9, 151-161.

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Recommendation:

There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.

At Page 24, Section 4 Consultation on Draft Statutory Guidance, 4.1.10 Commercial Communications, it notes:

“This indicates Coimisiún na Meán’s plans in relation to developing additional requirements and advises providers to have regard to certain of its Commercial Codes. Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications.”

Unfortunately, it appears that self-regulatory mechanisms are being given credibility and support here, with the statutory guidance explicitly telling VSPS to use and refer to self-regulatory bodies on certain commercial communications i.e. ASAI. This is extremely problematic as this not only gives the ASAI codes moral authority and weight from the State’s Media Commission and Media Regulator, it also then means that their complaint and enforcement systems will be used. Self-regulation is no regulation. Providers should have statutory regulatory measures to draw upon. Moreover, even if enforced rigorously, these self-regulatory mechanisms do not cover a great deal of harmful advertising techniques.

We echo the calls from the WHO and UNICEF that the best way to respect, protect and fulfil children’s rights when it comes to protecting them from harmful commercial communications is to adopt a mandatory, comprehensive regulatory approach, while recognising that steps taken to restrict these harms must integrate both a public health lens and a child rights lens.³⁶

This recommendation complements the recommendation that HFSS food and drink and Breastmilk substitutes are included in the definition of “audiovisual commercial communications harmful to children”, so that these protections enjoy the full application of regulation and statutory supports.

³⁶ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf>

Recommendation:

Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme

In the section “Guidance: Complaints” at page 71, it notes:

“The Commission advises video-sharing platform service providers to reasonably prioritise the notifications they receive about harmful content addressed by the Code from nominated bodies and trusted flaggers provided for in the Act and the DSA.”

Read in conjunction with the Call for Inputs submissions, and more specifically, that of the ASAI, it is important that advertising self-regulatory bodies established in the EU should not be actively encouraged, nor permitted to seek to be a trusted flagger or nominated body under the Code. These bodies would be responsible for flagging content to Coimisiún na Meán. However, we know that their own processes are ineffective and, despite what they show in their own statistics about their effectiveness in responding to complaints, their processes are flawed. There is a slow pace of change with self-regulatory processes.

Bodies like ASAI, funded by industry will be well equipped to propose themselves as a nominated body or trusted flagger as they have capacity to do this. However, the industry cannot be its own watchdog.

In the section “Guidance: Commercial Communications”, at page 71, it notes:

“Commercial communications include advertising, sponsorship, product placement, teleshopping and other forms of marketing. Commercial communications that are harmful to the general public and/or children can have negative impacts on individuals, groups in society and on business. The Commission will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code.”

On this section of the guidance, there are concerns centring around three questions:

- i. Why can the requirements as they relate to commercial communications on HFSS food and drinks and BMS not be included in this Code, or at least referenced? While there is work to be done on the requirements, taking into account many of those requirements in the current broadcasting codes in this area need updating, there is no reason why they must be omitted from this particular code.
- ii. If the additional requirements are being omitted, what mechanism does Coimisiún na Meán envisage will tie this OSC to future OSCs on these commercial communications? Will there be a hierarchy of codes? Is it not better to bring the two together with further guidance notes issued on outstanding issues relating to this regulation? VSPs have responsibility for commercial communications and, given that this Code is laying out the regulatory responsibility for VSPs in this area, inclusive of audiovisual commercial communications, it does not make sense to omit them now, with a view to apply these at a later date.
- iii. Indeed, why not include this as supplementary material? Indeed, in terms of accessibility and ease of application, it is not better to reference these materials now.

We believe all online advertising should be subject to the same level of statutory regulatory control. A straightforward system where all actors are held accountable is preferred and helps to ensure certain actors are unable to shirk their responsibilities.

The section further adds:

“Prior to that, the Commission advises video-sharing platform providers to have due regard to the General and Children’s Commercial Codes of Coimisiún na Meán as they relate to the matters addressed under Article 9(1) of the Audiovisual Media Services Directive. The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland...”

On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Recommendations:

- Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
- Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Coimisiún na Meán should not refer to non-statutory regulatory mechanisms in its statutory guidance. The absence of, or gaps in, requirements for HFSS food and drink commercial communications should not equate with reference to non-statutory codes being directed to.

On this section, further questions and concerns include:

- i. Is HFSS food and drink advertising regulation for VSPS being left to ASAI and the requirements of those codes until such new requirements are developed in subsequent Coimisiún na Meán codes or is it permanent?
- ii. Who is the responsible authority for these commercial communications now and into the future?
- iii. Is the direction/guidance to ASAI only interim? When the subsequent codes are developed, will these references to existing non-statutory regulatory measures and ASAI be removed?

Message

From: Charmaine Clarke [REDACTED]
Sent: 30/01/2024 16:53:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation on Draft Online Safety Code and Related Matters
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern,

I am a parent and one of my key responsibilities is to protect my child from harm in all circumstances. I am very concerned that the proposed online safety code does not include food advertising as a harm in light of the evidence and the 2023 recommendation of the World Health Organisation <https://www.who.int/publications/i/item/9789240075412>, the key points of which I enclose for ease of review:

"There is clear evidence that children continue to be exposed to powerful food marketing, which predominantly promotes foods high in saturated fatty acids, trans-fatty acids, free sugars and/or sodium and uses a wide variety of marketing strategies that are likely to appeal to children. Food marketing has a harmful impact on children's food choice and their dietary intake, affects their purchase requests to adults for marketed foods and influences the development of their norms about food consumption. Food marketing is also increasingly recognized as a children's rights concern, given its negative impact on several of the rights enshrined in the United Nations Convention on the Rights of the Child.

The World Health Organisation has provided Member States with recommendations and implementation considerations on policies to protect children from the harmful impact of food marketing, based on evidence specific to children and to the context of food marketing. Policies include all measures to regulate marketing to which children are exposed, whether through legal instruments mandating compliance (such as legislation and regulations), government-led measures with which compliance is voluntary (such as codes of conduct and standards), or measures by which industry actors voluntarily undertake to restrict marketing (such as pledges and codes). Evidence from the narrative review completed by the WHO showed that food marketing predominantly promoted foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt (HFSS foods), and that digital spaces popular with young people is one of the key areas where food marketing was prevalent.

The WHO statement of good practice is that children of all ages should be protected from marketing of foods that are high in saturated fatty acids, trans-fatty acids, free sugars and/or salt.

The WHO recommends the implementation of policies to restrict marketing of foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt to which children are exposed, and that such policies:

- ***be mandatory.***
- ***protect children of all ages.***
- ***use a government-led nutrient profile model to classify foods to be restricted from marketing.***
- ***be sufficiently comprehensive to minimize the risk of migration of marketing to other media, to other spaces within the same medium or to other age groups; and***
- ***restrict the power of food marketing to persuade."***

It is in the context of this unambiguous recommendation from the World Health Organisation and my professional work in this area for the last 20 years that I call upon the Coimisiún na Meán to amend the definition of "audiovisual commercial communications harmful to children" to include:

- audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
- audiovisual commercial communications for infant formula and follow-on formula

In addition, there should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures. Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme. Remove from the guidance the line "The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland." Remove from the guidance the line "On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar."

I am one parent with one voice that I feel will not be heard in the mix that is dominated by the power and capacity of commercial interests. There needs to be clear and concrete frameworks that protect the rights of my child to be protected from harm so I look forward to the commissioner's views as to how this protection be achieved in the context of the code.

Kind regards,

Dr Charmaine McGowan





Submission of the European Digital Rights (EDRi) network, representing 50+ national and international digital human rights NGOs

To the Irish *Coimisiún na Meán* draft Online Safety Code consultation

30 January 2024

About EDRi

EDRi (European Digital Rights) is Europe's largest digital human rights network working to protect digital rights for everyone. The EDRi network is a dynamic and resilient collective of NGOs, experts, advocates and academics working to defend and advance digital rights across the continent. For over two decades, it has served as the backbone of the digital rights movement in Europe.

Our mission is to challenge private and state actors who abuse their power to control or manipulate the public. We do so by advocating for robust and enforced laws, informing and mobilising people, promoting a healthy and accountable technology market, and building a movement of organisations and individuals committed to digital rights and freedoms in a connected world.

General comments about our submission

While there are many notable elements of the draft Code, this submission is limited to one particular area of concern for EDRi: age verification. We have therefore chosen to answer only those questions which are directly relevant to our work on age verification. This does

not necessarily mean that we endorse or oppose other parts of the code, but rather that our input is strictly limited in scope. **However, we would like to express that we support the submission of EDRi affiliate, the Irish Council for Civil Liberties (ICCL), on stopping toxic recommender algorithms by default.**

Our input here is based on research conducted by EDRi and supported by nineteen other organisations, including the children’s digital rights group, Defend Digital Me. This research was published in October 2023 in the form of a paper entitled ‘Online age verification and children’s rights’.¹ **This research paper forms a key part of our submission, and therefore we ask the Commission to consider it as an integral part of our submission. We also reference it throughout.**

The aim of protecting children online is a very important one. Drawing from many years of work to contest the disproportionate power of online platform, EDRi therefore supports the introduction or maintenance of clear, consistent and binding rules for online service providers and platforms. These rules must ensure that they meet their obligations to protecting their users, but also must respect the full range of EU fundamental rights, including the prohibition of general monitoring.

At the same time, we have serious concerns about age verification in general, and specifically about the age verification methods foreseen by the Code, its accompanying Statutory Guidance Materials and in public comments about the Code.

The aim of our consultation response is thus to raise awareness of the complexities surrounding age verification practices, the significant technical challenges involved in ensuring a data- and privacy-protective age verification system, the commercial interests which have influenced discourse, and most crucially, the threats posed to the human rights of children and adults alike by all current methods of age verification that we surveyed.

Our work is based on the rights conferred by the Charter of Fundamental Rights of the EU, and as such is rooted in a necessity and proportionality assessment of age verification methods. **We believe that there are serious questions about whether mandatory age verification can be considered proportionate, and whether systems are effective enough to meet the requirement of necessity.**

Please note that throughout this submission, unless otherwise specified, we use the term ‘age verification’ as a broad umbrella to include both document-based identity systems and age estimation systems.

¹<https://edri.org/wp-content/uploads/2023/10/Online-age-verification-and-childrens-rights-EDRi-position-paper.pdf>

Response to consultation question 9: “What is your view on the requirements in the draft Code in relation to age verification?”

Concerns about the proposed widespread age verification mandate

The draft Code requires video-sharing platform service providers “of which the principal purpose of the service or a dissociable section thereof is providing access for adults to content consisting of pornography” or “of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty” (Sections 11.3 and 11.4) to implement “**robust age verification**”.

For service providers not falling within this scope, they must still implement “**effective age verification**” (Sections 11.6 and 11.7). Those showing alcohol adverts must also implement “**effective age verification**” (Section 12.9). These terms are not, however, defined by the Code. “Effective” is defined only in the non-binding Statutory guidance.

In addition, any service with a minimum age for opening an account (which, thanks to rules established in Article 8 of the General Data Protection Regulation (GDPR) presumably means all services), must “implement **effective measures to detect under-age users** and close their accounts” (Section 11.16).

In effect, therefore, the Code amounts to an obligation to use age verification, age estimation or another form of “detect[ion] of underage users” for practically all video-sharing platform service providers based in Ireland. Given the number of tech giants registered in Ireland, including *inter alia* widely-used service providers like YouTube and Instagram, such a decision will have a wide impact across the European Union.

The Code also allows providers to repeatedly assess the ages of their users each time they access certain content (Section 11.19(ii)). The use of such perpetual or recurring age verification measures can incentivise not just excessive collection, but also storage, of sensitive personal data. Yet the risks of such practices are not mentioned at all in the Code.

Based on research conducted in Autumn 2023, EDRi has found that all current age verification and age estimation methods that we could find fail to meet strong standards of protection of the rights to personal data and privacy. This is first of all for children themselves, but also for adults, who will invariably have their data processed by these systems too. In addition to threats to privacy and data protection, we found that these systems can also pose potentially serious limitations on the rights to free expression, free association, access to information, non-discrimination and dignity, as well as the rights of the child.

For this reason, we do not support mandatory widespread age verification or estimation, and instead recommend a case-by-case assessment to see whether age verification/estimation tools are genuinely necessary and proportionate for a given platform or service.

By presenting the genuine challenge of children’s safety online as a problem that can be solved with surveillance measures, we are concerned that this encourages a slippery slope towards broader surveillance of people’s internet activity, censorship, and a push to eradicate online anonymity.

The risk of this ‘slippery slope’ can even be seen in several alarming responses to the previous public consultation: *“In response to the call for inputs, some stakeholders proposed that the Code should also restrict the promotion of breast milk substitutes and of high fat, salt and sugar foods”* (p.15). This techno-solutionist approach also risks focusing too much on technology, rather than focusing on the broader societal context which leads to harm.

Our first recommendation for the Code is therefore that at a minimum, the potential risks and harms of age verification and estimation methods must be explicitly mentioned in the Code. Additionally, providers must be required to address each of them.

The urgent need for *ex ante* safeguards

There are no limitations or restrictions placed on the use of age verification or estimation systems by the Code. The focus is on technical accuracy (“robustness” or “effectiveness” requirements), but this eclipses a significant set of important considerations around privacy, data protection, online freedom and more. Even the accompanying Statutory Guidance Materials contain very little information or advice about safeguards, and do not set any limits on the use of age verification or estimation.

By presenting the use of age verification and estimation tools as *only* a mitigation measure, rather than as a potential risk in themselves too, the Code misses an important opportunity to ensure that such tools are used in a way which respects the rights of children and adults online.

Given the risks posed by the use of age estimation and verification systems, explained in this submission and in our aforementioned research paper, we strongly recommend the inclusion of a set of cumulative, binding safeguards incorporated into the Code itself.

Our second recommendation, therefore, is that the Code should stipulate that any age verification or estimation system must:

- ⑩ Permanently prevent any linking of the internet activity or history of a person to their identity, ensuring that a person cannot be traced by the use of the system (i.e. ‘zero knowledge’);

- ⑩ Not provide any information to the provider other than a yes/no about their age threshold; and must not facilitate any access to the person’s account or information by the provider or by a parent, guardian or other actor;
- ⑩ Consider using tokens instead of storing personal data, and delete personal data processed for the purpose of generating the token immediately afterwards;
- ⑩ Not allow any data collected or processed to be used for any other purpose, commercial or otherwise;
- ⑩ Not allow the processing of biometric data;
- ⑩ Be robust and secure from a cyber-security perspective;
- ⑩ Be consent-based, and not overly burdensome for those who do not want or do not have the means to verify their identity in an overly prescriptive way;
- ⑩ Ensure genuine alternatives for those that do not have formal identity documents, ensuring that minoritised (marginalised) or otherwise vulnerable people will not be locked out of the internet;
- ⑩ Be mindful of a potential chilling effect, in particular ensuring that access to educational and health (including reproductive health) material is not subject to age verification, which could have a chilling effect on whether or not children feel comfortable accessing this information.

Given that all available technologies that EDRi surveyed failed (significantly) to meet these requirements, it is important that providers are not forced to implement non-secure or privacy-invasive systems.

Therefore, our third recommendation is that if no technologies are available which meet these thresholds, the service provider must not be obligated to implement age verification or estimation measures.

Concerns about disincentivising age self-declaration

The Code states that “[s]elf-declaration of age by users of the service shall not on its own be an effective measure for the purposes of this section” (Sections 11.16 and 11.17).

However, EDRi’s research has found that supplemented with other measures (focused around the principles of safety by default and by design), self-declaration currently offers the most realistic and appropriate balance of minimising intrusiveness and data collection, whilst ensuring some form of age gating. By preventing providers from being able to rely on self-declaration methods in order to meet their obligations under the Code, they will be forced to implement age verification or estimation tools, even when such tools are known to be harmful.

Our fourth recommendation is therefore that the Code should allow providers to rely on age self-declaration, so long as they ensure privacy and security by default.

Measures in the Code that we support in principle

According to the Code, violent or distressing imagery uploaded in the public interest must be rated as “not suitable for children” (11.8) as part of this system. In theory, we find that content labelling can be a useful tool, which focuses on empowering users (or in the case of younger children, their parents) to make decisions for themselves.

This is important with respect to the growing autonomy of children, the role of parents’ in fulfilling the rights of the child, and the need to acknowledge that young people are not a homogenous block. There may be times where access to content is not just not harmful, but actually beneficial, for children. For example, this could include exposure to risk (within reason) in order to build resilience, or access to LGBTQI+ content for older adolescents exploring their sexuality or gender identity. This is particularly important given that the Code will have ramifications for users across the Union, including in countries where LGBTQI+ people face persecution.

Another reason to support discretionary measures such as age rating, rather than more prescriptive measures like age verification or estimation, is that it allows parents to maintain a level of oversight and support of their children’s online activity. Otherwise, there is a risk that the rights of the child could be violated, by replacing parental responsibility for what content is appropriate with service provider responsibility for what content is appropriate. This is especially a risk when talking about potentially harmful, but not illegal, content.

Nevertheless, we caution that age labelling should not be linked to age estimation or verification measures, as its benefit lies in the fact that it guides and empowers, rather than restricts, users.

We further caution that the definition of “children” can be problematic in the case of content labelling. For example, several EU Member States allow people to vote at the age of 16 or 17. In order to ensure that they are able to fully participate in these democratic processes, there may be a legitimate argument for allowing them to view content that is violent or distressing, but not illegal. As a broader principle, it is frequently not appropriate to restrict the access to content of older adolescents, compared to younger children. We find it problematic that the Code does not make any such distinction.

Reporting requirements (Section 11.21) and complaint mechanisms (11.29) are in principle important measures. However, we warn that they do not replace ex ante (i.e. prior), and even substantive (i.e. prohibitive), safeguards as mentioned already in this submission.

We strongly support the provision that personal data relating to children when implementing this Code cannot be processed for commercial purposes (13.3).

The risks to adults

Whilst the aim of protecting children online is a legitimate and important goal, it is important to remember that it does not automatically take priority over all other interests. In fact, as asserted by the UN Convention on the Rights of the Child, the best interests of the child must be “a primary interest”, but not the *only* interest. This means that the protection of the child must also be weighed against, *inter alia*, the risks to the rights of adults, and to a free and democratic society, if adults are prevented from being anonymous online.

Regrettably, this is not properly considered by the draft Code. Whilst, for example, Sections 11.18 and 11.20 require service providers to “set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider’s age verification, age estimation or other technical measures,” there is no corollary for adults who have been misidentified as children.

Furthermore, this very framing of “set[ting] targets” suggests acceptance of a relatively low level of accuracy, accepting wrong identification as a feature. However, there are many rights at stake here for children and adults alike, including access to information and freedom of expression. Therefore wrong identification should not be passively accepted, but the regulator should instead require a high degree of accuracy. This is especially the case in the event that the processing of biometric data are allowed (even though we warn against it, as the biometric data of children are especially sensitive). Estimation on the basis of biometric data has been plagued with bias and discrimination, and despite industry commitments to counter this, it remains that racialised people and people with certain disabilities are still discriminated against by these systems.

Responses to other questions in the consultation about the Code

11. What is your view on the requirements in the draft Code in relation to parental controls?

Although we regret that we have not been able to assess the parts of this Code which relate to parental controls, we would like to make some general remarks based on our research. We believe that while parental support tools can be useful, it is not appropriate for parents to ‘control’ the internet use of their children, especially adolescents. Therefore, the use of such tools should always be used with the full knowledge of the child, and must never allow access to the content of communications.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

We strongly support this provision, and in fact would extend this to require that personal data processed for any purpose under this Code cannot be processed for another purpose. This is consistent with the purpose limitation requirement of the GDPR.

Opinion on the Statutory Guidance Materials

General

We find it problematic from the perspective of legal certainty that terms referred to in the binding code, such as “effective age verification” and “robust age verification” are used in the binding Code, but defined only in the non-binding Guidance.

Age estimation

Whether through the processing of biometric data (e.g. facial estimation) or by other forms of profiling, we find age estimation to be antithetical to the very essence of privacy and data protection. Biometric data are a special category of protected data under the GDPR. Therefore from a data protection perspective, we question the necessity and proportionality of the use of these sensitive data.

On a societal level, we are alarmed at how such measures could normalise the sharing of sensitive biometric data in order to participate in daily activities. Given that children’s biometric data are *even more sensitive* than that of adults, we find that there must be an exceptionally high threshold for their use, and we are not satisfied that this has been established by the Code.

For systems which profile young people based on their usage or behaviours, this is the exact sort of toxic data collection by platforms which we have spent years fighting. It may also violate rules laid down in the EU’s Digital Services Act.

The guidance materials state that age estimation must “comply ... with data protection and privacy requirements” (p.68) However, no description or explanation of what this means is given. As in the Code, this is a missed opportunity to demand prescriptive safeguards.

Without such safeguards, we believe that the Code and related Guidance materials is likely to do more harm than good, and may violate the requirement under the EU Charter of Fundamental Rights that when fundamental human rights are limited by law, appropriate safeguards must also be laid down in that law. In accordance with case law from the Court of Justice of the EU, this is especially the case when it comes to the processing of biometric data.

Document-based age verification

The Guidance recommends the use of “document-based age verification at sign up and selfie or live likeness based age verification” (p.68). However, as our research has confirmed, there

is a significant risk of misuse of personal data when users are required to submit identity documents to a provider.

This may also violate the principle of data minimisation under the GDPR, as the user will be revealing not just whether they are above the age of 18, but sensitive information such as legal name, address, date of birth, nationality etc. This would not meet the requirement of proportionality under the Charter of Fundamental Rights of the EU, and also puts these data at risk of hacks. Given that the Code will also cover porn platforms, sensitive information about people's sexual orientation and preferences could also be at stake here.

As previously discussed, the use of “live likeness based” methods by definition process biometric data, which we do not find to be necessary and proportionate, and which we do not believe children should be conditioned into thinking is a ‘normal’ thing for accessing information and services. It is not clear what is meant by “live selfie plus biometrics”, as the live selfie will already process biometric data, and it is not clear where the comparison “biometrics” would come from.

Effectiveness

The Guidance mentions the need to “minimise the error rate when children are misidentified as adult” (p.68), but the same principle should apply to adults being misidentified as children, which could see them locked out of services.

Tokenised age services


The Guidance materials state that “tokenised age services may be considered” (p.68). However, these services are frequently part of a lucrative ‘age assurance’ industry, and rely on users trusting a private, commercial entity. As discussed in our aforementioned research paper, the dominance of these commercial entities in policy debates about age verification has perhaps skewed perspectives, and obfuscated much-needed debates on the impacts on rights and freedoms.

If the Commission does mandate any sort of age verification or estimation measures, it should be ensured that private entities do not profit from this.

Adults’ rights and freedoms

The Guidance also states: “The Commission advises video-sharing platform service providers to ensure that commercial communications which are only suitable for adults are displayed only to logged-in accounts whose holders have been identified as adults through effective age estimation or age verification techniques as appropriate” (p.72).

However, this could threaten adults' right to access the internet anonymously, jeopardising their online privacy on a massive scale. It is disappointing that the Code has paid almost no attention to the many serious risks entailed by age verification and estimation, and we look forward to an improvement in the future Code.

For more information about EDRI's work on age verification, please contact Ella Jakubowska, Senior Policy Advisor: 



European Digital Rights

**Submission of the European Digital Rights (EDRi)
network, representing 50+ national and international
digital human rights NGOs**

**To the Irish *Coimisiún na Meán* draft Online Safety Code
consultation**

30 January 2024

About EDRi

EDRi (European Digital Rights) is Europe's largest digital human rights network working to protect digital rights for everyone. The EDRi network is a dynamic and resilient collective of NGOs, experts, advocates and academics working to defend and advance digital rights across the continent. For over two decades, it has served as the backbone of the digital rights movement in Europe.

Our mission is to challenge private and state actors who abuse their power to control or manipulate the public. We do so by advocating for robust and enforced laws, informing and mobilising people, promoting a healthy and accountable technology market, and building a movement of organisations and individuals committed to digital rights and freedoms in a connected world.

General comments about our submission

While there are many notable elements of the draft Code, this submission is limited to one particular area of concern for EDRi: age verification. We have therefore chosen to answer only those questions which are directly relevant to our work on age verification. This does not necessarily mean that we endorse or oppose other parts of the code, but

rather that our input is strictly limited in scope. **However, we would like to express that we support the submission of EDRi affiliate, the Irish Council for Civil Liberties (ICCL), on stopping toxic recommender algorithms by default.**

Our input here is based on research conducted by EDRi and supported by nineteen other organisations, including the children's digital rights group, Defend Digital Me. This research was published in October 2023 in the form of a paper entitled 'Online age verification and children's rights'.¹ **This research paper forms a key part of our submission, and therefore we ask the Commission to consider it as an integral part of our submission. We also reference it throughout.**

The aim of protecting children online is a very important one. Drawing from many years of work to contest the disproportionate power of online platform, EDRi therefore supports the introduction or maintenance of clear, consistent and binding rules for online service providers and platforms. These rules must ensure that they meet their obligations to protecting their users, but also must respect the full range of EU fundamental rights, including the prohibition of general monitoring.

At the same time, we have serious concerns about age verification in general, and specifically about the age verification methods foreseen by the Code, its accompanying Statutory Guidance Materials and in public comments about the Code.

The aim of our consultation response is thus to raise awareness of the complexities surrounding age verification practices, the significant technical challenges involved in ensuring a data- and privacy-protective age verification system, the commercial interests which have influenced discourse, and most crucially, **the threats posed to the human rights of children and adults alike by all current methods of age verification that we surveyed.**

Our work is based on the rights conferred by the Charter of Fundamental Rights of the EU, and as such is rooted in a necessity and proportionality assessment of age verification methods. **We believe that there are serious questions about whether mandatory age verification can be considered proportionate, and whether systems are effective enough to meet the requirement of necessity.**

Please note that throughout this submission, unless otherwise specified, we use the term 'age verification' as a broad umbrella to include both document-based identity systems and age estimation systems.

¹ <https://edri.org/wp-content/uploads/2023/10/Online-age-verification-and-childrens-rights-EDRi-position-paper.pdf>

Response to consultation question 9: "What is your view on the requirements in the draft Code in relation to age verification?"

Concerns about the proposed widespread age verification mandate

The draft Code requires video-sharing platform service providers "of which the principal purpose of the service or a dissociable section thereof is providing access for adults to content consisting of pornography" or "of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty" (Sections 11.3 and 11.4) to implement "**robust age verification**".

For service providers not falling within this scope, they must still implement "**effective age verification**" (Sections 11.6 and 11.7). Those showing alcohol adverts must also implement "**effective age verification**" (Section 12.9). These terms are not, however, defined by the Code. "Effective" is defined only in the non-binding Statutory guidance.

In addition, any service with a minimum age for opening an account (which, thanks to rules established in Article 8 of the General Data Protection Regulation (GDPR) presumably means all services), must "implement **effective measures to detect under-age users** and close their accounts" (Section 11.16).

In effect, therefore, the Code amounts to an obligation to use age verification, age estimation or another form of "detect[ion] of underage users" for practically all video-sharing platform service providers based in Ireland. Given the number of tech giants registered in Ireland, including *inter alia* widely-used service providers like YouTube and Instagram, such a decision will have a wide impact across the European Union.

The Code also allows providers to repeatedly assess the ages of their users each time they access certain content (Section 11.19(ii)). The use of such perpetual or recurring age verification measures can incentivise not just excessive collection, but also storage, of sensitive personal data. Yet the risks of such practices are not mentioned at all in the Code.

Based on research conducted in Autumn 2023, EDRi has found that all current age verification and age estimation methods that we could find fail to meet strong standards of protection of the rights to personal data and privacy. This is first of all for children themselves, but also for adults, who will invariably have their data processed by these systems too. In addition to threats to privacy and data protection, we found that these systems can also pose potentially serious limitations on the rights to free expression, free association, access to information, non-discrimination and dignity, as well as the rights of the child.

For this reason, we do not support mandatory widespread age verification or estimation, and instead recommend a case-by-case assessment to see whether age verification/estimation tools are genuinely necessary and proportionate for a given platform or service.

By presenting the genuine challenge of children's safety online as a problem that can be solved with surveillance measures, we are concerned that this encourages a slippery slope towards broader surveillance of people's internet activity, censorship, and a push to eradicate online anonymity.

The risk of this 'slippery slope' can even be seen in several alarming responses to the previous public consultation: "*In response to the call for inputs, some stakeholders proposed that the Code should also restrict the promotion of breast milk substitutes and of high fat, salt and sugar foods*" (p.15). This techno-solutionist approach also risks focusing too much on technology, rather than focusing on the broader societal context which leads to harm.

Our first recommendation for the Code is therefore that at a minimum, the potential risks and harms of age verification and estimation methods must be explicitly mentioned in the Code. Additionally, providers must be required to address each of them.

The urgent need for *ex ante* safeguards

There are no limitations or restrictions placed on the use of age verification or estimation systems by the Code. The focus is on technical accuracy ("robustness" or "effectiveness" requirements), but this eclipses a significant set of important considerations around privacy, data protection, online freedom and more. Even the accompanying Statutory Guidance Materials contain very little information or advice about safeguards, and do not set any limits on the use of age verification or estimation.

By presenting the use of age verification and estimation tools as *only* a mitigation measure, rather than as a potential risk in themselves too, the Code misses an important opportunity to ensure that such tools are used in a way which respects the rights of children and adults online.

Given the risks posed by the use of age estimation and verification systems, explained in this submission and in our aforementioned research paper, we strongly recommend the inclusion of a set of cumulative, binding safeguards incorporated into the Code itself.

Our second recommendation, therefore, is that the Code should stipulate that any age verification or estimation system must:

- Permanently prevent any linking of the internet activity or history of a person to their identity, ensuring that a person cannot be traced by the use of the system (i.e. 'zero knowledge');
- Not provide any information to the provider other than a yes/no about their age threshold; and must not facilitate any access to the person's account or information by the provider or by a parent, guardian or other actor;
- Consider using tokens instead of storing personal data, and delete personal data processed for the purpose of generating the token immediately afterwards;
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- Ensure genuine alternatives for those that do not have formal identity documents, ensuring that minoritised (marginalised) or otherwise vulnerable people will not be locked out of the internet;
- Be mindful of a potential chilling effect, in particular ensuring that access to educational and health (including reproductive health) material is not subject to age verification, which could have a chilling effect on whether or not children feel comfortable accessing this information.

Given that all available technologies that EDRi surveyed failed (significantly) to meet these requirements, it is important that providers are not forced to implement non-secure or privacy-invasive systems.

Therefore, our third recommendation is that if no technologies are available which meet these thresholds, the service provider must not be obligated to implement age verification or estimation measures.

Concerns about disincentivising age self-declaration

The Code states that “[s]elf-declaration of age by users of the service shall not on its own be an effective measure for the purposes of this section” (Sections 11.16 and 11.17).

However, EDRi’s research has found that supplemented with other measures (focused around the principles of safety by default and by design), self-declaration currently offers the most realistic and appropriate balance of minimising intrusiveness and data collection, whilst ensuring some form of age gating. By preventing providers from being able to rely on self-declaration methods in order to meet their obligations under the Code, they will be forced to implement age verification or estimation tools, even when such tools are known to be harmful.

Our fourth recommendation is therefore that the Code should allow providers to rely on age self-declaration, so long as they ensure privacy and security by default.

Measures in the Code that we support in principle

According to the Code, violent or distressing imagery uploaded in the public interest must be rated as “not suitable for children” (11.8) as part of this system. In theory, we find that content labelling can be a useful tool, which focuses on empowering users (or in the case of younger children, their parents) to make decisions for themselves.

This is important with respect to the growing autonomy of children, the role of parents' in fulfilling the rights of the child, and the need to acknowledge that young people are not a homogenous block. There may be times where access to content is not just not harmful, but actually beneficial, for children. For example, this could include exposure to risk (within reason) in order to build resilience, or access to LGBTQI+ content for older adolescents exploring their sexuality or gender identity. This is particularly important given that the Code will have ramifications for users across the Union, including in countries where LGBTQI+ people face persecution.

Another reason to support discretionary measures such as age rating, rather than more prescriptive measures like age verification or estimation, is that it allows parents to maintain a level of oversight and support of their children's online activity. Otherwise, there is a risk that the rights of the child could be violated, by replacing parental responsibility for what content is appropriate with service provider responsibility for what content is appropriate. This is especially a risk when talking about potentially harmful, but not illegal, content.

Nevertheless, we caution that age labelling should not be linked to age estimation or verification measures, as its benefit lies in the fact that it guides and empowers, rather than restricts, users.

We further caution that the definition of “children” can be problematic in the case of content labelling. For example, several EU Member States allow people to vote at the age of 16 or 17. In order to ensure that they are able to fully participate in these democratic processes, there may be a legitimate argument for allowing them to view content that is violent or distressing, but not illegal. As a broader principle, it is frequently not appropriate to restrict the access to content of older adolescents, compared to younger children. We find it problematic that the Code does not make any such distinction.

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Regrettably, this is not properly considered by the draft Code. Whilst, for example, Sections 11.18 and 11.20 require service providers to "set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider's age verification, age estimation or other technical measures," there is no corollary for adults who have been misidentified as children.

Furthermore, this very framing of "set[ting] targets" suggests acceptance of a relatively low level of accuracy, accepting wrong identification as a feature. However, there are many rights at stake here for children and adults alike, including access to information and freedom of expression. Therefore wrong identification should not be passively accepted, but the regulator should instead require a high degree of accuracy. This is especially the case in the event that the processing of biometric data are allowed (even though we warn against it, as the biometric data of children are especially sensitive). Estimation on the basis of biometric data has been plagued with bias and discrimination, and despite industry commitments to counter this, it remains that racialised people and people with certain disabilities are still discriminated against by these systems.

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Opinion on the Statutory Guidance Materials

General

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Age estimation

Whether through the processing of biometric data (e.g. facial estimation) or by other forms of profiling, we find age estimation to be antithetical to the very essence of privacy and data protection. Biometric data are a special category of protected data under the GDPR. Therefore from a data protection perspective, we question the necessity and proportionality of the use of these sensitive data.

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For systems which profile young people based on their usage or behaviours, this is the exact sort of toxic data collection by platforms which we have spent years fighting. It may also violate rules laid down in the EU's Digital Services Act.

The guidance materials state that age estimation must "comply ... with data protection and privacy requirements" (p.68) However, no description or explanation of what this means is given. As in the Code, this is a missed opportunity to demand prescriptive safeguards.

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confirmed, there is a significant risk of misuse of personal data when users are required to submit identity documents to a provider.

This may also violate the principle of data minimisation under the GDPR, as the user will be revealing not just whether they are above the age of 18, but sensitive information such as legal name, address, date of birth, nationality etc. This would not meet the requirement of proportionality under the Charter of Fundamental Rights of the EU, and also puts these data at risk of hacks. Given that the Code will also cover porn platforms, sensitive information about people's sexual orientation and preferences could also be at stake here.

As previously discussed, the use of "live likeness based" methods by definition process biometric data, which we do not find to be necessary and proportionate, and which we do not believe children should be conditioned into thinking is a 'normal' thing for accessing information and services. It is not clear what is meant by "live selfie plus biometrics", as the live selfie will already process biometric data, and it is not clear where the comparison "biometrics" would come from.

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The Guidance mentions the need to "minimise the error rate when children are misidentified as adult" (p.68), but the same principle should apply to adults being misidentified as children, which could see them locked out of services.

Tokenised age services

The Guidance materials state that "tokenised age services may be considered" (p.68). However, these services are frequently part of a lucrative 'age assurance' industry, and rely on users trusting a private, commercial entity. As discussed in our aforementioned research paper, the dominance of these commercial entities in policy debates about age verification has perhaps skewed perspectives, and obfuscated much-needed debates on the impacts on rights and freedoms.

If the Commission does mandate any sort of age verification or estimation measures, it should be ensured that private entities do not profit from this.

Adults' rights and freedoms

The Guidance also states: "The Commission advises video-sharing platform service providers to ensure that commercial communications which are only suitable for adults are displayed only to logged-in accounts whose holders have been identified as adults through effective age estimation or age verification techniques as appropriate" (p.72).

However, this could threaten adults' right to access the internet anonymously, jeopardising their online privacy on a massive scale. It is disappointing that the Code has paid almost no attention to the many serious risks entailed by age verification and estimation, and we look forward to an improvement in the future Code.

For more information about EDRI's work on age verification, please contact Ella Jakubowska, Senior Policy Advisor: [REDACTED]



CyberSafeKids' Response to Coimisiún na Meán's Consultation Document: Online Safety

About CyberSafeKids

Established in 2015, CyberSafeKids, an Irish charity, is dedicated to enhancing online safety for children. Our mission is to ensure children are safer online and that the online world is made safer for children. At our core is an education & research programme for primary and post primary schools, providing expert guidance to pupils aged 8-16, teachers, and parents and the publication of annual trends and usage data. Our education programme has directly reached over 60,000 children, 15,000 parents and educators across Ireland. Whilst there are many opportunities for children growing up in the digital age, risks they can face in the online world include sharing too much personal information, exposure to age inappropriate content, algorithm-driven exposure to harmful content, cyberbullying, online grooming, and (s)extortion. Our aim is to create a world in which children can harness technology's positive potential whilst avoiding risks. CyberSafeKids is not just educating the current generation; we're paving the way for a safer digital future for all children.

Responses

1. Do you have any comments on sections 1 - 9 of the draft Code?

Comment on Section 2.3: It would be useful to explore how CNAM can work with those entities not based in the State. What can they do outside of regulatory powers? We believe the e-safety commissioner in Australia can still work to minimise harm to child users on platforms that do not have a base in their jurisdiction, even if no regulatory powers - i.e. engagement with other regulators (i.e. OFCOM), focus on drowning out search results, if can't get content removed, naming and shaming in reports etc.

Comment on Section 3.1: What are the thresholds in relation to *'take appropriate measures'*? Will this be defined in the Code?

Comment on Section 9.1 In the event that VSPS is deemed to have demonstrated to the satisfaction of the Commission that a specific obligation under this Code would not be practicable or proportionate, will the decision-making around this finding be made public in the interests of transparency and public interest? For the larger VSPS, the thresholds here should be high given their substantial resourcing.



2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

We believe that this is the right approach. We have dealt with cases in the past where the content of the videos did not violate the community standards and as a consequence the company in question did not remove them, but the comments and shares associated with the content formed part of a bullying campaign against a child of 13 (with the impact that he was self-harming and had to move schools). We were eventually able to get all videos removed on the basis that whilst the child was by this stage 13, he was 10 when he'd originally posted the videos - i.e. under the minimum age requirement in the T&Cs of the VSPS in question. This case supports the need to consider the wider context associated with the video content itself.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

We would like to see the definition of a child widened for the purposes of this Code so that it extends to artificially created harmful and/or illegal content - for example, AI-powered software that removes clothing from an image or “deepfakes” that falsely represent someone saying or doing something. We are concerned about any possible loopholes in relation to emerging technologies.

In addition, there is interest from children in viewing what is often referred to as “gore” - i.e. post-mortem images, car crashes, train wrecks etc so it might be useful to widen the definition of harmful content.

4. What is your view on the other definitions of illegal content and regulated content

Age-inappropriate online content 139D. — In this Part, ‘age-inappropriate online content’ means online content that is likely to be unsuitable for children (either generally or below a particular age), having regard to their capabilities, their development, and their rights and interests, including in particular content consisting of— (a) pornography, or (b) realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty

We would like to see a greater emphasis on VSPS identifying the age of the child users of their services (which we believe they broadly do for the purposes of targeted advertising). We also feel this Code is an opportunity to firmly prescribe specific age thresholds for child users. There is a large developmental difference between an 8 year old child and a 16 year old child, both of whom are using these services. Our research shows that 84% of 8-12 year olds have at least one social media and/or instant messaging account. Therefore we would argue that the Code should prescribe age thresholds rather than leave definitions open to



self regulation in terms of determining age thresholds. The present draft definition refers to “unsuitable for children (either generally or below a particular age”. This appears to refer to children generally, from age 0 to age 18. We would argue that prescriptive age thresholds are necessary and the Code is ideally placed to bring these to bear. We note that many VSPSs appear to have created their own age thresholds of age 13 in so far as account holders must state they are 13 and above often to avail of an account with a service. Even with this in mind, there is a huge developmental difference between a 13 year old and a 17 year old. If, in the alternative, the Code seeks to restrict age inappropriate content to all children uniformly aged 0-18 then it should specify this clearly in the definition, rather than leaving the above quoted definition, which we feel is ambiguous and could cause uncertainty.

5. Do you have any comments on any other definitions provided in the draft Code?

Other definitions:

The use of the term “moving images” in the definition of “audiovisual programme” is limited as some videos may include static pictures on rotation, sometimes set to music or with a voiceover. It would be better to broaden the definition to capture a broader range of content.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

For any service used by children, the Terms & Conditions must be written in such a way that child-users, even as young as 8, would understand it. Our research shows that 84% of 8-12 year olds have at least one social media and/or instant messaging account.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

We think this is largely positive however, we would further argue this could be strengthened by making it more specific that any content or account that has been flagged as either harmful or illegal either to a certain threshold (i.e. at least and no more than 10 times) and/or by a Trusted Flagger (i.e. school or another recognised body that CNAM will need to clearly define) in relation to child users, should be immediately suspended/removed, pending review. This will facilitate speedier response times to user complaints. The content can be reinstated if the review does not agree with the complaint.

The use of the word ‘repeated’ in relation to infringements is simply not specific enough. It’s important to set out the benchmark in the code.



8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Established timelines, prescribed by CNAM, are vital in terms of reporting and flagging content. These should be prescriptive so that there is a clear standard to which the VSPS must adhere.

We know that self-regulation does not work. In fact, the very impetus behind the OSMR Act was the fact that self-regulation was failing. During the course of the Oireachtas hearings on this matter, the delay and lack of transparency around take down procedures as well as responses to complaints was highlighted by many speakers. To now proceed on the basis that VSPS can determine their own timelines in terms of take down and content flagging serves to dilute the legislation. In fact, the ability to sanction VSPS rests entirely on the OSC. Whether the legislation is robust enough to bring about real change in this area, whether the legislation is robust and effective in tackling harm to children, rests fully on the prescriptive nature of the OSC. To shy away from prescribing key measures, such as timelines for content review and take down, could risk the implementation of Codes that serve to leave the legislation as lacking enforceability. A lack of a prescribed approach and timelines would also impact on the ability to put in place an effective Individual Complaints Mechanism, which was provided for within the legislation.

We believe the following procedure should be put in place in relation to timeframes and targets for responses to user complaints and takedown:

- 1: How quickly VSPS responds to the initial user complaints about harmful content must be time bound - and should be time bound at 48 hours. This response should be a substantial response and not a holding response. This is proportionate given the resources available to the VSPS.
- 2: If an individual fails to receive a response within that timeframe or receives an inadequate response (i.e. a holding message) and it has been subsequently been flagged with CNAM, through the proposed Individual Complaints Mechanism, and they agree that the offending content should be removed, the takedown notice issued by CNAM should also be time bound and in this case it should be time bound to 24 hours. This has been demonstrated as being a workable model in other jurisdictions - for example It is in line with the Australian Online Safety Act 2021.

If the VSPS are effective and efficient in their handling of complaints, there should rarely be a need to involve the Office of the Online Safety Commissioner or trigger the Individual Complaints Mechanism. If cases to the ICM were to prove overwhelming over time, then this



would represent a clear failure on the part of VSPS to address and resolve user complaints in relation to harmful content in a timely manner.

Transparency as regards the take down and flagging has been an ongoing issue, and while companies were providing take down figures privately to the relevant Department during the Oireachtas hearings (as the Online Safety and Media Regulation bill as passing through the Oireachtas), it must be noted that these figures were not made public (perhaps for commercially sensitive reasons). In fact the take down figures are often closely guarded.

Therefore the existing response time frames are unknown, the oft cited risk of 'overwhelm' of systems is not known. However the impact of harmful content remaining on platforms, despite a child having flagged this, despite calls for help going unanswered, is well known and sadly well documented.

9. What is your view on the requirements in the draft Code in relation to age verification?

9.a. Definitions

Whilst we do not believe the Code needs to be prescriptive about how the VSPS go about verifying/confirming age, we do think it is worth defining what it is - i.e. in the UK Online Safety Act (2023) is defined as *"any measure designed to verify the exact age of users of a regulated service"* and/or age estimation, defined as *"any measure designed to estimate the age or age range of users of a regulated service"*. VSPS are aware of approximate ages of users from their profiling/targeted advertising techniques.

9. b. Effectiveness

It may also be useful to define what is meant by the effectiveness of the measures taken so that when VSPS are providing reports to CNAM, the measures taken are very clearly outlined and shown to be working. This reporting should include not only narrow parameters of, for example, quarterly figures of underage accounts taken down, but also include an estimate of the total number of underage accounts identified on their service so that numbers closed in a given period are shown as a ratio of the total estimated figure - i.e. the wider context is provided. We know that VSPS can target advertise to under 12s (USD \$2 billion in revenue in 2022 in the US alone, from children under 12¹). The Code should go further here in requiring VSPS to prevent underage users from accessing the VSPS; perhaps a transparency- reporting

¹Austin, Bryn et al, 'Social media platforms generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue model' (2023), Source: <https://www.hsph.harvard.edu/news/press-releases/social-media-platforms-generate-billions-in-annual-ad-revenue-from-u-s-youth/>



requirement linking under age users- and revenue generated from under age users. User complaints highlighting a child's exposure to age-inappropriate content should be included in these reportable figures.

Effective age-verification/estimation measures must prevent children from encountering harmful or age-inappropriate content, which the VSPS identifies on the service. In order to achieve effectiveness, service providers must use age assurance measures in such a way that the age checks are highly effective at correctly determining whether or not a particular user is a child and do so in a privacy preserving manner. Underage usage of VSPS is a well known reality; 84% of children aged 8-12 had at least one social media and/or instant messaging account in their name.² Attempts to verify age at sign-up have been woefully inadequate to date, despite the introduction of the Digital Age of Consent in 2018.³

If a child has used a particular device to sign-up for an account using the wrong age, then they should not be able to subsequently access an account on that same service via that device until the correct age.

9.c. Age Thresholds

Should the Code set-down minimum age thresholds? It appears that most VSPS based their minimum age-restriction level of 13 years in line with the US legislation 'Child Online Privacy & Protection Act (COPPA)'. The age of 13 as a minimum age threshold to access VSPS, is not reflected in Irish law.

The Digital Age of Consent in Ireland is 16. Many VSPS have unilaterally applied the age of 13 for service sign-up in Ireland, irrespective of the fact that the age of 13 does not appear in our national legislation

Nonetheless, even with this threshold, we know children under 13 are accessing services. The Code at para 11.16: "*Where a video-sharing platform service provider has a minimum age for account opening,*" implies that this is an optional requirement. It should be a mandatory requirement to impose a minimum age and to ensure that any users are at least that age.

The paragraph in point 11.19 (cited below) needs to be much more specific in its wording as in our experience children are accessing pornography from sites that do not have a principal purpose of providing adult-content such as pornography but also do allow sexual content. In

² CyberSafeKids Trends & Usage Report (2023), source:

<https://www.cybersafekids.ie/children-are-experiencing-real-harm-online-wheres-the-urgency-to-address-this/>

³ O'Neill, Brian, Curley, Cliona & Pasquale, Liliana, The digital age of consent, two years on and the ongoing issue of underage use of social media, 2020, source:

<https://www.cybersafekids.ie/the-digital-age-of-consent-2-years-later/>



addition, is the intention to specify the age at which someone can access age-inappropriate content - i.e. 18? What is 'too young to use the service' as per the Guidance extract below.

11:19 Video-sharing platform services of which the principal purpose of the service or a dissociable section thereof is providing access for adults to: - content consisting of pornography, or - content consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty, 53 shall use robust age verification either for (i) account sign-up for the service or for accessing the dissociable section of the service providing access to such content; or (ii) on each occasion such content is accessed.

Specifically, as regards access to adult content this does not clearly state that children under 18 shall not be permitted access to this content.

The Guidance says:

For instance, a VSPS that permits the uploading of pornography and gross or gratuitous violence can use an age verification technique appropriate for identifying children who are too young to use the service, or to identify adults who can be shown certain types of audiovisual commercial communications

It may further be worthwhile to ensure that any site with a principle purpose of providing access to adult content should have a blank entry page or at least one showing no sexual imagery (i.e. at sign-in page) so no graphic content is visible until after successful login.

10. What is your view on the requirements in the draft Code in relation to content rating?

Largely positive as it gives users options to flag age-inappropriate content, but it is not clear if there will be, in addition, an obligation on the uploader of content to flag the appropriate age when uploading content (i.e. over-18, 13-18, under-13).

11. What is your view on the requirements in the draft Code in relation to parental controls?

We welcome these requirements. Parental controls are a positive and important measure that VSPS should be putting in place, making them both accessible and easy-to-use, as well as clearly sign-up posting to them on platform, but they should not replace the obligation on the VSPS to ensure that their service is safe for children.

We note however, a clear disconnect between providing screen time controls and trying to effectively manage screen time on what are essentially very addictive services. They are designed to hold attention for as long as possible and persuading children to switch-off and



to disconnect from such services can be extremely challenging, as countless parents have told us.

In terms of wording however, we would advise using more explicit language than the following: *The Commission advises that parental control may include the following features...*. We believe that the use of the word 'may' suggests optionality and that these should be the minimum standards that need to be met.

12. What is your view on the requirements in the draft Code in relation to complaints?

Established and explicit timelines in handling and responding to user complaints and targets are vital. Please see our response to question 8 for further detail.

In relation to 11.31, whilst we appreciate the endeavour to avoid legal routes, we do not think that the suggestion of independent mediation for the resolution of disputes of user complaints is practical given that it will likely involve lengthy timeframes, costs (which is far more relevant to the user than the VSPS) and the content remaining live on platform whilst the mediation is ongoing (with the likelihood of more views, more shares, more comments). We think that mediation should be recommended only in specific and exceptional circumstances. If a user complaint is not addressed within the given timeframe, it should be possible to take it to the Individual Complaints Mechanism provided for within the legislation.

The reference here maintains: *"for the avoidance of doubt, nothing in this Code shall affect the rights of users to assert their rights before a court in relation to a video-sharing platform or platforms"*; the right of users however, to assert their rights before the Independent Complaints Mechanism is not similarly highlighted.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

No further comment.

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

Others are better placed to comment on this section.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Others are better placed to comment on this section.



16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

Others are better placed to comment on this section.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

Others are better placed to comment on this section.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

Efforts to increase a much broader awareness of and understanding in Media Literacy are welcome and positive. These are crucial skills in the digital age. CyberSafeKids is an Irish based charity that works to bring media literacy to parents, schools and social providers.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

We do not think it's appropriate for VSPS to collect or process for commercial purposes the data outside of what is necessary for purposes of age verification and parental controls. We do not believe that VSPS should be able to market to, profile or to target advertise to children under the age of 18. We also note that data protection and related breaches come under the Data Protection Commissioner.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

The requirements do not go far enough - see our response to question 8.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

No.

22. Do you have any comments on this section of the Draft Code?

We think the wording remains very unclear as to how and as to when sanctions will be applied to VSPS for being in breach of the legislation and/or the Code. The Code provides the opportunity to explicitly outline at what point a breach has occurred and a sanction will apply.

23. Do you have any comments on the Annex?

The Code is an opportunity to set out parameters, even generally around recommender systems and safety by design.

**24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?
Consultation on Statutory Guidance**

Whilst we appreciate that the document has noted that Recommender Systems and Safety by Design will not be addressed within the first Code, we want to reiterate the urgent need for measures to tackle recommender systems as a means of addressing how harmful content is being served to children as well as the urgent need to ensure 'safety by design' is central design consideration for any new or emerging technology. We have provided a case study below in relation to the harm that recommender systems can cause children and young people:

Summary of case

A parent contacted us in relation to her 13-year old daughter's account on a popular VSPS. It had come to her attention via another child in her daughter's peer group that her daughter (named Lizzie for ease of reference but not her real name) had posted a video of herself on the VSPS, sharing her experience of being bullied in the previous year. Lizzie's parents were not aware that she had been bullied or that she'd posted this video so it came as a huge shock.

The bullying originally started on another VSPS in September 2022. One of Lizzie's friends had posted a photo of her eating. Comments were made by her friends about it; other children chimed in and started inferring that she was overweight. The school was aware of the bullying and believed that it had dealt with the perpetrators. Some stopped, others continued. The school did not inform Lizzie's parents and Lizzie did not tell her parents.

Lizzie became aware of a trend on a particular VSPS of sharing personal stories of bullying and other negative experiences. She saw reels of other kids revealing and sharing negative personal experiences. She decided to share her own story and subsequently posted a video on the VSPS. She didn't name names but talked about how much the bullying had hurt her and that she'd tried to stop eating and had self-harmed as a result. When her parents became aware of the video, they asked Lizzie to remove it and she did so but there were already many comments on them and they'd been viewed thousands of times. In addition, since she posted that video, her own feed was now overwhelmed by content focused on children sharing vulnerable stories - eating disorders, bullying, self-harm, sexual assault. Her



mother is deeply concerned about how this kind of content is impacting on the mental health of her child.

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act? Consultation on the application of the Code to the category of video-sharing platform services

No comment

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

WhatsApp should be considered as a VSPS. Groups can be large (over 1,000 members in one group) and video content circulated freely. According to CyberSafeKids' *Trends and Usage Report 2022*, 39% of 8-12 year olds have a Whatsapp account, despite the minimum age of service being 16, according to their own internal Terms and Conditions.⁴

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

No further comment.

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

We believe there needs to be much greater clarity about the point at which breaches have occurred and sanctions will be applied.

It is also fundamental that these important changes are accompanied by clear and accessible public awareness campaigns led by the OSC. Guidance should highlight in plain English for both young people and adults their new and improved rights in relation to online safety, along with the steps they must/can take in order to access and apply the Online Safety Codes to their specific situation/s.

⁴ CyberSafeKids 2023

Message

From: Vitor Manuel Fonseca Marinho [REDACTED]
Sent: 30/01/2024 17:51:04
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

Não costuma receber e-mails de [REDACTED] Saiba por que motivo isto é importante

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Vitor Manuel Fonseca Marinho
[REDACTED]

Message

From: GMX [REDACTED]
Sent: 30/01/2024 18:03:56
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Sent from my iPhone



La Leche League of Ireland
Breastfeeding Help & Information

**Submission to Coimisiún na Meán from La Leche League of Ireland
January 2024**

La Leche League of Ireland (LLL), welcomes this opportunity to make a submission to Coimisiún na Meán in relation to the draft Online Safety Code.

La Leche League of Ireland has provided evidence based breastfeeding support and information to pregnant and new parents in groups around Ireland since 1966. Our trained volunteer Leaders have breastfed their own babies and have completed an internationally recognised training programme. La Leche League of Ireland is represented on all local maternity and national infant feeding committees and is recognised by the HSE. La Leche League of Ireland endorses the WHO Code of Marketing of Breastmilk Substitutes.

The World Health Organization (WHO) recommends that infants are exclusively breastfed for the first six months of life, with continued breastfeeding up to two years and beyond. (WHO 2003). The HSE have also adopted this recommendation. Breastfeeding is associated with a reduced risk of illness in children, especially respiratory diseases, ear infections, and a reduced risk of childhood obesity. Breastfeeding is associated with a decreased risk of breast and ovarian cancers.

We in La Leche League are aware of the increasing wave of digital marketing of infant formula on all social media platforms, including the use of social media influencers. This marketing targets pregnant and new parents and seeks to influence their decisions on infant feeding. This online



La Leche League of Ireland
Breastfeeding Help & Information

formula advertising is often misleading and undermines breastfeeding. Many women who come to LLL for breastfeeding information will be able to quote the slogans and phrases from the formula advertisements in their social media feed. Indeed many women will remember seeing similar advertisements on TV as children themselves.

We are particularly concerned at the public health implications of the growth of 'Baby Clubs' aimed at enrolling pregnant mothers and sponsored by Commercial Milk Formula Companies. These Baby Clubs purport to provide support to new mothers when in fact they are actually promoting and reinforcing brand awareness and loyalty. We believe that education on infant feeding should come from non commercial sources.

We therefore request Coimisiún na Meán to ensure that the provisions of the proposed Safety Code specifically protect the current and future public health interests of babies and young children by ensuring that fair and responsible regulation is in place to monitor the advertising and online communications from the infant formula industry.

Yours sincerely

Glenda Raftery Muhametaj & Lynn Carroll
Co - Area Coordinator of Leaders

On behalf of La Leche League of Ireland
30th January 2024

www.lalecheleagueireland.com / info@lalecheleagueireland.com



La Leche League of Ireland
Breastfeeding Help & Information

Message

From: Sheila O'Gorman [REDACTED]
Sent: 30/01/2024 18:21:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Sr. Sheila O'Gorman.

Message

From: Stephen Drinkwater [REDACTED]
Sent: 30/01/2024 19:04:05
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Steve Drinkwater

**Women's Aid Response
to Coimisiún na Meán Consultation
on the Draft Online Safety Code
for Video-Sharing Platform Services.**

January 2024



Women's  Aid



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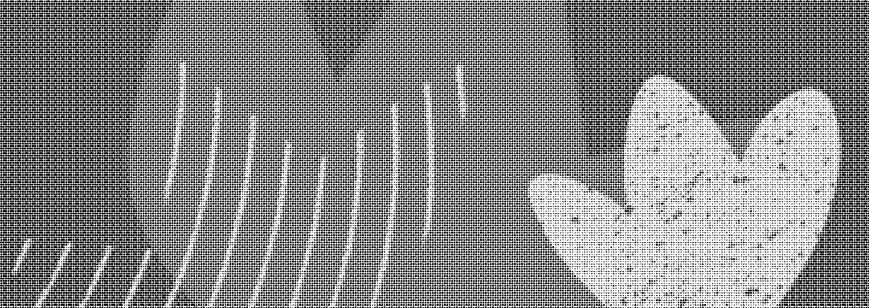
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Introduction

Women's Aid is a national, feminist organisation working to prevent and address the impact of domestic violence and abuse (henceforth DVA) including coercive control, in Ireland since 1974. We do this by advocating, influencing, training, and campaigning for effective responses to reduce the scale and impact of DVA on women and children in Ireland and providing high quality, specialised, integrated, support services. More information on Women's Aid is available on our website womensaid.ie.

Women's Aid welcomes the opportunity to share our views on the draft Online Safety code for Video-Sharing Platform Services (VSPS). We would be pleased to have an opportunity to discuss these with Coimisiún na Meán in more detail.

Women's Aid is very disappointed with the draft Online Safety code for VSPS. This code does not consider nor address a number of specific and prevalent forms of online harm to women and girls, including criminal harms. In relation to video sharing platforms these include in particular: availability and promotion of misogynistic and violent content, Image Based Abuse (IBA)¹, posting videos of victims of trafficking or sexual abuse and related information on them, denigrating and violent comments of videos, non-consensual posting of women's details and images on pornography and escort websites.

In relation to adults, the code only deals with content which amounts to incitement to violence or hatred on a number of protected characteristics, provocation to commit a terrorist offence, dissemination of child sex abuse material, offences concerning racism or xenophobia as well as certain commercial communications.

This is, in Women's Aid's view, wholly insufficient.

¹ Also referred to as Imaged Based Sexual Abuse (IBSA)

While the code includes protection of the general public from “*content which amounts to incitement to violence or hatred*” on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, including on grounds of sex, this only cover a very limited amount of the online abuse women and girls are subjected to. Further, there is nothing in the code nor the guidance using this specific protection to address the prevalence of online material which promotes and glorifies violence against women and misogyny.

Considering the submissions from women’s NGOs to the previous round of consultation detailing the various types of technology facilitated gender-based violence (TFGBV)², its high prevalence and detrimental consequences both online and offline, it is discouraging to find that there is so little in the code and in guidance to prevent and address these harms.

We note that the comprehensive PA Consulting report³, which was specifically commissioned to inform Coimisiún na Meán’s approach to VSPS regulation, also confirms the high level of online abuse and its impact on women and girls. This report also finds that “Victims of intimate image abuse and cyber stalking reported higher levels of harm than victims of other types of abuse”⁴ and it is therefore **incomprehensible that the code and the guidance are silent on preventing and mitigating such harm.**

We note the terms “*Intimate image abuse*”, “*image based sexual abuse*”, “*non-consensual intimate image sharing*” or similar are not mentioned at all in the code, except in the

² In this submission we will use online Gender based violence (online GBV) and technology facilitated gender-based violence (TFGBV) interchangeably

³ See Chapters 5.7. and 5.11 of PA Consulting, Video-Sharing Platform Services Online Harms Evidence Review Provided to inform Coimisiún na Meán’s approach to VSPS regulation September 2023 https://www.cnam.ie/wp-content/uploads/2023/12/PAConsulting_Online-Harms-Evidence-Review_vFinal.pdf

⁴ Page 77, ibidem

Foreword⁵ and the Introduction⁶ where non-consensual intimate image sharing is simply named as one of the harms discussed in the PA Consulting report. No further discussion of this severe and prevalent harm is included in the draft code or guidance and there is nothing that would limit IIA, including the use AI and nudifying tools.

The overall goal of the prevention pillar of the Third National Strategy on Domestic, Sexual and Gender Based violence is:

Working towards the eradication of the social and cultural norms that underpin and contribute to gender-based violence.⁷

With so much of contemporary life occurring online, it is necessary that cultural change to eradicate gender-based violence is also addressed in this environment. Moreover, it has clearly been established that online GBV falls within the scope of both the CEDAW Convention⁸ and the Istanbul Convention⁹, to both of which Ireland is a party, so there are clear international obligations to address this form of violence against women.

Women's Aid finds that this draft code: **does little to prevent online violence against women, does not require measures for effective moderation of such content nor protects victims once harm has been done.** We therefore offer recommendations for improvement below.

⁵ Page 5 of the Consultation Document

⁶ Page 10 of the Consultation Document

⁷ Government of Ireland, ZERO TOLERANCE Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026, page 26

⁸ Paragraph 20 and 30 (d) of CEDAW's General Recommendation no. 35;

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/231/54/PDF/N1723154.pdf?OpenElement>

⁹ GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021; <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>

Summary Table of all Recommendations

Please read full document for context and further explanation.

Recommendation 1

In **Section 4.6** include the Third National Strategy on Domestic, Sexual and Gender Based violence (and any future iterations) in the list of policies the Commission should have regards to in performing its functions.

Recommendation 2

Include in **Section 4.8** an additional objective on the lines of

-take appropriate measures to combat and prevent online gender-based violence and work towards the eradication of the social and cultural norms that underpin and contribute to it.

Recommendation 3

The definition of “Illegal content harmful to the general public” should be amended to reflect Schedule 3 of the Broadcasting Act 2009 as amended.

Recommendation 4

The definition of “Regulated content harmful to the general public” should be amended to name misogynistic content / promotion of gender-based violence.

Recommendation 5

In **Section 11.1** the code should require that Terms and Conditions should name IIA content, misogynistic content and content promoting GBV as harmful content, which the user is prohibited from uploading.

If it is not possible to detail this in the Code, it should at least be included in the Guidance.

Recommendation 6

In **Section 11** of the code include a new subsection regarding the upload of intimate images/videos stating that:

- a) VSPS must require user verification before the uploading of intimate images/videos
- b) VSPS terms and conditions must require users uploading intimate images/videos to declare they are doing so with consent of all those depicted
- c) VSPS will provide a functionality for such declaration
- d) VSPS must inform users uploading intimate images/videos that to do so without consent of those depicted, including content in violation of copyright, is a criminal offence, and that the platform will take action against users doing this.

This should apply both to VSPS whose principal purpose is to provide access to pornography and to VSPS where this is not the principal purpose.

Recommendation 7

In **Section 11.9** the code should explicitly name Intimate Image Abuse (IIA) and misogynistic content as content that is an infringement of the VSPS Terms and Conditions, which can be reason for termination or suspension of the account.

Recommendation 8

In **Section 11.10:**

- a) IIA and misogynistic content should be named as content that can warrant suspension or termination of the account.

b) specifications on when to suspend or terminate an account should be included and be graduated according to the level of harm caused.

c) the code should also include a provision to require that VSPS prevent the user of a suspended or terminated account from opening a new one.

Recommendation 9

In S11.11 and 11.12 name IIA in the list of content that users can flag or report

Recommendation 10

In **Section 11.14** the code should provide minimum timeframes for response to reports/flagging, which can be different depending on the type of content and level of harm.

Recommendation 11

An additional clause should be inserted under **Section 11.15** to require VSPS to provide reports on their response to reports/flagging of illegal and/or harmful content, disaggregated by type of content, including action taken and timeframes.

Online GBV content and IIA should be categories of content separately reported on. Platforms should also report on number of moderators and their specific GBV training.

Recommendation 12

a) An additional clause should be inserted under **Section 11** for the code to provide that when there is flagging of IIA material, the material must be taken down or blocked asap, within **hours**, pending a more detailed examination of the material legitimacy

- b) The code should require VSPS to keep an update and localised (country level) list of relevant support services and ensure users can easily access and find information on supports available
- c) An additional clause should be inserted under **Section 11** to ensure appropriate collaboration with Police, including provision of evidence of IIA
- d) Include a provision to ensure that VSPS must provide a variety of reporting mechanisms, so as to be accessible to all users.
- e) The code should require platforms to provide easy access to human moderators
- f) The code should require that moderators are trained on GBV and IIA
- g) Existing provisions and procedures in relation to CSA need to be referenced in the code.

Recommendation 13

That **Section 11.18** and **11.20** of the code should include a requirement on VSPS to provide to the Commission all necessary data to evaluate their age verification systems.

Recommendation 14

In **Section 11.24** add a new provision, requiring that VSPS set initial safety and privacy setting for minors at maximum safety and privacy by default. This should also be the case where age is not known.

Recommendation 15

The Sections of the code relating to complaints need to be strengthened by:

- a) In **Section 11.29** include "content upload" in the last line

b) In **Section 30** include specific minimum timeframe for complaint handling

c) require Platforms to acknowledge receipt of complaints and inform users of an appeal mechanism if required

d) where the complaints relate to IIA, Platforms should be required to take measures to protect the victim (including taking down of material during the complaint process, not sharing their contacts to the alleged perpetrator, referring to them to support services).

Recommendation 16

Include under **Section 13.2** a requirement that the Annual Media Literacy Plan of VSPS should include awareness raising on GBV, including supports available and how to combat it.

Recommendation 17

Amend **Section 13.4** to add minimum specifications for complaint handling reports including separate reporting of online GBV/IIA.

Recommendation 18

Women's Aid recommends that:

a) measures to address algorithms which exacerbate the spread of harmful content (including harm to individuals portrayed in the content such as through IIA) proposed in the Draft Supplementary Measures are finalised and included in the code as soon as possible

b) the code should include a requirement on platforms to collaborate with each other in relation to the same harmful content being uploaded on multiple platforms to minimise distress for users and victims of abuse.

c) the code should include a requirement on platforms to work with hotline.ie and equivalent services in other jurisdictions in relation to removal of CSA and IIA content.

Recommendations for the new iteration of the Code.

1. Safety impact statements should be extended to protect women and girls from technology facilitated gender-based abuse.
2. Safety impact statements should be provided to the Commission and made available to the general public.
3. The requirement of safety by design should include that appropriate measures are taken to address the risks and harms identified in impact statements, in relation to opposing the spreading and amplifying of harmful content and the malicious use of new tools to particularly abuse women and girls.
4. The requirement on Video-sharing platform service providers to publish an online safety support plan should cover all users impacted by harmful content, especially women and girls impacted by online GBV and IIA, and not be limited by the proposed wording and the limitations of this code.
5. The proposed new code and guidance should make clear that the proposed measure regarding recommender system safety apply both to children and the general public.

Consultation on Online Safety Code

1. Comments on Sections 1 - 9 of the draft Code.

Section 4.6

Women's Aid suggests adding the **Third National Strategy on Domestic, Sexual and Gender-based violence** to the list of policies which the Commission should have regards to in performing its functions.

Domestic, sexual and gender-based violence is recognised as being at extremely high and concerning levels in Ireland. Technology facilitated/online violence is part of this issue, with victims often experiencing both online and offline forms of violence.

The Third National Strategy on Domestic, Sexual and Gender Based violence recognises the digital dimension of GBV and includes in the Prevention pillar the following objective:

*"Make digital and media spaces safer as well as creating awareness of the harm caused by online abuse, pornography and of prostitution and commercial sexual exploitation"*¹⁰

It is therefore relevant to the Code and should inform it.

Recommendation 1

In **Section 4.6** include the Third National Strategy on Domestic, Sexual and Gender Based violence (and any future iterations) in the list of policies the Commission should have regards to in performing its functions

¹⁰Government of Ireland, ZERO TOLERANCE Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026, page 26

Section 4.8

Women's Aid believes an additional objective should be included, namely, to prevent online GBV and protect women and girls from it, in line with the State's obligations under the CEDAW and the Istanbul Conventions. This should also align with the overarching goal of the Prevention pillar of the Third National Strategy on Domestic, Sexual and Gender Based violence, *working towards the eradication of the social and cultural norms that underpin and contribute to gender-based violence.*¹¹

Recommendation 2

Include in **Section 4.8** an additional objective on the lines of

-take appropriate measures to combat and prevent online gender-based violence and work towards *the* eradication of the social and cultural norms that underpin and contribute to it.

2. Views on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code.

Women's Aid agrees with this proposal, as explained in our submission to the previous consultation¹².

Where personal information of victims is also shared together with intimate images/videos shared without consent (for example name, address, social media profiles)

¹¹ibidem

¹²Women's Aid Submission to Coimisiún na Meán's Call For Inputs: Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services, August 2023, Question 7 Page 16

<https://www.womensaid.ie/app/uploads/2023/08/Submission-to-Coimisiun-na-Means-Call-For-Inputs-August-2023.pdf>

it is extremely important they are also deleted as a matter of priority when the videos are taken down.

3. Views on the definitions of “illegal content harmful to children” and “regulated content harmful to children”.

Women’s Aid agrees with these definitions. In particular, we appreciate the inclusion of pornography in the category of “*regulated content harmful to children*”, given the amount of research evidencing the harm pornography does to children and young people and its negative impact on respectful relationships and gender equality, as summarised in the PA Consulting Report.¹³

4. Views on the other definitions of illegal content and regulated content.

Section 10 definitions “illegal content harmful to the general public”

Women’s Aid is very concerned that the definition of “illegal content harmful to the general public” in S10 Definitions and in Table B is far too limited.

We note the absence in this definition of illegal content **which is instead named in the Broadcasting Act 2009 as amended by the Online Safety and Media Regulation Act 2022**. According to S139A(1) and (2)(a) of this Act, a number of other offences, which are specified in Schedule 3, should also be included under illegal content harmful to the general public, including but not limited to offences under the Domestic Violence Act 2018 and the Harassment, Harmful Communications and Related Offences Act 2020.

The lack of the following offences in this definition is of particular relevance to Women’s Aid’s work:

¹³See Chapter 5.6 PA Consulting, op. cit

Domestic Violence Act 2018

37. Online content by which a person publishes or broadcasts information, or a photograph, depiction, or other representation, contrary to section 36 (1) of the Domestic Violence Act 2018 (publication or broadcast of material likely to lead to the identification of persons concerned in proceedings).

Harassment, Harmful Communications and Related Offences Act 2020

38. Online content by which a person distributes or publishes or threatens to distribute or publish an intimate image, contrary to section 2 (1) of the Harassment, Harmful Communications and Related Offences Act 2020 (distribution etc. of image without consent and with intent to cause harm etc.).

39. Online content by which a person distributes or publishes an intimate image, contrary to section 3 (1) of the Harassment, Harmful Communications and Related Offences Act 2020 (distribution etc. of image without consent and so as seriously to interfere with peace and privacy or to cause alarm, distress, or harm).

40. Online content by which a person—

(a) distributes or publishes a threatening or grossly offensive communication about another person, or

(b) sends a threatening or grossly offensive communication to another person, contrary to section 4 (1) of the Harassment, Harmful Communications and Related Offences Act 2020 (distribution etc. of communication with intent to cause harm).

41. Online content by which a person publishes or broadcasts information, or a photograph or other representation, likely to enable the identification of the alleged victim of an offence under section 2 or 3 of the Harassment, Harmful

Communications and Related Offences Act 2020, contrary to section 5(1) of that Act¹⁴.

We note that in *The Annex*, relevant offences under the Harassment, Harmful Communications and Related Offences Act 2020 are rightly included in **Table A illegal content harmful to children**, but inexplicably they are not included in **Table B illegal content harmful to the general public**, as though these behaviors were not also criminal offences when committed against adults when they are.

Other relevant offences identified in Schedule 3 of the Broadcasting Act 2009 as amended include inter alia offences prohibiting the identifications of victims of rape, female genital mutilation and trafficking, online threats to kill, harassment and stalking, none of which are in the code as far as the general public is concerned.

It is incomprehensible and extremely discouraging that such criminal offences are not included in the code in relation to adults, when they are included in the Broadcasting Act as amended.

Recommendation 3

The definition of “Illegal content harmful to the general public” should be amended to reflect Schedule 3 of the Broadcasting Act 2009 as amended.

Section 10 Definitions Regulated Content Harmful to the General Public.

This definition is as follows:

content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article

¹⁴Schedule 3, Broadcasting Act 2009 as amended.

21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation.

Women's Aid appreciates that this definition includes hatred directed towards a group of persons or a member based on sex. However, given the disproportionate abuse directed at women online, the extent of technology facilitated gender-based violence and the pervasive harms that this causes¹⁵, we believe that content promoting gender-based violence and/or misogynistic content (for example incel content, or channels where perpetrators of domestic and sexual abuse seek suggestions to help them abuse) should be named in this definition.

While Women's Aid appreciates that the Commission "will also consider the potential relevance of the DSA in relation to content that promotes discriminatory attitudes in collaboration with the European Commission and its counterparts in other Member States"¹⁶ and hopes these discussions may include misogynistic content, we believe that the cultural change needed to eliminate gender based violence should include the online world and that Ireland could be a leader in this direction in Europe without further delays.

Recommendation 4

The definition of "Regulated content harmful to the general public" should be amended to name misogynistic content / promotion of gender-based violence.

¹⁵See Women's Aid Submission to Coimisiún na Meán's Call for Inputs: Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services, August 2023, and PA Consulting, Video-Sharing Platform Services Online Harms Evidence Review Provided to inform Coimisiún na Meán's approach to VSPS regulation September 2023, for further information.

¹⁶Consultation Document page 14

5. Comments on any other definitions provided in the draft Code?

No

6. Views on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions.

Section 11.1

Women's Aid agrees that the Terms and Conditions should prohibit the uploading of illegal and harmful content, providing that the relevant definitions are amended as outlined in Question 4 above.

To create awareness of non-consensual sharing of intimate images as harmful content, it is important that IIA is specifically named and made visible in the Terms and Conditions, and it is not "hidden" in the generic category of illegal content. Terms and Conditions should also explicitly **name** IIA content as a type of content that it is prohibited to upload.

We agree that content that incites violence or hatred on the basis of a protected characteristic should be prohibited from being uploaded and believe that misogynistic content and content promoting GBV should be named as prohibited content inciting hatred on the basis of sex.

Recommendation 5

In **Section 11.1** the code should require that Terms and Conditions should name IIA content, misogynistic content and content promoting GBV as harmful content, which the user is prohibited from uploading.

If it is not possible to detail this in the Code, it should at least be included in the Guidance.

Section 11.3

Women's Aid strongly agrees with the obligation on VSPS to provide robust and effective measures to prevent children accessing pornography. We also believe that protection should not be limited to children but also to people whose intimate images/videos are uploaded to pornography (or other) sites, without their consent and at times also without their knowledge.

We note with concern that there is nothing in this code preventing the uploading to pornography or other sites of intimate videos shared without consent, notwithstanding that sharing of intimate images without consent is an offence in Ireland.¹⁷

The sharing of such images/videos (including altered/faked ones) is increasingly common and extremely harmful¹⁸ and Women's Aid is disappointed that the draft code does not have robust provisions to prevent this crime.

The code should prevent the uploading or sharing of intimate videos (including deep fakes) **unless consent has been verified prior to the uploading/sharing**. This means that anonymous accounts should not be able to upload or share this type of content and that users will have to confirm they are sharing **with** consent.

We note that this code requires VSPS to include in the terms and conditions of the service an obligation for users to declare when they are uploading user-generated videos that contains audiovisual commercial communications (S12.4). We also note the code requires VSPS to put in place a functionality for users who upload user-generated videos to declare whether such user-generated videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know. (S12.10)

¹⁷Sections 2(1), 3 (1) and 4(1) of the Harassment, Harmful Communications and Related Offences Act 2020

¹⁸See Women's Aid Submission to Coimisiún na Meán's Call for Inputs: Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services, August 2023

If it is possible to require users to declare the uploading of commercial communications and to provide them with an appropriate functionality to do so, it should also be possible to require users to declare they are uploading intimate videos **with** consent of the people depicted and to provide them with an appropriate functionality for such declaration.

Recommendation 6

In **Section 11** of the code include a new subsection regarding the upload of intimate images/videos stating that:

- a) VSPS must require user verification before the uploading of intimate images/videos
- b) VSPS terms and conditions must require users uploading intimate images/videos to declare they are doing so with consent of all those depicted
- c) VSPS will provide a functionality for such declaration
- d) VSPS must inform users uploading intimate images/videos that to do so without consent of those depicted, including content in violation of copyright, is a criminal offence, and that the platform will take action against users doing this.

This should apply both to VSPS whose principal purpose is to provide access to pornography and to VSPS where this is not the principal purpose.

Section 11.9

This Section requires VSPS to include in their Terms and Conditions information regarding the possible termination or suspension of accounts which have infringed the Terms and Conditions in relation to illegal and regulated content.

Women's Aid believes that Terms and Conditions should also make clear the platforms' commitment to combat the spread of online GBV and misogyny and include that such content will be an infringement of Terms and Conditions possibly giving raise to termination or suspension of the account.

Recommendation 7

In **Section 11.9** the code should explicitly name Intimate Image Abuse (IIA) and misogynistic content as content that is an infringement of the VSPS Terms and Conditions, which can be reason for termination or suspension of the account.

7. Views on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances.

Please note previous recommendations regarding content definitions in Question 4 above also apply here. As in previous questions IIA and misogynistic content should be explicitly named as content warranting suspension or termination of the account.

Women's Aid agrees with this requirement; however, the code should be more specific, especially in relation to the word "*repeatedly*". We submit that when infringement of the terms and conditions are very harmful, suspension or termination of the account could be warranted after just one infringement. More detailed specifications in this respect should be provided in the code or at a minimum in the guidance.

Moreover, measures need to be taken to ensure the user cannot simply start a new account under a different name.

Recommendation 8

In Section 11.10:

- a) IIA and misogynistic content should be named as content that can warrant suspension or termination of the account
- b) specifications on when to suspend or terminate an account should be included and be graduated according to the level of harm caused.
- c) the code should also include a provision to require that VSPS prevent the user of a suspended or terminated account from opening a new one.

8. Views on the requirements in the draft Code in relation to reporting and flagging of content.

Women's Aid believes that when online GBV content or IIA is reported/flagged, there needs to be robust and **quick** response from VSPS.

We note relevant GREVIO recommendations requiring State parties to:

- *incentivise internet intermediaries including ISPs, search engines and social media platforms to ensure robust moderation of content that falls within the scope of the Istanbul Convention through removal of account or content, in multiple languages on the basis of transparent principles that protect the human rights of all, including women's right to live free from violence and to provide easily accessible user guidance to flag abusive content and request its removal¹⁹.*

¹⁹Recommendation 53 (g), GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021, <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>

- *take measures to put an end to impunity for digital acts of violence against women by encouraging the responsibility of all relevant actors, including ICT companies and internet intermediaries, in particular through robust content moderation and removal; and by encouraging media companies to work collaboratively with law-enforcement agencies²⁰.*

Section 11.11 and 11.12

Please note previous recommendations regarding content definitions in Question 4 above also apply here. Moreover, it is extremely important that non-consensual sharing of intimate images or IIA is specifically named in these Sections, so that victims of this crime know they have a right to report this content and requests its removal, and so that they are informed of the actions which have been taken as a consequence of their reporting/flagging.

Recommendation 9

In **Section 11.11** and **11.12** name IIA in the list of content that users can flag or report

Section 11.14

Women's Aid disagrees with the code permitting Video-sharing platform service providers to set their own targets with respect to the timelines and accuracy of reporting and flagging mechanisms.

We note that there is a significant level of dissatisfaction with Platforms response timeframes (or lack of response altogether) and would argue that **minimum timelines** should be set in the code. Our experience, with women contacting platforms to have

²⁰Recommendation 55 (f) Ibidem

material taken down, is that it can be frustrating and traumatizing, with women not knowing what to do, who to contact /reporting channels, not getting responses, not knowing timeframes for actions or their rights. This is confirmed by research including the PA Consulting report²¹.

Section 11.15

Moreover, to increase transparency on how VSPS deal with reports/flagging of illegal and/or harmful content, the code should require VSPS to report quarterly on how many reports led to removal /blocking of content, suspension or account or other action, what type of content was removed and in which timeframe.

Recommendation 10

In **Section 11.14** the code should provide minimum timeframes for response to reports/flagging, which can be different depending on the type of content and level of harm.

Recommendation 11

An additional clause should be inserted under **Section 11.15** to require VSPS to provide reports on their response to reports/flagging of illegal and/or harmful content, disaggregated by type of content, including action taken and timeframes.

Online GBV content and IIA should be categories of content separately reported on. Platforms should also report on number of moderators and their specific GBV training.

²¹See page 58, and page 8, PA Consulting, op. cit.

Gaps Regarding Reporting and Flagging not Addressed in the Code.

Women's Aid is extremely concerned that neither the code nor the guidance includes specific measures in relation to the flagging or reporting of IIA material and the need to take down/ block access to such material **immediately**. In such cases **time is of the essence** to prevent the material going viral and its uncontrollable spread across the internet and social media, causing exponentially increasing harm.

The code should stipulate that on receiving reports of intimate images or videos shared without consent, the Platform should immediately take them down pending any more detailed examination of the material in question. It can be reinstated if it is found that it is 'legitimate' content.

The code should also include liaising with Police (for example retaining and providing evidence platforms have in their systems) where appropriate.

Moreover, Platforms should be required to suggest relevant localised support services to victims of IIA in a safe way.

The code is silent on the need to provide a variety of flagging/reporting mechanisms, so that reporting/flagging is accessible to **all** users. For example, there may be a need for different languages or for different input methods, including offline reporting and facilitation of disabled people.

Finally, users who are subjected to online GBV or IIA may be dealing with abuse on several different platforms as well as in the offline world. Their situation may be incredibly stressful and complicated. It is vital that their reports are not simply dealt with by automated decisions and that there are clear ways for the users to contact a human moderator if they are dissatisfied with the way automated moderation dealt with content and have the automated decision reviews within strict timeframes. Human moderators must be appropriately trained on GBV and IIA

In relation to CSA content, existing provisions, and procedures to take down such material and report to Police should be referenced in the Code.

Recommendation 12

- a) An additional clause should be inserted under **Section 11** for the code to provide that when there is flagging of IIA material, the material must be taken down or blocked asap, within **hours**, pending a more detailed examination of the material legitimacy
- b) The code should require VSPS to keep an update and localised (country level) list of relevant support services and ensure users can easily access and find information on supports available
- c) An additional clause should be inserted under **Section 11** to ensue appropriate collaboration with Police, including provision of evidence of IIA
- d) Include a provision to ensure that VSPS must provide a variety of reporting mechanisms, so as to be accessible to all users.
- e) The code should require platforms to provide easy access to human moderators
- f) The code should require that moderators are trained on GBV and IIA
- g) Existing provisions and procedures in relation to CSA need to be referenced in the code.

9. Views on the requirements in the draft Code in relation to age verification.

Women's Aid agrees there should be requirement for age verification, but we are unable to comment on which would be the best method.

However, we are surprised that under S11.18 and 11.20 VSPS will evaluate the accuracy and effectiveness of their age verification systems themselves and recommend there should also be external and independent evaluation. VSPS should be required in the code to provide all necessary data for such evaluation to the Commission (and researchers).

Recommendation 13

That **Section 11.18** and **11.20** of the code should include a requirement on VSPS to provide to the Commission all necessary data to evaluate their age verification systems.

10. Views on the requirements in the draft Code in relation to content rating?

No Comment.

11. Views on the requirements in the draft Code in relation to parental controls.

To ensure that children who are new users of a platform are protected from the start of their engagement with it, safety and privacy setting should be set to maximum safety and privacy by default, with the option of parental controls to adjust as needed.

Recommendation 14

In **Section 11.24** add a new provision, requiring that VSPS set initial safety and privacy setting for minors at maximum safety and privacy by default. This should also be the case where age is not known.

12. Views on the requirements in the draft Code in relation to complaints.

Section 11.29

Users should also be able to make a complaint in relation to VSPS implementation or lack thereof of their obligations relating to **illegal and regulated content upload**, where such uploading is being allowed by the VSPS contrary to the code or indeed legislation.

Section 11.30

Women's Aid believes that there should be minimum standards for complaint handling timeframes and simply stating that complaint handling should be "timely" is not sufficient. We note that 'timely' is not further defined in the draft Guidance either and is therefore left to the VSPS Platforms to define themselves which is unsatisfactory.

Gaps in Relation to Complaints

The code does not mandate a response from the platforms acknowledging receipt of complaint and informing the users about what would happen next.

There needs to be an appeal process where the appeal should be examined by a trusted independent service in the trusted flaggers scheme (when operational) or the Online Safety Commissioner.

The code does not address specific procedures for complaints in relation to Intimate Image Abuse (IIA) content, in particular; the need to protect the victim from the perpetrator and assist them in finding supports and the need to block/take down material during the complaint process to prevent it spreading.

Recommendation 15

The Sections of the code relating to complaints need to be strengthened by:

- a) In **Section 11.29** include “content upload” in the last line
- b) In **Section 30** include specific minimum timeframe for complaint handling
- c) require Platforms to acknowledge receipt of complaints and inform users of an appeal mechanism if required
- d) where the complaints relate to IIA, Platforms should be required to take measures to protect the victim (including taking down of material during the complaint process, not sharing their contacts to the alleged perpetrator, referring to them to support services).

13. Other comments on the requirements in section 11 of the draft Code

No other comment

14. Views on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold, or arranged by the VSPS provider.

Not relevant to Women’s Aid’s remit

15. Views on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold, or arranged by the VSPS provider.

Not relevant to Women’s Aid’s remit.

16. Views on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication.

Not relevant to Women's Aid's remit.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

Not relevant to Women's Aid's remit.

18. Views on the requirements in the draft Code in relation to media literacy measures.

Section 13.2

Given the prevalence and severe impact of online GBV; Women's Aid believes that media literacy should include awareness raising on the harms of online gender-based violence, how to oppose it and supports available.

We note GREVIO recommendation 51(i), which states

...Internet intermediaries as well as technology companies should be incentivised to cooperate with NGOs working on violence against women in their awareness-raising and other efforts²²;

²²Recommendation 51 (i), GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021

Recommendation 16

Include under **Section 13.2** a requirement that the Annual Media Literacy Plan of VSPS should include awareness raising on GBV, including supports available and how to combat it.

19. Views on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes.

Women's Aid agrees with this proposed section of the code.

20. Views on the requirements in the draft Code in relation to reporting in relation to complaints.

Women's Aid agrees that there should be a requirement for VSPS to report on their complaint handling systems. The draft code is not specific enough on what needs to be reported. Women's Aid believe the reports should include information on the number and type of complaints, action taken and timeframes. Moreover, it is important that online GBV/IBSA complaints are reported on separately to ensure data capture.

Platforms should also report on the number of complaint handlers who have received specific training on trauma informed response to complaints and specifically: training on the forms and impacts of Gender Based Violence and abuse.

Recommendation 17

Amend **Section 13.4** to add minimum specifications for complaint handling reports including separate reporting of online GBV/IIA.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

No

22. Do you have any comments on this section of the Draft Code?

No

23. Comments on the Annex

Women's Aid disagrees with the very limited definition of Illegal content harmful to the general public in Table B, as previously explained in Question 4.

24. Comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

- As mentioned in the Introduction, the code does not seem to respond appropriately to the high level and severe risk of harm in relation to technology facilitated gender-based violence, including, inter alia, the promotion of misogynistic content and intimate image abuse.
- The code does not seem to address how some algorithms used by VSPS may exacerbate the impact of harmful content by recommending further harmful content to users or by making harmful content go viral. For example, algorithms may recommend repeated viewing of misogynistic and gender-based violence promoting content or may recommend Intimate Image Abuse (IIA) content and contribute to its rapid spread.

Women's Aid acknowledged that measures on recommender algorithms are being considered in the Draft Supplementary Measures and encourage the speedy introduction of such measures.

- The code does not address the need for Platforms to collaborate with each other both with technology and coordinated responses to create a seamless response that will minimize any need for an individual to have to engage multi-laterally with different platforms in respect of the same complaint. For example, IIA content can be distributed or shared on different platforms, and it is extremely distressful, traumatising and time consuming for a victim to have to deal with it again and again – often experiencing very inadequate responses.
- The code should also include a commitment to work with hotline.ie and equivalent services in other jurisdictions in relation to removal of CSA and IIA content.

Recommendation 18

Women's Aid recommends that:

- a) measures to address algorithms which exacerbate the spread of harmful content (including harm to individuals portrayed in the content such as through IIA) proposed in the Draft Supplementary Measures are finalised and included in the code as soon as possible
- b) the code should include a requirement on platforms to collaborate with each other in relation to the same harmful content being uploaded on multiple platforms to minimise distress for users and victims of abuse.
- c) the code should include a requirement on platforms to work with hotline.ie and equivalent services in other jurisdictions in relation to removal of CSA and IIA content.

Consultation on Statutory Guidance

25. Final comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act.

- Overall, the Guidance remains very high level and is not very specific. If the draft remains as currently proposed this, in Women's Aid view, will be a failed opportunity to strengthen and clarify VSPS commitment to oppose online GBV, and reduce harm to victims/survivors of online abuse who are aged 18 and above.

Many of the recommendations we made in relation to the Code would also be applicable to the Guidance, but it would be Women's Aid preference that they are addressed in the Code. However, we have the following additional suggestions in relation to the Guidance:

Recommendations for the Draft Guidance:

Terms and Conditions

- The Guidance should specify that platforms should state in their Terms and Conditions that content promoting misogyny and GBV will not be tolerated and that there will be consequences for users doing so.
- The Guidance should specify that platforms Terms and Conditions should warn users that IIA is a criminal offence* (*in jurisdictions - such as Ireland – where this is the case).
- The Terms and Conditions should also address the way multiple forms of discrimination intersect and intensify the negative impact of abuse in the experiences of marginalized individuals and groups.

Reporting and flagging

- The Guidance should include detailed steps on how to act when IIA and CSA content has been reported or flagged. This includes immediate taking down or blocking of such material, as the first action, pending a review and final decision which might take more time.
- In the case of IIA, given the harm it can cause going viral, a precautionary approach should be followed by which content is blocked or taken down immediately, when a person depicted in the video image state, they do not consent to it being available. The Guidance should recognize and state that consent **can** be **coerced** and can also be **revoked**, so it is immaterial whether they consented or not in the past, and that where an individual (of any age) is subject to coercion and exploitation that consent may 'appear to be given' in uploading of content – as has been evidenced for example (but not limited to) in abusive intimate relationships or cases of trafficking. Therefore, it is vital that platforms recognize this and respond swiftly, and without question, to any subsequent complaint regardless of whether there was any initial indication of 'consent'.
- The Guidance should also include steps to report content to the Police where appropriate and any steps in relation to retaining evidence for investigations of IIA and CSAM
- The Guidance should also suggest different reporting mechanisms for VSPS to make available to users, including offline options, to ensure that reporting and flagging is accessible to all users, considering language barriers, disabilities etc.
- The Guidance should cover how to prioritise reports to be acted upon. For example, where personal information is also shared with the IIA image/video (for example name, address, social media profiles) or where the person is easily

identifiable (for example clearly visible face), this should be prioritised. Where the content shared is a recording of rape/sexual abuse and/or involves children, this would be an absolute priority.

Media literacy

As mentioned in Question 18 above, Women's Aid believes that media literacy should include awareness raising on the harms of online gender-based violence, how to oppose it and supports available. If this requirement cannot be included in the code, it should be at least included in the Guidance.

Moreover, the Guidance should suggest that VSPS collaborate with relevant NGOs to find ways to prevent and address online GBV.

Consultation on the application of the Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

N/A

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

N/A

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfill its mandate in relation to online safety?

Women's Aid offers the following suggestions in relation to the proposed supplementary measures:

1.1 Safety by Design

Women's Aid agrees with the proposed measure to require safety impact assessments that are effective in identifying and mitigating safety issues relating to the physical, mental, and moral development of minors, the protection of minors from sexual abuse, and the protection of the general public from racism, xenophobia and incitement to hatred or violence on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union.

Women's Aid believes that such impact statements should be extended to protecting the general public from the impact of technology facilitated gender-based abuse as well and should cover existing and new functions as they are developed. These assessments should be provided to the Commission automatically and be made available to the general public.

Safety by design however is not limited to impact statements, but should also include for example measures to ensure users' settings are set to safety and privacy by default, ensuring algorithms do not promote or amplify harmful content, reduce the risk harmful

content spreading across different platforms, ensure new technology cannot be used to cause harm to women and girls (e.g. nudifying, deep fakes etc....)²³

Recommendations for the New Iteration of the Code

1. Safety impact statements should be extended to protect women and girls from technology facilitated gender-based abuse.
2. Safety impact statements should be provided to the Commission and made available to the general public.
3. The requirement of safety by design should include that appropriate measures are taken to address the risks and harms identified in impact statements, in particular in relation to opposing the spreading and amplifying of harmful content and the malicious use of new tools to particularly abuse women and girls.

1.2 Online Safety Supports

The Consultation Document suggest the following measure for inclusion in a future iteration of the Online Safety Code²⁴

*Video-sharing platform service providers shall publish an online safety support plan containing appropriate and effective measures to support the welfare of users impacted **by content covered by this Code.***

Women's Aid agrees with the proposed measure to require Video-sharing platform service providers to publish an online safety support plan regarding the welfare of users impacted by harmful content, **however** these plans should also cover **harmful content at**

²³See Violence Against Women and Girls (VAWG) Code of Practice

²⁴Online Safety Code Consultation Document, page 76, bold added

the moment not covered by the Code (which is quite limited), such as online gender-based violence and **particularly** Intimate Image Abuse/Image Based Sexual Abuse.

We are concerned that the proposed wording of this measure will not cover many forms of online gender-based violence and specifically IIA, which is an offence in Ireland. It is vital that individuals of any age who are subjected to IIA, cyber-harassment, cyber-stalking, or other forms of online gender-based violence are provided with supports, including referring to specialist organisations, providing support material and information, funding initiatives to support users and contacting authorities where there is an imminent and serious risk to life.

Recommendations for the new iteration of the code

4. The requirement on Video-sharing platform service providers to publish an online safety support plan should cover all users impacted by harmful content, especially women and girls impacted by online GBV and IIA, and not be limited by the proposed wording and the limitations of this code.

1.3 Recommender System Safety

Women's Aid strongly agrees with the proposed measure regarding recommended system safety which should cover children **and** the general public also.

Recommendations for the new iteration of the code

5. The proposed new code and guidance should make sure the proposed measure regarding recommender system safety applies both to children and the general public.

ENDS

Message

From: Lucia Bellicanta [REDACTED]
Sent: 30/01/2024 20:34:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Enviado do meu iPhone

Message

From: louis B  chard [REDACTED]
Sent: 30/01/2024 21:21:15
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Kind regards,

Louis B  chard

Message

From: Louise Stanley [REDACTED]
Sent: 30/01/2024 22:46:14
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from louise-[REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Louise



LinkedIn Ireland
Unlimited Company

70 Sir John Rogerson's Quay
Dublin 2
Ireland

Registered in Ireland
Company Number: 477441

LinkedIn Ireland Unlimited Company welcomes the opportunity to respond to Coimisiún na Meán's consultation on 'Online Safety'.

Introduction

LinkedIn is committed to keeping its platform safe, trusted, and professional and to providing transparency to its members, the public, and to regulators. LinkedIn is a networking tool that enables members to establish their professional identities online, connect with other professionals, and build meaningful relationships for the purpose of collaborating, learning, and staying informed about industry information and trends. Our vision is to create economic opportunity for every member of the global workforce. Our mission is to connect the world's professionals to make them more productive and successful.

LinkedIn's real identity requirement and its role as a specific-purpose professional platform are central to its overall risk profile and its approach to mitigating such risk. For example, as members' content on the platform can be seen by current and future employers, colleagues, and potential business partners, they by and large tend to limit their activity to professional areas of interest and expect the content they see to be professional in nature. Given this professional focus, LinkedIn's [Professional Community Policies](#) prohibit a wider range of potentially harmful content that may be lawful but that is not consistent with such focus.

General Comments

LinkedIn welcomes the steps that the Commission is taking to give effect to Article 28b of Directive (EU) 2010/13 (as amended by Directive (EU) 2018/1808) in Ireland. As the Commission is aware, Article 28b(1) requires Member States to ensure that video-sharing platform service providers take and implement appropriate measures to protect the general public and minors. Article 28b(3) sets out a range of measures that can be imposed as appropriate and requires that such measures be "*practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided.*" This language is reflected in the Broadcasting Act 2009 and recognises that what is appropriate for one type of VSPS may not be appropriate, practicable or proportionate for all types of VSPS.

As we've discussed with the Commission previously, a "one-size-fits-all" approach to regulating VSPS providers could be inefficient and counterproductive. But the draft Online Safety Code does seem to take this approach. As currently structured, the draft Code would adopt a "two-sizes-fit-all" approach, applying the vast majority of obligations to all providers, irrespective of their risk profile. Certain additional obligations would then apply only to VSPS whose principal purpose is to provide access to pornographic or graphic content.

As further explained below, given the nature of the content that appears on LinkedIn and other factors like the age profile of its members, a number of the proposed requirements will not be appropriate, proportionate or practicable for LinkedIn. This is likely to be true for certain other VSPS, as well. Accordingly, the Commission should set out in the Codes the full range of VSPS compliance obligations and require each provider to comply with all such obligations that are appropriate, practicable and proportionate given the nature and risk profile (including, for example, the service's purpose and user base) of that service. As detailed in Ofcom's response to the Commission's 'Call for

Inputs: Online Safety' dated 4 September 2023, this more nuanced, risk-based approach has been successful elsewhere.¹

The below responses are rooted in this context. The response focuses on the elements of the draft Code and the proposed supplementary measures that are the most relevant and impactful to LinkedIn. They are addressed in the order in which they appeared in the Consultation, rather than in order of importance.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

An annual cadence would be more appropriate for the reporting required under section 11.15 of the draft Code. Such a cadence would allow for more meaningful progress or change in patterns to be identified.

9. What is your view on the requirements in the draft Code in relation to age verification?

The age verification requirements are not appropriate for a platform like LinkedIn. LinkedIn's terms of service specifically prohibit anyone under the age of sixteen from having an account. Additionally, as its purpose is entirely professional (i.e., providing members the ability to connect and engage on topics relevant to the world of work), LinkedIn content is generally not interesting or appealing to minors. Unsurprisingly, therefore, LinkedIn does not direct or market any of its products or features toward minors – including the 16 and 17 year olds that are technically permitted on the platform – through content, design, marketing, advertising, or otherwise.

Furthermore, the age verification requirements in the draft would require LinkedIn to collect more personal data about users than is needed for the operation of the service. This would be the only way to verify age and would be disproportionately privacy invasive given LinkedIn's nature and its user base.

10. What is your view on the requirements in the draft Code in relation to content rating?

Given the nature of the content on LinkedIn, it would not be practicable or proportionate for LinkedIn to comply with the content rating obligations currently in the draft Code. As explained above, LinkedIn does not allow users under 16 to join the platform and, as its purpose is entirely professional, LinkedIn is not popular with minors. Further, as a specific-purpose professional platform, LinkedIn's Professional Community Policies generally prohibit the types of adult and other mature content that would justify implementing such rating systems. Such content rating requirements are therefore not appropriate or proportionate for a VSPS such as LinkedIn.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services? and 27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

In light of the above, the Commission should apply the draft Code to named services individually, rather than applying it to the category overall. This will enable the Commission to apply a more risk-based approach, taking into account the unique risk profiles of the individual services in deciding the specific obligations that are appropriate to each individual VSPS.

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

The application of the supplementary measures to services designated as very large online platforms by the European Commission under the Digital Services Act would lead to duplicative and potentially

¹ Ofcom's response is included in Responses to Coimisiún na Meán Call for Inputs: Online Safety Code, published December 2023, available at https://www.cnam.ie/wp-content/uploads/2023/12/CallForInputs_ResponsesReceived.pdf

conflicting obligations. Ireland's implementation of the revised AVMSD follows the entry into force of the DSA, the very purpose of which was to ensure harmonisation of the internal market. For example, DSA recital (4) provides that

"in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability."

The proposed supplementary measures are not consistent with the DSA's clear purpose of harmonising and streamlining regulation. Given the DSA already includes obligations on safety by design and recommender systems, the imposition of duplicate and overlapping requirements covering these matters would lead to inefficiencies, duplication, and possibly inconsistent results. It also has the potential to lead to diverging outcomes between obligations imposed under the DSA and at national level in Ireland.

Therefore, the Commission should not proceed with its proposed supplementary measures, at least for services that have been designated as VLOPs by the European Commission. To the extent the Commission has any concerns regarding a VLOP's compliance with its obligations under the DSA, the Commission should use the existing processes under the DSA (and the forthcoming Irish implementation legislation) to deal with such concerns. LinkedIn is, and remains, happy to engage with the Commission on any such concerns that arise.



Reddit Submission to Coimisiún na Meán Consultation on the Draft Online Safety Code¹

January 2024

I. Introduction

Reddit appreciates the opportunity to respond to this consultation of the Coimisiún na Meán (CnM) regarding the Draft Online Safety Code. We are grateful to be able to share our views, which are informed by our company's different structure, size, and business model. To wit, Reddit, Inc. is a medium-sized company with around 2,000 employees in total, all of whom, regardless of location, are ultimately directed by the company's American leadership at its headquarters in San Francisco; the company is currently not established in any EU country.

Reddit's mission is to bring community, belonging, and empowerment to everyone in the world. To do so, Reddit provides a forum-like platform for people to create and participate in self-governing, rules-based discussion communities of shared interests, known as "subreddits". We take a multi-layered, democratic approach to content moderation, which heavily involves the users themselves through both volunteer community moderation as well as community voting. The vast majority of content on Reddit is text in the form of threaded comment chains.

At a high level, given the extremely broad range of platforms that the Draft Code aims to regulate, it is crucial that it be both flexible and proportionate, taking into account a range of relevant platform factors and characteristics. This is essential to ensure that the result is not to unintentionally disadvantage smaller companies as compared to larger ones, or models that serve as alternatives to those which are market dominant. This principle of proportionality is encoded in Article 28b of the AVMS Directive, to which this Code is supposed to give effect, which states

¹ *Legal Notice* – This submission is being made on the basis that (i) the Reddit service remains designated as a video sharing platform service; and (ii) if implemented the Code would only apply to native video on the Reddit service. Both of these points are however the subject of court proceedings (Reddit, Incorporated v Coimisiún na Meán - High Court Record No. 2024/56 JR). The issue of whether hyperlinks and/or embedded video links to audiovisual programmes and/or user-generated videos hosted on a third-party service constitute audiovisual programmes and/or user-generated videos within the meaning of s.2(1) of the Broadcasting Act 2009 is also the subject of legal challenge, and the consequences flowing from the applicability of the Code to linked/embedded content is not considered for the purposes of this submission, including the harm which may be suffered by Reddit in the event that the Code is applied to the Reddit service erroneously.

In the event the Draft Code is applied erroneously to Reddit, we are concerned that it will result in irreparable harm, including through impacts resulting from required changes that adversely affect our users' experience on the platform.



that the measures applicable to VSPS “shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided.” This principle is also enshrined in the EU Digital Services Act, with its tiered enforcement structure, and should therefore carry to this Draft Code. Accordingly, this submission emphasises three core points:

1. *The necessity of proportionality with regard to platform size and resources.*
2. *The necessity of proportionality with regard to the amount and relative significance of video on a platform.*
3. *The concerning overbroad definition of “Content” proposed in the Draft.*

II. Proportionality with Regard to Company Size and Resources

It is essential for any code as far reaching as this to have proportionality at its heart, in order to guard against unintended impacts to competition. This is indeed noted in the text of the AVMS Directive itself via Article 28b, which recognises that it is unreasonable to expect companies that have vastly differing amounts of human, financial, and infrastructure resources to comply in the same way. Tiers of enforcement have therefore become standard in global online safety regulation, as in the examples of both the EU Digital Services Act and the UK Online Safety Act, among various others. This concept of tiering is also reflected in the best practices of online safety standards-setting groups such as the Digital Trust & Safety Partnership, whose SAFE Framework emphasises “scoping and tailoring [requirements] to account for the diversity of digital services.”²

Unfortunately, as currently proposed, there is no tiering provision in this Draft Code, which instead takes a one-size-fits all approach. This is troubling, as the Code includes a number of onerous requirements of the type that the DSA drafters deemed should only apply to Very Large Online Platforms (VLOPs), of which Reddit is not one. Some of the most burdensome, along with their problems, include:

- Requiring platforms to publish an action plan specifying the measures they will take to promote media literacy, to be updated annually and reported to the Commission [28b.3(i)]; this is an expense only tangential to the Code’s core online safety goals and is within neither the scope of the limited resources of smaller platforms nor their expertise.
- Mandating platforms to report to the Commission **every 3 months** on the effectiveness and accuracy of multiple and varied processes, including user complaint responses,

² “The Safe Framework: Tailoring a Proportionate Approach to Assessing Digital Trust & Safety”, Digital Trust & Safety Partnership, December 2021, p 11-16, available from: https://dtspartnership.org/wp-content/uploads/2021/12/DTSP_Safe_Framework.pdf.



reporting and flagging systems, and age verification methods [139K.3(6)]; *we must emphasise in the strongest terms that this is not a reasonable cadence or volume of reporting obligations for smaller companies.* These requirements, if kept at all, should be limited to an annual cadence at most, and limited in scope. Even better, the requirements could be limited to being made available upon the request of the CnM for specific investigative purposes, with appropriate notice, rather than an automatic, recurring obligation.

- The Commission may appoint a person to carry out an audit of the platform to assess handling of user complaints and trends in user complaints [139P]; in contrast, the DSA limits these types of audits to VLOPs only.

Additionally, the Code's varied requirements, as currently drafted, would come into effect immediately for all designated platforms, regardless of company size or capacity. Lead time is necessary to provide business certainty for any designated platform – to ensure that regulatory requirements are final before plans are set and engineering resources expended. Such lead time and business certainty is all the more important for smaller companies, with fewer resources to go around and no large, standing compliance teams; instead, smaller companies must pull product, engineering, design, and other personnel off other efforts and reallocate them, which necessarily takes time and planning. Therefore just as in the DSA, to ensure proportionality, enforcement dates should be staggered based on a company's size and resources.

It is critical to rectify these disproportionalities in the Draft Code in order to ensure that the regulation is fair and does not put smaller platforms at a disadvantage. Instead, the Code must provide the flexibility to take into account differing resources and levels of corporate maturity while working toward common goals and standards. Accordingly, the Draft Code should be revised to create a tiered enforcement system. This system should have regard for relevant factors including, at a minimum, a company's revenue and number of employees, as both of these elements significantly influence an organisation's capacity to comply with the obligations set out in the Code. This tailored and proportionate approach will help ensure that the Code does not inadvertently favour the largest companies to the detriment of innovation, competition, and consumer choice.

III. Proportionality with Regard to the Amount and Relative Significance of Video on a Platform

The Draft Code also lacks proportionality in considering its proposed application to Video-Sharing Platform Services (VSPS). Specifically, it fails to take into account the diversity of platform structures and models by not considering the amount, context, and function of video on a site, and instead lumps all platforms with any video capability at all into a single,



burdensome, and undifferentiated enforcement scheme. Based on the overbroad interpretation of the essential functionality test that the CnM has chosen to take, the Code will apply even to platforms for whom video is an insignificant and proportionally little-used function, to include—in contravention of open internet principles— those platforms which merely permit *links* to videos hosted elsewhere. Whereas video (whether short-form, long-form, or live-streaming) is the core value proposition of many platforms, for others, like Reddit, it is purely incidental, as a means to prompting a text-based conversation. If video functionality were eliminated from Reddit, the Reddit platform would still function almost exactly as it does today. Users come to Reddit not to consume video content, but to have topical discussions with other users in a moderated, rules-based environment. In fact, for most of its existence as a service, Reddit had no such video functionality, let alone whether such functionality could be considered “essential”.

Given the sharp differences between platform models, even amongst those that the CnM has designated as VSPS, it is unrealistic to enforce the Code to a single standard. It is illogical to regulate a platform whose product comprises approximately 3% video content as one whose product comprises nearly 100%. A tiered approach should apply in such cases, to avoid negative impacts on innovation, competition, and user choice. Failure to do so will disincentivise platforms from supporting or even experimenting with video-related offerings in the EU, as doing so could subject them to a range of onerous obligations. This, in turn, would negatively impact the options available to EU consumers.

IV. The Proposed Definition of “Content” Is Overbroad

A third shortcoming in the current Draft Code is its overbroad proposed definition of “content” which, as noted in section 3.3.1, encompasses not just user-generated video, but “any user-generated content that is *indissociable* [emphasis added] from user-generated videos. This could include, for instance, descriptions of a video, *or comments on it* [emphasis added] from the uploader or other users.” This position, like other parts of the Draft Code, fails to comprehend material differences in structure and function amongst platforms. For example, the multi-threaded nature of Reddit comments means that text-based discussion threads prompted by a top-level post (including but not limited to video) may contain thousands of comments branching out into multiple nested threads, a great deal of which will stray far from the content of the original post, which is a mere prompt for wider conversation. This means that Reddit comment threads are, by their nature, fundamentally dissociable from their prompting content. This is so much the case, in fact, that the Reddit search function is designed to surface comments as co-equal pieces of content to posts in search results.

The outcome of such a broad definition, therefore, will be to unacceptably inhibit the speech of Europeans, and for little practical benefit. Abusive comments of the type that the CnM fears are



already effectively governed and enforced against by the Reddit Content Policy and proprietary safety apparatus. This enables precise, targeted enforcement against the specific content that is actually violating, rather than the collateral speech damage that would result from the definition as currently proposed, which would require enforcement against huge amounts of valuable, non-violating user speech.

This overbroad definition of “content” will lead to other nonsensical results as a function of applying approaches intended for video to content that is *not video*. For example, the Draft Code requires designated providers to “establish and operate easy-to-use rating systems that allow users to rate content” in accordance with the ratings of the Irish Film Classification Office. It is not only absurd but impossible to apply these ratings to thousands upon thousands of text comments. In some cases on Reddit, a single video post may spark thousands of comments, branching out into various nested comment threads – many only tangentially related to the original video content. For example, [this 1100-comment conversation](https://www.reddit.com/r/funny/comments/1937jim/robin_williams_was_insanely_talented_in_this/)³ in the r/funny subreddit, prompted by a clip of a Robin Williams interview, includes sensitive and sober threads on subjects as varied as caring for a family member suffering from Lewy Body Syndrome⁴, professional and personal experiences of neuropathology⁵, and other valuable topics that are only loosely related to the original video. Requiring Reddit to enable users to “rate” each one of these individual comments on the thread pursuant to film rating classifications would be both unhelpful and disruptive to users, and would do nothing to appreciably improve online safety.

V. Conclusion

In conclusion, it is important to underscore the essential nature of proportionality to any effective regulatory scheme. Tailoring enforcement measures, and being precise and deliberate with definitions are crucial. Such steps are key to avoiding unintended consequences that would have a negative impact on market competition, and in turn on the consumers that the regulation is meant to protect. Therefore, while we wholeheartedly share the goals of the Draft Code in making the internet a safer place for all, we must not do so in ways that produce nonsensical results and meaningless burdens, or at the expense of the smaller platforms that offer alternatives for consumers.

³ “Robin Williams was insanely talented, in this interview he is asked to explain how his mind works and the answer is hilarious”, 10 January 2024, available at: https://www.reddit.com/r/funny/comments/1937jim/robin_williams_was_insanely_talented_in_this/.

⁴ See https://www.reddit.com/r/funny/comments/1937jim/robin_williams_was_insanely_talented_in_this/kh89u9o/.

⁵ See https://www.reddit.com/r/funny/comments/1937jim/robin_williams_was_insanely_talented_in_this/kh7x6p6/.

Message

From: [REDACTED]
Sent: 31/01/2024 02:45:50
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Elizabeth Hobson
[REDACTED]

Message

From: Dian Purnomo [REDACTED]
Sent: 31/01/2024 06:42:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

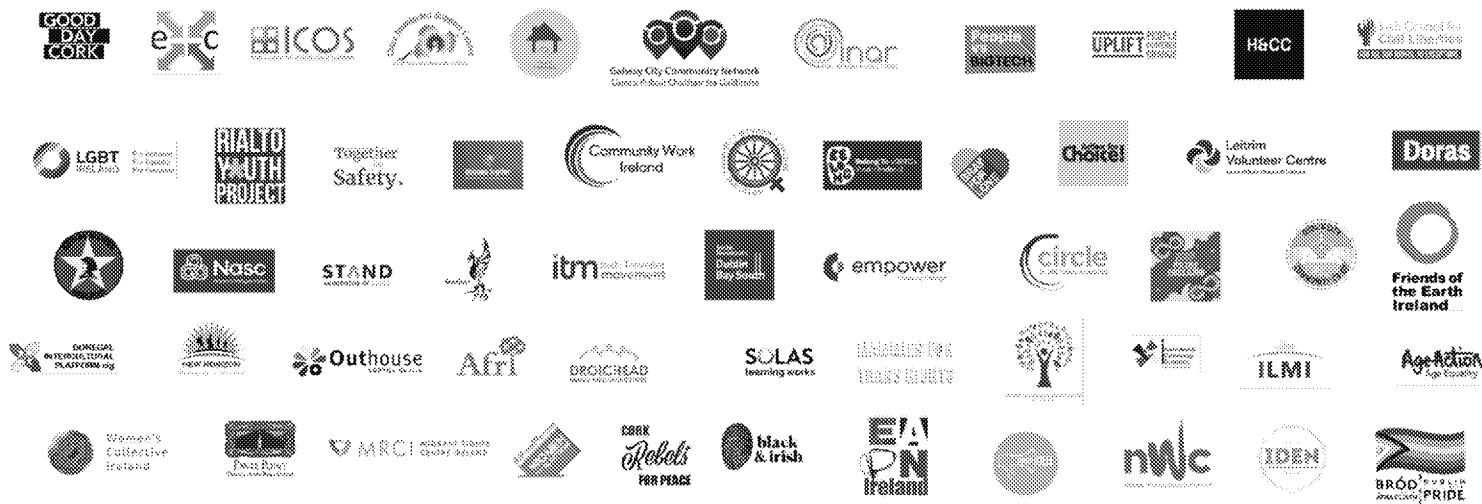
Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,



Joint submission on the draft Online Safety Code

Submitted to Coimisiún na Meán by more than sixty civil society organisations

31 January 2024

In this submission

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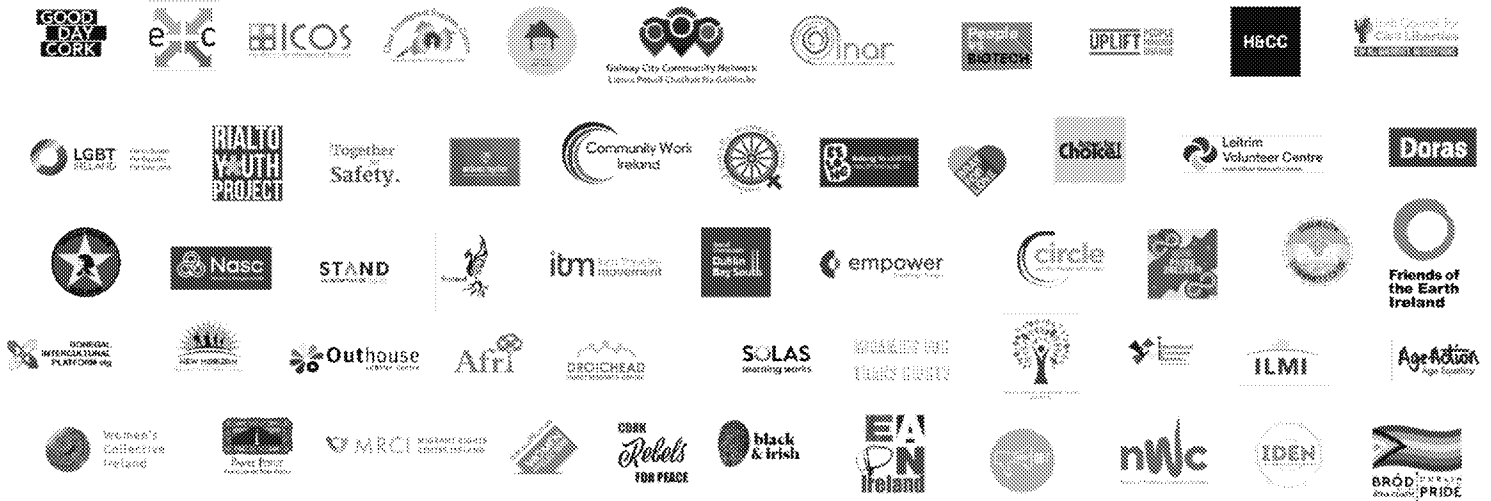
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1. This submission was prepared by more than sixty civil society organisations. Together, we represent a diverse cross-section of Irish society. Our submission is focused on two measures (“**the measures**”) for recommender system safety, excerpted here:

“...that recommender algorithms based on profiling are turned off by default;
 ...that algorithms that engage explicitly or implicitly with special category data such as political views, sexuality, religion, ethnicity or health should have these aspects turned off by default;”¹

2. This submission is presented in five parts:
- part 1 highlights widespread support for the measures;
 - part 2 discusses the necessity, proportionality, and practicality of the measures;
 - part 3 proposes strengthening the measures, without which they cannot be effective;
 - part 4 discusses further measures for recommender system safety; and
 - part 5 proposes enhancements for effective and efficient enforcement.

We also append a brief observation on age verification.

RECOMMENDER SYSTEMS

Part 1: support for the measures

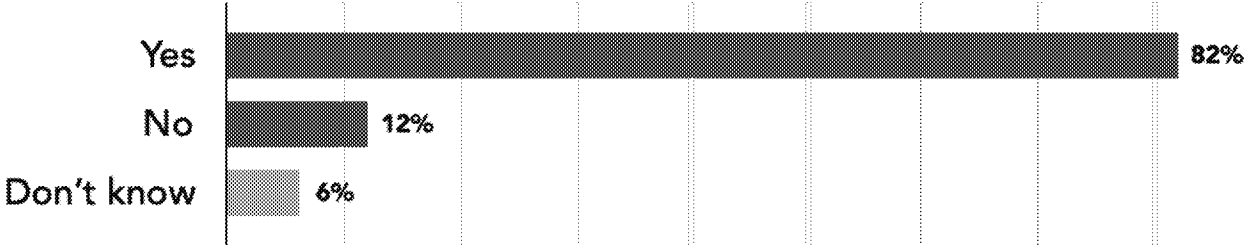
3. Our organisations together join in commending Coimisiún na Meán for introducing the measures. If strengthened, they are an elegant means of providing the protections required by Section 139K(2) of the Online Safety and Media Regulation Act 2022, without intruding upon freedom of expression.
4. A national poll conducted by Ireland Thinks in January 2024 shows overwhelming popular support across all ages, education, income, and regions of the country for the measures: across Ireland 82% are in favour. We enclose further findings from this poll in Appendix 1.

- 5. International reaction to the measures is also overwhelmingly positive. A cross-party group of Members of the European Parliament has formally written to the European Commission, urging it to learn from Coimisiún na Meán’s example and to apply the measures across the Union under Article 35 of the Digital Services Act.²
- 6. The measures are also praised by United States Federal Trade Commissioner Alvaro Bedoya,³ tech thought leader Cory Doctorow,⁴ and famed Silicon Valley investor, Roger McNamee, together with pioneer of US Democratic Party digital campaigning, Professor Zephyr Teachout, who co-authored an opinion piece in *The Hill* about the measures:

Coimisiún na Meán’s bold move would ultimately make the Digital Services Act far more successful. Europe and the Irish government are stepping up at last to regulate harmful technology products. Social media may become social again.⁵

Very widespread support for the measures

Question: “Would you be in favour of social media companies being forced to stop building up specific data about you (your sexual desires, political and religious views, health conditions and or ethnicity) and using that data to pick what videos are shown to you (unless you have asked them to do this)?”



National poll conducted by Ireland Thinks. See detailed results in Appendix 1 of this submission.

Part 2: necessity, proportionality, and practicality of the measures

- 7. The measures are necessary and proportionate to the objective set by the Online Safety and Media Regulation Act 2022. Section 139K(2) of that Act requires that the Code protect children against harmful content. This includes (by reference to Article 28b of the Audiovisual Media Services Directive) that children must be protected against communications that may impair their physical, moral, or mental development. Section 139K also requires that the Code protect the general public from communications that incite violence or hatred (with reference to Article 21 of the Charter), and against provocation to criminal offenses including terrorism, racism, and xenophobia.

8. Providers' content recommender systems are known to create these harms. For example:
- Facebook's own internal research found that Facebook's recommender system was driving political recommendations to extremes: even if a person followed only verified conservative news, they were soon recommended extreme conspiracy content.⁶
 - Separate internal Facebook research concluded "64% of all extremist group joins are due to our recommendation tools... Our recommendation systems grow the problem".⁷
 - Nearly three quarters of the problematic⁸ content seen by 37,000+ test volunteers on YouTube was due to YouTube's recommender system amplifying it.⁹
 - In August 2023, an Anti-Defamation League study found that Facebook, Instagram, and X recommended antisemitic and conspiracy content to 14-year-old test users.¹⁰
 - The European Commission reports that Russian disinformation about Ukraine was achieved by pro-Kremlin actors and "algorithmic recommendation by the platforms".¹¹
 - U.N. investigators found that Meta played a "determining role" in Myanmar's 2017 genocide.¹² Amnesty International reported Meta's algorithms were key contributors.¹³
 - Less than one hour after Amnesty created a TikTok account posing as a 13-year-old child interested in mental health content, videos encouraging suicide were recommended.¹⁴
 - Researchers at the Institute for Strategic Dialogue found that YouTube's "shorts" video system routinely recommends extremely hateful misogynistic material to young boys.¹⁵
 - The following two stories were shared by Uplift members:
 - o "My beautiful, intelligent, accomplished niece was encouraged, incited to see suicide as a romantic way to end her life. She did end it. Earlier she had been encouraged to see more and more sites by people who espoused the idea that people suffering from mental health issues should stop their medications and force society to accept them as they were. This led her a dangerous downturn from which she never recovered, leaving her poor parents devastated and her family changed for the worse."
 - o "My father has slowly been radicalised by the content pushed to his feed on Facebook. He watches the short videos and accepts all the information in the video without any verification on his part. If you ask him to verify it, he calls you a liar. The videos can directly state conflicting information, but he will accept it all as fact without thinking about it. This is fuelling his anti immigration thoughts and ideas. I fear he'll become homophobic too."

9. These harms are acute.
10. The Act requires that measures in the Code must be proportionate to the level of risk of exposure to the content and harms.¹⁶ Switching defaults so that a person is now given the choice whether they wish to switch profiling-based recommender systems on rather than off is an elegant and restrained measure to address the acute harms created and amplified by such recommender systems. Indeed, the question is whether the measures go far enough: should recommender systems that are based on special category personal data and profiling be prohibited entirely? The measures are the minimum intervention that Coimisiún na Meán can take, in view of the harms under consideration and the requirements of the Act.
11. There is an unarguable requirement for Coimisiún na Meán to implement the measures. Coimisiún na Meán can make no assumptions that the measures would be introduced if it did not act itself, despite the measures being necessary. There is no prospect that the providers will introduce the measures of their own volition. Indeed, they have already signalled to Coimisiún na Meán that they object to any provisions for the safety of their recommender systems being introduced in the Code.¹⁷
12. The necessity of the measures is all the clearer in view of the providers' continued breaches of fundamental principles of EU law in how they operate their recommender systems. Recommender systems that engage with a user's politics, sexuality, religion, ethnicity, or health necessarily process "special category" data, implicitly or explicitly. They continue to process special category data for their recommender systems at enormous scale despite the fundamental prohibition of any such processing of special categories of personal data established in Article 9(1) of the GDPR, in the absence of two-step explicit consent. Nor have the providers attempted to seek and confirm the giving of two-step explicit consent. We do not suggest that Coimisiún na Meán should enforce data protection law, but rather that providers have proven themselves unwilling to act even when required by law.
13. The Commissioner rightly notes the "move from an era of self-regulation to one of effective regulation".¹⁸ Providers have a very poor record of self-improvement and responsible behaviour, even when lives are at stake as in Myanmar's genocide. As previous experience has shown,¹⁹ even when a provider understands the harm its recommender system causes, it is unlikely to voluntarily act. Most recently, a senior Meta engineer, Arturo Béjar, reported sending Meta's top executives internal reporting that over 22% of surveyed 13–15-year-olds were bullied, and 13% had received unwanted sexual advances in just the previous week.²⁰ Despite this, no action was taken. Indeed, systems he had addressed to tackle these issues had been neglected since he left the company.

Practicality of the measures

14. Providers that have diligently brought their systems into compliance with existing legal requirements will already be effortlessly able to implement the measures. We highlight three existing legal requirements.
- i) First, it is a well-established principle of EU Law that providers must carefully control, monitor, and account for their use of “special categories” of personal data, distinct from other personal data.²¹ Therefore, providers are required to have already implemented the necessary distinctions in how their systems handle different types of data. The measures add no new technical requirement.
 - ii) Second, providers are subject to several further legal requirements before they can commence any “profiling” activities. They must have also conducted a Data Protection Impact Assessment;²² have established a lawful basis for the specific purposes for which they intend to conduct profiling;²³ be able to discontinue the profiling when requested to do so by a person being profiled;²⁴ and be able to delete the data concerned where necessary, too.²⁵ Thus, providers must under existing law already have created the necessary systems to switch off profiling. Again, the measures add no new technical requirement.
 - iii) Third, Article 38 of the Digital Services Act provides that recommender systems based on a profile must be optional. Therefore, providers also have a separate and pre-existing requirement to be able to implement the measures. The sole difference is that the new measures envisaged by Coimisiún na Meán operate as the default. This makes no practical difference to the technical burden on providers.
15. Providers should be able to implement the measures immediately, without any technical difficulty. Only providers who have previously failed to take the necessary steps under existing law will find the measures challenging. Any such difficulties will derive solely from the provider’s own unlawful conduct, rather than from the measures themselves.

Part 3: strengthening the measures, without which they cannot be effective

16. The word “ensuring” in Section 139K(3) of the Act requires that the Code must be effective in achieving the objectives. Coimisiún na Meán also operates under a general principle of effectiveness, provided in Section 7(1) of the Act. We propose three modifications to ensure the measures are effective.
17. First, the measures on recommender systems in Section 1.3 of Appendix 3 should be relocated to Section 12 of the Code, where obligations upon providers are specified.

18. Second, the language should be amended to clarify that the measures are strict requirements.

- i) The words “the choices that have been made about whether and” should be struck from the relevant paragraph on page 28, at section 6.4 of the Code, as follows:

“Coimisiún na Meán therefore considers it appropriate that supplementary measures to the Code should require VSPS providers to prepare, publish and implement a recommender system safety plan that includes effective measures to mitigate the main risks and, at a minimum, explains ~~the choices that have been made about whether and~~ how they have implemented a number of specified measures.”

- ii) The words “consider the following measures and” and “whether and” should be removed from the text on page 77, at section 1.3 of Appendix 3, as follows:

“In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum ~~consider the following measures and~~ explain ~~whether and~~ how it has given effect to them: [...]”

- iii) The words “should have these aspects” should be replaced by “must be” on page 78, at section 1.3 of Appendix 3, in order to remove ambiguity and allow for efficiency of monitoring and enforcement. The amended text:

“measures to ensure that algorithms that engage explicitly or implicitly with special category data such as political views, sexuality, religion, ethnicity or health ~~should have these aspects~~ ~~must~~ be turned off by default; and”

19. Third, providers are bound by EU law to request and confirm two-step “explicit consent” before commencing any processing of special category data.²⁶ However, to our knowledge, this consent has been neither sought nor obtained for the relevant recommender systems of the designated providers. The Code should specify that providers must introduce lawful consent requests and confirmation requests.

Part 4: further measures for recommender system safety

20. We highlight three further matters. **First**, the Code does not explicitly refer to digital addiction. We anticipate that Coimisiún na Meán will wish to examine addiction in detail, and establish further measures, too. This is a particular problem for children. We suggest the

21. that following minimum measures be added to the Code: notifications should be off by default, no infinite scroll, and no auto playing the next video.

22. **Second**, we applaud four further measures in Appendix 3.²⁷

...video-sharing platform service providers shall prepare, publish and implement a recommender system safety plan that includes effective measures to mitigate risks that their

recommender systems may cause harm by:

- exposing users to relevant content which, in aggregate, causes harm;
- amplifying relevant content which is harmful to children or to the general public;
- ...
- measures to ensure that a feed of content is not dominated by one type of content and contains a minimum amount of content that would be viewed positively by users;
- measures to allow a user to reset any profiling algorithm so that it functions as if the user was a new user;

23. **Third**, we suggest the Code should oblige providers to change the signals that their recommender systems use to rank content and measure performance. Instead of prioritising signals that place an overriding emphasis on engagement, which has proven disastrous in consequences, they should instead opt for signals that show the quality of content, such as providence and authorship, and whether the creator is well-regarded by other well-regarded creators. This is a practical measure: there are well established frameworks by which quality of content can be estimated in an automated way.²⁸

Part 5: effective and efficient enforcement

24. We suggest three enhancements to ensure effective and efficient enforcement of the Code. First, procedures arising from complaints should involve all relevant parties. Section 14.7-8 provide that the provider will have the opportunity to make submissions. However, the provider is not the only party that should be heard. Section 139U of the Act requires Coimisiún na Meán to have regard for the rights of relevant persons involved in a complaint. Where complainants (per Chapter 4 of the Act) and other parties are involved they should have the opportunity to make submissions. The role of the parties and the procedure by which they are heard in the procedural “Scheme” developed pursuant to Section 139V(1) of the Act should observe the requirements of quasi-judicial bodies that administer justice, and be informed by the *Zalewski* decision of the Supreme Court.
25. Second, we suggest that the Code elaborate particulars of the “content limitation notice”. Aside from a reference in Section 14.15 there is no further reference in the Code or supplementary measures. We suggest the relevant provisions in 139ZZD of the Act be articulated in Section 14, to inform the parties and the public.
26. Third, when Coimisiún na Meán deliberates over whether to issue an information notice it must, per Section 139ZZD(3) of the Act, consider the technical capacity of the provider to act on that notice. We strongly caution that expert opinion that is entirely independent of the provider should be obtained to do so. Otherwise, providers may evade their responsibilities by claiming spurious technical difficulties.

OTHER MATTERS

Note on age verification

27. Section 11 of the Code requires various “effective measures to detect under-age users”. The guidance provided on pages 67-68 of Coimisiún na Meán’s draft lists five purported measures to age verification that are presumably deemed to be effective. The listed measures are taken verbatim from the UK ICO Children’s Code.²⁹ None are viable.
28. Self-declaration, a listed measure, objectively fails Coimisiún na Meán’s test of effectiveness. The others are either unspecified or unworkable. Recent developments in Australian legislation,³⁰ and the reports of the French data protection authority³¹ and of UK Ofcom,³² all indicate that “age verification” measures are unreliable, circumventable, and legally fraught because of their disproportionate effects. Therefore, we urge utmost caution in accepting age verification measures proposed by providers. Furthermore, in the absence of effective and legally permissible age verification, Coimisiún na Meán may be obliged to apply the protections of Audio Visual Media Services Directive (AVMSD) Article 6a and Article 28b(1)(a) to all persons of unproven age.

Error in the Draft Code

29. We note that Section 4.10 of the Code incorrectly indicates that Article 6a of the AVMSD applies solely to commercial communications. This is inaccurate. The relevant point of Article 6a is not limited to commercial communication. Section 4.10 of the Code should be corrected.

Signed

Irish Council for Civil Liberties
Hope & Courage Collective
Uplift
People vs Big Tech
Community Work Ireland
Galway City Community Network
Cork Rebels for Peace
Irish Network Against Racism
Afri
Doras
Action for Choice
Social Rights Ireland
Helping Irish Hosts

Empower
Outhouse LGBTQ+ Centre
ShoutOut
Leitrim Volunteer Centre
European Anti-Poverty Network Ireland
Human Rights Sentinel
Donegal Intercultural Platform
Inishowen Together
Black and Irish
Dublin City Community Cooperative
Bridging The Gap Ireland
Bray for Love
Irish Traveller Movement
Clare Immigrant Support Centre
Mammies for Trans Rights
Together for Safety
Droichead FRC
Age Action
LGBT Ireland
Migrant Rights Centre Ireland
IDEN, Irish Doughnut Economics Network
Dublin LGBTQ+ Pride
National Women's Council
Irish Council for International Students
New Horizon Refugee Support
Pavee Point Traveller and Roma Centre
Belong To - LGBTQ+ Youth Ireland
Solas Project
National Traveller Womens Forum
Waterford Integration Services
Nasc, the migrant and refugee rights centre
Fermoy and Mallow Against Division
Women for Election
Circle VHA
Climate Action Wexford
International Community Dynamics CLG
Dublin Bay South Branch Social Democrats
Wicklow Volunteer Centre
Light Advisory
Women's Collective Ireland (WCI)
Good Day Cork
Parable Communications
Suas/STAND

Rialto Youth Project
Independent Living Movement Ireland (ILMI)
The Exchange Inishowen
NeuroPride Ireland
Friends of the Earth Ireland

Notes

- ¹ Section 1.3 of Appendix 3
- ² Big Tech’s divisive ‘personalization’ attracts fresh call for profiling-based content feeds to be off by default in EU, TechCrunch, 20 December 2023 (URL: <https://techcrunch.com/2023/12/20/dsa-recommender-systems/>).
- ³ “...an elegant proposal...”. Alvaro Bedoya on Twitter (URL: <https://x.com/BedoyaFTC/status/1744450499791695938?s=20>).
- ⁴ “...a fantastic regulatory proposal for recommendation systems...”. Cory Doctorow (URL: <https://doctorow.medium.com/https-pluralistic-net-2023-12-09-gallimaufry-marty-hench-rides-again-154871ffe4dc>).
- ⁵ “The EU should support Ireland’s bold move to regulate Big Tech”, The Hill, 31 December 2023 (URL: <https://thehill.com/opinion/technology/4380369-the-eu-should-support-irelands-bold-move-to-regulate-big-tech/>).
- ⁶ “Carols journey to QAnon”, Facebook internal research, 2019, cited in “Inside Facebook, Jan. 6 violence fueled anger, regret over missed warning signs”, Washington Post, 22 October 2021 (URL: <https://www.washingtonpost.com/technology/2021/10/22/jan-6-capitol-riot-facebook/>).
- ⁷ “Facebook Executives Shut Down Efforts to Make the Site Less Divisive”, Wall St. Journal, 26 May 2020 (URL: <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>). This internal research in 2016 was confirmed again in 2019.
- ⁸ “YouTube Regrets: A crowdsourced investigation into YouTube’s recommendation algorithm”, Mozilla, July 2021 (URL: https://assets.mofoprod.net/network/documents/Mozilla_Youtube_Regrets_Report.pdf), pp 9-13.
- ⁹ *ibid.* p. 17.
- ¹⁰ “From Bad To Worse: Amplification and Auto-Generation of Hate”, ADL, 16 August 2023 (URL: <https://www.adl.org/resources/report/bad-worse-amplification-and-auto-generation-hate>)
- ¹¹ “Digital Services Act: Application of the Risk Management Framework to Russian disinformation campaigns”, European Commission, 30 August 2023 (URL: <https://op.europa.eu/en/publication-detail/-/publication/c1d645d0-42f5-11ee-a8b8-01aa75ed71a1/language-en>), p. 64.
- ¹² U.N. investigators cite Facebook role in Myanmar crisis, Reuters, 12 March 2018 (URL: <https://www.reuters.com/article/us-myanmar-rohingya-facebook/u-n-investigators-cite-facebook-role-in-myanmar-crisis-idUSKCN1GO2PN>).
- ¹³ “The social atrocity: Meta and the right to remedy for the Rohingya”, Amnesty International, 2022 (URL: <https://www.amnesty.org/en/documents/ASA16/5933/2022/en/>), pp. 45-48, p. 71.
- ¹⁴ <https://www.amnesty.org/en/latest/news/2023/11/tiktok-risks-pushing-children-towards-harmful-content/>.
- ¹⁵ Algorithms as a weapon against women, Institute for Strategic Dialogue, April 2022 (URL: <https://www.isdglobal.org/wp-content/uploads/2022/04/Algorithms-as-a-weapon-against-women-ISD-RESET.pdf>).
- ¹⁶ Requirements specified at sections 7(2), 139K(3), 139L, and 139M of the Act.
- ¹⁷ “Consultation Document: Online Safety”, Coimisiún na Meán, 8 December 2023, p. 28.
- ¹⁸ “Consultation Document: Online Safety”, Coimisiún na Meán, 8 December 2023, p. 5.
- ¹⁹ Despite internal concern about amplifying hazardous content, from 2017 to 2020 Meta strongly amplified¹⁹ posts that received “emoji” reactions from other people. Then, despite internal research in 2019 confirming that content receiving “angry emojis” was more likely to be misinformation, it persisted until late 2020.¹⁹ “Five points for anger, one for a ‘like’: How Facebook’s formula fostered rage and misinformation”, *Washington Post*, 26 October 2021 (URL: <https://www.washingtonpost.com/technology/2021/10/26/facebook-angry-emoji-algorithm/>).
- ²⁰ Written Testimony of Arturo Bejar, U.S. Senate Subcommittee on Privacy, Technology, and the Law, 7 November 2023 (URL: https://www.judiciary.senate.gov/imo/media/doc/2023-11-07_-_testimony_-_bejar.pdf).
- ²¹ Article 9, GDPR.
- ²² Article 35(3)(a), GDPR.
- ²³ Article 5(1)b and Article 7, GDPR.
- ²⁴ Article 21 and Article 22, GDPR.
- ²⁵ Article 17, GDPR.
- ²⁶ “Guidelines 05/2020 on consent under Regulation 2016/679”, European Data Protection Board, 4 May 2020 (URL: https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_202005_consent_en.pdf), pp. 20-22.

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- ²⁸ For example, the Trust Indicators, The Trust Project, 2020 (URL: <https://thetrustproject.org/wp-content/uploads/2020/07/7.29.20The-Trust-Indicators-Handout.pdf>).
- ²⁹ <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/childrens-information/childrens-code-guidance-and-resources/how-to-use-our-guidance-for-standard-one-best-interests-of-the-child/best-interests-framework/age-assurance/>
- ³⁰ In August 2023 the Australian Parliament concluded that it could not lawfully legislate for the age verification requested by the Australian e-Safety Commissioner. See <https://www.theguardian.com/australia-news/2023/aug/31/roadmap-for-age-verification-online-pornographic-material-adult-websites-australia-law>.
- ³¹ CNIL, the French data protection authority, reported in 2022 that age verification is “circumventable and intrusive”. <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>
- ³² Ofcom’s 2022 study of online user ages demonstrates the difficulty of achieving certainty of a person’s age online. https://www.ofcom.org.uk/data/assets/pdf_file/0015/245004/children-user-ages-chart-pack.pdf

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Next Irish Manager

Fieldwork: January 5-6, 2024

Delivery: SMS Messaging

Methodology: Propensity score matching & weighting

Sample size: 1,270 overall

Margin of Error: +/- 2.8 per cent

Polling Methodology Explained

Stage 1: Where do your participants come from?

Using random digit dialling and online ads Ireland Thinks has built a panel of approximately 25,000 people, the equivalent of Thomond Park Stadium who are happy to participate in our monthly polls. This is continually topped up through advertisements targeting specific demographics as and when they are needed.



Stage 2: So, these are surely highly engaged people, how are they representative?

No. For our polls our algorithm chooses 5,000 specific individuals to take part. They are chosen on the basis of their demographics and behaviours (age, gender, religious adherence, educational attainment, past voting behaviour, political interest etc.) to ensure that they are an **exact replica** of the census and within that, the most recent general election exit poll. Note: This algorithm minimises design-effect error, meaning that cross-tabs tend to be more reliable.



Stage 3: So how do you contact them? And how do you know the right person is answering?

Participants are sent an SMS message with a unique URL to participate in the opinion poll. Over 90% of the population own a smartphone, far fewer are at-home during the day (for face to face), use land-lines, or respond to unsolicited calls, or emails. Any duplicated entries from the same URL are deleted as is the user. Respondents must also match the data we have on record for the respondent.

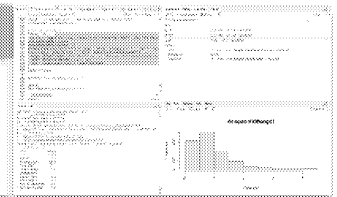
Note: Here we minimise social desirability bias and non-response bias.



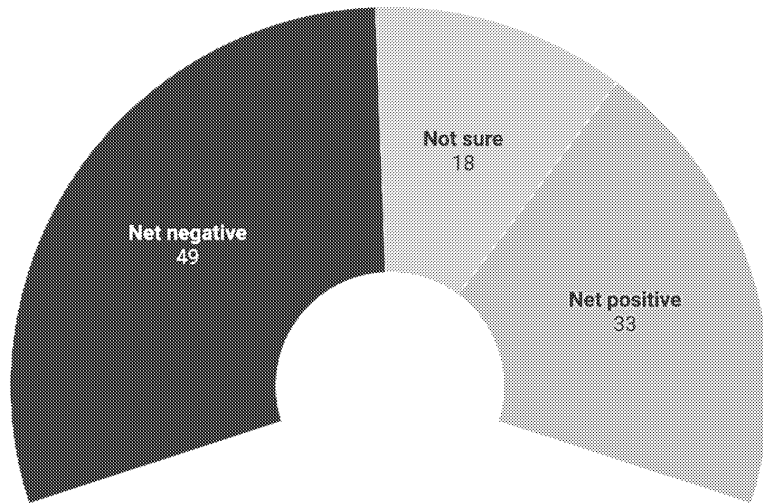
Stage 4: How long does it take? How do I know they're responding accurately?

We get over 1,000 responses within 3 hours, rising thereafter. The respondents experience is central to ensuring that we have quality responses. The polls are short, enjoyable and participants are rewarded by selecting the charity that we will donate to and results are published in a national newspaper. The responses are weighted to ensure that they are exactly representative of the population in terms of the same demographics above.

Note: Finally we minimise respondent error and sampling error.



'Is social media a net-positive or net-negative for society?'



Female 18-34	56	20	23
Female 35-64	47	21	32
Female 65+	49	19	32
Male 18-34	53	14	32
Male 35-64	53	14	33
Male 65+	40	18	43

No social media	50	19	31
Reddit	65	14	21
Twitter	51	14	35
Instagram	51	18	30
LinkedIn	50	14	37
TikTok	49	17	34
Facebook	47	18	34
YouTube	47	16	38

Don't pay attention to	56	18	27
Examiner	59	13	29
Irish Times	58	14	28
Daily Mail	58	13	28
Newstalk radio	55	18	27
Local Newspaper	55	25	20
Irish Independent	54	17	29
RTÉ	52	18	30
UK Source	49	15	36
The Journal.ie	47	16	37
Virgin Media	41	20	40
Other radio	41	23	36
Other online	39	23	38
Mirror, Star, Sun	36	39	24
Gript	25	20	55

'Is social media a net-positive or net-negative for society?'

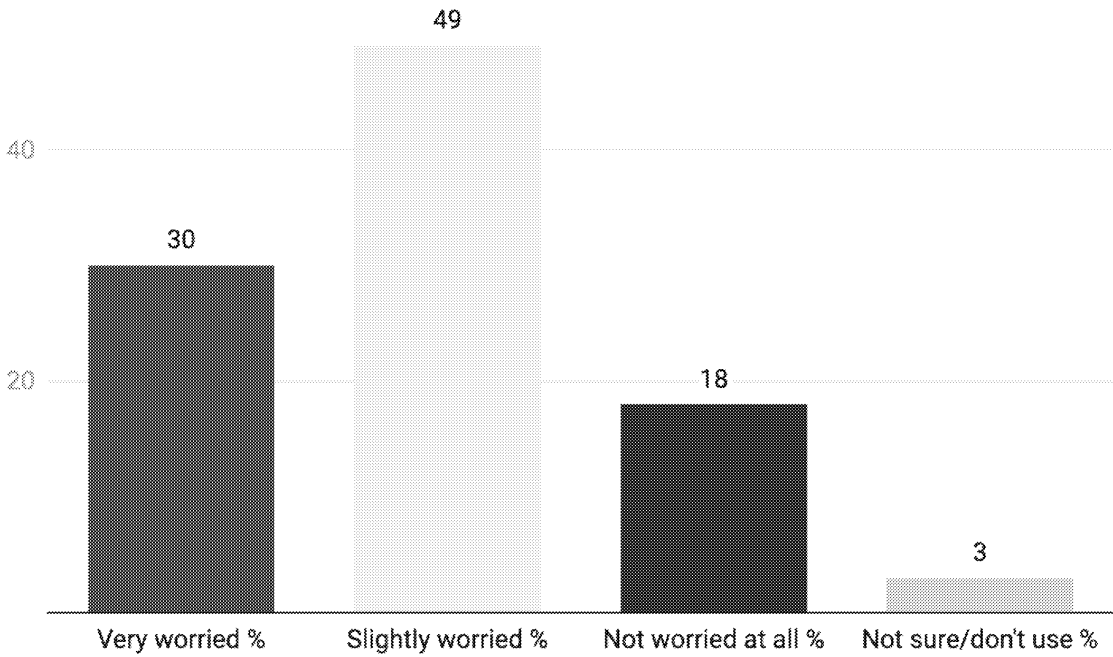
	Sex			Age					Region			Class				Tenure				
	Total/%	Female	Male	18-34	35-41	45-54	55-64	65+	Dublin	Leinster	Munster	Connach t-Ulster	Middle Class	Working Class	Don't know	Own outright	Own mortgage	Rent council	Rent privately	With parents/ Other
Net negative %	49%	49%	49%	55%	57%	48%	44%	45%	52%	50%	51%	43%	51%	48%	45%	46%	50%	41%	63%	45%
Net positive %	33%	30%	35%	28%	27%	33%	37%	37%	35%	33%	28%	36%	35%	30%	34%	32%	36%	38%	24%	32%
Not sure %	18%	21%	15%	17%	15%	19%	19%	18%	13%	17%	22%	22%	14%	22%	21%	21%	14%	20%	13%	24%

	Education				Income					Vote										
	Less than leaving	Leaving cert	Post-LC qualif.	3rd level degree	Under 20k	20-30k	30-50k	50-80k	Over 80k	Not said	Sinn Féin	Fine Gael	Fianna Fáil	Green Party	Labour Party	Social Demos	Shinnery- PSP	Acasú	Indep & Othé	Unclear/ No vote
Net negative %	43%	48%	53%	51%	50%	38%	59%	51%	56%	43%	49%	49%	56%	67%	39%	57%	37%	59%	40%	53%
Net positive %	30%	37%	28%	34%	20%	37%	34%	33%	30%	28%	34%	42%	26%	19%	33%	37%	29%	34%	39%	20%
Not sure %	27%	16%	19%	15%	21%	24%	12%	16%	14%	28%	17%	11%	18%	14%	28%	6%	34%	11%	22%	28%

	News consumption															Social media consumption							
	Don't pay any attention	RTE	Virgin Media	The Journalist	Irish Times	Irish Independ- ent	Daily Mail	Newstal k radio	Evening Star, or Sun	Mirror	Other online news	Local News- paper	UK Source	Grip!	Other radio	Twitter	Facebook	Instagram	TikTok	Reddit	YouTube	LinkedIn	None of these
Net negative %	56%	52%	41%	47%	58%	54%	56%	55%	59%	36%	39%	55%	49%	25%	41%	51%	47%	51%	49%	65%	47%	50%	50%
Net positive %	27%	30%	40%	37%	28%	29%	28%	27%	29%	24%	38%	20%	36%	55%	36%	35%	34%	30%	34%	21%	38%	37%	31%
Not sure %	18%	18%	20%	16%	14%	17%	13%	18%	13%	39%	23%	25%	15%	20%	23%	14%	18%	18%	17%	14%	16%	14%	19%

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'How worried are you about the content that appears in social media feeds?'



'How worried are you about the content that appears in social media feeds?'

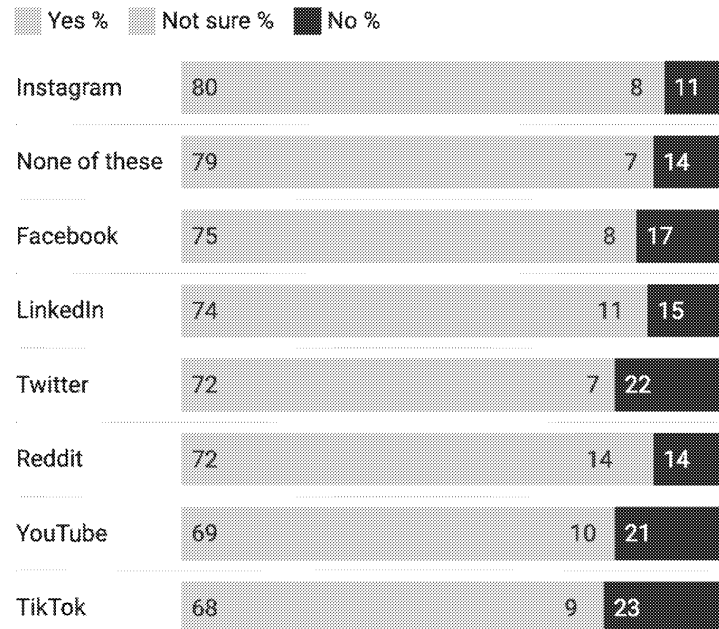
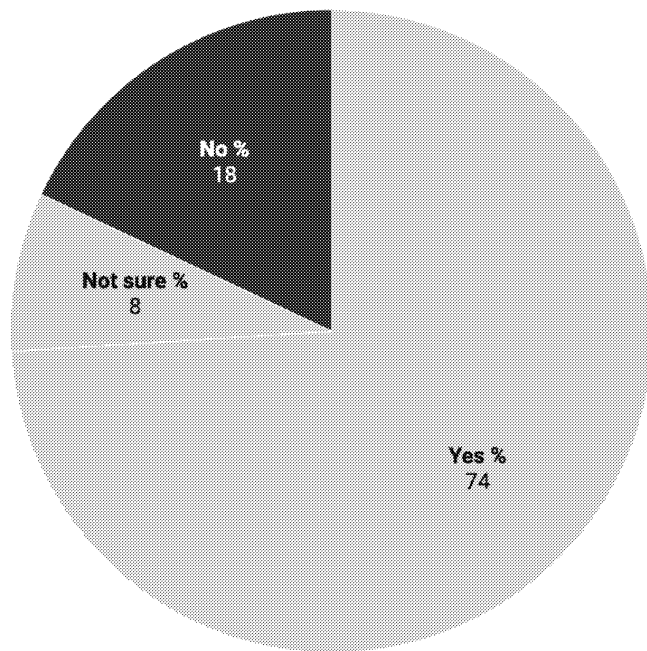
	Sex			Age					Region				Class			Tenure				
	Total%	Female	Male	18-34	35-44	45-54	55-64	65+	Dublin	Leinster	Munster	Connacht-Ulster	Middle Class	Working Class	Don't know	Own outright	Own mortgage	Rent council	Rent privately	With parents/O.T.G.
Very worried %	30%	29%	30%	30%	29%	28%	28%	32%	31%	31%	29%	26%	34%	24%	30%	29%	30%	29%	24%	40%
Slightly worried %	49%	51%	48%	47%	48%	50%	52%	48%	47%	48%	50%	47%	48%	50%	41%	51%	48%	48%	50%	41%
Not worried at all %	16%	17%	20%	23%	17%	19%	18%	15%	19%	19%	13%	25%	16%	20%	24%	17%	20%	18%	22%	16%
Not sure/don't use %	3%	3%	4%	0%	6%	3%	2%	5%	4%	4%	3%	2%	2%	5%	5%	4%	2%	5%	4%	1%

	Education				Income					Vote										
	Less than leaving cert	Leaving cert	Post-LEC qualif.	Third level degree	Under 20k	20-30k	30-50k	50-80k	Over 80k	Not said	Sinn Féin	Fine Gael	Fianna Fáil	Green Party	Labour Party	Social Demos	Solidarity-PBP	Avenir	Indep & O.T.G.	Unsure/Did not vote
Very worried %	28%	34%	27%	25%	39%	29%	26%	26%	33%	29%	21%	36%	39%	51%	50%	51%	42%	23%	14%	25%
Slightly worried %	43%	49%	52%	51%	38%	48%	53%	57%	44%	43%	52%	47%	52%	41%	34%	43%	44%	30%	45%	50%
Not worried at all %	21%	18%	17%	19%	21%	20%	17%	16%	18%	24%	21%	14%	7%	3%	11%	2%	14%	46%	37%	14%
Not sure/don't use %	8%	3%	4%	2%	3%	4%	4%	1%	4%	4%	5%	2%	2%	5%	0%	4%	0%	1%	4%	5%

	News consumption															Social media consumption							
	Do not pay any attention	RTE TV/Radio	Vegyn News	The Journalist	Irish Times	Irish Independent	Daily Mail	Newstalk radio	Enterprise	Mirror, Star or Sun	Other news	My Local Newspaper	UK Source	GfK	Other local radio and TV	Twitter	Facebook	Instagram	TikTok	Reddit	YouTube	Unkedin	None of these
Very worried %	13%	33%	25%	31%	40%	33%	31%	31%	44%	35%	24%	21%	32%	9%	27%	32%	25%	30%	26%	31%	28%	25%	33%
Slightly worried %	25%	55%	59%	47%	50%	50%	44%	51%	53%	25%	49%	50%	47%	24%	48%	46%	51%	53%	50%	50%	50%	52%	49%
Not worried at all %	48%	9%	12%	18%	8%	9%	14%	15%	3%	11%	26%	18%	17%	65%	19%	21%	18%	15%	23%	19%	21%	19%	16%
Not sure/don't use %	14%	3%	5%	3%	1%	2%	11%	3%	0%	30%	0%	0%	4%	2%	6%	1%	3%	2%	1%	0%	2%	2%	3%

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'Social media companies choose what content their users see. Should this be regulated more strictly?'



'Social media companies choose what content their users see. Should this be regulated more strictly?'

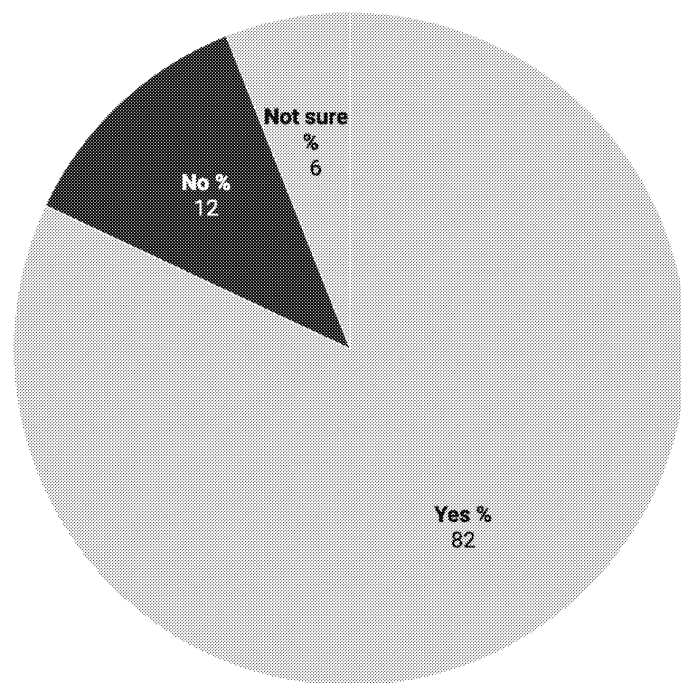
	Total %	Sex		Age					Region				Class			Tenure				
		Female	Male	18-34	35-44	45-54	55-64	65+	Dublin	Leinster	Munster	Connacht-Ulster	Middle Class	Working Class	Don't know	Own outright	Own mortgage	Rank council	Rent privately	With parents/Other
Yes %	74%	78%	70%	61%	73%	78%	81%	78%	75%	74%	78%	57%	78%	70%	74%	78%	78%	72%	68%	63%
No %	18%	15%	21%	24%	19%	17%	15%	15%	16%	18%	15%	24%	15%	21%	21%	15%	16%	20%	21%	26%
Not sure %	8%	6%	9%	15%	6%	6%	4%	7%	9%	9%	6%	9%	7%	10%	5%	8%	6%	7%	11%	9%

	Education				Income							Voting									
	Less than leaving cert	Leaving cert	Post-LE quali	Third level degree	Under 20k	20-30k	30-50k	50-80k	Over 80k	Not said	Sinn Féin	Fianna Fail	Green Party	Labour Party	Social Demo	Solidarity PBF	Aontas	Indep & Othrs	Unsure/N none		
Yes %	71%	71%	83%	72%	70%	68%	75%	79%	78%	70%	71%	86%	87%	81%	81%	84%	85%	37%	51%	78%	
No %	20%	20%	13%	18%	21%	21%	17%	13%	13%	25%	19%	9%	6%	4%	6%	12%	12%	32%	43%	10%	
Not sure %	9%	9%	5%	9%	9%	10%	5%	9%	11%	5%	10%	5%	7%	4%	3%	3%	2%	12%	6%	13%	

	News consumption															Social media consumption							
	Do not pay any attention	RTE TV/Radio	Virgin Media	The Journal.ie	Irish Times	Irish Independent	Irish Mail	newstalk radio	Examiner	Minor Star or Sun	Other online	My Local Newspaper	UK Source	Govt	Local media not said	Twitter	Facebook	Instagram	TikTok	Reddit	YouTube	LinkedIn	None of these
Yes %	63%	86%	88%	75%	81%	84%	79%	82%	85%	53%	60%	82%	79%	25%	73%	72%	75%	80%	66%	72%	65%	74%	75%
No %	32%	8%	7%	15%	10%	11%	7%	13%	11%	2%	30%	9%	15%	66%	23%	22%	17%	11%	23%	14%	21%	15%	14%
Not sure %	5%	6%	6%	10%	9%	5%	14%	5%	4%	45%	10%	9%	10%	9%	4%	7%	8%	8%	9%	14%	10%	11%	7%

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'Would you be in favour of social media companies being forced to stop building up specific data about you (your sexual desires political and religious views, health conditions and or ethnicity) and using that data to pick what videos are shown to you (unless you have asked them to do this)?'



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'Would you be in favour of social media companies being forced to stop building up specific data about you (your sexual desires political and religious views, health conditions and or ethnicity) and using that data to pick what videos are shown to you (unless you have asked them to do this)?'

	Sex			Age					Region			Class				Tenure					
	Total %	Female	Male	18-24	25-34	35-44	45-54	55-64	65+	Dublin	Leinster	Munster	Comm. stat	Middle class	Working class	Don't know	Own single	Own mortgage	Self owned	Rent priority	9th person or over
Yes %	62%	63%	61%	61%	62%	62%	62%	66%	60%	60%	60%	60%	60%	62%	66%	60%	60%	62%	61%	60%	61%
No %	12%	11%	12%	14%	10%	8%	7%	16%	12%	14%	9%	12%	12%	11%	11%	14%	11%	8%	11%	7%	7%
Not sure %	6%	6%	7%	5%	3%	11%	6%	6%	5%	6%	6%	10%	5%	7%	9%	6%	7%	1%	9%	2%	2%

	Education				Income							Vote									
	Less than leaving cert	Leaving cert	Post-LEQ	Third level degree	Under 20k	20-30k	30-40k	50-60k	Over 60k	Not used	Self-Employ	Free Gov	Fianna Fail	Green Party	Labour Party	Social Demo	Solidarity	Other	Indep & Other	Unsure	
Yes %	75%	70%	64%	65%	64%	60%	60%	63%	61%	72%	76%	64%	56%	62%	66%	66%	66%	73%	70%	60%	
No %	14%	14%	11%	9%	10%	13%	12%	10%	9%	16%	13%	10%	8%	6%	8%	5%	6%	11%	23%	8%	
Not sure %	7%	7%	4%	6%	6%	7%	6%	7%	1%	6%	8%	6%	2%	5%	2%	7%	1%	16%	7%	6%	

	News consumption														Social media consumption									
	Don't say they read	RTE TV/ Radio	Virgin Media	The Journalist	Irish Times	Irish News	Irish Independent	Irish Post	News Now	Irish Mirror	Other	Other	My Local News	Other	Other	Twitter	Facebook	Instagram	TikTok	Next	YouTube	LinkedIn	None of these	
Yes %	74%	66%	67%	67%	66%	67%	75%	62%	64%	77%	77%	63%	66%	62%	61%	65%	66%	61%	63%	75%	66%	63%		
No %	16%	8%	7%	9%	10%	8%	9%	13%	5%	15%	17%	9%	11%	32%	13%	12%	11%	9%	12%	10%	13%	14%		
Not sure %	10%	6%	6%	3%	5%	6%	12%	5%	1%	9%	6%	8%	5%	5%	7%	7%	6%	7%	7%	9%	6%	6%		

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Research services

Est 2016

CONSULTATION RESPONSE: COIMISÚIN NA MEÁN ONLINE SAFETY CODE

Submission made by Mastodaoine CLG

Submission prepared by Castlebridge



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1. ABOUT MASTODON.IE

In this section we provide some background information on the Mastodon platform and on Mastodoinc CLG, the company that has been established to manage the Mastodon.ie instance.

What is Mastodon?

Mastodon is a decentralized microblogging platform that has gained popularity as an alternative to mainstream social media networks. Launched in 2016, Mastodon distinguishes itself through its open-source nature, decentralized architecture, and commitment to user privacy and control. At the core of Mastodon's decentralized structure is the ActivityPub protocol, a key component that enables communication and interoperability across diverse instances.

How Mastodon Works

Mastodon operates on a federated model, comprising a network of independently operated servers or instances. Each instance serves as a community hub, hosting user accounts and content within its defined sphere. Users on one Mastodon instance can interact with users on other instances, creating a global network of interconnected communities.

Mastodon.ie is an example of an instance of the Mastodon platform. It is administered by a not-for-profit company staffed entirely by a volunteer group of administrators.

Role of ActivityPub Protocol

ActivityPub is a W3C standard protocol that facilitates decentralized social networking. It serves as the backbone for communication between Mastodon instances and other platforms that adopt the same protocol. ActivityPub allows users to follow, share, and engage with content across different instances, promoting a seamless and interconnected social experience.

Interoperability with Other Platforms

One of Mastodon's strengths lies in its high degree of interoperability with other platforms that implement the ActivityPub protocol. This interoperability extends beyond Mastodon itself, fostering a broader network where users can interact with content originating from various platforms adhering to the ActivityPub standard. This open and inclusive approach contributes to a diverse and vibrant online ecosystem.

Concept of Federation of Servers

Mastodon's federated architecture operates on the principle of federation, wherein individual servers collaborate to form a larger, interconnected network. This federated model allows users on different instances to communicate with each other, share content, and engage in conversations, despite being part of separate communities. Federation enhances the diversity and resilience of the Mastodon network.

While the federated model promotes interconnectedness, Mastodon also recognizes the importance of user autonomy and safety. The concept of defederation allows instances to disengage from the broader network if they choose to do so. Instances such as Mastodon.ie can decide to block or disconnect from other servers based on community guidelines, content policies, or other considerations, ensuring that

each community can enforce its own standards. Each Mastodon instance can maintain a blocklist of other instances that it will not allow content to be posted from. This is a feature of the ActivityPub standard.

In addition to server-level defederation, Mastodon also empowers users and instances with the ability to block individual users or entire instances. This feature is crucial for maintaining a safe and secure online environment. Users can block unwanted interactions, while instances can implement measures to safeguard their communities against content that goes against their guidelines.

Users can also, at their own account level, apply various controls over how content is presented to them, including options to restrict the display of content or media based on whether it is marked as ‘Sensitive’ by the original publisher.

OTHER “FEDIVERSE” PLATFORMS

Mastodon is just one of a number of “fediverse” platforms. Many of these platforms are open source software, meaning that individuals and organisations can install and host their own instances. The ActivityPub protocol supports cross-platform and cross-instance posting in a federated manner. Increasingly, mainstream social media companies such as Meta are embracing the Fediverse as we can see from the launch of Meta’s Threads¹ application and its support for ActivityPub. Examples of other platforms are included in the table below:

Platform	Content Type	Description
Mastodon	Text	Mastodon is a decentralized microblogging platform where users can post and interact with text-based content. It follows a federated model, allowing instances to connect with each other through the ActivityPub protocol. Users can engage in discussions, share updates, and follow accounts across diverse instances. Mastodon also supports content warnings, fostering a user-friendly and customizable experience.
Pixelfed	Image	Pixelfed is a decentralized image-sharing platform that operates on the ActivityPub protocol. It provides users with an Instagram-like experience, enabling them to share images, follow others, and engage in photo-centric communities. Pixelfed focuses on user privacy, content ownership, and control, offering an alternative to centralized image-sharing platforms.
PeerTube	Video	PeerTube is a federated video-hosting platform that utilizes the ActivityPub protocol. It enables users to create and share video content in a decentralized environment. Unlike centralized video platforms, PeerTube allows for the creation of independent instances, each with its own content policies and community guidelines. This decentralized approach aims to democratize video hosting and reduce reliance on a few dominant platforms.
Pleroma	Mixed (text, video, image)	Pleroma is a versatile Fediverse platform that supports various content types, including text, images, and videos. It is known for its lightweight design and resource efficiency, making it a popular choice for instances with limited resources. Pleroma follows the ActivityPub protocol and allows users to interact with content from other Fediverse platforms seamlessly.
Meta Threads	Text/Video	Meta Threads is a federated platform that supports both text and video content. It leverages the ActivityPub protocol to enable users to share updates, engage in discussions, and post video content within a decentralized environment. The platform promotes user autonomy and content ownership while fostering connections with other instances in the Fediverse. Threads is owned, hosted, and administered by Meta.

Table 1: Examples of Fediverse platforms

¹ Mastodon.ie currently blocks posts from Threads at the server level.

What is Mastodaoine CLG

The company, Mastodaoine CLG, is responsible for all duties related to supporting the mastodon.ie community, and related requirements.

This includes:

- Gathering funds
- Procurement of digital services to host and support mastodon.ie
- Appointing moderators and admins to the server
- Tax and accounting obligations
- Legal and corporate compliance obligations

CLG Status

As a CLG, legal liability is limited to the company but it is not suited to sale or profit-taking. This is in line with the volunteers and directors' wishes that this be a community-oriented project intended to support changes of directorship and membership without compromising on community goals. In this sense it can be considered similar to a football club or scouts group, where the objective is ongoing community building carried out by a large group of volunteers.

Mastodon.ie as a VSPS

We note in making this submission that Mastodon.ie has not, at this time, been identified as a VSPS by the Commission. We make our submission on the basis that the operation of the Code is under review and that the Commission has indicated that future reviews may see sites added as they see fit.

2. SUBMISSION RESPONSE

In this section we provide the response of Mastdaoine CLG to the specific proposals raised in the draft Online Safety Code, with particular reference to the potential impact on the development of federated social networks operating on a not-for-profit basis.

Concern 1: Default focus on ‘Big Tech’ platforms risks creating a regulatory framework that is unworkable for not-for-profit operators, SMEs, or ‘hobbyist’ content producers

Mastdaoine CLG notes and welcomes the fact that it has not been designated² a video sharing platform under the initial designation, but as the Mastodon platform develops they recognise that it is open to the CnaM to do so in the future.

For this reason, we consider it critical to consider the effect of the proposed Online Safety Code on both the users of Mastodon.ie and on Mastdaoine CLG as the corporate body which supplies that service to those users.

Any Online Safety Code adopted should be focussed on ensuring that a level playing field for both protections and corporate impact should be created. A Code which effectively limited participation in the social media space to incumbent large companies with the resources to meet the most onerous of requirements would have the effect of distorting the market, and may even stray into providing state aid.

For this reason, the existing proposal’s age verification elements are impossible for a SmallWeb-style organisation to meet, given the technical, legal and organisational consequences of collecting and keeping secure copies of passports, of creating and maintaining a secure upload facility for biometric-quality selfies (or contracting out to a specialist provider to supply one) and of running an (unspecified and technically valueless) biometric scan of those selfies.

Any Online Safety Code must be capable of being met by all current and potential video sharing platforms, not merely multi-national local offices of global firms.

Concern 2: Risk of incompatibility of Online Safety Code and supporting legislation with EU law

Given the recent entry into force of the EU’s Digital Services Regulation, we would be concerned that platforms may be forced to hit two divergent targets.

It is essential that there is a single regulatory framework applied, particularly when considering the potential regulatory burden on small community-led social platforms that do not have the resources to aim at two targets at once.

² <https://www.cnam.ie/coimisiun-na-mean-designates-video-sharing-platform-services/>

We would point out that it is a well-established principle of EU law that EU legislation takes primary over domestic legislation and public bodies are required to ensure that domestic legislation is applied in line with EU law or set aside the domestic legislation, where an incompatibility is identified.

Concern 3: Necessity and Proportionality of Age Verification measures

We have significant concerns regarding the necessity and proportionality of the proposed Age Verification measures, particularly when considered in the context of instances that are community funded and managed and operated by volunteers as many Fediverse instances are.

Age verification methods must be more closely aligned with the level of risk arising from the nature of the content provided. However, in the context of the Fediverse it should be borne in mind that content may be published into the timeline of an instance such as Mastodon.ie which originates from an entirely different instance or an entirely different platform.

As such, the question needs to be asked: which platform in that context is responsible for implementing an age verification process in such a scenario?

Existing moderation protocols on Mastodon.ie block certain servers/instances that have been reported as publishing content which would breach our community guidelines. However this is not an infallible control as the nature of federated content and open source platforms is that new instances and servers can be created by content creators which would bypass any blocks until such time as our moderators are notified and can take appropriate action to block new instances.

The DPC has considered the question of necessity and proportionality in their recent decision in respect of processing of personal data by the Department of Health (Decision IN-21-3-2)³. In this decision the DPC was clear that the narrow pursuit of a single public interest basis by a public body when determining the necessity and proportionality of processing is not compatible with data protection law. Rather public bodies must consider the broader scope of rights and interests that may be affected and other public interests that might be affected by the proposed processing. It is not clear that the proposed Code adequately considers the impact on competing public interests.

Concern 4: Compatibility with and compliance with Data Protection Law

Associated to our previous concern regarding necessity and proportionality, we also have several concerns about the compatibility of proposed measures with Data Protection law and the potential data protection compliance risks that could be introduced as a result of proposed measures around age verification.

³ See https://www.dataprotection.ie/sites/default/files/uploads/2023-07/20230710_Full%20decision%20IN-21-3-2%20Dept%20of%20Health.pdf

Data Protection Compliance and Age Verification

Any potential introduction of Age Verification raises data protection implications beyond the fundamental questions of necessity and proportionality. These issues arise in the context of:

- Compliance with Data Minimisation principle under Article 5 GDPR
- Compliance with the obligations on Data Controllers under Article 32 GDPR
- Clarity on the specific legal basis for the processing of biometric identifiers for the purposes of identifying an individual
- Compliance with the obligations on Data Controllers with respect to Data Processors under Article 28 GDPR.

Data Protection Compliance and the Data Minimisation Principle

The Data Minimisation Principle requires Data Controllers to process personal data to the extent that it is strictly necessary for the purposes for which the data has been obtained. This principle has implications for the mode of any age verification that might be applied by a Fediverse platform provider such as Mastodon.ie.

Compliance with Article 32 GDPR

Data Controllers are required under GDPR to ensure that they have appropriate organisational and technical measures in place to ensure that personal data processed by them is protected from unauthorised or accidental disclosure, loss, or destruction.

The introduction of any form of age verification for a platform such as Mastodon.ie will introduce data protection and information security compliance risks if the platform is required to retain copies of data that may have been provided by data subjects when creating an account on the platform.

This could result in copies of government issued identity documents, associated with email addresses and other identifiers being held by a large number of organisations that may lack the necessary financial resources to adequately invest in appropriate organisational and technical controls. The presumption that all platforms are large technology platforms with substantial resources is unfounded.

As an alternative to storing data ourselves, platforms may chose to engage a 3rd party identity verification provider. However, this does not remove the risk of security incidents but merely transfers the mitigation of that risk to a 3rd party Data Processor. However, such processors will not offer services on a pro bono basis and, as before, Fediverse platforms may lack the necessary financial resources to invest in technology of this kind. The presumption that all platforms are large technology platforms or are well funded technology companies is unfounded.

Compliance with Article 28 GDPR

In the event that a platform such as Mastodon.ie engages a third party to provide age verification services, this would introduce cost and overhead of managing the obligations of the supplier under Article 28 of GDPR. This would include the need to carry out appropriate audits of the processing of personal data to verify the operation of technical and organisational controls on the part of the Data Processor.

However, in the event of a data security breach affecting a data processor, it would not absolve the operator of a Fediverse platform instance of their responsibilities under GDPR.

Uncertainty as to the legal basis for biometric processing

Where biometric data is processed for the purposes of identifying an individual it constitutes special category data under Article 9 GDPR. While Article 9(2)(g) does permit the processing of biometric information for the purposes of a “substantial public interest”, we note that the DPC’s decision in respect of the Department of Health requires that there be a clear balancing of competing public interests.

It is unclear if this has been undertaken and if there has been an objective balancing, for example, of the public interest in permitting people to partake in social interactions in forums that are not subject to algorithmic profiling or targeted advertising.

The introduction of an algorithmic processing of personal data for the purposes of age verification would have the effect of introducing an algorithmic processing of personal data into platforms where there is no algorithmic filtering or presentation of content.

Incompatibility or redundancy between proposed code and Section 30 Data Protection Act 2018

As a not-for-profit organisation, Mastodaoine CLG is of the view that we do not, and would not, process personal data of children for the purposes of “commercial purposes”. However, we note that this term is not defined in either the AVSM Directive or in the draft Code. It is a requirement of Data Protection law that any legislative measure be clear, precise, and foreseeable. This principle was established in the *Schrems* litigation at the CJEU. Furthermore, in the *SIA ‘SS’* case (C175/20), the CJEU considered the role of administrative measures as part of the interpretation of legislative procedures.

With respect to this provision in the draft code we would submit that

- a) It is important that a clear definition of “commercial purposes” is established, particularly if this definition is to be different in any way from the purposes set out in Section 30 of the Data Protection Act 2018 (as yet not commenced).
- b) If the scope of “commercial purposes” for the purposes of the Code is not different to the description of purposes set out in Section 30 of the Data Protection Act 2018, the inclusion of a provision such as this in a Code of Practice is arguably unnecessary as it is effectively duplicating a prohibition that is already legislated for.
- c) If the scope of “commercial purposes” for the purposes of the Code is wider than that set out in Section 30 of the Data Protection Act 2018, we would submit that it would be more logical from a governance and regulatory certainty perspective for this to be addressed through an amendment to Section 30 of the Data Protection Act 2018 by the Oireachtas.

Concern 5: Potential impact of cost of compliance on economic viability of alternatives to centralised 'Big Tech' social media platforms, and associated data mining/ad tech risks.

We would be concerned that this proposal does not seem to take into consideration the potential for video that is hosted on one Fediverse platform to be posted via the ActivityPub protocol to another platform where it may be associated with text-based content created by a user on that second platform. In this context it is important to consider that the Fediverse platform instance that is hosting the published video may be in an entirely different jurisdiction to the Fediverse platform instance where the content is cross-posted and editorialised by another user.

The proposal as framed seems to consider online publication in a monolithic publisher/broadcaster model and may not adequately address the nuances of a federated social media environment. Furthermore, the proposals as framed do not appear to consider the voluntary and community nature of many Fediverse instances such as Mastodon.ie.

These platforms are not funded through the generation of advertising revenues, the mining of personal data, or the algorithmic filtering of content. The implementation of excessive requirements to process additional personal data relating to users risks the ultimate affect of depriving individuals of viable alternatives to the dominant 'Big Tech' platforms and their privacy dis-respectful business models.

Message

From: Joost Lieuwma [REDACTED]
Sent: 31/01/2024 09:21:11
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Dutch Media Act
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir/ Madam,

We as Dutch uploaders need to comply with the Dutch media act. With the current measures on social media platforms like YouTube we cannot fulfil our legal duty to inform the public. Therefore we request CnM to include in the code the obligation for platforms to facilitate the Kijkwijzer rating system across the EU and across all platforms. Thereby creating a levelled playing field for all content creators in the EU and a safe place for children on these platforms.

Yours Sincerely,

Joost Lieuwma

YouTube Creator of Cartoon Box (Frame Order)

CartoonBoxYouTube

Message

From: Ciske Boekelo [REDACTED]
Sent: 31/01/2024 09:25:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Tim Hicks [REDACTED]
Sent: 31/01/2024 09:52:59
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Public Consultation Submission

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Message

From: Jane Staffieri [REDACTED]
Sent: 31/01/2024 10:29:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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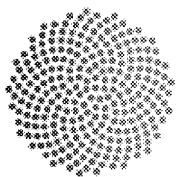
Kind regards,



Coimisiún na Meán Draft Online Safety Code & Draft Statutory Guidance Material Consultation

Dairy Industry Ireland (DII) response

31 January 2024



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INTRODUCTION

Dairy Industry Ireland (DII), the representative body for Irish primary and secondary dairy processors, including the infant nutrition sector, welcomes the opportunity to input to this consultation.

This input specifically focuses on consultations of the; 1) draft Online Safety Code, and 2) the draft Statutory Guidance Material. It represents the voice of the following DII infant nutrition company members; Danone Nutricia, Wyeth Nestle, Abbott Nutrition and Kerry.

DII members thank Coimisiún na Meán for its work, which will ensure a strong online safety framework in Ireland to protect children and young people online through codes and policy.

Reference is made within this draft online code and accompanying materials to audiovisual commercial communications on infant and follow-on formula. DII member companies agree that breastfeeding is the best source of nutrition for babies and should be promoted and protected, with all necessary supports in place to do so. When breastfeeding is not possible or chosen, formula milks are recognised as the only legitimate and nutritionally complete alternative during a baby's first year by health authorities, the WHO and others.

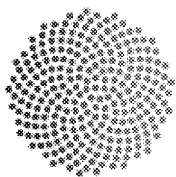
Within the context of this consultation, DII members do not agree that audiovisual commercial communications relating to breastmilk substitutes should be represented as 'harmful' to the general public or to the public health interests of children. Such commercial communications are neither defined as 'harmful' within the current European legislation framework or the EU Audiovisual and Media Services (AVMS) Directive, nor to our knowledge in any other member state code giving effect to the national transposition of this EU Directive.

The regulation of communications on infant and follow-on formula are extensively set down at Irish and EU level and overseen by a range of national bodies. This includes laws governing written, verbal and electronic communication to consumers. DII member companies, which manufacture, and also export these products further support regulatory compliance through own company codes and policies, as well as by supporting the aim of the International Code of Marketing of Breast-Milk Substitutes.

Within the introductory segments of the consultation document (page 15) reference is also made to other stakeholder calls to further restrict the promotion of breastmilk substitutes, with proposed consideration to be given to such restrictions in future work updating other media codes for the AVMS Directive.

Against this background, Dairy Industry Ireland member companies

- Ask Coimisiún na Meán to reconsider the inclusion of reference to infant and follow on formula within the definition of audiovisual commercial communications as being 'harmful' to children and to the general public.
- Ask that any specific additional requirements relating to commercial communications of infant and follow-on formula on platforms falling under the jurisdiction of the Online Safety Code as referred to by Coimisiún na Meán be; evidence based, in accordance with existing legislation, and developed through engagement with DII as part of the proposed next consultative phase.



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Further specific additional DII comments in relation to questions raised are as follows:

CONSULTATION ON DRAFT ONLINE SAFETY CODE

1. Do you have any comments on sections 1 - 9 of the draft Code?

Section 4.12 states pursuant to section 139K(3) of the Act and Article 28b(3) of the AVMS Directive it is an objective of the Code that measures applied within are to be practicable and proportionate. DII wish to support this core objective and asks that this be applied to measures taken in relation to commercial communications on infant and follow-on formula.

5. Do you have any comments on any other definitions provided in the draft Code?

Section 10: Definitions

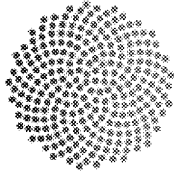
DII would like to comment on section 10 definition of “audiovisual commercial communications harmful to the general public” in which reference is made to audiovisual commercial communications for infant and follow-on formula as follows; *audiovisual commercial communications for infant and follow-on formula which contravene the European Union (Food Intended for Infants and Young Children, Food for Special Medical Purposes, and Total Diet Replacement for Weight Control) Regulations 2019 and 2022, Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 and/or Regulation (EU) No 609/2013.*

Regulation and practice

Irish and European legislation on the promotion of infant formula frame the permitted advertisement practices of the industry and ensure the appropriate promotion of breastmilk substitutes in Ireland. Adherence to the European legislation detailed within the code is core to all facets of DII member company operations and activities.

Compliance with written, verbal, and electronic communications to the general public is in turn overseen by a range of national bodies. This includes both communication materials direct to parents and caregivers, as well as to healthcare professionals. When breastfeeding is not possible or chosen, formula milks are the only legitimate alternative recognised by the WHO, medical societies and guidelines worldwide during a baby’s first year. When parents, caregivers or health professionals choose to seek information on these products, it is vital that this information can be provided, and that it is accurate and up-to-date.

Included within regulatory requirements are those laid down for promotional and commercial practices for infant formula within Commission Delegated Regulation (EU) 2016/127. These include a restriction of advertising of infant formula to publications specialising in baby care and scientific publications, with no commercial communications permitted to consumers (article 10). Follow-on formula must also not contravene strict regulatory guidelines on commercial communication information to consumers as stated in this regulation (article 11) *‘Informational and educational materials, whether written or audiovisual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants and young children, shall include clear information on all the following points: (a) the benefits and*



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superiority of breast feeding, (b) maternal nutrition and the preparation for and maintenance of breastfeeding, (c) the possible negative effect on breast feeding of introducing partial bottle feeding, (d) the difficulty of reversing the decision not to breastfeed, (e) where needed, the proper use of infant formula.

The Food Safety Authority of Ireland (FSAI) reviews company communication information presented as materials to healthcare professionals. All consumer and HCP communications must also adhere to regulation and guidelines set down both the FSAI and the Advertising Standards Authority of Ireland (ASAI). Materials supplied for this ongoing review include, but are not limited to, company websites, on-pack product claims and presentations given to health professionals.

The sector advocates for the protection of safe feeding for all children. DII members understand the core role that regulation has to play in the protection of breastfeeding. The varying breastfeeding rates between Ireland and other countries across Europe despite these countries having the same legislation, companies, products and advertising practices, reflects the fact that factors which influence breastfeeding are complex and also include socioeconomic and cultural factors at national level.

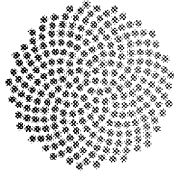
To ensure strict compliance with the law as it relates to product communication itself, DII members engage with all relevant authorities, an example of which is a *Guidance for Compliance with Food Law When Communicating with Health Professionals about Infant Formula* developed jointly with the FSAI ([link](#)).

DII, on behalf of its member companies, also raise complaints with the ASAI on instances where there is non-compliant advertising of infant formula. For example, a complaint made by DII on stage 1 formula advertising non-compliance was upheld in August 2023 for being in breach of Sections 8.31 and 8.32 of the ASAI Code ([link](#)).

DII member companies additionally employ own company codes and policies to ensure compliance with Irish and European regulation and guidelines, as well as supporting the aim of the International Code of Marketing of Breast-Milk Substitutes. These additional codes and policies include, but are not limited to, regulatory compliance training of staff on marketing and advertising across the business, robust screening for compliance of all materials before external sharing and strict procedures for engagement with external persons or agencies in relation to product placement or other promotional activity.

Definition of harm

The above-mentioned actions focus on the scrutiny of and compliance with EU regulation to ensure that there is no contravention of any aspect including on provisions relating to audiovisual commercial communications of infant and follow-on formula. DII members do not however agree with the inclusion of communications of these products within the same context of harm (section 10 Definitions, and section 3.3.4 of overview) as tobacco products and those encouraging behaviour prejudicial to health or safety, amongst others. Reference to harm in any such context is at minimum incorrect and misleading, and at worst has the potential to undermine trust in these legitimate, safe, nutritionally complete products.



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CONSULTATION ON DRAFT STATUTORY GUIDANCE MATERIAL

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Within the draft statutory guidance material, reference is made to an intention to develop specific 'additional requirements' as they relate to commercial communications including those relating to the promotion of infant and follow-on formula. It has been outlined that this will be done following consultation with the public and with video-sharing platform service providers. DII members welcome the commitment by Coimisiún na Meán to this further consultation and expresses interest in supporting this consultation. DII asks that any additional requirements be evidence-based, proportionate and in accordance with the law.



Irish Heart Foundation

The National Stroke & Heart Charity

Coimisiún na Meán

**Online Safety
Consultation**

January 2024



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Introduction

We welcome the opportunity to make a written submission to Coimisiún na Meán on developing Ireland's first binding Online Safety Code for video-sharing platform services, intended to ensure that VSPS take appropriate measures to protect children from harmful content. This follows on from our submission to the Call for Inputs in September 2023.

Furthermore, we welcome further engagement with Coimisiún na Meán in the coming months as the Code is finalised, the super complaints mechanism is established and further media codes are developed.

The Irish Heart Foundation (IHF) promotes policy changes that reduce premature death and disability from cardiovascular disease (CVD). A number of the risk factors for CVD have been shown to be influenced by developments in the digital world. The rapid evolution of online platform capabilities and the sophistication of new forms of commercial communication has sparked the need for concrete action to be taken to protect children from exploitation and harms.

The Irish Heart Foundation sees an important role for the regulation of harmful content in protecting children's health and protecting them from privacy risks, loss of reputation, commercial exploitation of personal data, profiling and cyber harassment. Today's youth – in the womb through to adolescence - are at the epicentre of an exploding digital media and marketing landscape. Indeed, there is significant scope for the Media Commission to recognise and support the position that children hold in the digital ecosystem, as articulated by UNICEF: "that of rights holders, entitled to be protected from violations of their privacy and deserving an Internet free from manipulative and exploitative practices."

Due to the current complexity of the regulatory framework on commercial communications – which covers media law, consumer protection law, e-commerce law and data protection law – policy makers and legislators are being faced with increasing difficulties in how to provide accountability mechanisms, and regulate for, commercial communications that appear across various platforms (traditional media and internet content). We welcome that this first Online Safety Code begins to deal with some of these issues for Video Sharing Platform Services.

In our response, we outline our concerns regarding online advertising of high fat, salt and sugar foods (HFSS) primarily, but also e-cigarettes and Commercial milk formulas, and discuss issues with current regulations for online advertising of these products. Audiovisual commercial communications strongly influence what young people eat and drink, harming their health, well-being, and rights. Additionally, these commercial communications are incompatible with a vision for health-promoting and sustainable food systems and, as such, must be addressed by Coimisiún na Meán in the development of this Online Safety Code.

How the Submission is structured

The Consultation document set out a number of questions across four topics, exploring a wide range of issues, many of which are outside the direct expertise of the IHF. Therefore, questions relevant to the work of the IHF, as well as groups such as the Children's Rights Alliance of which the IHF is a member and BFLGI, are addressed in order.

Some question responses are linked and reference each other, given some of the related content and importance to this submission. This submission to the Online Safety Consultation document responds to the questions provided by Coimisiún na Meán.

Why is the regulation of commercial communication of high fat, sugar, and salt (HFSS) foods so important?

The scale of overweight and obesity in Ireland emphasises the need for comprehensive action. Safefood research estimates that 55,056 children currently living in the Republic of Ireland and 85,688 on the whole island will die prematurely due to overweight and obesity.¹ Research by the World Obesity Federation predicts that by 2025, 241,000 schoolchildren in Ireland will be overweight or obese by 2025 and as many as 9,000 will have impaired glucose intolerance; 2,000 will have type 2 diabetes; 19,000 will have high blood pressure; and 27,000 will have first stage fatty liver disease.² According to the WHO, 65% of the diabetes burden, 23% of heart disease and between 7% and 41% of certain cancers are attributable to overweight and obesity.³ Similarly, the risk of coronary heart disease, ischaemic stroke and type 2 diabetes grows steadily with increasing body mass.

The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2018 and 2019⁴ found that:

- 1 in 5 primary school children have overweight or obesity.
- Overweight and obesity is more prevalent in girls, and in disadvantaged schools.
- The stabilisation of overweight and obesity prevalence appears to be continuing, with 1 in 5 surveyed children having overweight or obesity.
- A significant disparity is apparent between disadvantaged and other schools; this disparity is widening, particularly in older primary school children.
- There is a need to develop a better understanding of, and effective responses to, factors affecting weight gain in families and communities experiencing socio-demographic challenges, and in children, particularly girls, between the ages of 8 and 12.

In 2016 the WHO Commission on Ending Childhood Obesity concluded that “there is unequivocal evidence that the marketing of unhealthy foods and sugar-sweetened beverages is related to childhood obesity”.⁵ Furthermore, a 2022 World Health Organisation (WHO) Europe region report identified banning online advertising of unhealthy food to children amongst the most promising whole population policies for improving health and tackling overweight and obesity.⁶ This is because, in summary:

¹ Ivan J. Perry, Seán R. Millar, Kevin P. Balanda, Anne Dee, David Bergin, Laura Carter, Edel Doherty, Lorraine Fahy, Douglas Hamilton, Abigail Jaccard, André Knuchel-Takano, Laura McCarthy, Adam McCune, Grace O’Malley, Laura Pimpin, Michelle Queally and Laura Webber. (2017). What are the estimated costs of childhood overweight and obesity on the island of Ireland?. Safefood ISBN: 978-1-905767-75-5
Publication date: November 2017 [Online] Available from: <https://www.safefood.net/getmedia/07c9ceb0-dd71-4658-b679-cfc40c03e16b/Cost-of-childhood-obesity-Report.aspx?ext=.pdf>

²World Obesity Federation. (2017). Ireland National Infographic. Available from:
<http://www.obesityday.worldobesity.org/fullscreen-page/comp-it36nur2/068a7dcd-eb0d-4dd7-9cf6-1220ddc79ef0/60/%3Fi%3D60%26p%3Doa2r2%26s%3Dstyle-j84eeb5h>

³ World Health Organization (2009). Global Health Risks - Mortality and burden of disease attributable to selected major risks. Available from: http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

⁴ Mitchell L, Bel-Serrat S, Stanley I, Hegarty T, McCann L, Mehegan J, Murrin C, Heinen M, Kelleher C (2020). The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2018 and 2019. [Online] Available from: <https://www.hse.ie/eng/about/who/healthwellbeing/our-priority-programmes/health/childhood-obesity-surveillance-initiative-cosi/childhood-obesity-surveillance-initiative-report-2020.pdf>

⁵ World Health Organization (2016). Report of the commission on ending childhood obesity. Geneva. [Online] Available from: <https://www.who.int/publications/i/item/9789241510066>

⁶ WHO Regional Office for Europe (2022). WHO European Regional Obesity Report 2022. Copenhagen. Licence: CC BY-NC-SA 3.0 IGO. [Online] Available from: <https://apps.who.int/iris/bitstream/handle/10665/353747/9789289057738-eng.pdf>

- Recognition of food marketing across channels begins in infancy and brand logos are learned and linked to the products they sell before children know their ABCs⁷⁸
- Almost all sales by these major brands are unhealthy⁹. For example, of sales of the top 20 global food and beverage companies, 89% was classified as unhealthy (using the WHO Europe nutrient profile model).
- Ubiquitous promotion of unhealthy foods and beverages further normalises harmful eating preferences and practices.

Why is the regulation of commercial communications of Commercial Milk Formula (CMF) so important?

Supporting the submission of BFLGI to this consultation, the IHF we refer to commercial milk formula products (CMF) throughout this submission to capture all forms of breastmilk substitutes (including all formulas up to the age of 36 months as per the WHO guidelines).¹⁰ This comes from the recent Breastfeeding series published in *The Lancet* where internationally leading experts on infant and young child nutrition use the term commercial milk formula (CMF) 'instead of breastmilk substitute to highlight the artificial and ultra-processed nature of formula products'.¹¹

The Code of Marketing of Breastmilk Substitutes (the Code)¹² is the authoritative international public health guidance that sets the marketing standards for CMF products. As a WHO member state and signatory to the UN Convention on the Rights of the Child (UNCRC), Ireland has an obligation under the Code and international human rights law to embody the Code into domestic law.¹³ To date, Ireland has implemented laws prohibiting the marketing of CMF for babies up to 6 months. Still, it has failed to fully align with the Code to regulate the marketing of CMF for up to 36 months (despite being an original signatory in 1981). Consequently, Irish mothers/parents are exposed to an extensive range of CMF marketing, including digital marketing.

The growing threat of digital CMF marketing gives companies unparalleled access to pregnant women, new mothers, and parents, allows the cross-promotion of products, as well as undermining public health efforts and investment to support and protect breastfeeding. It is highlighted that the Code prohibits the cross-promotion of CMF, and digital marketing is one of the most effective ways this practice is carried out.¹⁴ Consequently, regulating the digital marketing of CMFs is critical and increasingly recognised as an urgent global public health action. The evidence that digital marketing

⁷ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children's food brand knowledge. Early development and associations with television viewing and parent's diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

⁸ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children's Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792-797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

⁹ Bandy L, Jewell J, Luick M, Rayner M, Li Y, Shats K, Jebb S, Chang S, Dunford E. The development of a method for the global health community to assess the proportion of food and beverage companies' sales that are derived from unhealthy foods. *Global Health*. 2023 Dec 1;19(1):94. doi: 10.1186/s12992-023-00992-z. PMID: 38041091; PMCID: PMC10690999 [Online] Available from: <https://globalizationandhealth.biomedcentral.com/counter/pdf/10.1186/s12992-023-00992-z.pdf>

¹⁰ World Health Assembly (WHA) Resolution 69.9 *Ending inappropriate promotion of foods for infants and young children* online http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R9-en.pdf

¹¹ Rollins N, Piwoz E, Baker P, Kingston G, Mabaso KM, McCoy D, Ribeiro Neves PA, Pérez-Escamilla R, Linda Richter L, Kathryn Russ K, Sen G, Tomori C, Victora CG, Zambrano P, Gerard Hastings G. Marketing of commercial milk formula: a system to capture parents, communities, science, and policy. (2023) *The Lancet*. 404: 486-502.

¹² WHA *International Code of Marketing of Breast-Milk Substitutes* (1981) WHA Res 34.22.

¹³ Rollins (n 11); Patton C. (forthcoming) *Breastfeeding as a Human Right within the UN Human Rights System*.

¹⁴ WHO and UNICEF, Information Note: Cross-promotion of infant formula and toddler milks (2019). Online: <https://iris.who.int/bitstream/handle/10665/332490/WHO-NMH-NHD-19.27-eng.pdf?sequence=1>

influences parents' infant feeding choices and undermines breastfeeding and public health advice is well-established¹⁵

The WHO report on the 'Scope and Impact of Digital Marketing Strategies for Promoting Breast-milk Substitutes' noted that digital environments are fast becoming the predominant source of exposure to the promotion of CMF globally. Digital marketing amplifies the reach and power of advertising and other forms of promotion in digital environments, and exposure to digital marketing increases the purchase and use of CMF products.¹⁶

Since Coimisiún na Meán's Call for Inputs in September 2023, the severity of CMF digital marketing as a public health concern has been acted upon by the WHO, and it issued guidance for WHO member states on regulating the digital marketing of CMF.¹⁷ The Guidance has eleven detailed recommendations, including:

- Member States should ensure that regulatory measures effectively prohibit the promotion of products within the scope of the Code, including brand promotion, across all channels and media, including digital media.
- Member States should confer legal duties of compliance to monitor and take immediate action to prevent or remedy prohibited marketing on entities along the digital marketing value chain.
- Member States should strengthen monitoring systems for detecting prohibited marketing in the digital environment.
- All entities along the digital marketing value chain and in health care systems should ensure that their marketing practices conform to the Code in digital environments, irrespective of any regulatory measures implemented at national and subnational levels.

¹⁵ World Health Organization and UNICEF (2022). *How the Marketing of Formula Milk Influences our Decisions on Infant Feeding* Online www.who.int/publications/i/item/9789240044609 WHO and UNICEF (2022). *Scope and Impact of Digital Marketing Strategies for Promoting Breastmilk Substitutes Online* <https://iris.who.int/bitstream/handle/10665/353604/9789240046085-eng.pdf?sequence=2>

¹⁶ WHO and UNICEF (n 14).

¹⁷ WHO, *Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes* (2023). Online <https://iris.who.int/bitstream/handle/10665/374182/9789240084490-eng.pdf?sequence=1>

Summary of Recommendations

1. The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink, alcohol, nicotine products and Commercial Milk Formula products, must be addressed in the harms as set out in the Online Safety Codes.
2. The definition of “audiovisual commercial communications harmful to children” should include the additional points:
 - audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
 - audiovisual commercial communications for infant formula and follow-on formula
3. Delete “electronic cigarettes and refill containers” and replace it with “Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS), refill containers, oral nicotine products and other nicotine delivery systems.”
4. A publicly available database where VSPS recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.
5. There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.
6. Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme.
7. Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
8. Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Consultation on Draft Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

On page 38, Section 4 Regulatory Principles Relevant to the Code at subsection 4.3, it notes:

“Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children.”

The 2020 WHO- UNICEF-Lancet Commission on the future for the world’s children noted that “commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing”. Moreover, the pandemics of obesity, undernutrition, and climate change represent three of the gravest threats to human health and survival.¹⁸

The commercial advertising and marketing of several products, services and brands are associated with poor health. Harmful commodities include but are not limited to unhealthy food and beverages, alcohol, drugs, tobacco, e-cigarettes and Commercial Milk Formula products. Keeping in line with Section 4.3 of the Draft Code, other relevant sections of the Online Safety Code should specifically regulate harmful commercial advertising and marketing to prevent children’s exposure to such audiovisual commercial communications. Such regulation relating to the digital environment should in no circumstance be less effective than regulation in the offline environment.

Recommendation

The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink, alcohol, nicotine products and Commercial Milk Formula products, must be addressed in the harms as set out in the Online Safety Codes.

¹⁸ Boyd Swinburn et al, The Global Syndemic of Obesity, Undernutrition, and Climate Change: The Lancet Commission report, 2019, Vol: 393, Issue: 10173, Page: 791-846

5. Do you have any comments on any other definitions provided in the draft Code?

By establishing a robust, clear and comprehensive set of definitions for the Online Safety Code, then no segment of the environment of Video Sharing Platforms should be at a competitive advantage. This is especially so when it comes to the regulation of commercial communications.

Overall, the IHF recommends that harmful products are not exempt from the definitions in the Online Safety Code, both to protect adults and children from harmful communications relating to nicotine products, HFSS food and drink and CMF, but also as a means of working towards the overall policy objective of reducing harms given the relationships these products and public health concerns.

- **Definition at page 44: “child” means a person under the age of 18 years.**

Read in conjunction with the statutory guidance and associated explanatory note where it notes that “Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications”, there is a friction and concrete example of the lack of cohesion between statutory and non-statutory mechanisms. As per the [ASAI guidance note on High Fat, Salt and Sugar \(HFSS\) Food and Non-alcoholic beverages marketing communications](#), “The ASAI Code sets out rules which restrict the advertising of HFSS foods to children under the age of 15.” There is a clear conflict here as the Online Safety Code refers to children as under 18, but self-regulatory bodies (to which the OSC refers and recommends to VSPS) only use under 15s.

Any legislation or regulatory codes which purport to protect children should use the Convention on the Rights of the Child (CRC) definition of children – individuals under 18 years. If policies and codes start to employ different definitions of children in different documents or with respect to different activities, there will be a differential level of protection offered. We cannot accept a situation where policy deems older children’s rights less worthy of strong protection. Moreover, it cannot be the case that the OSC offers protection to children (under 18) from online harms, except in certain circumstances where it promotes self-regulatory mechanisms. This creates hierarchies in the protection of children and undermines the need for comprehensive regulation.

- **Definition at page 45: “audiovisual commercial communications harmful to children” means...**

The definition of “Audiovisual commercial communications harmful to children” excludes HFSS foods and drinks, as well as breast milk substitutes.

In the Public consultation Q&A document, it notes:

“Legal Provisions 1. What legislation is the code based on? The power for Coimisiún na Meán to make Online Safety Codes is contained in Section 139K of the Online Safety and Media Regulation Act 2022. In addition, the Code must address the harms set out in Article 28b of the EU Audiovisual Media Services Directive 2018.”

Section 139K contains the wording:

“Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”

Therefore, Coimisiún na Meán has the power to include these products in the definitions of “Audiovisual commercial communications harmful to children”.

While those harms, audiovisual commercial communication and regulated content harms, referenced in the OSC unquestionably require regulation, and the promotion of unhealthy foods and beverages is often perceived as innocuous in comparison, it is important to note that unhealthy food marketing is, health data show, a silent, slow-burn killer, promoting food preferences, requests and consumption that are shortening the lives of a third of the population, while masquerading as family- and child-friendly source of pleasure.

Indeed, “Unhealthy diets are a leading global public health risk, contributing to all forms of malnutrition (i.e. undernutrition; micronutrient-related malnutrition; and overweight, obesity and diet-related noncommunicable diseases (NCDs)).”¹⁹

HFSS food and drink marketing is harmful and there is a clear link between food promotion and children’s food preferences, what they buy and what they eat.²⁰ Advertising influences how much children eat²¹, and can lead to them ‘pestering’ parents to buy unhealthy products.^{22 23} Children are a vulnerable group who have the right to protection from advertising due to their limited capacity to critically understand advertising and marketing practices.²⁴ Research shows that children as young as 18 months can recognise brands²⁵, with preschool children demonstrating preferences for branded products.²⁶ **Audiovisual commercial communications of these products are harmful to children, and so should fall within the scope of “audiovisual commercial communications harmful to children”.**

The opportunity to protect children online in a meaningful way should not provide loopholes to companies that exploit children’s online activities for profit. Simply leaving HFSS food and CMF out of the definition of harmful audiovisual commercial communications on the basis that they will be addressed in a separate code is insufficient. There is no guarantee that those extra codes will be developed in a timely manner, nor is there certainty as to the scope of these codes. Moreover, and considering the content of the statutory guidance, the statutory standing of any future codes in this

¹⁹ World Health Organization (2023) Policies to protect children from the harmful impact of food marketing: WHO guideline. Geneva: World Health Organization [Online] Available from: <https://apps.who.int/iris/rest/bitstreams/1514114/retrieve/pix>

²⁰ Public Health England (2015). Sugar Reduction: the evidence for action. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470179/Sugar_reduction_The_evidence_for_action.pdf

²¹ Emma J Boyland, Sarah Nolan, Bridget Kelly, Catrin Tudur-Smith, Andrew Jones, Jason CG Halford, Eric Robinson; Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults, *The American Journal of Clinical Nutrition*, Volume 103, Issue 2, 1 February 2016, Pages 519–533, <https://doi.org/10.3945/ajcn.115.120022>. Available from: <https://academic.oup.com/ajcn/article/103/2/519/4662876>

²² Gerard Hastings, Laura McDermott, Kathryn Angus, Martine Stead and Stephen Thomson. (2006). The extent, nature and effects of food promotion to children [electronic resource] : a review of the evidence : technical paper / prepared for the World Health Organization. WHO. Available from: http://www.who.int/dietphysicalactivity/publications/Hastings_paper_marketing.pdf

²³ Laura McDermott, Terry O’Sullivan, Martine Stead & Gerard Hastings (2015) International food advertising, pester power and its effects, *International Journal of Advertising*, 25:4, 513-539, DOI: [10.1080/02650487.2006.11072986](https://doi.org/10.1080/02650487.2006.11072986). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2006.11072986>

²⁴ Young, B (2003). Does food advertising influence children’s food choices? A critical review of some of the recent literature, *International Journal of Advertising*, 22:4, 441-459, DOI: [10.1080/02650487.2003.11072862](https://doi.org/10.1080/02650487.2003.11072862). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2003.11072862>

²⁵ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children’s food brand knowledge. Early development and associations with television viewing and parent’s diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

²⁶ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children’s Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792–797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

area is also unclear. ***This OSC for VSPS may be the one and only chance to subject HFSS food and CMF audiovisual commercial communications to meaningful legal controls.***

The explanatory note (page 2) says that “The definitions of “audiovisual commercial communications harmful to the general public” and “audiovisual commercial communications harmful to children” address the requirements of Article 9(1) of the Audiovisual Media Services Directive.” However, given the omission of HFSS food and drink and CMF from the definitions, there is scope for their inclusion in the codes. Coimisiún na Meán can certainly go beyond the requirements of Article 9(1), so long as the rules are compatible with the general principles of EU free movement law, which given the public health interests of children, would be considered appropriate and necessary for protecting public health.

The inclusion, and recognition, of HFSS food and drink advertising as commercial communications harmful to children is proportionate to the scale of childhood overweight and obesity in Ireland, and the consequences for life and long-term health.

The WHO identify the safeguarding of child health and development from harmful commercial marketing, including from formula marketing, as an opportunity for action²⁷. The exclusion of babies and infants from the protections of this Online Safety Code could therefore undermine its effectiveness as a tool to prevent the evolution of childhood obesity and other harms to the physical health of children. The Code must recognise the impacts of advertising and marketing on caregivers as part of the remit of policies to protect children from the harmful impact of audiovisual commercial communications, recognising marketing affects children’s diets in many cases.

Breastfeeding is described as a protective factor with regards to obesity development, with research exploring the relationship between breastfeeding and obesity in 22 European countries finding that, compared to children who were breastfed for at least 6 months, the odds of obesity were higher among children never breastfed or breastfed for a shorter period.²⁸

Overall, we recommend that these products are not exempt from the definitions, both to protect adults and children from CMF marketing, but also as a means of working towards the overall policy objectives of reducing harms given the relationship between breastfeeding and public health.

Recommendation

The definition of “audiovisual commercial communications harmful to children” should include the additional points:

- audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
- audiovisual commercial communications for infant formula and follow-on formula

²⁷ World Health Organization and the United Nations Children’s Fund (UNICEF). (2022). How the marketing of formula milk influences our decisions on infant feeding. Geneva Licence: CC BY-NC-SA 3.0 IGO [Online] Available from: <https://www.who.int/publications-detail-redirect/9789240044609>

²⁸ Rito AI, Buoncristiano M, Spinelli A, Salanave B, Kunešová M, Hejgaard T, García Solano M, Fijałkowska A, Sturua L, Hyska J, Kelleher C, Duleva V, Musić Milanović S, Farrugia Sant’Angelo V, Abdrakhmanova S, Kujundzic E, Peterkova V, Gualtieri A, Pudule I, Petrauskienė A, Tanrygulyyeva M, Sherali R, Huidumac-Petrescu C, Williams J, Ahrens W, Breda J. Association between Characteristics at Birth, Breastfeeding and Obesity in 22 Countries: The WHO European Childhood Obesity Surveillance Initiative – COSI 2015/2017. *Obes Facts*. 2019;12(2):226-243. doi: 10.1159/000500425. Epub 2019 Apr 26. PMID: 31030194; PMCID: PMC6547266. [Online] Available from: <https://pubmed.ncbi.nlm.nih.gov/31030194/>

- **Definition at page 45: “audiovisual commercial communications harmful to the general public” means... audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers;”**

This definition comes from Article 9(1) of Directive (EU) 2018/1808 which states that ‘(d) all forms of audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers shall be prohibited.’

While we greatly welcome this measure as it will protect children and teenagers from the harmful advertising of tobacco products and electronic cigarettes, the Irish Heart Foundation recommends consideration is given to the expansion of the definition of electronic cigarettes to counter the development, promotion, and communication via audiovisual commercial communications of any novel nicotine and non-nicotine products produced by tobacco and e-cigarette companies. As guidance, the World Health Organisation, when describing electronic cigarettes, define these products as “Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS)²⁹.” We should also be clear that when we reference nicotine, that this includes synthetic nicotine as well as natural nicotine (which is derived from the tobacco leaf).

These industries have a proven track record of exploiting any form of ambiguity in legal definitions and innovating new products that are deliberately designed to evade legal texts so that they can continue to sell their harmful products for commercial gain. This is evidenced by tobacco companies identifying and abusing loopholes in the EU-wide menthol cigarette ban to keep selling their products³⁰. And just recently, tobacco companies exploiting a legal loophole in the UK to promote flavoured nicotine pouches³¹.

Nicotine pouches are now being aggressively marketed as regulators worldwide clamp down on electronic cigarettes. Moreover, non-nicotine electronic cigarettes that have the option of adding nicotine after purchase may be deliberately promoted if they are omitted from the definitions or statutory guidance relating to e-cigarettes.

Recommendation

Delete “electronic cigarettes and refill containers” and replace it with “Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS), refill containers, oral nicotine products and other nicotine delivery systems.”

²⁹ WHO. (2021). WHO REPORT ON THE GLOBAL TOBACCO EPIDEMIC, 2021. Addressing new and emerging products. [Online] Available here: <https://iris.who.int/bitstream/handle/10665/343287/9789240032095-eng.pdf?sequence=1>

³⁰ Stockton et al. (2021). ‘Impossible to enforce’: Big Tobacco exploiting loopholes in European menthol ban. The Bureau of Investigative Journalism. [Online] Available here: <https://www.thebureauinvestigates.com/stories/2021-11-02/big-tobacco-exploiting-loopholes-in-european-menthol-ban>

³¹ Das, Shanti. (2023). Influencers and freebies: Big Tobacco’s push to sell nicotine pouches in UK. The Guardian.[Online] Available here: <https://www.theguardian.com/business/2023/jul/30/influencers-and-freebies-big-tobaccos-push-to-sell-nicotine-pouches-in-uk>

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is worrying that VSPS are setting their own targets. There is concern that they will set targets that are arbitrary or achievable. Similarly, there are questions on whether VSPS are being left to evaluate their own targets, then reporting their own findings to Coimisiún na Meán who just evaluate if they have met their self-set targets.

Rigorous reporting is needed to avoid VSPS effectively setting their own standards. Currently the industry has the capacity to furnish significantly more information than they do. The code must insist on this. Relying on the VSPS to just report themselves, creates the opportunity for them to just comply, and to be creative in what the targets they set are and the evaluations they will do of their own targets.

12. What is your view on the requirements in the draft Code in relation to complaints?

The content for question 12 is allied to the substantive response in Question 25. There can be no doubt that the issue of complaints, particularly with respect to audiovisual commercial communications, is inextricably linked to the regulatory mechanism in place. In that regard, complaints processes and mechanisms, and the associated bodies or flaggers to be established, should not be industry bodies.

A 2013 systematic review³² found significant divergence between the reported impact of marketing regulation (including self-regulation by industry) provided in peer-reviewed journals, or industry-sponsored reports, showing the need for external monitoring. Moreover, of studies evaluating voluntary policies, significantly more studies showed undesirable effects than desirable effects on exposure to, and power of, food marketing. This was not the case for studies evaluating mandatory policies.³³

Self-regulation is dealt with in more detail in Question 25.

³² Galbraith-Emami, S. and Lobstein, T. (2013) 'The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review'. *Obesity Reviews*.

³³ Boyland, E, McGale, L, Maden, M, Hounsome, J, Boland, A, Jones, A. Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed. *Obesity Reviews*. 2022; 23(8):e13447. doi:10.1111/obr.13447

13. Do you have any other comments on the requirements in section 11 of the draft Code?

The importance of transparency on the part of the services and platforms being regulated, and of the regulatory rules that are imposed on them, must be paramount. In the first instance, platforms and on-demand providers must respond to requests for information from the Commission. Currently, information in the public domain about platforms' approaches to dealing with harmful content is limited, with inconsistencies in the information that is available across platforms - there is no way of assessing the impact and effectiveness of these approaches, either with respect to takedown of material or blocking of legal content. Evaluations are generally conducted by intermediaries and platforms themselves, who have discretion on what to measure and disclose, with the transparency reports provided by many platforms noted not to "represent a comprehensive assessment of the impact of their content governance activities."³⁴

Indeed, it has been noted that outside of proprietary industry research, there is no independent public data to reliably monitor the extent to which children are exposed to commercial advertising and marketing online, and the impact these powerful and opaque digital marketing strategies have on children's identities, behaviour and development.³⁵

Much more information is required in order to better understand how harmful behaviour is perpetrated online, how harmful content is shared and amplified, and how well digital platforms are responding to improve safety.

Recommendation

A publicly available database where VSPS recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.

³⁴ Mark Bunting. (2018). *Keeping Consumers Safe Online Legislating for platform accountability for online content*. [Online]. Available from: <http://static1.1.sqspcdn.com/static/f/1321365/27941308/1530714958163/Sky+Platform+Accountability+FINAL+020718+200.pdf?token=liv5b6G14vlgGq8x%2BWRfKHhNTN4%3D> p13

³⁵ Garde, A et al. (2020). General Comment submission Children's rights in relation to the digital environment. [Online]. Available from: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

When considering harmful audiovisual commercial communications that impinge on the rights of children, commercial communications to or at children alone, should not just be considered. While “women are the primary targets of formula milk marketing and have been for decades... Approaches aim to engage women early in their pregnancies to create brand loyalty from then through their children’s infancy, the toddler years and beyond” and these advertising strategies directly undermine children’s health and development. Online Safety Codes should protect all children, not just those old enough to have digital access. Babies and infants are our most vulnerable children and their protection should be extended through the caregiver by shielding the caregiver from infant formula marketing messages. The UN Convention on the Rights of the Child identifies implementation of the International Code of Marketing of Breast-milk Substitutes and strengthening the State’s regulatory framework for industries and enterprises to ensure that their activities do not have adverse impacts on children’s rights as crucial steps to upholding the Convention on the Rights of the Child.

Further content for question 17, linked to the paragraph below, is allied to the substantive response in Question 25.

A 2023 report on protecting children from the harmful impact of food marketing from the World Health Organization and the United Nations Children’s Fund note that “the main stakeholders responsible for implementing effective policies to protect children from the harmful impact of food marketing should be trusted public authorities, as the bearers of a duty to protect children’s rights and public health. Delegation of responsibility to other stakeholders (e.g. sector associations representing the advertising industry or broadcasters) is not recommended as it has been shown to create conflicts of interest at the heart of policy discussions in many countries”.³⁶

Voluntary actions have not been demonstrated to work effectively to protect children from the impact of harmful commercial communications. They are not – and should not be viewed as – an appropriate mechanism to ensure that children are effectively protected from harmful marketing.

Key findings and recommendations from research in this area:

- Food advertising targeting children is pervasive and its influence on children’s behaviour contributes to the childhood obesity epidemic;
- Online food marketing is exploitative, surveillant and violates multiple rights, including children’s rights to health, privacy and freedom from exploitation³⁷
- Advertising standards authorities/ associations are industry bodies. They have little or no formal accountability to government or the public. They are established and financed by the advertising industry. They exist to protect advertising industry interests.
- Similarly, industry-led regulatory mechanisms such as the EU Pledge have been shown to be slow, reactive,³⁸ and not fit for the purpose of protecting children and adolescents from the harmful effects of conditioning to view unhealthy commodities as a source of love, fun and pleasure from infancy onwards.

³⁶ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf> p26

³⁷ Tatlow-Golden, Mimi & Garde, Amandine. (2020). Digital food marketing to children: Exploitation, surveillance and rights violations. *Global Food Security*. 27. 100423. 10.1016/j.gfs.2020.100423.

³⁸ Calvert, E. (2021). *Food marketing to children needs rules with teeth*. Brussels: BEUC. Available at <https://www.beuc.eu/publications/food-marketing-children-needs-rules-teeth>

- The extent of lobbying of governments by unhealthy food corporations – identified as the greatest lobbying spenders of lobbyists for unhealthy commodities and practices in the US³⁹ is such that it makes a mockery of regulatory processes to charge their representatives with safeguarding children and their health.
- The public health objective is to protect children from the harmful effects of food advertising. The advertiser's overriding commercial interest means using advertisements that effectively encourage children to consume unhealthy food. A *clear* conflict of interest exists.
- To devolve responsibility for and monitoring of advertising practice and standards to the advertising industry is a failure of a government's duty of care to its people and legal obligations under human rights law, in particular, the UN Convention on the Rights of the Child.
- Government regulation of food advertising to children must be implemented globally.

³⁹ Chung, H., Cullerton, K. and Lacy-Nichols, J. (2024), Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. *Milbank Quarterly*. <https://doi.org/10.1111/1468-0009.12686>

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

“To prevent harm to people’s health and fulfil their obligation under the right to health, States should put in place national policies to regulate advertising of unhealthy foods. States should formulate laws and a regulatory framework with the objective of reducing children’s exposure to powerful food and drink marketing... Companies often voluntarily adopt self-formulated guidelines and standards to restrict Government regulation and respond public demands... However, self-regulation by companies has not had any significant effect on altering food marketing strategies... Due to a variety of reasons, such as the non-binding nature of such self-regulation, lack of benchmarks and transparency, inconsistent definition of children and different nutrition criteria, companies may be able to circumvent guidelines, blunting the intended effect of marketing guidelines they instituted... Owing to the inherent problems associated with self-regulation and public-private partnerships, there is a need for States to adopt laws that prevent companies from using insidious marketing strategies.”⁴⁰

We do not support the current approach of industry-led self-regulation for online advertising, and believe the system fundamentally needs to change towards stronger independent statutory regulation and enforcement. There is widespread evidence which shows that voluntary and industry-led regulation is ineffective^{41,42,43}, with industry protecting their own interests over public health and other considerations. Such systems are insufficient to undertake the robust regulation required to protect both children and adults from pervasive HFSS advertising⁴⁴.

Problems with self-regulatory complaints mechanisms include:

- Complaint procedures do not provide a level playing field between citizens and industry: they are onerous and time-consuming processes for individual complainants.
- There is a lack of effective enforcement mechanisms such as fines to serve as a deterrent.
- Compliance and informal resolution processes are not open to public scrutiny.

Reflecting responses to other questions 12, 17 and 25, we do not believe the ASAI should be responsible for the day-to-day regulation of the HFSS advertising restrictions. We call for regular proactive monitoring to identify non-compliance. The success of measures contained in the Code cannot rely on reactive complaints alone. Proactive monitoring should be carried out by an independent group with full details on breaches published and pursued for enforcement.

⁴⁰ UN General Assembly Human Rights Council. (2014). Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover: Unhealthy foods, non-communicable diseases and the right to health. [Online] Available from:

https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-31_en.doc

⁴¹ World Cancer Research Fund International (2020). Building Momentum: lessons on implementing robust restrictions of food and non-alcoholic beverage marketing to children. Available at wcrf.org/buildingmomentum

⁴² Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764.

⁴³ Reeve, B. and Magnusson, R., (2018). Regulation of food advertising to children in six jurisdictions: a framework for analyzing and improving the performance of regulatory instruments. *Ariz. J. Int'l & Comp. L.*, 35, p.71

⁴⁴ Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Recommendation

There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.

At Page 24, Section 4 Consultation on Draft Statutory Guidance, 4.1.10 Commercial Communications, it notes:

“This indicates Coimisiún na Meán’s plans in relation to developing additional requirements and advises providers to have regard to certain of its Commercial Codes. Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications.”

Unfortunately, it appears that self-regulatory mechanisms are being given credibility and support here, with the statutory guidance explicitly telling VSPS to use and refer to self-regulatory bodies on certain commercial communications i.e. ASAI. This is extremely problematic as this not only gives the ASAI codes moral authority and weight from the State’s Media Commission and Media Regulator, it also then means that their complaint and enforcement systems will be used. Self-regulation is no regulation. Providers should have statutory regulatory measures to draw upon. Moreover, even if enforced rigorously, these self-regulatory mechanisms do not cover a great deal of harmful advertising techniques.

We echo the calls from the WHO and UNICEF that the best way to respect, protect and fulfil children’s rights when it comes to protecting them from harmful commercial communications is to adopt a mandatory, comprehensive regulatory approach, while recognising that steps taken to restrict these harms must integrate both a public health lens and a child rights lens.⁴⁵

This recommendation complements the recommendation that HFSS food and drink and Commercial Milk Formula products are included in the definition of “audiovisual commercial communications harmful to children”, so that these protections enjoy the full application of regulation and statutory supports.

⁴⁵ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf>

Recommendation

Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme

In the section “Guidance: Complaints” at page 71, it notes:

“The Commission advises video-sharing platform service providers to reasonably prioritise the notifications they receive about harmful content addressed by the Code from nominated bodies and trusted flaggers provided for in the Act and the DSA.”

Read in conjunction with the Call for Inputs submissions, and more specifically, that of the ASAI, it is important that advertising self-regulatory bodies established in the EU should not be actively encouraged, nor permitted to seek to be a trusted flagger or nominated body under the Code. These bodies would be responsible for flagging content to Coimisiún na Meán. However, we know that their own processes are ineffective and, despite what they show in their own statistics about their effectiveness in responding to complaints, their processes are flawed. There is a slow pace of change with self-regulatory processes.

Bodies like ASAI, funded by industry will be well equipped to propose themselves as a nominated body or trusted flagger as they have capacity to do this. However, the industry cannot be its own watchdog.

In the section “Guidance: Commercial Communications”, at page 71, it notes:

“Commercial communications include advertising, sponsorship, product placement, teleshopping and other forms of marketing. Commercial communications that are harmful to the general public and/or children can have negative impacts on individuals, groups in society and on business. The Commission will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code.”

On this section of the guidance, there are concerns centring around three questions:

- i. Why can the requirements as they relate to commercial communications on HFSS food and drinks and CMF not be included in this Code, or at least referenced? While there is work to be done on the requirements, taking into account many of those requirements in the current broadcasting codes in this area need updating, there is no reason why they must be omitted from this particular code.
- ii. If the additional requirements are being omitted, what mechanism does Coimisiún na Meán envisage will tie this OSC to future OSCs on these commercial communications? Will there be a hierarchy of codes? Is it not better to bring the two together with further guidance notes issued on outstanding issues relating to this regulation? VSPS have responsibility for commercial communications and, given that this Code is laying out the regulatory responsibility for VSPS in this area, inclusive of audiovisual commercial communications, it does not make sense to omit them now, with a view to apply these at a later date.
- iii. Indeed, why not include this as supplementary material? Indeed, in terms of accessibility and ease of application, it is not better to reference these materials now.

We believe all online advertising should be subject to the same level of statutory regulatory control. A straightforward system where all actors are held accountable is preferred and helps to ensure certain actors are unable to shirk their responsibilities.

The section further adds:

“Prior to that, the Commission advises video-sharing platform providers to have due regard to the General and Children’s Commercial Codes of Coimisiún na Meán as they relate to the matters addressed under Article 9(1) of the Audiovisual Media Services Directive. The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland...”

On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Recommendations

- Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
- Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Coimisiún na Meán should not refer to non-statutory regulatory mechanisms in its statutory guidance. The absence of, or gaps in, requirements for HFSS food and drink commercial communications should not equate with reference to non-statutory codes being directed to.

On this section, further questions and concerns include:

- i. Is HFSS food and drink advertising regulation for VSPS being left to ASAI and the requirements of those codes until such new requirements are developed in subsequent Coimisiún na Meán codes or is it permanent?
- ii. Who is the responsible authority for these commercial communications now and into the future?
- iii. Is the direction/guidance to ASAI only interim? When the subsequent codes are developed, will these references to existing non-statutory regulatory measures and ASAI be removed?

Message

From: [REDACTED]
Sent: 31/01/2024 11:14:37
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Maja Porzucek

Submission to Consultation document: Online safety

<https://www.cnam.ie/coimisiun-na-mean-opens-public-consultation-on-irelands-first-online-safety-code/>

From: HSE National Healthy Childhood Programme (NHCP)

- Dr Abigail Collins, Clinical Led Child Health Public Health
- Anne Pardy, Programme Manager NHCP
- Laura McHugh, National Breastfeeding Coordinator
- Meena Purushothaman, Assistant National Breastfeeding Coordinator



mychild.ie

Approximately 57,000 babies were born in Ireland last year and, as children (under 18 years) account for 25% of the Irish population, we have the youngest population in the EU.

The Health Service Executive, through the delivery of The National Healthy Childhood Programme (NHCP), has a key role in supporting families so these babies can fully realise their potential into adulthood. Early intervention and prevention has a positive impact on children's health, social and educational development and offers the best chance of living a happy and fulfilled life.

From birth to their 14th birthday each child will have had at least 22 contacts with the health service as part of the Programme – that is 1.5 million opportunities to “Make Every Contact Count”. Making every contact count is important - investment in the early years of life, starting from conception, creates the best outcomes for children, providing the foundations for health and development over their lifetime.

Breastfeeding is the biologically normal feeding method for infants and young children and ensures optimum growth and development. The World Health Organization (WHO), Department of Health and the HSE recommends that infants are exclusively breastfed for the first six months with continued breastfeeding up to 2 years or beyond.

Formula feeding via bottle is the prevailing cultural norm in Ireland, with approximately 60% of babies being fed infant formula at the age of 3 months. Restricting marketing does not mean that the products cannot be sold, or that factual and scientific information about them cannot be made available to healthcare professionals. Nor does it restrict parents' choice. It simply aims to make sure that their choices are made based on full and impartial information rather than misleading, inaccurate, or biased marketing claims.

It is unclear from the submission document as to why crucial protections for supporting healthy development of children are not included within the scope of the draft online safety Code, given the explicit provision outlined within the Online Safety and Media Regulation Act 2022.

(7) Provision made for the purpose referred to in subsection (2)(d)(ii) may prohibit or restrict, in accordance with law, the inclusion in programmes of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or those foods or beverages which contain fat, trans-fatty acids, salts or sugars.

The WHO report on the scope and impact of digital marketing strategies for promoting breast-milk substitutes noted that digital environments are fast becoming the predominant source of exposure to promotion of breast-milk substitutes globally, digital marketing amplifies the reach and power of advertising and other forms of promotion in digital environments, and exposure to digital marketing increases the purchase and use of breast-milk substitutes¹.

The priority should be given to protect parents and children online, given that this is where the majority of the lucrative marketing takes place and where the greatest protections need to be. The reference that “these proposals merit further consideration as part of its wider work updating other

¹ World Health Organization. (2022). Scope and impact of digital marketing strategies for promoting breastmilk substitutes. World Health Organization. <https://iris.who.int/handle/10665/353604>.

media codes for the AVMS Directive” is not in keeping with the provisions outlined within the Online Safety and Media Regulation Act 2022. Other media codes e.g. TV/radio advertising have significantly less influence when it comes to protecting parents and children from harmful marketing practices for children’s physical and cognitive development.

The NHCP has 4 core recommendations which are important to attend to.

1. The NHCP recommend that high fat, sugar and salt foods, infant formula and follow-on formula is included within all of Ireland’s regulatory media codes, including the most significant and influential online safety code.
2. Restriction on marketing of high fat, sugar and salt foods, infant formula and follow-on formula and toddler milks should be **included within the definition “regulated content harmful to children”** in line with the definitions explanatory note on page 14 of consultation document: Online safety *“covers a range of content that is included if it poses a risk to the life, physical health, mental health and/or safety of a child: cyber bullying, encouraging eating or feeding disorders.....”*.
3. The scope of the following definitions:
 - regulated harmful content to children
 - audiovisual commercial communicationsShould
 - a. prohibit brand promotion or cross promotion of products with logos and branding similar to infant formula, follow-on formula and toddler milks
 - b. also take account of prohibiting advertising of formula feeding products in Ireland that relevant competent authorities (e.g. FSAI, Safer Food and the HSE) deem inappropriate/unsafe for the physical development of the child, e.g. formula preparation machines, UV sterilisers and bottle warmers
 - c. prohibit incentives, rewards or provision of free samples within advertisements as a means of attracting the user to the website or sign up to a product with logos/branding/similarities to any formula milk or toddler milk product
4. The NHCP recommend that more robust and transparent control measures to regulate the online safety code are adopted to include:
 - a. Push the onus of responsibility with monitoring to the marketing and video sharing platform services and not with the end user to submit complaints. Self-regulation and individual complaints processes are not sufficient.
 - b. Reviewing the scope of existing control measures with ASAI and their effectiveness.
 - c. Require video sharing platform services to monitor, report and publish the actions taken to ensure compliance with the online safety code
 - d. Develop effective, dissuasive sanctions for non-compliance.

Safeguard children’s health on digital platforms - restrict marketing of commercial milk formula

The scale of the challenge to support more parents to make evidence based decisions in relation to infant feeding free from commercial influences has been documented in Ireland and by the WHO in the last year.

The recently published World Breastfeeding Trends Initiative report in October 2023 for Ireland outlines, that despite modest increases in breastfeeding rates, there is considerable progress to be made to reach the global target of at least 50% of babies exclusively breastfeed at 6 months. The predominant culture for infant feeding in Ireland is that of formula feeding, and the report outlines recommendations to protect parents from marketing which is significantly influencing infant feeding behaviours in Ireland.

The WHO published guidance for member states in November 2023 for **developing and applying regulatory measures aimed at restricting digital marketing of products that fall within the scope of the International Code of Marketing of Breast-milk Substitutes** and other subsequent relevant resolutions of the World Health Assembly by applying the Code to digital environments in response to a request from the Seventy-fifth World Health Assembly².

The lancet series³, the most seminal recent international research on infant feeding was published in Feb 2023. This three part series emphasises that multifaceted policy and societal responses are needed to increase breastfeeding rates and the need to mitigate negative undermining commercial influences. The series also illustrated how normal Infant behaviours can be misinterpreted as hunger or reframed as abnormal to promote artificial solutions by the formula feeding industry.

In a Briefing by the WHO in Jun 2023 titled *Countries Discuss Measures to Combat Industry Erosion of Exclusive Breastfeeding*, (<https://healthpolicy-watch.news/measures-to-combat-industry-erosion-of-exclusive-breastfeeding/>) the following points were noted:

- **Rates of exclusive breastfeeding are 20% higher in countries that have legislation substantially aligned with the code**
- **Continuation of breastfeeding in the first two years of life is more than twice as high when the legislation is substantially aligned with the code. “Let’s put a stop to the commercialization of our children’s health. It’s time to end exploitative marketing,” said the WHO Director General.**
- little progress (*in increasing breastfeeding rates*) has been made in high-income countries where the code has not been made into effective legislation and, as a result, exclusive breastfeeding rates are stagnating
- Manufacturers of breast milk substitutes are also using increasingly sophisticated marketing tactics, including targeted ads on pregnant mothers’ mobile phones, clandestine participation in online baby clips, or coaxing mothers to market formula to one another.
- High-income countries have the lowest rates of exclusive breastfeeding in children under six months

² WHO (2023) Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes <https://www.who.int/publications/i/item/9789240084490>

³ <https://www.thelancet.com/series/Breastfeeding-2023>

- Meanwhile, only 32 countries are fully compliant with the code and many others needed to update their legislation to address the “new forms of marketing”, including digital outreach and donations to professional societies

Recommendation 1: The NHCP recommend that high fat, sugar and salt foods, infant formula and follow-on formula is included within all of Ireland’s regulatory media codes, including the most significant and influential online safety code.

Response to: views on the definitions of “regulated content harmful to children”?

1. Optimum nutrition for physical, cognitive and moral development

This definition aims to address content which may impair the physical, mental and moral development of children. Optimum nutrition is the foundation for a child’s survival, physical and cognitive development, particularly in the early formative years. Breastfeeding or formula feeding is the only source of nutrition available for infants for their physical and cognitive development from 0-6 months, before complementary foods are introduced. The importance of establishing healthy attitudes and behaviours in the formative years to food is well documented and it is prudent that parents are supported to make informed decisions relating to their child’s physical and cognitive development by limiting commercial influences which may impact on behaviours and attitudes to their child’s development.



It is misrepresentative with the aim of the definition that high fat, sugar and salt foods, infant formula and follow-on formula are omitted from this definition’s detail, whilst acknowledged in part in the definition for *audiovisual commercial communications harmful to the general public*.

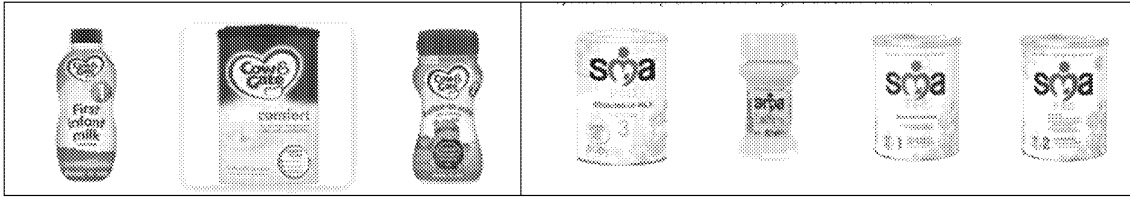
The HSE promote that parents seek out impartial evidence based information on infant feeding, for example from the HSE’s mychild.ie website and publications. The HSE provides over 500 pages on the website spanning pregnancy, babies and toddlers on its website mychild.ie. The content is published by a range of medical and communication experts, designed and promoted to target audiences. In 2023, there were approx. 5m visits to mychild.ie, and of the 3m users, almost half were new users. It can be hard for parents to decipher the infant feeding information and we wholeheartedly support stronger restrictions to commercial milk formula marketing influences, which can dilute and undermine the information and services available to parents provided impartially by HSE and the Department of health.

Recommendation 3: The NHCP recommend that restriction on marketing of high fat, sugar and salt foods, infant formula and follow-on formula and toddler milks is included within the definition “regulated content harmful to children” in line with the definitions explanatory note on page 14 of consultation document: Online safety “covers a range of content that is included if it poses a risk to the life, physical health, mental health and/or safety of a child: cyber bullying, encouraging eating or feeding disorders.....”.

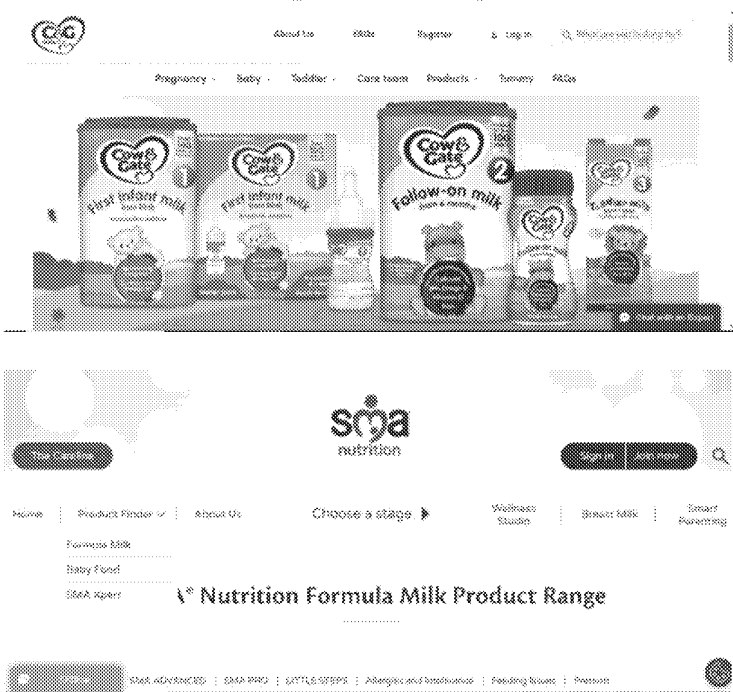
2. Marketing communications should not allow any advertisements or cross promotion of products with logos and branding similar to infant formula, follow-on formula and toddler milks.

Advertisements for infant formula in Ireland is ubiquitous, aggressive and carried out through multiple channels, e.g. care lines and baby clubs. Advertisements for baby clubs and carelines (with logos, colouring and branding similar to infant formula, follow on formula and toddler milks) are used to market infant formula and follow on formula and gain contact details, within the scope of current laws. Two recent examples from October 2023 below illustrate this.

	
<p>The C&G baby club logo has similarities with the logo used in the range of Cow & Gate products below</p> <ul style="list-style-type: none"> • colour • large heart shape • small heart shape • font style 	<p>The SMA baby club logo has similarities with the logo used in the range of SMA products below</p> <ul style="list-style-type: none"> • colour pattern • design • font style <p>Additionally in the advertisement above, the words SMA nutrition and SMA baby club are used interchangeably, implying superiority</p>



The advertisements above use imagery of a pregnant woman, a baby club logo, and the adverts are promoting a new membership reward too. The C&G advertisement also states that no purchase is necessary, it is equivalent to offering free products as an enticement to sign up. As the baby club logos are very similar to the Cow & Gate and SMA logo on the formula and follow-on formula products, such adverts promote the brand and try to entice women to sign up to the baby club, providing future marketing opportunities which is not immediately obvious to the viewer. Once you log into any of the companies baby clubs – first infant milks are advertised by clicking on “products” from the home page.



Furthermore, using imagery of a pregnant woman in the online advertisement is not responsible, and misleading to give a reward for signing up to a company that is a competitor of breastfeeding - since it is scientifically proven that breastfeeding gives infants and young children the optimal start in life and not being breastfed is associated with an increased incidence of infectious morbidity, including otitis media, gastroenteritis, and pneumonia, as well as elevated risks of childhood obesity, type 1 and type 2 diabetes, and sudden infant death syndrome (SIDS)⁴.

Neither is it responsible to target women while pregnant, who are being subjected to mixed messages around feeding during this time. HSE services are promoting and preparing mothers to

⁴ <https://www.thelancet.com/series/breastfeeding>

breastfeed as the optimum infant feeding method after birth. This is an emotionally vulnerable time for parents who want to do the best for their babies, being exposed to such advertising may impact negatively on the confidence they have in themselves and their bodies to breastfeed, while aiming to make them brand-loyal. The advertisement above demonstrates the tactics in particular, by companies to reach younger, pregnant women – referred to by some marketing executives as the “holy grail” for formula milk sales⁵.

Despite laws governing cross –promotion of labelling and advertising of products in Ireland, there can be confusion with regards the labelling of products and lots of similarities between infant formula and follow-on formula. In a recent multi country study, the WHO and UNICEF found it is commonplace for mothers for mothers to recall seeing adverts for infant formula, which included the UK (78%), a country like Ireland which has restrictions on the advertising of infant formula. Parents likely recalled advertisements for follow–on formula or other products e.g. careline/baby club but recognised the brand as infant formula, so recalled the advertisements as such. <https://www.who.int/publications/i/item/9789240044609>. The intended audience for products are parents and they should be included in the decisions around what is permitted/not permitted under this definition and it’s monitoring, so to ensure that the online codes are implemented, as intended.

Recommendation 3: The scope of the following definitions:

1. regulated harmful content to children
2. audiovisual commercial communications

Should

(i) extend beyond EU laws, to prohibit the advertising of follow-on milks and toddler milks due to the similarities with infant formula and follow-on formula logos and branding. Furthermore marketing communications should not allow any advertisements or cross promotion of products with logos and branding similar to infant formula, follow-on formula and toddler milks.

(ii) also take account of prohibiting the advertising of formula feeding products in Ireland that relevant competent authorities (e.g. FSAI, Safefood and the HSE) deem inappropriate/unsafe for the physical development of the child, e.g. formula preparation machines, UV sterilisers and bottle warmers

(iii) prohibit incentives, rewards or provision of free samples within advertisements as a means of attracting the user to the website or sign up to a product with logos/branding/similarities to any formula milk or toddler milk product.

⁵ Hastings G, Angus K, Eadie D, Hunt K. Selling second best: how infant formula marketing works. *Globalization and Health*. 2020;16(1):77.

Self-regulation is not appropriate, proportionate or effective

There is no information publicly available on the monitoring of the legislation that relates to the marketing and promotion of infant formula. The strategy of building compliance among companies means that there are rarely, if ever, sanctions for the inappropriate and illegal marketing and promotion of infant formula. At present, it appears that the most used “sanction” is to request that an advertisement/ promotion/ marketing tool be discontinued. The NHCP feel that this is insufficient, and that the advertisement may have already served its purpose of promoting the brand/product by the time its removal is requested.

The online safety code requires monitoring and enforcement in a transparent manner independent of industry, with particular attention paid to advertising and marketing online via baby clubs and social media influencers.

Recommendation 4:

The NHCP recommend that more robust and transparent control measures to regulate the online safety code are adopted to include:

- I. The onus of responsibility with monitoring of marketing should be with the video sharing platform services and producers of the advertisements and not with the end user to submit complaints. Self-regulation and individual complaints processes are not sufficient.
- II. Reviewing the scope of existing control measures (outside of the scope of the online safety code) with ASAI and aligning and/or expand their scope, where indicated.
- III. Require video sharing platform services to monitor, report and publish the actions taken to ensure compliance with the online safety code
- IV. Develop effective, dissuasive sanctions for non-compliance.

30th January 2024

Email sent to: info@cnam.ie and VSPSregulation@cnam.ie

To Whom it may Concern,

Re: ASSOCIATION OF LACTATION CONSULTANTS IN IRELAND (KNOWN AS 'ALCI') INPUT TO COIMISIÚN NA MEÁN'S CONSULTATION DOCUMENT ON DRAFT ONLINE SAFETY CODE

The Association of Lactation Consultants in Ireland (Known as ALCI) is an All-Ireland Association representing and promoting International Board-Certified Lactation Consultants (IBCLC). We have over 400 IBCLCs and healthcare professional members throughout the island of Ireland who work supporting mothers, babies, and families, in all aspects of early infant feeding, both in hospitals and the community.

We raise awareness of breastfeeding and human milk feeding as essential components for health, well-being, and disease prevention. ALCI members play a huge role in assisting with infant feeding in Ireland and as health care professionals and IBCLCs, our job is hindered by the harmful commercial communications directed at families, health professionals and society by the commercial milk formula industry.

We support the implementation of the WHO International Code of Marketing of Breast-milk Substitutes and all subsequent World Health Assembly resolutions to protect infant and maternal health. WHO recommends exclusively breastfeeding for the first 6 months of life, then to introduce complementary foods and to continue breastfeeding for 2 years and beyond.

Extensive scientific research confirms breastfeeding is a superior to any other product for feeding babies and young children. The properties in breastmilk provide immune factors, growth factors and aid in the brain development of infants including many health benefits for the mother as well as supporting close and loving relationships.

We understand the necessary role of infant formula for babies who are not breastfed. Formula milk is an essential food for families who can't, or choose not to, breastfeed. Such a critical food for babies should be free from commercial influence. All families deserve to be protected from unethical marketing practices and provided with accurate and scientific information.



info@alcireland.ie



www.alcireland.ie

HARMFUL COMMERCIAL COMMUNICATIONS

The feeding choices for infants and young children have a profound effect on their health and wellbeing with lifelong consequences for maternal and child health. The marketing of commercial infant formula or breastmilk substitutes influences parents' decisions on infant feeding and undermines breastfeeding and public health.

Parents begin to look online for information once they find out they are expecting a baby and become targeted by formula companies who take advantage of their vulnerabilities and aspirations. CMF commercial communications encourage parents to engage with marketing devices such as "baby clubs" and competitions and parents are subsequently bombarded with commercial milk formula advertising and branding.

The marketing of commercial milk formula has been amplified by digital media which can be used to reach more parents and a much wider audience. This marketing, funded by huge budgets, discourages breastfeeding, promotes overuse of formula milk and undermines women's confidence. The results are negative consequences for the health of children and rising costs for families who can often not afford it. It has been estimated that sales of formula milk have increased to \$55 billion dollars annually.¹

Our members encounter the detrimental consequences the marketing, particular digital marketing, of breastmilk substitutes to women, families, caregivers, health professionals and wider society. The misleading claims that are the basis of much of this marketing² undermine the work of our members and the public health messaging and investment of the Department of Health and HSE.

We advocate for stronger regulation that aligns with the International Code of Marketing of Breastmilk Substitutes because unethical marketing of commercial milk formulas, bottles and teats reduces breastfeeding rates and has a negative effect on children's and mothers' health at a population level.

In November 2023 Ireland launched the first World Breastfeeding Trends Initiative (WBTi) report. ³A key recommendation of the report is:

"Fully implement the World Health Organization Code of Marketing of Breast-milk Substitutes and its subsequent World Health Assembly Resolutions in legislation and ensure that this legislation is monitored and enforced in a transparent manner independent of industry, with particular attention paid to advertising and marketing online via baby clubs and social media influencers."

The growing concern of how digital marketing impacts public health led the WHO to publish a "Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes"⁴ which calls for regulatory measures that effectively prohibit the promotion of commercial milk formulas across all channels and media, including digital media.



From ALCI's expert point of view when it comes to infant feeding in Ireland this recommendation must be addressed to protect from harmful commercial communications.

Recommendation:

The negative impact on development and health, and harms that can occur, as a result of the digital marketing of commercial milk formulas must be addressed in the harms as set out in the Online Safety Codes.

REVISED DEFINITIONS

The definitions of "audio-visual commercial communications harmful to children" omit references to infant and follow-on formula as provided for in the Online Safety and Media Regulation Bill 2022. ALCI recommends that these products are not exempt from the definitions.

Recommendation:

The definition of "audio-visual commercial communications harmful to children" should include the additional point: *audio-visual commercial communications for infant formula and follow-on formula* "

REGULATORY APPROACH

It is concerning that the draft Online Safety Code refers VSPs to self-regulatory bodies (i.e ASAI) on certain commercial communications. As an industry funded organisation the ASAI has no statutory authority. Its guidance is outdated and ineffective and its complaints mechanism is reactive, slow with no sanctions beyond a "name and shame" approach.

Self-regulation is no regulation and when Minister Catherine Martin launched the Online Safety and Media Regulation Bill she announced that the era of self-regulation had come to an end. It is unacceptable to allow VSPs to rely on ASAI guidance for HFSS and infant and follow-on formulas.

Recommendation:

There should be no self-regulatory measures or bodies with respect to regulating the Online Safety Code.

COMPLAINTS

Our current self-regulatory system relies on goodwill and knowledge of legislation by concerned and motivated citizens to report violations which is an unsustainable model. A much more robust and responsive complaints system is required that includes a monitoring and enforcement approach with appropriate sanctions. There are existing AI tools, such as the Vivid Code Catcher⁵ which can assist in the monitoring of violations.



Recommendation:

Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme.

LOOPHOLES

The processing of children's personal data is addressed in the draft Online Safety Code however there are loopholes, particularly in respect of infant and follow-on formula marketing, that parents' data is used to track parents and their babies and children.

Recommendation:

Mining and collecting data related to babies and children is an issue that needs consideration and the final Online Safety Codes needs to take this into account.

CONCLUSION

Global recognition of the threat to public health by the digital marketing of commercial milk formulas is growing. Coimisiún na Meán has an opportunity to tackle the problem with the development of a robust Online Safety Code and needs to regulate and monitor digital marketing practices related to infant formula and follow-on milk with stricter guidelines, increased transparency, and penalties for misleading advertising.

By addressing these concerns, we can ensure that parents are provided with accurate and unbiased information, empowering them to make informed decisions free from commercial influence and in the best interest of their children's health and public health.

Your sincerely,



Lorraine O'Hagan,

ALCI President

On behalf of **ALCI Council**

Nicola Clarke, Mairead O'Sullivan, Aine Lavin, Maria O'Sullivan, Claire Ferris, Kathryn Downey, Niamh Cassidy, Naomi Hurley, Kiri Mulqueen, Stephanie Murray.





**ombudsman
do leanaí
for children**

Coimisiún na Meán

**Consultation on the Draft Online Safety Code and Statutory Guidance
Material**

Observations of the Ombudsman for Children's Office

31 January 2024

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1. Introduction

The Ombudsman for Children’s Office welcomes the publication by Coimisiún na Meán (Commission) of a consultation on its draft Online Safety Code and draft Statutory Guidance Material.¹

The OCO is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the Ombudsman for Children has two core statutory functions:

- to promote the rights and welfare of children up to the age of 18 years, and
- to examine and investigate complaints made by or on behalf of children about the administrative actions of public bodies, schools and voluntary hospitals that have or may have adversely affected a child.

The OCO welcomes the opportunity to provide observations on the draft Code and Guidance set out in the Commission’s consultation document. We have prepared these observations pursuant to section 7(4) of the 2002 Act, which provides for the Ombudsman for Children to advise on any matter concerning the rights and welfare of children.

The Commission’s Call for Inputs stated that the Commission would take a child-centred approach to developing the Code where it impacts children, referring to the rights of children set out under both Article 24 of the EU Charter of Fundamental Rights (Charter) and Article 3 of the UN Convention on the Rights of the Child (UNCRC).² This reflects the obligation placed on the Commission by sections 139M(g) and 139ZA(h) of the [Online Safety and Media Regulation Act 2022](#) to have regard in particular to the rights of users when preparing online safety codes and guidance materials. The purpose of these observations is to highlight issues that we believe require further consideration to ensure that the draft Code and Guidance have appropriate regard to children’s rights and that Video-Sharing Platform Services providers (VSPS) respect, protect and fulfil children’s rights. The OCO encourages the Commission to consider these observations alongside the OCO’s submission on the Commission’s Call for Inputs on the online safety code in September 2023.³

2. Child rights-based approach

Question 24 of the consultation asks for comments on any section or aspect of the draft Code, while question 25 asks for comments on the draft Guidance.

The OCO’s submission on the Commission’s Call for Inputs suggested that the Commission should situate the Code with a human rights framework and give specific and explicit regard to children’s rights in the Code. In this regard, the OCO welcomes that the Commission makes explicit reference to children’s rights in the draft Code and draft Guidance. This includes:

- the requirement in sections 4.2 and 4.13 that the Commission must act in accordance with the Constitution of Ireland, the Charter and the European Convention on Human Rights;
- explicit reference in section 4.14 to the rights of the child as being among the rights of greatest relevance to the Commission in the performance of its functions;
- the inclusion of principles in sections 4.15 to 4.22 that will guide the Commission’s interpretation, application and enforcement of the Code; and

¹ Coimisiún na Meán, [Coimisiún na Meán opens public consultation on Ireland’s first Online Safety Code](#), 8 December 2023.

² Coimisiún na Meán (2023), [Call For Inputs: Online Safety](#), p. 5.

³ Ombudsman for Children’s Office (2023), [Coimisiún na Meán Call for Inputs on an Online Safety Code for Video-Sharing Platform Services: Submission by the Ombudsman for Children’s Office](#).

- the inclusion in the draft Guidance of the rights of children under the Charter and the UNCRC as factors that VSPS must have special regard to when designing, implementing and maintaining parental controls.

As noted in the introduction, the Commission’s Call for Inputs stated that the Commission would take a child-centred approach to developing the Code where it impacts children, with particular reference to the rights of children set out under both Article 24 of the Charter and Article 3 of the UNCRC.⁴ The OCO notes however that the draft Code does not make reference to the UNCRC and that the UNCRC is only referenced once in the draft Guidance in relation to parental controls. Though one of the Code’s aims is to protect children from harmful content, the Code’s provisions will engage and have an impact on several other children’s rights set out under the UNCRC. As noted in the OCO’s submission on the Commission’s Call for Inputs, these include, among others, children’s rights to access information, to freedom of expression and to privacy. **The OCO encourages the Commission to include explicit reference to the rights and principles contained in the UNCRC, when referring to children’s rights that apply to the Commission and VSPS providers in implementing the Code and Guidance.**

The OCO also notes that, aside from requiring the Commission to act in accordance with children’s rights under the Irish Constitution and European human rights instruments, there is only one instance in the draft Code and draft Guidance in which VSPS providers are expressly required to have regard to children’s rights when adopting measures to comply with the Code. The reason for which the Commission states that VSPS providers should have special regard to the rights of children in the section on parental controls in the draft Guidance, and not in respect of other obligations placed on VSPS providers, is unclear. Having regard to the OCO’s submission on the Commission’s Call for Inputs, **the OCO strongly encourages the Commission to include explicit reference to children’s rights, including children’s rights under the UNCRC, as a cross-cutting principle that VSPS providers must have regard to when implementing any obligation under the Code and Guidance that affects children. This could be achieved by:**

- including children’s rights as a principle in a cross-cutting section on principles in the Code that VSPS providers must have regard to, similar to the principles applicable to the Commission in section 4 of the draft Code;
- including reference to children’s rights in the General Guidance section of the draft Guidance; and/or
- incorporating reference to children’s rights consistently throughout the draft Code and Guidance in respect of each obligation placed on VSPS providers, similar to the approach taken to the section in the draft Guidance on parental controls.

3. Measures to be taken by VSPS providers

Parental controls

Question 11 of the consultation asks for views on the requirements in relation to parental controls. Sections 11.24 to 11.28 of the draft Code require VSPS providers to provide for parental control systems, while the draft Guidance sets out the features that the Commission considers to be effective parental controls and the considerations to which VSPS providers should have regard.

⁴ Coimisiún na Meán (2023), *Call For Inputs: Online Safety*, p. 5.

Information on parental controls for children and their parents/guardians

The OCO welcomes that section 11.27 of the Code requires VSPS providers to explain to users how parental control systems operate and draw users' attention to them by appropriate means. **The OCO encourages the Commission to include within such a requirement that VSPS providers should provide:**

- **age-appropriate and transparent information to children who are users of the service on how parental controls operate; and**
- **information for parents/guardians of such children on how parental controls work and their appropriate use, having regard to the children's rights considerations involved in applying parental controls.**

Default safety and privacy settings

In the corresponding sections on parental controls in the draft Guidance, the Commission includes a number of default settings in a list of suggested parental controls that VSPS providers may adopt to allow parents/guardians to protect children from harmful or illegal content. The Commission advises that parental controls may include a range of features, including:

- default to privacy settings being turned on for a child;
- default to geolocation settings being turned off for a child;
- default to content that is universally suitable for children; and
- default to private rather than public sharing of any posts.⁵

It is not clear from the draft Code and Guidance if the Commission intends for parents/guardians to have the sole responsibility for deciding whether or not to apply default safety and privacy settings to children's accounts, or whether such parental controls are intended to operate in parallel to VSPS providers' obligations to apply such settings by default.

The inclusion of these measures in such a way as to suggest that it will be up to parents/guardians to decide whether or not default privacy and safety settings should be applied in their children's account, and the inclusion of default safety and privacy settings as discretionary measures, is of concern to the OCO. It also appears inconsistent with VSPS providers' data protection obligations and with the high standard set by the Data Protection Commission (DPC) in its [Fundamentals for a Child-Oriented Approach to Data Processing](#), both of which are referenced in the draft Guidance. As the Commission is aware, data protection obligations require organisations that process personal data to adopt measures that respect the principles of data protection by design and by default. Though the DPC acknowledges that there is no one-size-fits-all solution to data protection by design and default, the measures recommended by the DPC include;

- applying the strictest privacy settings to services directed at/intended for, or likely to be accessed by, children;
- turning off geolocation by default for child users; and
- defaulting to lower-risk settings when controls are delegated to parents.⁶

⁵ Coimisiún na Meán (2023), [Consultation Document: Online Safety](#), p. 69.

⁶ Data Protection Commission (2021), [Children Front and Centre: Fundamentals for a Child-Oriented Approach to Data Processing](#), pp. 63-65.

The DPC further emphasises that data protection by design and default obligations should not result in the delegation of responsibility to parents/guardians to turn off settings and features on their child's account.⁷ Similar guidance is included in the Australian e-Safety Commissioner's safety by design principles, the first of which – 'service provider responsibility' – states that the burden of safety should never fall solely upon the user.⁸

The Committee has emphasised that, to be in line with children's rights standards, States parties should require the integration of a high standard of safety by design and privacy by design into digital products and services that affect children.⁹ The OCO welcomes that parents/guardians may be given the ability to modify default settings, in accordance with their child's needs and evolving capacities, however the primary responsibility should be on VSPS providers in the first instance to ensure that default settings on its services that are available to and accessed by children are set to a high standard of safety by design and privacy by design. **The OCO encourages the Commission to clarify in and through the draft Code and Guidance that including default settings among the list of parental controls that VSPS providers may adopt on their service does not obviate the need for providers to adopt a high level of safety by design and privacy by design in the development and modification of features on their service.**

Media literacy

Question 18 of the consultation asks for views on the requirements in relation to media literacy measures, while question 25 asks for views on the draft Guidance. Section 13.1 of the draft Code requires VSPS providers to provide effective media literacy measures and tools and to take steps to raise users' awareness of those measures and tools. Section 13.2 further requires VSPS providers to publish an action plan specifying the measures it will take to promote media literacy, to update this plan annually and to report to the Commission on the impact of the measures taken. The corresponding section of the draft Guidance sets out the qualities of effective measures to promote media literacy, their aims, and the measures that the Commission advises providers to consider undertaking.

Though the OCO welcomes the inclusion of a requirement that VSPS providers should provide media literacy measures for users, we are concerned by the absence of a specific requirement to provide media literacy measures that are child-friendly and that address the needs of children who are users of VSPS. In particular, we are concerned by the absence of:

- measures to raise awareness among children as to the functions and features of the particular service, the harmful content and prohibited user-behaviour that may arise on the provider's service, and the service's online safety features; and
- measures to raise awareness among parents of same in order to support parents to assist their child in realising their rights when using the service.

Having regard to the OCO's submission on the Commission's Call for Inputs, **the OCO encourages the Commission to include an explicit requirement in section 13 of the draft Code that VSPS providers should provide media literacy tools that are child-friendly for children and their parents, and corresponding information in the draft Guidance on how VSPS providers should do so.**

⁷ Ibid., p. 66.

⁸ eSafety Commissioner, *Safety by Design: Principles and background*.

⁹ UN Committee on the Rights of the Child (2021), *General comment No. 25 (2021) on children's rights in relation to the digital environment*, CRC/C/GC/25, para. 70, 77, 89, 110 and 116.

User complaints

Question 12 of the consultation asks for views on the requirements in the draft Code in relation to user complaints, while question 25 asks for comments on the draft Guidance. Section 11.29 of the draft Code requires VSPS providers to establish and operate transparent, easy-to-use and effective procedures for handling and resolving user complaints while Section 11.30 of the Code requires VSPS to handle complaints in a diligent, timely, non-discriminatory and effective manner.

As the OCO noted in its submission on the Call for Inputs, children's rights standards require that procedures for handling complaints made by and on behalf of children are child-friendly. In this regard, the OCO recommended that the Commission include a requirement in the Code that VSPS providers must put in place child-friendly complaints procedures. In *A Guide to Child-Centred Complaints Handling*, the OCO has set out seven core principles of good practice for dealing with complaints made by and on behalf of children in a child-centred manner. The OCO sets out the concrete actions that organisations can take to implement the core principles, thereby ensuring that their complaints processes are child-centred. We note that other organisations similarly recommended the inclusion of a requirement that VSPS providers put in place child-friendly complaints processes.¹⁰

The OCO welcomes that, in the section on complaints in the draft Guidance, the Commission advises VSPS providers to have regard to the OCO's guide in the case of complaints made by children. However, we note that the draft Code does not place an explicit requirement on VSPS providers to provide complaints procedures that are child-friendly. We also note that the corresponding sections of the draft Guidance do not elaborate on the type of measures that VSPS providers should take to ensure that the principles of transparency, easy-to-use and effectiveness, referenced in Section 11.29 of the draft Code, are translated into complaints-procedures established and operated by them, including how providers can apply these principles to complaints affecting children. Similarly, it is not clear from the Code and corresponding sections in the draft Guidance what type of measures the Commission expects VSPS providers to take to ensure that their handling of complaints is conducted in a diligent, timely, non-discriminatory and effective manner in practice, including with regard to complaints affecting children.

The OCO encourages the Commission to include an explicit requirement in the draft Code that VSPS providers should establish child-friendly procedures for handling and resolving complaints made by or on behalf of children who are users of VSPS. The OCO also encourages the Commission to elaborate on the corresponding measures that can be taken by VSPS providers in the draft Guidance, in order to ensure that their complaints-handling processes are child-friendly, including with reference to the OCO's guide.

4. Future supplementary measures and related guidance

Online safety impact assessments

Question 28 of the consultation document asks for considerations on the draft supplementary measures for inclusion in the Code and draft supplementary guidance set out in Appendix 3.

The OCO welcomes that Section 1.1 of Appendix 3 proposes to introduce a requirement in the Code that VSPS providers must undertake online safety impact assessments prior to introducing a new function relating to user-generated videos or a substantial modification to such functions, and that

¹⁰ CommSol (2023), *Summary of Submissions to Call for Inputs - "Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services"*, pp. 102-104.

VSPS providers must complete a safety impact assessment for existing services within one year of the adoption of the Code. The OCO also welcomes that the assessment methodology will have regard to the principle of safety by design, the safety of children, and children's rights under Article 24 of the Charter.

However, neither the Code nor supplementary guidance make it clear what steps VSPS providers should take to ensure that their assessments are carried out in compliance with children's rights set out in Article 24 of the Charter. In addition, though the Commission made reference in its Call for Inputs to the possibility of risk assessments including child rights impact assessment (CRIA),¹¹ it is not clear if the Commission intends for the draft supplementary measures and corresponding guidance to adopt an approach to online safety impact assessments that incorporates CRIA.

Article 24 of the Charter states, among other things, that in all actions relating to children, the child's best interests must be a primary consideration. This provision is derived from the best interests of the child principle enshrined in Article 3 of the UNCRC. Ensuring that the best interests of the child are a primary consideration in all actions relating to children, whether taken by public bodies or private organisations, requires that such organisations undertake continuous CRIA.¹² Though the Committee states that different methodologies and practices may be developed when undertaking CRIA, they must at a minimum use the UNCRC, as well as general comments and concluding observations issued by the Committee, as a framework for assessment. This means underpinning assessments with the four general principles of the UNCRC and assessing the impact on the range of rights that children have under the UNCRC, including children's right to protection from harm as well as other children's rights, such as access to information, privacy and freedom of expression.

In its guidance on children's rights in the digital environment, the Committee and the Council of Europe have stated that States parties should require business enterprises to regularly undertake CRIA and to take reasonable and proportionate measures to manage and mitigate any risks to children and their rights identified through such CRIA.¹³ In our submission on the Commission's Call for Inputs, we recommended that VSPS providers should be required to undertake CRIA as part of the process to identify, prevent and mitigate risks of harm to children on their service. We note that the DCEDIY and other organisations have similarly expressed support for the application of CRIA.¹⁴

The OCO encourages the Commission, as it further develops the proposed supplementary measures, to consider incorporating CRIA within the requirement in the draft Code that VSPS providers must carry out safety assessments. The OCO also encourages the Commission to include guidance in the associated sections of the draft supplementary guidance on how providers can implement CRIA when undertaking online safety risk assessments. Such guidance should, among other things, set out:

¹¹ Coimisiún na Meán (2023), *Call For Inputs: Online Safety*, p. 22.

¹² UN Committee on the Rights of the Child (2013), *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, CRC/C/GC/14, para. 35 and para. 99; UN Committee on the Rights of the Child (2013), *General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights*, CRC/C/GC/16, paras. 78-81.

¹³ UN Committee on the Rights of the Child (2021), *General comment No. 25 (2021) on children's rights in relation to the digital environment*, CRC/C/GC/25, para. 23; Council of Europe (2018), *Guidelines to respect, protect and fulfil the rights of the child in the digital environment: Recommendation CM/Rec(2018)7 of the Committee of Ministers*, p. 26.

¹⁴ CommSol (2023), *Summary of Submissions to Call for Inputs - "Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services"*, p. 8 and pp. 116-117.

- the children’s rights that VSPS providers must take into account, both under the Charter and the UNCRC, when assessing new or existing functions;
- how providers can appropriately take such rights into account; and
- the steps that providers should take to ensure that the process of undertaking assessments is itself child-centred and rights-based.

The European Network of Ombudspersons for Children has developed guidance on how to conduct a CRIA, which may be useful to the Commission in its work in this regard.¹⁵

¹⁵ European Network of Ombudspersons for Children (2020), *Common Framework of Reference on Child Rights Impact Assessment: A Guide on How to carry out CRIA*.

Message

From: Naomi van der Louw | DDMA [REDACTED]
Sent: 31/01/2024 13:03:44
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Consultation
Flag: Follow up

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Dear Coimisiún na Meán,

We, DDMA, the Dutch branch association for the data and marketing sector, are writing to you in response to the public consultation on the Online Safety Code. We are writing to you on behalf of the influencer marketing sector. As you know, Dutch content creators need to comply with the Dutch Media Act. As a result of that, influencers must integrate icons in their videos to warn children against harmful content. However, with the current measures on social media platforms like YouTube, TikTok and Instagram they cannot fulfill their legal duty to inform the public. We believe that this is a problem that needs to be addressed.

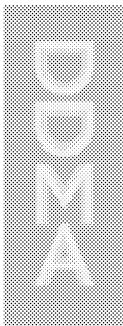
We request that CnM include the obligation for platforms to facilitate the Kijkwijzer rating system across the EU and across all platforms in the Code. This will create a level playing field for all content creators in the EU and a safe place for children on these platforms. We believe that this is an important step towards ensuring that all content creators are treated fairly and that children are protected from harmful content.

We hope that our input will be taken into consideration in the final version of the Code. Thank you for your attention to this matter.

Sincerely,

Naomi van der Louw
Legal Counsel
LLM, CIPP/E

Wil jij op de hoogte blijven van het juridische nieuws binnen de data- en marketingsector? Meld je aan voor onze [Legal Nieuwsbrief](#).



WG Plein 185
1054 SC Amsterdam
020 4528413
www.ddma.nl



Aansprakelijkheid

Al onze adviezen geven wij zo zorgvuldig mogelijk. Mochten deze desondanks onjuist blijken dan aanvaarden wij geen enkele aansprakelijkheid daarvoor en voor de eventuele gevolgen. De informatie opgenomen in dit bericht kan vertrouwelijk zijn en is uitsluitend bestemd voor de geadresseerde. Indien u dit bericht onterecht ontvangt, wordt u verzocht de inhoud niet te gebruiken en de afzender direct te informeren door het bericht te retourneren. Aan de inhoud van dit bericht kunnen geen rechten worden ontleend.

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Message

From: Joost Bouhof [REDACTED]
Sent: 31/01/2024 13:24:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: A level playing field for all content creators in the EU
Flag: Follow up

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We as Dutch content creators need to comply with the Dutch Media Act. With the current technical measures on social media platforms like YouTube we cannot fulfill our legal duty to inform the public. Therefore, we request CnM to include in the code the obligation for platforms to facilitate the Kijkwijzer rating system across the EU and across all platforms. Thereby creating a level playing field for all content creators in the EU and a safe place for children on these platforms.

Met vriendelijke groet / With kind regards,
Joost Bouhof





Input Commissariaat voor de Media (Dutch NRA)

Consultation on Coimisiún na Meán's draft Online Safety Code

January 2024, Hilversum

Introduction

In response to the consultation on Coimisiún na Meán's (the "CnM") draft Online Safety Code we, the Commissariaat voor de Media ("Commissariaat"), are honoured to share our views. Last September we shared our views in our response to the Call for Inputs ("Cfl"), in which we elaborately answered the questions for the preparation of this Code. First of all, we would like to congratulate the CnM for the impressive work they have done over the past few months. The CnM has laid a very complete foundation for video-sharing platforms ("VSPs") supervision across the EU. As stated in our response to the Cfl, Ireland will serve as an example for other European regulators who will possibly be tasked with supervising VSPs under their jurisdiction. In this regard, the Code will serve as a robust source of inspiration for shaping our forthcoming supervision of VSPs. This will be of particular significance this year, coinciding with the first large VSP under the jurisdiction of the Commissariaat.

In this response we will first make some general comments. We will then respond to a selection of questions that we have taken from the consultation focusing on topics where we believe our input can provide the greatest value. We have looked primarily at the questions relating to the obligations of VSPs, with a specific focus on the obligations regarding the protection of minors and commercial communications. In our answers we will regularly refer back to our previous response to the Cfl.

General comments

Before responding to the selected consultation questions, we would like to make some general comments and observations.

General comment on the Introduction

The complicated legal environment in which the Code operates will not be familiar to most legal experts, and certainly not to most laymen. Due to the international and cross-border nature of VSPs, we believe it may be appropriate to provide additional context to the Code. With this additional context, providers, users and other regulators will know what to expect and where they stand. This is especially important as users will likely complain to national regulators and it should be safeguarded that they will be able to bring their complaints to the correct and competent regulator. More specifically, this means that it should be clear for the general public to whom the Code applies, who is authorized to take action, and what this implies for stakeholders in the (other) European member states. Therefore, it may be beneficial to provide a more detailed explanation for points 2.1 through 2.4 of the Code (under 'Scope and Jurisdiction')

In particular, we would suggest explaining how the Code applies in relation to the country of origin principle. It may also be beneficial to elaborate on the relationship between the supervision of VSPs and the national supervision of vloggers by other EU regulators. Due to this relationship, we would also propose to include information on the existing regulatory cooperation with other media authorities, such as the MoU-procedure. Providers established in Ireland have access to information needed for supervisory purposes by other European regulators, for example contact information for vloggers.



General comment on the accessibility of the Code

With accessibility high on the agenda in Europe and at ERGA in the coming year, we wondered to what extent the Code and the rules in the Code are communicated to the wider public and if they are understandable to the wider public. Of course, the platforms themselves have a role to play here. In this context, we also think of inclusiveness in terms making the rules available in other EU languages, as this code applies to all EU citizens.

General comment on the protection of minors

We would also like to share a general observation regarding the protection of minors. It is crucial to recognize that the entities regulated by this code, the VSPs, operate as commercial entities, establishing a transactional relationship with their users. It is unquestionable that users should receive comprehensive information about the terms and conditions governing these transactions. However, when this transactional relationship involves a child, the platform bears an even greater responsibility to guarantee the highest level of protection. It is essential not to assume that platforms inherently provide this protection. The preference should consistently lean towards minimizing the collection of personal data from minors.¹ Given that this is the revenue model for these platforms, it is imperative to establish a robust Code that consistently upholds the principles of privacy by default and by design. In our view, the safeguarding of minors on platforms should not be seen as an optional consideration. This perspective leads us to advocate for more extensive measures. With this in mind, we have thoroughly and carefully studied the Code.

Selected questions

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

We welcome this proposal. See also our response to question 7 of the CfI: *'We believe it would also be a good idea to include measures in the Code to address content that either accompanies or is linked in other ways to the video content. This is because it is not only audiovisual content itself but also the descriptions under the videos that can be harmful and/or influence how users interpret the video.'*

The consultation document indicates a lack of support among industry respondents for the proposed measure, contrasting with the favorable stance of interest groups and other respondents. We understand that the industry often aims to narrow down the scope. However, we do not believe this in line with the fundamental principles of the law, where prioritizing the protection of consumers and minors is of primary importance.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

We have some suggestions for the terms and conditions ("T&C") of VSPs. We believe that VSPs should include the following in their T&Cs:

¹ Article 28 (1) of the Digital Services Act (DSA) contains a similar responsibility.



- An obligation for active EU users (vloggers) to rate their content with their national age rating systems, where applicable. This will provide an additional incentive for vloggers in other EU Member States to comply with national rules, as it will also be part of the contractual relationship between the user and the VSP.
- Along the same lines, due to the relationship between the supervision of VSPs and the supervision of vloggers, platforms should oblige vloggers in the T&C to disclose their country of establishment. While the Code provides obligations for platforms, national rules for commercial communications and the protection of minors may still be applicable for vloggers. To protect users, they should be aware that certain national rules might apply and with which national regulator they can file their complaint.

9. What is your view on the requirements in the draft Code in relation to age verification?

As we stated in the Cfl in response to question 10, self-declaration is not an appropriate or effective age-verification tool, as it does not actually verify someone's age and can easily be circumvented. We therefore appreciate your additional requirements for robust age verification in paragraph 11.19 of the Code, providing access for adults to certain types of content exclusively after age verification, which we consider more effective.

In addition, paragraph 11.17 of the Code states that providers shall implement effective measures to ensure that content not suitable for children cannot normally be seen by children. We again agree that self-declaration of age alone should not be considered an effective measure. However, we have concerns about the suggestion that providers can use age estimation or age verification by other measures. The guidelines suggest that age can be verified through examination of the way the account makes use of the service or biometric analytics. As a result, platforms are likely to collect a large amount of data from minors. Minors may not always be aware of the risks of sharing their data with commercial parties. We would encourage you to consider how to minimize the collection of data from minors and the risks involved. One way to do this is to allow independent third parties to take responsibility for age verification. We also refer to this option in the Cfl, in our answer to question 10, where we mentioned the Yoti² age verification system, which has also been approved by the Medienanstalt-NRW.

10. What is your view on the requirements in the draft Code in relation to content rating?

First of all, we would like to thank the CnM for incorporating our previously expressed concerns into the development of the Code, as indicated by the reference to NICAM in the guidance document as a recommended national classification system. Both the Commissariaat and NICAM have advocated for effective obligations in the Online Safety Code regarding content rating. It is a positive development that the Online Safety Code includes a requirement for platforms to establish a content rating system. As we stated in our answer to the Cfl: *'The Code represents an excellent opportunity to take a first step in this direction to harmonise age ratings and content classification in Europe, since VSPs have users spread across the EU.'* We are pleased to see the CnM took a first step in this direction. Nevertheless, we have some recommendations to strengthen the protection of minors and provide additional guidance for VSPs.

² [Age verification tools for online customers and custom-built apps · Yoti](#)



General recommendations for content rating systems

The Code's definition of content rating seems to lack clarity. Does it include thematic ratings, or is it solely focused on age ratings? We recommend that the Code elaborates on this. Some platforms already use warnings such as 'contains sensitive content'. Especially minors find this too vague, and it is unclear from whom the warning originates. Therefore, we suggest expanding on the scope of the content rating and set clear and binding expectations in the Code.

We recommend providing some context as to why content ratings/classifications are important, namely to provide information about harmful content for minors. This should not be limited to 18+ content. There is a great variety of harmfulness depending on the age of the child. There is a lot of scientific research to back this up.

In the section concerning Content Rating in the Statutory Guidance Materials it says: *'It is the view of the Commission that an effective content rating mechanism is one that takes a consistent approach.'* However, there is no explanation provided for what is meant by "consistency" in the context of an age rating system. We would recommend providing this consistency by basing content ratings systems on scientific research in the behavioral and media science.

We are of the opinion that the interests of minors will never be fully protected by a commercial party, such as a VSP, since the commercial interest will always be of greater importance. In our view the Code should direct the VSPs to use a European wide rating system developed by a third party, such as an organization like IFCO or NICAM. This approach ensures independent monitoring of the system, consistently prioritizing the interests of minors. This aligns with our suggestion for an age verification system, which we also advocate to be administered by a third party.

Practical recommendations for the application of national systems (such as NICAM)

The Code does not contain provisions for the visibility of a rating to a user or for the possibility to filter content with certain ratings. A content rating system can help users to decide whether they would want to watch the content. For that to work effectively, the content rating should be clearly visible and recognizable as such. It could also be effective to allow users the possibility to filter content based on ratings, therefore allowing them to avoid certain content. All users should be able to filter certain content, not only minors. As we mentioned in the Cfl in our answer to question 11, the platform Twitch currently requires explicit consent of the user before watching each video that contains a Content Classification Label. The Content Classification Label has several specific categories, such as Gambling, Intoxication and Sexual Themes, that makes it clear for the user what content they are consenting to see. In some regions, viewers are required to log-in and verify their age, before they can view labeled content.

We would also suggest including an obligation in the Code to facilitate (national) rating systems on their platforms by providing their uploaders with options to embed and show ratings in their videos. Currently, the video-uploaders in the Netherlands are required to use a content classification system similar to the system used to classify and rate content for broadcasters and VODs. The advantage is that users are already familiar with the symbols. However, this has been difficult to implement, as platforms do not facilitate national systems.



11. What is your view on the requirements in the draft Code in relation to parental controls?

We agree that parental controls should be available to allow parents to regulate the content that could harm their child. We also appreciate that the Code includes additional provisions for platforms that allow live streaming. However, we wonder why the Code does not link parental controls to content ratings. This would allow parents to effectively and systematically prevent minors from accessing content that they feel would be inappropriate for their age.

As we stated in our answer to the previous question, it is not entirely clear whether content rating refers to age rating or thematic rating. In both cases, we feel that a clear link between parental controls and content rating would be appropriate. If the Code refers to age rating, parents should be able to use parental controls to limit access to content with a higher age classification than appropriate for their child. If the Code refers to thematic rating in your Code, parents should be able to use parental controls to limit access to content regarding topics they feel is inappropriate for their child.

In the Cfl in our answer to question 12, we referred to our experience with the international commercial video on demand services who are based in the Netherlands. Services such as Disney+ and Netflix have a lot of experience with parental control measures. Their parental control measures allow users to select whether content with certain age classifications is accessible.

12. What is your view on the requirements in the draft Code in relation to complaints?

We would like to emphasize that if national age rating systems are recommended in the Code, the process for handling complaints should also be routed through the organizations responsible for these age rating systems, such as NICAM or IFCO.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

Commercial communications may not always be clearly identified by users, which may mislead them. We therefore welcome the requirement in paragraph 12.1 of the Code that requires commercial communications be readily recognizable as such. However, we suggest clarifying what would be considered 'readily recognizable'.

As we stated in our answer to question 8 of the Cfl, we have seen uploaders attempting to work around this requirement: *'It is important that the way of declaring commercial communications is easily visible. During our supervision, we encounter cases in which our supervisory team are unable to find the declaration, either because it is so small or because it is not in a distinctive colour. In some instances, the format contains a white font which is not sufficiently visible in a video with a white background. VSPs should thus make sure that there are multiple options in terms of colour/background for the declaration.'*

Additionally, we have noticed that video uploaders often use multiple hashtags in the description, with only the last hashtag containing the ad disclosure. The nature of the device on which the content is being consumed should also be considered. For example, videos can be played on smart TV's. This would show the content of the video, but possibly not a declaration of commercial communication in the description. Taking all of this into account, we propose expanding on the provisions regarding 'readily recognizable' audiovisual communication.



28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

The incorporation of possible future measures is an interesting approach. It allows providers to anticipate future additions to the Code. This is particularly relevant for us as a regulator, as this year the first large VSP will be under the jurisdiction of the Commissariaat. As we want to achieve as much consistency as possible in the supervision of VSPs in Europe, we are interested in providing input before these measures become binding in a revision of the Code.

We look forward to seeing what measures you will include in future editions of the Code and to future discussions about the Code.

Message

From: Justin LeGrow [REDACTED]
Sent: 31/01/2024 13:34:01
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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this is important

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Didi Dubbeldam [redacted]
Sent: 31/01/2024 14:01:27
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety
Flag: Follow up

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Dear madam, sir,

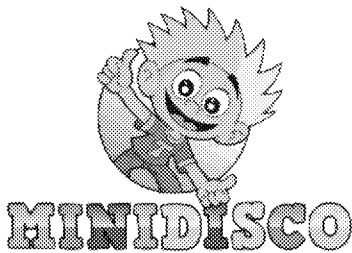
We as Dutch uploaders need to comply with the Dutch media act. With the current measures on social media platforms like YouTube we cannot fulfil our legal duty to inform the public. Therefore, we request CnM to include in the code the obligation for platforms to facilitate the Kijkwijzer rating system across the EU and across all platforms. Thereby creating a levelled playing field for all content creators in the EU and a safe place for children on these platforms.

Kind regards,

Minidisco B.V.
Didi Dubbeldam

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RCNI Submission to Coimisiún na Meán

on

Draft Online Safety Code

31 January 2024

Introduction – Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

The RCNI welcomes the opportunity to make submissions on the Draft Online Safety Code (the Code) and have done so according to the list of consultation questions, the specific recommendations or main points have been highlighted in bold. Before addressing the questions, however, we would like to express our concern and disappointment in the standard of protection contained in the draft Code. Coimisiún na Meán (The Commission) have a responsibility to ensure the protection of the public from all online harms. This Code is a defining policy piece which sets the tone and expresses the level of commitment and seriousness that is being applied to this issue. The Code as it stands, however, reflects a hesitant, non-committal attempt to provide some protection while requiring little accountability and few expectations of Video-Sharing Platform Services (VSPS) It is the duty of the Commission to set the highest standards of protection and the Code is the structure within which those standards should be set. If this Code reflects the Commission's commitment to its responsibilities, then it has failed in its objectives before it has even started.

From the outset the glaring omission of any reference to Domestic, Sexual and Gender Based Violence, misogynistic content, exploitation, image-based abuse and the non-consensual sharing of information is hugely concerning. Vague references to protections found in the Constitution, Article 21 of the Charter¹ and EU treaties are inadequate. The prevalence and volume of the online sexual harms directed at women and children is catastrophic. It is also an issue which has

¹ Charter of Fundamental Rights of the European Union

been widely written and advocated on for some time, locally and internationally. The Commission cannot simply ignore these harms that directly and indirectly affect all of society. In failing to name these harms, the Commission has missed an opportunity to acknowledge the extent of these harms and show its commitment to the protection of women and children from these harms. We strongly recommend that the Code names these significant harms specifically for the avoidance of doubt or prevarication.

We have further concerns that the language of this Code is reflecting an acceptance of the normalisation of gratuitous violence and acts of cruelty. While pornography has already unfortunately been normalised and commercialised despite its violent and exploitative content, accepting that there are platforms whose whole business is centred on providing images of gross, gratuitous violence and cruelty is just as problematic. No mention is made of the harmful effects of pornography and violence on children and adult users who then in turn re-enact those acts outside the online space. There are no protections offered to limit the amount of violence depicted in pornography and other content. The Commission should be setting the standards of what is acceptable, leading on the question of what VSPS are allowing the public to be exposed to, not merely accepting that the offering of such content for commercial purposes is now the norm.

To begin to eliminate these forms of violence, a culture change is needed that is intolerant of any form of violence directed at women and children. This violence needs to be named and not hidden in vague generalist language.

1. Do you have any comments on sections 1-9 of the draft Code?

Section 4.2

Following on from the statements made above on the prevalence of online harms directed at women and children, in addition to the stated instruments, the **Commission should also be required to act in accordance with the following international instruments and policies:**

- (a) Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)²**
- (b) GREVIO General Recommendation No. 1 on the digital dimension of violence against women³**
- (c) Conventions on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴**
- (d) The EU Victims Directive⁵**

Furthermore, no specific mention is made of domestic policy or statutory objectives on domestic, sexual and gender-based violence or the rights of victims. **A duty to act in accordance with policy in the form of the Third National Strategy on Domestic, Sexual and Gender-based violence and the Criminal Justice (Victims of Crime) Act must be included.**

² Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, November 2014.

³ Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), General Recommendation No.1 on the digital dimension of violence against women adopted on 20 October 2021.

⁴ UN General Assembly, *Convention on the Elimination of All Forms of Violence Against Women*, 18 December 1979, United Nations.

⁵ Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

Section 4.3

This paragraph refers to the balancing of the right to freedom of expression with the protection of the public and children. This statement does not, however, reflect a prioritisation of the protection of the public or a commitment to ensuring that the right to **freedom of expression will not be privileged over the right the public and children especially have to protection from harm.**

Sections 4.5, 4.6 and 4.8

While these sections quote the provisions of sections 7(3) and (4) of the Act, the Commission is empowered by the provisions of Section 7(2) of the Act to ensure that the interests of the public are protected. This allows for **the expansion of the statutory objectives to include further areas of protection such as against domestic, sexual and gender-based violence, misogynistic and violent content in videos and related media, exploitation, imaged-based abuse and the non-consensual sharing of images and information.** The protection of women and children from these forms of violence in the online sphere is within the objective of the protection of the public and should be included and named as a specific objective of the Commission and the Code. A vague reference to the Charter and other instruments is not adequate to highlight the prevalence of the problem and the importance of the Commission making a commitment to tackling this abuse. Furthermore, **the reference to 'child pornography' implies a sub-category of legally acceptable pornography rather than a form of child abuse and a crime, the term 'Child Abuse Material' is more appropriate.**

Section 4.8 - Objective 1

Second paragraph: Referencing only the grounds of discrimination contained in the Charter does not draw attention to some of the most prevalent harms experienced by users in the online space. **Specific reference should be made to domestic, sexual and gender-based violence, misogyny,**

exploitation, intimate image abuse and non-consensual sharing of images and information so that particular attention is paid to these harms and forms of abuse.

Third paragraph: Criminal offences have been limited to terrorism, child pornography, racism and xenophobia. We do not agree with the limitation of criminal offences to only four examples. **It should be the objective of the Code to protect the general public from all content that constitutes a criminal offence under Irish, European Union and International Law without limitation.**

Section 4.9 - Objective 2

Second paragraph – the inclusion of the term ‘...taking into account the limited control exercised by those video-sharing platforms over those audiovisual commercial communications’ sets a dangerous precedent of allowing VSPS to rely on this as an excuse for non-compliance or failure to act timeously. **Although we accept that VSPS may not have control over the content of commercial communications, we do not accept that platforms do not have complete control over access to content on their platforms, it is a question rather of whether they are prepared to allocate appropriate resources to ensure sufficient monitoring and immediate and appropriate action.** The key is the use of the word ‘exercised’ e.g. a choice, VSPS choose to exercise limited control, a practice which the Commission should prevent.

Section 4.10 - Objective 3

This paragraph is another example of the watering down of protections. **There is no acceptable level of proportionality for harms against children. Any material which could cause harm to children should be subject to absolute restrictions.** No child should gain access to such material. If they do, they or those assisting them are committing an illegal act or acting contrary to clearly stated terms and conditions of use of the platform which should carry immediate suspension of the account and reporting of the incident to the Gardai where appropriate. **Platforms must be expected to implement every tool or form of technology available to ensure that children**

cannot gain access and should their security measures fail then immediate and appropriate action must be taken not only against the user by the VSPS but by the Commission against the VSPS.

Section 4.11 - Objective 4

In the interests of clarity and transparency, the **'appropriate measures' stated must be clearly defined and publicly accessible**. There is also no indication of whether the right to protections from harm will be prioritised over the interests of the VSPS and the uploading user.

Section 4.12, 4.13, 4.14 - Objective 5

The Commission should be **required to act in accordance with the suggested instruments stated in under Section 4.2 above** in addition to the Constitution, Charter, ECHR and Treaties.

As stated in reference to 4.3 above, this statement does **not reflect a prioritisation of the protection of the public, children or those with protected characteristics nor does it contain a commitment to ensuring that the rights such as the freedom of expression will not be privileged over the right the public, children and those with protected characteristics have to protection from harm**.

Section 4.16

While we agree that any measure should be proportionate, we reiterate again the need to ensure that the **protection from harm should outweigh considerations of expression or commercial interest**.

Section 4.18

The term 'due regard' requires some provisos. **While regard should be taken of these factors, they should never outweigh the objectives and responsibilities of the Commission to protect the public.** The reference to industry standards is problematic. Industry standards are often set by those in the industry based on what is most desirable for them. It is the purpose of this Code to ensure that standards are established that are in the best interests of those the Code purports to protect not those it is required to monitor. **Industry standard should be replaced with standards in the interest of the public good.** Furthermore, the inclusion of the consideration of costs as a factor to influence whether measures are implemented sets another dangerous precedent where the costs of implementation are used as an excuse for non-compliance. While prohibitive costs would of course be a consideration, it should only be a factor considered under extraordinary circumstances. **To put it plainly, if a VSPS does not have the resources to monitor and control its products then they should not be permitted to offer these products to the public at all.**

Section 4.22

Any discretion exercised by the Commission in the enforcement of breaches and any other circumstances should be **strictly held to the principle of transparency.**

- 2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?**

The RCNI agree with this proposal but suggests the **inclusion of the term 'image' after 'text, symbol, or caption' in paragraph (b) of the definition.** Any content, however tenuous the connection to the original content, should be considered as forming part of the whole. It is often the associated content such as comments or associated private information such as names, addresses and other identifying information that can be the most harmful.

3. What is your view on the definitions of ‘illegal content harmful to children’ and ‘regulated content harmful to children’?

We disagree with the limitation of the offences included in the definition of illegal content. **Illegal content should be defined as all content and related content that consists of any offence in Irish or European Law.** A broad definition protects against the possibility of excluding any offences which would leave victims without protection and ensures the Code would not require constant amendment as legislative changes are made.

Under regulated content, we recommend the **inclusion of content that affects the mental health of children as well as any content that depicts or promotes misogyny and domestic, sexual and gender-based violence, exploitation, intimate image abuse, non-consensual sharing of images or information.** While some of these are considered offences under our law, there are always grey areas which are manipulated and exploited by perpetrators. Including them under regulated content ensures greater protection.

4. What is your view on the other definitions of illegal content and regulated content?

Again, these definitions are too limited. **Illegal content should include all criminal offences without restriction.** The harms identified in regulated content harmful to children are also harmful to adults. **Violent pornography and images of violence and cruelty are also harmful to adults. These definitions need to be expanded to include these harms as well as additional harms such as misogyny, domestic, sexual and gender-based violence, exploitation, intimate image abuse and the non-consensual sharing of images and information.**

5. Do you have any comments on any other definitions provided in the draft Code?

No.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Section 11.1

As stated above, these **definitions require expansion and the specific offences and prohibited content should be specifically named and not referenced as 'as defined in the Code'**. Users must be made aware of all illegal content, the processes which will be followed after infringement and what the penalties imposed will be both on the platform and in terms of criminal charges. Users must be made aware of all prohibited content and what the processes will be for infringement. Users must also be made aware of the impact of such harms on other users and themselves. **We suggest here again that incorporated into the acceptance of the terms and conditions a training module be attached which provides this information and requires that users have understood and accepted these terms after completing this training module.**

Section 11.2, 11.3, 11.4

'Robust Age Verification measures' needs further definition and the provisions in the Statutory Guidance need to be included in the Code. What does the Code mean by this and what are the specific parameters of measure to meet the standard of robust? This cannot be left to the VSPS to establish. **These standards must be set by the Code.**

Section 11.6 and 11.7

We disagree with this provision and are disappointed that the Code would allow such a blatant lack of protection for users, especially children. It is far more likely that children are viewing most of the harmful content on more general platforms rather than accessing specific pornography sites. What point is there in specifically defining a VSPS as a pornographic VSPS under section 11.3 if any VSPS is then allowed to upload and share the same content without the same

protections for users? The standard between the two, while not clearly defined is the difference between robust and effective measures. The standard of age verification applied is reduced for more general VSPS, the very places where children have the most access. If adults would like to access pornographic content, then they can access pornographic VSPS directly, there is no reason for such content to be permitted on general VSPS. **If the principal purpose of the VSPS is not to provide pornographic material to adults, then the uploading or sharing of pornographic content should be prohibited.**

We disagree with the provision of allowing users then to rate their own content. This again is open to abuse and requires other users to flag the content by which time it could have been viewed by numerous children. The Code, furthermore, does not then require any sanction for the content uploaders failure to accurately label their content.

The term 'effective age verification measures' requires further definition. What does the Code mean by this and what are the specific parameters of measure to meet the standard of 'effective'? This cannot be left to the VSPS to establish. **These standards must be set by the Code.**

Section 11.9

This section is vague and insufficient. The Code must set out the definitions of 'fair procedures' and what constitutes 'appropriate'. **The Code should set out what procedures are to be applied included specific time-limits for responses to flagged content and after how many infringements an account should be suspended and ultimately terminated.**

7. What is your view on the requirements in the draft Code for the VSPS provider to suspend or terminate an account in certain circumstances?

We agree with this provision but recommend that this be strictly applied, and the Code needs to be more specific in its requirements of what these fair procedures should consist of. It is our recommendation that warnings should be displayed before any posting that identifies what

content would infringe on the terms and conditions of the service. Algorithms can be used to identify language which has the potential to cause harm and users should be warned and prompted to use different language, alternatively the content should be flagged as potentially harmful. **A first infringement should result in the suspension of the account until the user has completed a training module setting out the reason for the infringement and the potential harm such an infringement could cause. Subsequent infringements should result in longer suspensions and ultimately termination. The Code should set out the time periods for this progression.**

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The process involved in the flagging and reporting of content is the most important aspect of this Code. This is where users can exercise the protections they supposedly have. The Commission has essentially left the monitoring of these processes in the hands of the VSPS which is unacceptable. No mention is made in the Code of some of the most prevalent issues with online abuse which is the creation and sharing of child abuse material, intimate image abuse and the non-consensual sharing of intimate images and information, nor is there any reference to specific procedures for victims of these offences. **Specific procedures and protections need to be established and laid out clearly within the Code to ensure that abuse of this kind is dealt with quickly and effectively by VSPS.** The harms involved in this type of abuse are exponential once the images are shared. Having strict timelines for ensuring these images are removed are essential. **We suggest a strict 24-hour rule for the removal of the images, suspension of the account, informing and cooperation with other VSPS to ensure the removal of the images from all platforms and the reporting of the incident to the police. There should be further supports and protections offered to the victims of this offence.**

Section 11.11

The Code needs to set out the specifics of what the terms transparent and user-friendly mean. **Provisions needs to be made for multiple accessibility options in different languages with detailed explanations of terms, processes and timelines. This system cannot be entirely automated.** There must be the option to engage directly with a person who is **trained in dealing with victims of DSGBV and other forms of abuse and violence.** The abuse experienced by users is often over multiple platforms. **Provision should be made for cooperation between different VSPS to ensure they are all notified of the illegal or harmful content which can then be removed from all platforms.**

Section 11.13

Notification must also be given that should the complaint handling procedures provided by the VSPS be unsatisfactory then users have recourse to the Commission's own complaint handling procedures. **The Code must state the minimum standards and requirements that should be followed by the service providers when developing their complaints handling procedures.** An escalation of a complaint from a VSPS should place a burden on VSPS such that this is something they are strongly incentivised to avoid through effective resourcing the complaint handling on their platforms.

Section 11.14

It is extraordinary to us that the Commission would allow VSPS to set their own targets with respect to timelines, accuracy of reporting and flagging mechanisms. **These targets must be set by the Commission and monitored closely to ensure compliance.** Timelines especially are already an area of dissatisfaction expressed by users, particularly the time it takes to remove content. **Minimum timelines must be set by the Code. We recommend a strict maximum of 24-**

hours be implemented for the complete removal of content across all platforms, suspension of the account and reporting to the police. The meaning of the term 'accuracy of reporting' needs to be defined further. **The design of flagging mechanisms must be set by the Code and should be standard for all VSPS.**

The Code should set out specific reporting that is required not a general comparison of performance against self-imposed targets. There should be complete transparency on information relating to how VSPS deal with reports, flagging of content and responses to content identified as illegal or harmful. Furthermore, there must be **requirements set on what data is to be collected and that all such data be stored and maintained and accessible to the Commission on request.**

9. What is your view on the requirements in the draft Code in relation to age verification?

Section 11.16

Effective measures need to be more clearly defined. **The contents of the Statutory Guidelines should be incorporated into the Code** and not contain in a separate document. This creates unnecessary confusion and the potential for conflicting information.

We disagree with the word 'may' when referring to the application of the measures. **These measures must be applied both at the opening of an account and as a continuing measure.** As suggested above, a mandatory training module should be applied to all users at the opening of an account educating them on the terms and conditions of the VSPS, what content constitutes illegal or harmful material, the impact of these harms, the processes for flagging and reporting and the consequences of non-compliance with these terms. If these measures are applied to all users, then children who are accessing the platform will all still be subject to the measures whether they are lying about their age or not.

Section 11.17

A content warning on its own is not sufficient, a **further age verification process should be required to access such data.**

Section 11.18

(iii) We are unsure of the meaning of this sentence. How do you set targets for the number of children who are wrongly identified? This requires some clarification. The target should always be that no children should be accessing the service pretending to be adults. Specific reporting must be required on how many children are identified and what measures are being taken to ensure the methods they have used are addressed. **The evaluation of measures should be established and monitored by the Commission or an independent body not by the VSPS themselves. All data collected on these measures should be stored and accessible to the Commission.**

Section 11.19, 11.20 and 11.21

Pornography and gross gratuitous acts of violence and cruelty are particularly harmful to all users but especially to children. **The most stringent protections must be in place to ensure that children cannot access this material.** A clear definition of what constitutes acceptable 'robust age verification' must be established by and contained in the Code, not in the Guidance materials. **This age-verification should be required at both sign up and on each occasion that content is accessed.** We would go further to suggest that where the option exists for users to share content of this nature, **the use of anonymous profiles on these platforms should be restricted to discourage the use of temporary anonymous profiles being created for the purpose of sharing illegal or harmful content.** Again, while the VSPS should be required to provide reports on their mechanisms, the **Commission should be monitoring and establishing whether these mechanisms are accurate and effective.**

10. What is your view on the requirements in the draft Code in relation to content rating?

We disagree with allowing users to rate their own content. This leaves these ratings open to abuse and therefore entirely pointless as they would have to be viewed by other users (potentially children) before anyone would establish that they may not be suitable. **The VSPS must have responsibility for ensuring the content rating is accurate to prevent any harm to children before they view such content.** Questions of practicality based on the requirement for speed and volume of content should not outweigh the need for protections from harmful material reaching children. Comprehensive protections are applied to film and television, there is no reason comprehensive protections should not be applied to online content, we would argue even more stringent protections should be applied considering the ease of access children have to such content. **The reasoning that content is required to be instantly available should not be trumping considerations of accuracy and appropriateness.**

11. What is your view on the requirements in the draft Code in relation to parental controls?

We suggest all new accounts opened by children should have the strictest possible safety and privacy settings by default which can then be adjusted using parental controls. The provisions contained in the Statutory Guidance materials should be contained within the Code and should be prescriptive and not suggestive.

12. What is your view on the requirements in the draft Code in relation to complaints?

The provisions of the Statutory Guidance should be included in the Code itself and should be prescriptive and not suggestive.

Section 11.29

Users must be able to make complaints directly to the Commission about the VSPS implementation or complaints procedure or appeal decisions made by the VSPS on any dispute (it is our understanding that the development of this process is set for 2024 and trust that this will be a priority for the Commission). Both procedures should be transparent, accessible and have specific time limits for responses by the VSPS and the Commission. Specifically, when dealing with the urgency required in matters involving child abuse material, intimate image abuse and the non-consensual sharing of images or information, the processes need to have strict timelines and clear protections and supports for victims.

Section 11.30

The terms 'timely' and 'effective' are vague and not defined in the Code. Specific time periods for the responses to and subsequent handling of complaints must be established by the Code.

The Commission should develop a set of specific and appropriate time periods for all procedures clearly set out as an appendix to this code.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

No.

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold and arranged by the VSPS provider?

This falls outside the area of focus for the RCNI, but we would suggest that strong protections be put in place to protect users from any harmful content with strict monitoring from the Commission. Furthermore, the Commission should be prioritising the protection of the public over any commercial interests of the content creators or VSPS.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold and arranged by the VSPS provider?

This falls outside the area of focus for the RCNI, but we would suggest that strong protections be put in place to protect users from any harmful content with strict monitoring from the Commission. Furthermore, the Commission should be prioritising the protection of the public over any commercial interests of the content creators or VSPS.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

This falls outside the area of focus for the RCNI, but we would suggest that strong protections be put in place to protect users from any harmful content with strict monitoring from the Commission. Furthermore, the Commission should be prioritising the protection of the public over any commercial interests of the content creators or VSPS.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

No.

18. What is your view on the requirements in the draft Code in relation to media literacy issues?

Any media literacy measures should include information and guidelines as to identifying harmful content and the impact such content can have on users. Particularly content containing or promoting domestic, sexual and gender-based violence, misogyny, exploitation, intimate image abuse and the sharing of images and information and exploitation. These have a devastating

impact on victims and encourages behaviour that influences user's behaviour both within and outside the online space. **The Guidance on Media Literacy provided should be prescriptive rather than suggestive.** VSPS should be required to promote the qualities suggested and required to consider the measures contained. **Any media literacy standards should be set by the Code and uniformly applied to all VSPS.** These standards should include not only provisions relating to the approach by VSPS to informing and educating content creators but also users so that they are not making uninformed choices about the content they are accessing and the information they may be sharing.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

We agree with this requirement but would take it further to ensure that the personal information is not processed for any purpose other than the age verification and parental controls required for the security and protection of the children. Naming only commercial purposes leaves the interpretation open to abuse. The information contained in the Guidance should be placed in the Code itself.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

No.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

No.

22. Do you have any comments on this section of the Draft Code?

No.

23. Do you have any comments on the Annex?

We repeat our concerns over the limited definitions of illegal content harmful to both children and the general public. There should be no limitations set. All illegal content is harmful.

24. Do you have any other comments on any section of aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

As mentioned above, the lack of acknowledgement or commitment to tackling the high levels of risk and harm perpetuated by content which contains domestic, sexual and gender-based violence, misogyny, exploitation, intimate image abuse and non-consensual sharing of images or information is of great concern. **No mention is made of these harms in the Code, despite their devastating impact on victims and society generally.**

The Code should require cooperation between VSPS themselves and between VSPS and the Commission, the police and specialist NGOs and public sector bodies in combatting the sharing of illegal and harmful content, training and development of prevention measures and support services for victims. VSPS should be obligated to resource and fund such external expertise, through a Code based mechanism under the control of the Commission, that ensures that the transparent distribution of the levy cannot interfere with the independence of the external experts.

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission a section 139ZA of the Act?

We suggest that the Guidance should be incorporated into the Code. Having included these suggested measures in this consultation process, there is no reason to have any delays in

incorporating these measures into the Code. The more comprehensive the first version of the Code is, the more protections users will have from the outset.

Section 1.1 Safety by Design

While protection from sexual abuse is referenced in relation to minors, once again, domestic, sexual and gender-based violence, misogyny, intimate image abuse, non-consensual sharing of images and information and exploitation are not mentioned as grounds for protection. **The Code must provide specific details on what the requirements of the 'online safety impact assessment' should be.**

Section 1.3 Recommender System Safety

The Code only requires that VSPS 'consider' the measures stated in this paragraph and to provide explanation as to 'whether' they have given effect to them. **These measures must be mandatory. The only effective way to protect users from recommender algorithms/systems is for them to be optional for users on all platforms.** The use of these algorithms/systems should, by default, be switched off and only be engaged when specifically consented to by users with additional protections in place to ensure users are able to make informed decisions before consenting. The use of the algorithms/systems not only interferes with user's choices when using platforms but is also the vehicle through which illegal or harmful content is spread at a rapid rate. The harm to users is not only the content of one video but the subsequent bombardment with similar content they experience as soon as they engage with the material. This perpetuates the harms where content that is illegal and harmful is directed at a user indefinitely and exponentially. This is particularly problematic when children have gained access to illegal and harmful content which they are unlikely to flag as harmful themselves. This results in further harmful content being directed at them. This does not stop until such time or if the content is flagged by another user

or identified by the VSPS. VSPS should also be prevented from feeding recommender algorithms/systems with personal information collected on users without consent.

We disagree with the use of the term ‘in aggregate’. Content which is illegal or harmful causes harm after only one viewing of such content. There is no mass point after which the content becomes harmful. Using this language creates the perception that there is room for allowances of such content before action is taken.

General Recommendations

Consultation on the application of the Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

No.

27. Do you have any comments on the proposed application of this draft Code to the named individual video-sharing platform services?

No.

Proposed Supplementary Measure and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

We thank you for the opportunity to make a submission. Please contact us should you require further or clarifying information.

Date: 31 January 2024

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31st January 2024

Subject: Response to consultation on draft Online Safety Code for video-sharing platform services, from the HSE National Office for Suicide Prevention (NOSP)

Dear Caroline,

The HSE National Office for Suicide Prevention (NOSP) welcomes the opportunity to respond to your [public consultation on Ireland's first Online Safety Code](#) (8th December 2023). Our background position is set out in this letter, followed by more specific answers to some of the questions provided in the [Consultation Document: Online Safety](#).

Background

The HSE NOSP was established to strategically lead on suicide prevention efforts across the HSE and in collaboration with multiple partners. This work is underpinned by [Connecting for Life, Ireland's National Strategy to Reduce Suicide \(2015–2024\)](#). As a whole-of Government strategy, the HSE NOSP provides a strategic view of implementation progress within an implementation structure established in 2015. The Office fulfils a central role in this implementation structure and reports to the National Cross-sectoral Steering and Implementation Group (chaired by the Department of Health) on a quarterly basis.

The HSE NOSP also works directly with the non-governmental organisation sector – presently 21 agencies receive national funding from the Office to deliver on work aligned with the objectives and actions in Connecting for Life. Services and initiatives delivered across this diverse sector play a



decisive role in advancing suicide and self-harm prevention, postvention and mental health promotion efforts in Ireland.

Connecting for Life sets out a vision of an Ireland where fewer lives are lost through suicide, and where communities and individuals are empowered to improve their mental health and wellbeing. The strategy has 69 actions, under 7 strategic goals.

- Goal 1: To improve the nation's understanding of and attitudes to suicidal behaviour, mental health and wellbeing
- Goal 2: To support local communities' capacity to prevent and respond to suicidal behaviour
- Goal 3: To target approaches to reduce suicidal behaviour and improve mental health among priority groups
- Goal 4: To enhance accessibility, consistency and care pathways of services for people vulnerable to suicidal behaviour
- Goal 5: To ensure safe and high-quality services for people vulnerable to suicide
- Goal 6: To reduce and restrict access to means of suicidal behaviour
- Goal 7: To improve surveillance, evaluation and high quality research relating to suicidal behaviour

Connecting for Life places a considerable emphasis on the need to 'engage and work collaboratively with the media in relation to media guidelines, tools and training programmes to improve the reporting of suicidal behaviour within broadcast, print and online media' (Objective 1.4). Four specific actions (1.4.1, 1.4.2, 1.4.3 and 1.4.4) detail a range of ways in which key stakeholders can encourage safer online environments, responsible media report and broadcasting of suicide-related content.

Suicide and self-harm

In preparation of this response, the HSE NOSP has had deliberative discussions with relevant partners working in this area who have a specific interest in reducing the harmful impact of suicide and self-harm content online. These partners include the Department of Health (Mental Health Unit), Samaritans Ireland, Headline and the National Suicide Research Foundation (NSRF). As funder of Samaritans, Headline and the NSRF, the HSE NOSP has been supportive of their various initiatives in this broad area of work to date. The HSE NOSP is supportive of and endorses:

- Samaritans Ireland and [the Samaritans Media Guidelines for Ireland](#) – a range of guidance and information resources for media professionals, developed based on the evidence that certain types of media depictions, such as explicitly describing a method, sensational and excessive reporting, can lead to imitational suicidal behaviour among vulnerable people. Samaritans have also developed [Online Safety Guidelines](#), for sites and platforms hosting user-generated content.
- [Headline](#) (a project in Shine) – Ireland’s national media programme for responsible reporting, and representation of mental ill health and suicide. Headline provides training, research, media monitoring and support, for Irish media professionals across print, broadcast, and online platforms to reduce the effects of suicide contagion, and the stigma attached to mental ill health.
- [The National Suicide Research Foundation \(NSRF\)](#) – an independent, multi-disciplinary research unit that delivers research projects in suicide, self-harm and mental health. Support from the HSE NOSP ensures these projects can contribute to the surveillance, research, implementation, evaluation and the evidence base for strategic goals and actions of Connecting for Life. Of particular note, [The Harmful Impact of Suicide and Self-harm Content Online: A Review of the Literature](#)¹ sought to identify, review and summarise the literature and evidence on the impact of harmful suicide or self-harm content online, and to propose clearly defined descriptions of categories of online material that are considered to be harmful in relation to suicide and self-harm. This literature review has been revised and updated (2023).

Eating disorders

Connecting for Life, Ireland’s National Strategy to Reduce Suicide, outlines priority groups for suicide prevention – groups for whom there is evidence of vulnerability to and increased risk of suicidal behaviour. The strategy also highlights risk factors of suicide that can be influenced by individual vulnerability or resilience, and these risk factors relate to the likelihood of a person developing suicidal behaviour. People with mental health problems, and notably people with eating disorders, have a heightened lifetime risk of, and vulnerability to, suicide.

In this context, the HSE NOSP would also take this opportunity to highlight the work of the [HSE National Clinical Programme for Eating Disorders \(NCP-ED\)](#), a collaborative initiative between the HSE,

¹<https://www.hse.ie/eng/services/list/4/mental-health-services/connecting-for-life/publications/the-harmful-impact-of-online-content-a-literature-review.html>



the College of Psychiatrists of Ireland, and Bodywhys (the Eating Disorders Association of Ireland), the national support group for people with eating disorders. Eating disorders have the highest mortality and morbidity of all of the mental health conditions², and it is estimated that they will affect between 1–4% of the population at some point in their lives. They are caused by a combination of genetic, biological and psychosocial factors and occur across gender, age, cultural, ethnic and socioeconomic groupings. Although not common, eating disorders result in very high psychosocial and economic cost to individuals, families, healthcare and society when not treated or treated ineffectively.³

Bodywhys asserts that while social media can be a great way to connect and provides opportunities to engage with areas of interest, it has also been highlighted as an additional pressure to body image. Research indicates that increased time spent online or on social media can impact negatively on body image⁴. Social media posts tend to be about showing users best selves and the very best of their lives. Being bombarded with picture-perfect images of others can lead to a feeling of being 'not good enough'. Many people now also use filters and edit their photos and this can increase body image concerns as they might find it more difficult to accept their real-life selves. Editing of photos may also lead to an increased focus on the aspects of our appearance a user is not happy with, which may exacerbate body image concerns.

Bodywhys also developed Guidelines for the Media that outline broad principles (of avoiding specific details, avoiding sensationalising, covering 'celebrity' stories, the appropriate use of images, and on handling pro-anorexia websites) for media reporting, but could also be applied to general best practice in online or social content. The guidelines also contain information on best practice language and terminology related to eating disorders. Mindful use of language helps us to convey an understanding of the real needs of people affected by eating disorders and of the many challenges they face. Mindful use of language can also be a powerful tool in reducing stigmatisation thereby encouraging people towards seeking help.

For reference, in 2019, Bodywhys made a submission on the 'Regulation of Harmful Content on Online Platforms and the Implementation of the Revised Audiovisual Media Services Directive' that outlines their position on the risks and concerns related to eating disorders content online and on social media.

² Arcelus, J., Mitchell, A. J., Wales, J., & Nielsen, S. (2011). Mortality rates in patients with anorexia nervosa and other eating disorders. A meta-analysis of 36 studies. *Archives of general psychiatry*, 68(7), 724–731. <https://doi.org/10.1001/archgenpsychiatry.2011.74>

³ <https://butterfly.org.au/>

⁴ <https://www.bodywhysbodyimage.ie/ss/2research-on-body-image-in-ireland>



Future collaboration

Suicide prevention efforts require coordination and collaboration among multiple sectors of society, both public and private, including both health and non-health sectors such as education, labour, agriculture, business, justice, law, defence, politics and the media. These efforts must be comprehensive, integrated and synergistic, as no single approach can impact alone on an issue as complex as suicide.

The HSE NOSP looks forward to supporting the work of Coimisiún na Meán as their programme of work continues to develop in coming years and appreciates this present opportunity to impress the importance of reducing the harmful impact of suicide, self-harm and eating disorders content across a wide variety of platforms and online. We hope that consultative, collaborative and partnership approaches with stakeholders – particularly those working in health services and promotion – can continue.

Yours sincerely,



Mr John Meehan

HSE Assistant National Director, Mental Health Planning
& Head of National Office for Suicide Prevention (NOSP)



Consultation Question 1. Do you have any comments on sections 1 - 9 of the draft Code?

The HSE NOSP appreciates that the draft Code will help others to establish guidelines, rules and practices that will foster a safe, respectful, and inclusive online space for all users, and that will mitigate a wide range of online harms.

The draft Code should appropriately emphasise the harmful impact of pro suicide or self-harm material as outlined in our previous submission (04/09/2023 Submission to the Call for Inputs: Online Safety Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services).

However, our office is aware of stakeholder concerns that the draft Code in its current form does not fulfil section 139K of the Online Safety and Media Regulations Act 2022 – which does not identify harms or the provision of safety codes as something *only for minors* but indicates the code is to make provisions for *all users*. The draft Codes should not lack attention and safeguarding measures for individuals above the age of 18, given documented instances of harm extending into adulthood, such as suicide/self-harm, eating disorders, and various forms of cyberbullying.

While acknowledging the internet's potential as a beneficial tool for people of all ages, providing a sense of belonging and facilitating connections, it is crucial to recognise that it can also expose individuals to cyberbullying and distressing or harmful content. These harms can exist beyond an individual's eighteenth birthday. Coimisiún na Meán should seek to review and address this identified gap and imbalance in the draft Code, acknowledging the vulnerability of *everyone* to online risks, and to ensure an effective online safety framework for all.



Consultation Question 3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

Consultation Question 4. What is your view on the other definitions of illegal content and regulated content?

Consultation Question 5. Do you have any comments on any other definitions provided in the draft Code?

The HSE NOSP is broadly supportive of the definitions outlined in the draft Code. They provide greater clarity about the scope of protection that the draft Code gives and VSPS providers have greater certainty about the scope of their legally binding obligations.

However, there is an inconsistent reference to harmful suicide and self-harm related content, between content harmful to *children* and content harmful to the *general public*. In its present form, the draft Code does not include suicide or self-harm content in its definition of content harmful to the general public. This presents a significant omission.

The definitions of regulated content for both children, and the general public, should each contain equal weight and reference to harmful suicide and self-harm related content. In our previous submission (04/09/2023 Submission to the Call for Inputs: Online Safety Developing Ireland’s First Binding Online Safety Code for Video-Sharing Platform Services) the following types of online content relating to suicide and self-harm were noted. This content is potentially harmful for children and adults alike.

- Information on how to hurt or kill oneself, including evaluations of different methods and rationale for each, and related questions and answers.
- Chatrooms, forums or other material that encourages suicide or assists with suicide planning
- Suicide ‘pact’ sites.
- Images or videos that depict acts of suicide or self-harm, or locations/materials associated with such acts.
- Material which promotes, facilitates or educates users on other suicidal behaviours e.g., behaviours that include planning for suicide, acquiring means to suicide, attempting suicide and suicide itself.

Similarly, the definitions of harmful content in the draft Code, contain reference to eating disorders content for *children only*. The definition of content harmful to the *general public* should contain equal reference to eating disorders.

In our previous submission (04/09/2023 Submission to the Call for Inputs: Online Safety Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services) the following types of potentially harmful online content relating to eating disorders were provided. Information on:

- how to maintain or initiate eating disorder behaviours and how to resist treatment or recovery.
- how to obtain and use weight loss medications.
- how to conceal anorexia from family members
- how to behave in social situations involving food, particularly when interacting with people who do not have an eating disorder.
- weight loss strategies, commonly known as tips and tricks.
- diet challenges and competitions.
- praise for the denial of nourishment.
- disguising evidence of and how to induce vomiting, the sharing of personal photographs of emaciation in order to seek approval and validation from peers.



Consultation Question 6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

THE HSE NOSP is broadly supportive of any requirement that providers should include more comprehensive and detailed terms and conditions – in particular when such terms and conditions will give more clarity on types of harmful content, and what is permissible or not. Further, the HSE NOSP would be supportive of any work to develop a classification system for harmful online content related to suicide and self-harm, and eating disorders. For example, the following list, taken from *The Harmful Impact of Suicide and Self-Harm Content Online: A Review of the Literature* aims to clearly define descriptions of categories of online material that are considered to be harmful in relation to suicide and self-harm. In line with these aims, this answer is segmented into ten main sections, categorised by the following types of online content:

1. Online information sources (websites used to inform method)
2. Search engines
3. Social networks
 - a. Facilitate access to potentially harmful information
 - b. Facilitate contagion
 - c. Normalising self-harm and suicide
 - d. Increased risk following celebrity suicide
 - e. Facilitate cyberbullying
 - f. Suicide notes
4. Online imagery and videos
5. Online forums/message boards
6. Pro-suicide and self-harm sites
7. Online suicide 'games'
8. The 'Darknet'
9. Livestream suicide / cybersuicide
10. Online suicide 'pacts'⁵

⁵ Niall McTernan and Fenella Ryan, *The Harmful Impact Of Suicide And Self-Harm Content Online: A Review Of The Literature*. National Suicide Research Foundation, Ireland



Consultation Question 7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

The HSE NOSP is supportive of this requirement in the draft Code, and in this context, harmful content relating to self-harm, suicide and eating disorders should be given utmost priority.

- Providing information on how to hurt or kill oneself, including evaluations of different methods and rationale for each, and related questions and answers.
- Promoting chatrooms, forums or other material that encourages suicide or assists with suicide planning.
- Promoting suicide “pact” sites.
- Livestreams of a person attempting suicide.
- Promoting other suicidal behaviours e.g., behaviours that include planning for suicide, acquiring means to suicide, attempting suicide and suicide itself.

In the context of eating disorders, this might include the following content types.

- Promoting information on how to maintain or initiate eating disorder behaviours and how to resist treatment or recovery.
- Promoting information on how to obtain and use weight loss medications.
- Promoting information on how to conceal anorexia from family members.
- Promoting information on how to behave in social situations involving food, particularly when interacting with people who do not have an eating disorder.
- Promoting information on how weight loss strategies, commonly known as tips and tricks.
- Encouraging diet challenges and competitions.
- Promoting praise for the denial of nourishment.

However, the draft Code lacks any specific timelines for suspensions or terminations, and this is a particular concern given the potential rapid spread of information online. With reference to 11.10, the HSE NOSP would like to see more time-bound commitments on when an account would be suspended or terminated, as the current wording of ‘suspend or terminate accounts which they have determined to have repeatedly infringed terms and conditions of the service’ is not specific to any timeline.

Consultation Question 8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The HSE NOSP is of the view that this aspect of the draft Code requires attention, in particular in response to the following – “Coimisiún na Meán considers it would be premature to specify rigid targets for timeliness and accuracy of decision-making following user reports” (Consultation Document: Online Safety, p17).

In the context of harmful suicide, self-harm and eating disorders content online, the establishment of transparent and user-friendly mechanisms for users to report or flag content, and for VSPS providers to take action within a stated timeframe, is particularly important.

Suicide and self-harm content online (that is harmful or otherwise) can arise and propagate quickly, therefore emphasis should be given to ensure such mechanisms are real-time, efficient and responsive, in particular when incidents have occurred locally, nationally or internationally. In these instances, the potential for severe, rapid and real-world harm is considerable. For example, when a public figure or high-profile personality has died by (suspected) suicide, or when a community has experienced a loss or multiple losses.

The HSE NOSP recommends that appropriate working partnerships are formed between relevant agencies (for example, in health services) and VSPS providers, to inform how they design, prioritise and address content moderation issues and potential timescales for moderation decisions and action. These working partnerships could be grouped or assigned to themes, domains or categories of harmful online content as established.

The establishment of codes and their application may also present opportunities for more sophisticated integrated responses to death(s) by suspected suicide, from health services and communities. For example, [Developing a Community Response to Suicide](#) (a resource to guide those developing and implementing an Inter-Agency Community Response Plan for incidents of suspected suicide, particularly where there is a risk of clusters and/or contagion) outlines how a wide variety of agencies should work together to respond to suicide, and potentially provides forums locally and nationally, for VSPS providers to support and participate in these preventative efforts.

The establishment of a consistent mechanism or requirement for VSPS providers to report routinely on their content moderation metrics or decisions, would be particularly beneficial. This would help to enhance a broader understanding – across all sectors – of the issues arising, and assist research and



building the evidence base for how the harmful impact of suicide and self-harm content online can be minimised. It will assist suicide and self-harm prevention service providers and policy makers alike, to design and frame their own objectives and actions in this area of work.

In addition:

- Consideration should be given to the evidence of the effectiveness⁶ and dependability⁷ of generalised 'trigger warnings'.
- Comprehensive information on help, supports and services should accompany flagging mechanisms for users. This information should be:
 - Appropriately aligned with the nature and severity of the content, and sophisticated enough to return local information, or time-specific information. For example, in critical or emergent incidents, signposting to emergency, out-of-hours local services.
 - Routinely reviewed and validated with relevant support services and accurate at all times.
- More integrated real-time connections or solutions could also be designed and established between VSPS providers and appropriate 24-hour support service providers. For example, the establishment of integrated access to text, helpline or emergency services.

⁶ Bridgland, V.M., Jones, P.J. and Bellet, B.W., 2022. A meta-analysis of the efficacy of trigger warnings, content warnings, and content notes. *Clinical Psychological Science*, p.21677026231186625.

⁷ Moreno MA, Ton A, Selkie E, Evans Y. Secret Society 123: Understanding the Language of Self-Harm on Instagram. *J Adolesc Health*. 2016 Jan;58(1):78-84.

Message

From: Marie Sherlock [REDACTED]
Sent: 31/01/2024 14:33:53
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403c912716b-VSPS Regula]
Subject: Online Safety Code submission
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Caroline,

I wish to make a submission on the draft Online Safety Code, as published on the Comisiún na Meán website, and wish to clarify and ensure that the following issues are included in the Code:

Consultation question 5: Do you have any comments on any other definitions in the draft Code?

The section on “audiovisual commercial communications harmful to children” should include a definition of food high in fat, sugar or salt as being harmful to children.

Consultation question 19: What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

The code should stipulate a prohibition of the data collected from online due date calculators being used for the purposes of advertising, in particular by producers of commercial milk formula and follow-on milk.

Thank you for the opportunity to contribute to this consultation, and I trust that you will take these recommendations into account when finalising the code.

Kind regards,
Senator Marie Sherlock



Senator Marie Sherlock

Labour Party Spokesperson on
Employment Affairs, Media, Arts, Culture
and the Gaeltacht.

[REDACTED]
Leinster House, Kildare Street, Dublin 2
Working in Dublin Central



www.mariesherlock.ie

Please sign up to my newsletter [here](#).

Ceart chun Dicheangal: Cé go n-oirfeadh sé domsa ríomhphoist a sheoladh lasmuigh de mo ghnáthuaireanta oibre, nilim ag súil le freagra nó gníomh uaitse lasmuigh de d'uaireanta oibre féin.

Right to Disconnect: While it may suit me to send emails outside my normal working hours, I do not expect a response or action from you outside your own working hours.

Beartas r omhphoist an Oireachtais agus s anadh. oireachtas.ie/ga/email-policy/
Oireachtas email policy and disclaimer. oireachtas.ie/en/email-policy/

Message

From: Ani Kodzhasheva [REDACTED]
Sent: 31/01/2024 14:39:17
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you in response to Ireland's Online Safety Code public consultation.

I'd like to submit feedback about point 1.3.: Recommender System Safety.

I'd like to ask for the following changes to the draft of the Supplementary Measures to be added to the Online Safety Code.

Please remove any loopholes or ambiguity from this document which could be exploited by video-sharing platform services.

For example, please remove the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them". This way, you will clarify that the eight measures listed are the specified mandatory minimum and that platforms may add additional measures.

Without this change, video-sharing platforms can carry on business-as-usual, while the rest of us -- including children and minors -- pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. It is unacceptable that they are trying to market to children.

Section 1.3 of your draft Supplementary Measures could go a long way to stop the platforms amplifying hate, suicide, and disinformation, and to spur meaningful innovation that is good for both business and society. Please make this document as robust as possible.

Kind regards,
Ani Kodzhasheva



Samaritans Ireland submission to Coimisiún na Meán's Public Consultation on the draft Online Safety Codes

Foreword

Samaritans Ireland is the only all-island 24-hour emotional support helpline. Through over 2,000 listening volunteers, we respond to around 1,500 calls for help every day.

Samaritans Ireland understands the challenges of regulating harmful content on the internet while also recognising the importance of highlighting the positives of the online world. Following the 2017 death of Molly Russell¹, our Samaritans Central Charity (SCC) colleagues in Great Britain, in collaboration with the UK government and some of the largest tech platforms, established an Online Excellence Programme with the aim of promoting good practice around self-harm and suicide content online.

This includes an advisory service for professionals and platforms dealing with self-harm and suicide content online, a published best-practice guidance document² for platforms hosting user-generated self-harm and suicide content, a programme of research to better understand the risks and benefits for users accessing this material, and online user resources to support individuals to talk about suicide and self-harm safely online.

Samaritans Ireland recognises the work over the past year from Coimisiún na Meán to make the online world safer through effective regulation and welcomes the opportunity to respond to the highly anticipated draft Online Safety Codes.

While the draft Codes take many positive steps forward in developing and implementing Ireland's overall online safety framework, we are ultimately concerned the Codes fail to fully address sources of harm or protect users over the age of 18 from harms as is outlined in the Online Safety and Media Regulation Act.

As with the initial consultation, we discussed our concerns with our informal alliance – Headline, spunout, National Office for Suicide Prevention (NOSP), National Research Foundation (NSRF), and the Department of Health's Mental Health Unit and subsequently shared our concerns with the wider third sector.

¹ <https://www.bbc.com/news/av/uk-50186418>

² Samaritans (2020) Samaritans' industry guidelines: Guidelines for sites and platforms hosting user-generated content

Appended is a letter signed by groups and organisations from a variety of backgrounds with a shared concern that the Codes in their current draft show a lack of care and protection for persons over the age of 18 despite the well-documented prevalence of harms extending into adulthood in areas such as, but not limited to suicide/self-harm, eating disorders, and various form of cyberbullying.

Samaritans Ireland recognises the importance and impact of these Codes and strongly supports the Commissioner’s dedication to making the online world a safer space thereby fostering more positive experiences in real life. However in the Codes’ current draft, as an organisation that primarily supports those over 18, and after all of the evidence from our Online Excellence Programme, we cannot support the Codes in their current form as we feel they do not adequately acknowledge the harms and vulnerabilities we know extend into adulthood.

We have outlined some of our main concerns below.

4. What is your view on the other definitions of illegal content and regulated content?

Samaritans Ireland is deeply concerned by the lack of care and protection outlined for persons over the age of 18 as well as the difference of definitions of harm between what was outlined by Minister Catherine Martin and subsequently put in the legislation, and within the codes.

During the final rounds of legislative scrutiny, during her sessions before committee, Minister Martin did not make a distinction on age within harms, only those that “related to existing criminal offences, such as harassment under the Harassment, Harmful Communications and Related Offences Act 2020, or Coco’s Law, and those that are not linked to criminal offences, such as cyberbullying and the promotion of eating disorders, suicide and self-harm.”³

In the Online Safety and Media Regulation Act 2022 Section 139 outlines what is ‘Harmful online content’ and what is ‘Age-inappropriate online content’.

139A.(3). Outlines categories of online content as:

- (a) Online content by which a person bullies or humiliates another person;
- (b) Online content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder;
- (c) Online content by which a person promotes or encourages self-harm or suicide;
- (d) Online content by which a person makes available knowledge of methods of self-harm or suicide

³https://www.oireachtas.ie/en/debates/debate/select_committee_on_tourism_culture_arts_sport_and_media/2022-10-26/speech/152/

139D. Outlines specifically age-inappropriate online content and describes it as online content that is likely to be unsuitable for children (either generally or below a particular age), having regard to their capabilities, their development, and their rights and interests, including in particular content consisting of –

- (a) Pornography, or
- (b) Realistic representations of, or the effects of, gross or gratuitous violence or acts of cruelty

Within Section 10 of the proposed Online Safety Codes:

“regulated content harmful to children” means: content which may impair the physical, mental and moral development of children, namely:

- content consisting of pornography.
- content consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty.
- content consisting of dangerous challenges that give rise to a risk to life or risk of significant harm to physical health or safety of a child.
- content consisting of the other categories of harmful online content defined by section 139A(1)(b) and (3) of the Act, namely:
 - (a) content by which a person bullies or humiliates another person,
 - (b) content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder,
 - (c) content by which a person promotes or encourages self-harm or suicide,
 - (d) content by which a person makes available knowledge of methods of self-harm or suicide

AND

“regulated content harmful to the general public” means: - content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation.

Samaritans Ireland would like to see the disconnect between the legislation, whereby four specific types of content are identified as ‘harmful’ irrespective of age, and the Codes where these harms are only listed for children, amended to ensure continuity of protection.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is important that the public be made aware of how to safely talk and post about sensitive topics online as the internet can be a key place individuals seek help and share their own mental health stories. However it is also important users are equipped with the skills they need to stay safe online and be able to avoid or flag content they might find distressing. All VSPS providers must take responsibility for ensuring the safety of their users, taking appropriate action on self-harm and suicide content that could be harmful.

From Samaritans' user research and SCC's advisory service engagement, Samaritans Ireland is aware that users reporting content often receive poor responses with limited support provided and little or slow action to remove or address the reported content.

A 2023 empirical investigation determined the half-life (or lifespan) of social media posts on different platforms: Snapchat (0min), Twitter (24 min), Facebook (105 min), Instagram (20 h), LinkedIn (24 h), YouTube (8.8 d), and Pinterest (3.75 mo).⁴ A lower half-life means that most harm happens right after the content is posted, and content moderation needs to be performed quickly to be effective. A recent report examining the likely effectiveness of the DSA with regards to regulating highly viral online content found the key to moderation success seem to be appointing trusted flaggers, developing an effective tool for reporting harmful content across platforms, and correctly timing the reaction time for moderation.⁵

Some suicide and self-harm content is in the 'grey' area and is not easily defined. Ultimately, while speed of removal is important, any technological interventions to tackle harmful suicide and self-harm content must be underpinned by effective and nuanced human moderation.

Online safety codes should seek to empower these moderators to contribute to a safer, less harmful environment by acting on both content but also algorithms which generate user issues. The assessment of Complaints Handling should be swift and include transparency on the algorithms used in presenting the flagged content and any patterns in these complaints themselves.

To ensure reporting and flagging of content is being done in a safe and ethical way, any requirements around flagging/report should also take account of the health and wellbeing of content moderators both to protect and support a specific vulnerable or 'at risk' group but also to improve the standard of the moderation itself, avoiding relevant personnel being desensitised or burnt out and thereby less able to appropriately moderate making the internet less safety.

⁴ Graffius, Scott. (2023). Lifespan (Half-Life) of Social Media Posts: Update for 2023. 10.13140/RG.2.2.19783.98722.

⁵ Schneider, Philipp J., and Marian-Andrei Rizoiu. "The Effectiveness of Moderating Harmful Online Content." *Proceedings of the National Academy of Sciences* 120, no. 24 (2023).

9. What is your view on the requirements in the draft Code in relation to age verification?

Overall, Samaritans Ireland feels the over-emphasis of measures around age verification as a means of reduction of harms only for minors, has lessened the efficacy of the Codes for the population as a whole and could also introduce instances where helpful content could be inadvertently blocked for children.

While age verification can play an important role in making a safer online world, it fails to consider most harms extend into adulthood and can overshadow other methods which ensure continued safety when the user turns 18.

Samaritans Ireland has gained valuable insights from our Online Excellence Programme in the UK as to how platform design, systems and processes can be shaped to enhance the safety of their users, including using age and sensitivity warnings, prioritising and promoting positive and helpful content, and effective moderation processes.

In Samaritans Ireland's view the Code should have a duty of care to all internet users, regardless of their age and believe all VSPS, regardless of reach and functionality, should be required to remove suicide and self-harm content that is harmful to children and adults.

Whilst it is imperative that children are kept safe online, suicide and self-harm content affects people of all ages. A UK study that looked at deaths by suicide between 2011-2015, found 151 patients who died by suicide were known to have visited websites that encouraged suicide or shared information about methods of harm. 124 were aged over 25.⁶ This data was based on clinical reports and is likely to underestimate the true extent to which the internet plays a role in suicides.

“Anyone and everyone who is at risk of even considering suicide needs the online help to prevent them finding the information or impetus they may be looking for to take their own life. I know that every attempt my brother considered at ending his life - from his early 20s to when he died in April aged 40 - was based on extensive online research. It was all too easy for him to find step by step instructions so he could evaluate the effectiveness and potential impact of various approaches, and most recently - given he had no medical background - it was purely his ability to work out the quantities of various drugs, and likely impact of taking them in combination, that equipped him to end his life.” – Samaritans supporter

In a population survey of 21 year olds, conducted by Samaritans Central Charity and the University of Bristol, almost 75% of the participants who had attempted suicide reported using the internet for a suicide-related purpose; whilst most were seeking help and support, one in five had accessed sites that provided information about methods of harm.⁷

⁶ The National Confidential Inquiry into Suicide and Homicide by People with Mental Illness (NCISH) (2017)

⁷ Biddle, L., Derges, J., Gunnell, D., Stace, S., Morrissey, J. (2016). Priorities for suicide prevention: balancing the risks and opportunities of internet use. University of Bristol/Samaritans

Additionally, research looking at online support groups found associations between the use of these spaces and suicidal feelings are not limited to younger users, but are also present for people aged 30 to 59.⁸ It is also important to consider that media literacy is increasing and digital natives are aging with the internet, meaning more ‘older’ people will find their way online in greater numbers in the near future.

“Harmful and accessible suicide and self-harm online content can be harmful at any age. I am in my fifties and would be tempted to act on this information if I felt suicidal again.” – Samaritans supporter

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

User education and media literacy is a key facet of online safety and Samaritans Ireland would point to the current Online Safety Bill currently in Westminster whereby media literacy is underpinned by “an awareness of the impact material may have”⁹ – this is a key principle of speaking safely about suicide and self-harm online. Samaritans have co-produced a range of user resources with young people with lived experience and would also welcome the opportunity to engage further in this area.¹⁰ Extensive engagement with other relevant stakeholders like Media Literacy Ireland and National Adult Literacy Agency will be important to determine specific requirements for VSPS providers.

Samaritans Ireland strongly advises the development of ‘easy read’ versions of both the codes as well as requiring the platforms to publish their own guidance in this format. In the future, Samaritans Ireland would also like to see public consultations made available in ‘easy read’ format so everyone concerned is able to fully participate.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

In addition to monitoring and reporting the speed, accuracy, and human level of involvement in removing and reducing self-harm and suicide content online, we also think it is important that services are held accountable for the mental wellbeing of their staff – especially those continuously exposed to distressing content. To ensure compliance with other areas of the online safety code, it is critical that moderators are able to operate at full capacity and effectively remove/reduce harmful or potentially harmful online content.

VSPS providers should be requested to appear before the Online Safety Commissioner and/or relevant committee to report on their compliance on an annual basis. This will help ensure their moderation standards are fit for purpose and that the providers are appropriately managing the

⁸ Scherr, Reinemann. First do no harm: Cross-sectional and longitudinal evidence for the impact of individual suicidality on the use of online health forums and support groups (2016)

⁹ Online Safety Bill. Westminster. <https://bills.parliament.uk/bills/3137>

¹⁰ <https://www.samaritans.org/about-samaritans/research-policy/internet-suicide/online-safety-resources/>

balance between human-to-AI moderation ratio, while also ensuring their human moderators receive high quality training and support.

Samaritans Ireland believes the risks to moderators wellbeing is directly related to the reduction in quality of moderation and should be explicitly addressed within the codes. Outlining compliance monitoring and reporting of this nature in the Online Safety Codes is a key way to monitor internet safety. The monitoring/report should include specific measures for platforms to ensure the good mental health and wellbeing of people who review/moderate potentially harmful content including things like mandatory reporting on support measures in place for any persons who review, categorise, edit and/or remove harmful or potentially harmful content including things like formal/informal debrief, job rotation, breaks, training, and professionals supports as needed.

From our research and experiences with our own volunteers, we know that exposure to self-harm and suicide content, particularly over an extended period, can negatively affect mental wellbeing. We have developed robust internal support mechanisms for our volunteers to limit harm and enable them to operate at their highest, healthiest capacity thereby also better serving the needs of vulnerable people.

Samaritans Ireland knows it is of the upmost importance that everyone be given the opportunity to ensure their mental health and wellbeing is looked after – this allows individuals to be happier, healthier, and therefore more equipped to successfully do their job. Any programme to manage online harms must take account of the health and wellbeing of content moderators both to protect and support a specific vulnerable or ‘at risk’ group but also to improve the standard of the moderation itself, avoiding relevant personnel being desensitised or burnt out and thereby less able to appropriately moderate, making the internet less safe.

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Samaritans would like to draw attention to the ‘Recommender Safety System.’ Samaritans Ireland has gained valuable insights from our Online Excellence Programme in the UK as to how platform design, systems and processes can be shaped to enhance the safety of their users, and have developed guidelines for the tech industry in managing user-generated suicide and self-harm content, in conjunction with academics, experts and individuals with lived experience.¹¹ This includes processes for removing detailed information on suicide/self-harm methods, turning off algorithms that push harmful content related to suicide/self-harm, using age and sensitivity warnings, prioritising and promoting positive and helpful content, and effective moderation processes.

¹¹ Samaritans industry guidelines for managing self-harm and suicide content <https://www.samaritans.org/about-samaritans/research-policy/internet-suicide/guidelines-tech-industry/>

Samaritans Ireland believes that the prevalence and placement of harmful online content should be explicitly identified as a key risk of harm that registered service providers should be aware of and measures should be included in the codes both to identify instances of inappropriate display or inappropriate prevalence of content with a risk of harm.

Algorithms which select content for display to a specific user must be developed with an ethical attitude to user behaviour which seeks to minimise compulsive or prolific consumption of difficult content. Research conducted between Samaritans Ireland and Ulster University has shown small changes in service operation, or brief interruptions, can break the cyclical tendencies, and overall, positively impact the behaviours of service users who may have otherwise continuously displayed concerning relationships with the service.

The emergence of recommender systems, which appear to cultivate addictive behaviours¹² based on the identification of content which generates the highest reaction is concerning. These systems, coupled with the available levels self-harm and suicide content for users of all ages, is a matter of grave concern and directly relates to risks of death by suicide. We welcome the identification of recommender systems themselves as potential causes of harm and do understand this is a complex area where care must be taken in developing regulation. However, we do feel the dangers are such that the Online Safety Code as implemented initially should provide space where potentially harmful impact of recommender systems can be flagged to the VSPS providers.

Conclusion

The development of the Online Safety Code will be an iterative process and Samaritans Ireland understands that it will not be possible to include everything in the first version and we welcome the opportunity to feedback in future consultations. However, we do believe through the adoption and implementation of a Code offering continuity of protection for all users, and the work of bodies such as Samaritans Ireland will be to engage with technology companies to explore solutions to the harms that all are agreed are present in the online space. It is important that this discussion includes the way content is delivered right from the start.

Prepared by Samaritans Ireland

31 January 2024

Contact: Sarah O’Toole, Executive Director for Samaritans Ireland.

Email: [REDACTED]

Tel: [REDACTED]

¹² <https://www.cand.uscourts.gov/in-re-social-media-adolescent-addiction-personal-injury-products-liability-litigation-mdl-no-3047/>

APPENDIX 1

Niamh Hodnett
Online Safety Commissioner
Coimisiún na Meán
2–5 Warrington Place
Dublin 2, D02 XP29

30 January 2024

Dear Commissioner,

We, the undersigned groups, and organisations, call on Coimisiún na Meán to redraft the Online Safety Codes to address the issue of ‘legal but harmful content’ for persons of all ages.

The Codes in their current form fall short of fully addressing section 139 of the Online Safety and Media Regulations Act 2022 which does not identify harms or the provision of safety codes as something only for minors but indicates the codes are to make provisions for ‘all users.’

As a sector, we are deeply concerned by the lack of care and protection for persons over the age of 18 despite the well-documented prevalence of harms extending into adulthood in areas such as, but not limited to suicide/self-harm, eating disorders, and various form of cyberbullying.

The internet has the potential to be a powerful tool for good for people of all ages offering a space of belonging or a way to make connections with people you might not otherwise meet. The internet can also open a person up to cyberbullying and provide access to content that can be distressing, triggering, and in some cases of harm, instructive. These harms do not disappear on a person’s eighteenth birthday, and we urge Coimisiún na Meán to address this vulnerability and omission within the Codes.

Thorough helplines, advice pages, emails, webchats, and face-to-face – we are the groups and organisations that support people of all ages who often share the impact the internet has on their daily lives.

Many undersigned organisations submitted responses to the first call and will again reply to the latest consultation with submissions including firsthand accounts and experiences from people the codes, in their current form, will not protect. It is of the utmost importance and urgency you review and strongly consider these submissions and the many voices behind them.

The future of online safety will be shaped by the Codes being drafted now. We are here to work with you to help deliver what we believe can be our shared agenda – a safer internet for people of all ages.

Yours sincerely,



Sarah O'Toole

Sarah O'Toole
Executive Director
Samaritans Ireland



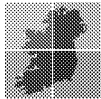
Ian Power

Ian Power
CEO
spunout



HEADLINE
Supporting men, changing attitudes

Aine O'Meara
Áine O'Meara
Headline Programme Lead
Headline



**National Suicide
Research Foundation**

Eve Griffin

Dr. Eve Griffin
CEO
National Suicide Research Foundation



Joseph Duffy

Joseph Duffy
CEO
Jigsaw



Nicola Byrne

Nicola Byrne
CEO
Shine



Vivian Gerian
Chairperson
Irish Association of Social Workers



Fiona Coyle

Fiona Coyle
CEO
Mental Health Reform



Paula Fagan
CEO
LGBT Ireland

Kerry Cuskelly
Chair
Social Workers in Adult Mental Health
Special Interest Group
Irish Association of Social Workers



Sheila Gilheany
CEO
AAI



National Women's Council
Doireann Crosson
Women's Health Coordinator
National Women's Council



National Suicide
Research Foundation



Connecting for Life



University College Cork, Ireland
Coláiste na hOllscoile Corcaigh

Re: Public consultation on draft Online Safety Code

Submission on behalf of the National Suicide Research Foundation (NSRF)

The National Suicide Research Foundation welcome the public consultation in relation to developing Ireland's First Binding Online Safety Code for Video-Sharing Platforms and the proactive approach of Coimisiún na Meán.

Online Safety is one of the key priority areas identified in Ireland's National Strategy to Reduce Suicide 2015-2024, Connecting for Life. The National Suicide Research Foundation (NSRF) is a Connecting for Life funded agency and is recognised as a World Health Organisation (WHO) Collaborating Centre for Surveillance and Research in Suicide Prevention.

The need for improved online safety is also underlined by the United Nations' Sustainable Development Goals (SDGs), in particular Goal 3.4: By 2030, reduce by one third premature mortality from non-communicable diseases, including suicide, through prevention and treatment and promote mental health and wellbeing (UN, 2015).

Consultation responses:

The NSRF advocates for the age category to be expanded to persons of all ages. The Codes in their current form do not fulfil section 139K of the Online Safety and Media Regulations Act 2022 which does not identify harms or the provision of safety codes as something only for minors but indicates the codes are to make provisions for 'all users' (see appendix one).

While evidence suggests that vulnerable young people are more likely to visit harmful websites and view harmful content online (Lavis & Winter, 2020 ; Mitchell et al. 2014) protection and safety frameworks related to harmful behaviour including suicide and self-harm for persons of all ages should be considered (Susi et al 2023).

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The NSRF welcomes measures related to age verification, parental controls, reporting and flagging, and the suspension and termination of accounts.

In line with international research, the NSRF would advocate for further mechanisms in relation to regularly reviewing content (Moreno et al. 2016), including a mechanism that activates triggers for potentially harmful content and the requirement for monitoring and regulating online videos containing methods of suicide (The Samaritans, 2020 ; Chang et al. 2015). The NSRF advocates for a stipulation that platforms must remove pro-suicide videos promoting the use of high-lethality methods (Gunnell et al. 2015) and facilitating online social contagion (Brown et al. 2018).

10. What is your view on the requirements in the draft Code in relation to content rating?

The NSRF is supportive of the content rating system proposed. Additional measures such as the establishment of a mechanism that activates triggers for potentially harmful content and a focus on safe browsing by utilising tools that limit time and diversify content also warrant consideration (Brennan et al. 2022).

13. Do you have any other comments on the requirements in section 11 of the draft Code?

- Mechanisms to facilitate early detection of online ‘suicide games’ related to suicide and mental health to identify emerging harms in real time are needed (Sumner et al. 2019). Platforms should be encouraged to monitor and remove content related to such phenomena.
- The NSRF would advocate for increased collaboration across jurisdictions (e.g the UK) in relation to the harmful effects of pro-suicide and self-harm content, to achieve consistency and reduce access to these sites.
- The NSRF recommends that consideration is given to additional video sharing websites containing very graphic and detailed descriptions of highly lethal methods of suicide, including those that are not established in Ireland but are accessible to Irish users. Removal of specific websites is warranted in line with regulations in others countries and [WHO guidelines for preventing suicide](#).

National Suicide Research Foundation

January 31st, 2024

Appendix One

Niamh Hodnett
Online Safety Commissioner
Coimisiún na Meán
2--5 Warrington Place
Dublin 2, D02 XP29

30 January 2024

Dear Commissioner,

We, the undersigned groups, and organisations, call on Coimisiún na Meán to redraft the Online Safety Codes to address the issue of 'legal but harmful content' for persons of all ages.

The Codes in their current form fall short of fully addressing section 139 of the Online Safety and Media Regulations Act 2022 which does not identify harms or the provision of safety codes as something only for minors but indicates the codes are to make provisions for 'all users.'

As a sector, we are deeply concerned by the lack of care and protection for persons over the age of 18 despite the well-documented prevalence of harms extending into adulthood in areas such as, but not limited to suicide/self-harm, eating disorders, and various form of cyberbullying.

The internet has the potential to be a powerful tool for good for people of all ages offering a space of belonging or a way to make connections with people you might not otherwise meet. The internet can also open a person up to cyberbullying and provide access to content that can be distressing, triggering, and in some cases of harm, instructive. These harms do not disappear on a person's eighteenth birthday, and we urge Coimisiún na Meán to address this vulnerability and omission within the Codes.

Thorough helplines, advice pages, emails, webchats, and face-to-face – we are the groups and organisations that support people of all ages who often share the impact the internet has on their daily lives.

Many undersigned organisations submitted responses to the first call and will again reply to the latest consultation with submissions including firsthand accounts and experiences from people the codes, in their current form, will not protect. It is of the upmost importance and urgency you review and strongly consider these submissions and the many voices behind them.

The future of online safety will be shaped by the Codes being drafted now. We are here to work with you to help deliver what we believe can be our shared agenda – a safer internet for people of all ages.

Yours sincerely,



Grain O'Faste

Executive Director
Samaritans Ireland



Ian Power

Ian Power
CEO
spunout

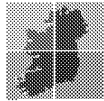


HEADLINE

Supporting mental wellbeing of everyone

Aine O'Meara

Aine O'Meara
Headline Programme Lead
Headline



**National Suicide
Research Foundation**

Eve Griffin

Dr. Eve Griffin
CEO
National Suicide Research Foundation



**Young people's
health in mind**

Joseph Duffy

Joseph Duffy
CEO
Jigsaw



Shine Supporting people affected by mental ill health

Nicola Byrne

Nicola Byrne
CEO
Shine



**Irish Association of
Social Workers**

Vivian Gerian
Chairperson
Irish Association of Social Workers



**Mental
Health
Reform**

Fiona Coyle

Fiona Coyle
CEO
Mental Health Reform



**LGBT
IRELAND** For Inclusion
For Equality
For Everyone

Paula Fagan
CEO
LGBT Ireland

Kerry Cuskelly
Chair
Social Workers in Adult Mental Health
Special Interest Group
Irish Association of Social Workers



**AlcoholAction
ireland**
Sheila Gilheany
CEO
AAI



National Women's Council
Doireann Crosson
Women's Health Coordinator
National Women's Council

Safe Ireland Submission to the **Coimisiún na Meán** Consultation on Online Safety Codes for VSPS and related matters January 2024

Introduction: Safe Ireland

Safe Ireland is the national development and co-ordination body working to eradicate Domestic Violence (DV). We have five distinct functions: investigating the causes and effects of violence and coercion based on sex, gender and sexuality; delivering frontline refuge, support and outreach services; supporting the development, delivery and coordination of frontline Domestic Violence member services; developing best practice guidelines for skilled community-led domestic violence response; and influencing civil society and national strategic policy. These are achieved through collaboration with our network of affiliated independent frontline DV services, local communities, professionals, public bodies, academic institutions, philanthropists and corporate partners.

There are 38 DV services across Ireland affiliated as members to Safe Ireland. Each delivers various combinations of services including national and local crisis helplines, emergency accommodation, housing and practical supports, one-to-one emotional and therapeutic support, information and advocacy, Garda / Court accompaniment, and welfare advice. 20 of these services operate staffed DV Refuges. Our core strategic focus is to change culture, transform responses to sex, gender, and sexuality-based coercion and violence in communities across Ireland, and to progress towards creating a free and Safe Ireland for women, for young people, and for children.

Introduction: This Submission

Safe Ireland welcomes very much this opportunity to contribute to the Consultation process on the draft Video-Sharing Platform Services (VSPS) Online Safety Code (OSC), associated Guidance and other matters, now being run by Coimisiún na Meán (“the Commission”). Last September, Safe Ireland made its first submission to the Commission, on the content and structure of the future Online Safety Code on VSPS. This submission should be read alongside that one, which may be accessed via our website¹. In essence, this second submission is a commentary on the draft VSPS OSC and on the draft guidance which goes with it. It also provides responses on a small number of related matters, as requested by the Commission. The format provided in the Draft Online Safety Code Consultation Document² is followed in this submission. That is, a number of consultation questions relevant to domestic violence are answered in the order in which they appear in the Document. For ease of reference, the Consultation Questions themselves are included, printed in a **contrasting font**. The Document itself contains the complete draft text of both the OSC and the associated Guidance.

¹ [Policy & Publications - Safe Ireland](#) – look under 2023 publications

² Accessible via this web-link: [Draft Online Safety Code Consultation Document Final.pdf \(cnam.ie\)](#)

The scope of this Submission is limited to online safety issues which are relevant to domestic violence and abuse. It does not include any commentary on commercial communications aspects of the Code or Guidance or on self-harm issues such as dangerous challenges, eating disorders, and suicide instructions.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Safe Ireland Commentary: When it comes to harmful online content which emanates from an abuser, the *context* in which this content is uploaded is often very important. For instance, a video of a person dancing, fully clothed, does not look abusive on its face. To upload that same video with a caption saying “that loose slag my wife is flaunting herself in public again” or to add a voiceover accusing her of prostitution or referring in derogatory terms to her dancing ability/ethnic origin or encouraging viewers to leave critical comments – and then leaving them up – is abuse. For this reason, Safe Ireland’s view is that it is entirely appropriate that user-generated content that is “indissociable” from user-generated videos – should indeed be covered by the Code.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

Safe Ireland Commentary:

1. Safe Ireland welcomes the inclusion of “age-inappropriate online content” (AIOC) under the heading, “regulated content harmful to children”. It seems to us beyond argument that the easy availability of so-called “legal” pornographic material (that is, which does not depict children or otherwise involve them in its production, distribution, etc) – to children via their smartphones is harmful in itself, not least because it is very often violent and misogynistic. It objectifies women as essentially robotic extensions of their male partners without any will of their own and helps to normalise the idea that any sexual practice, no matter how extreme or dangerous, must be acceptable if that is what the man wants. Thus, a culture of male entitlement is perpetuated within which men’s violence against women is normalised, rationalised and excused as part of a normal sexual relationship. Domestic violence and abuse are physical and psychological expressions of this same culture of male entitlement. Because the harm caused by domestic violence and abuse is so serious and often, so durable, Safe Ireland’s view is that the most stringent possible age verification measures are appropriate and proportionate in order to prevent access to this material by children and young people under 18. Safe Ireland supports a default of non-availability of this material for anyone who has not proved their age in line with these stringent measures.
2. In relation to the other category of “regulated content harmful to children”, that is, gross and gratuitous violence, Safe Ireland’s views are similar. Our view is that the same stringent age verification process as will be in place in respect of “legal” pornographic material is appropriate in respect of material depicting gross and gratuitous violence.

We do not consider that content ratings or a simple declaration that the material is intended as a contribution to civic discourse will have the effect of barring access to under 18s. Safe Ireland also supports a default of non-availability of this violent material for anyone who has not proved their age in line with stringent age verification measures.

4. What is your view on the other definitions of illegal content and regulated content?

Safe Ireland Commentary: These two definitions relate to the general public, not to children alone. In relation to regulated content harmful to the general public, we agree with those commentators who made the point that material which promoted misogyny and attitudes leading to gender-based violence, should also be regarded as harmful. We do understand that this kind of harm is not specified in the relevant AVMS Directive. However, the Commission will also consider the potential relevance of the DSA in relation to content promoting discriminatory attitudes. Safe Ireland respectfully submits that misogyny is a form of discrimination based on sex, and also, that it is appropriate to consider also in this context Article 34 (1) (d) of the Digital Services Act (DSA) which says that very large online platforms (VLOPs) should as part of their risk assessment obligations, consider the risks of “any actual or foreseeable negative effects in relation to gender-based violence, the protection of public health and minors and serious negative consequences to the person’s physical and mental well-being”. Would not the most effective form of risk assessment and management be to exclude this kind of material in the first place?

5. Do you have any comments on any other definitions in the draft Code [Section 10]?

Safe Ireland Commentary: Yes.

1. We think that the definition of **“illegal content harmful to the general public”** is too narrow to be effective in the context of online domestic violence and abuse, confined as it is to terrorist offences, offences concerning child pornography and racist and xenophobic offences. Safe Ireland’s view is that a similar approach should be taken to that relating to “illegal content harmful to children”, that is, a large number of offences which can be committed online **and** are listed in Schedule 3 of the Broadcasting Act 2009³ as amended should also be include in this definition. This is because we know from our daily work with women and children living with domestic abuse that online abuse takes many forms, is widespread and increasing, and has the capacity to be as serious in its impacts on its victims as physical abuse – often, even more so.

Safe Ireland recommends that the definition should include the following offences from the Schedule 3 list, which between them, cover many forms of online abuse which are prevalent in the context of domestic violence and abuse:

Non-Fatal Offences against the Person Act 1997

³ Consolidated version is accessible via this web-link: [Revised Acts \(lawreform.ie\)](https://www.lawreform.ie)

Online content by which a person applies force to the body of another, or causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to such force, contrary to **section 2** of the **Non-Fatal Offences against the Person Act 1997**.

11A. Online content by which a person without lawful excuse, intentionally or recklessly, causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to suffocation or strangulation, contrary to section 3A(1)(b) of the Non-Fatal Offences against the Person Act 1997.

12. Online content by which a person makes a threat, contrary to **section 5 (1)** of the **Non-Fatal Offences against the Person Act 1997** (threat to kill or cause serious harm to a person).

13. Online content by which a person harasses another contrary to section 10(1), stalks another contrary to section 10(2), or breaches an order made under section 10(4), of the Non-Fatal Offences against the Person Act 1997.

13A. Online content by which a person publishes or broadcasts identifying material contrary to section 10A of the Non-Fatal Offences against the Person Act 1997

Criminal Law (Sexual Offences) Act 2017.

36. Online content by which a person intentionally engages in offensive conduct of a sexual nature contrary to **section 45(3)** of the **Criminal Law (Sexual Offences) Act 2017**.

Domestic Violence Act 2018

37. Online content by which a person publishes or broadcasts information, or a photograph, depiction, or other representation, contrary to **section 36 (1)** of the **Domestic Violence Act 2018** (publication or broadcast of material likely to lead to the identification of persons concerned in proceedings).

Harassment, Harmful Communications and Related Offences Act 2020

38. Online content by which a person distributes or publishes or threatens to distribute or publish an intimate image, contrary to **section 2 (1)** of the **Harassment, Harmful Communications and Related Offences Act 2020** (distribution etc. of image without consent and with intent to cause harm etc.).

39. Online content by which a person distributes or publishes an intimate image, contrary to **section 3 (1)** of the **Harassment, Harmful Communications and Related Offences Act 2020**(distribution etc. of image without consent and so as seriously to interfere with peace and privacy or to cause alarm, distress or harm).

40. Online content by which a person —

(a) distributes or publishes a threatening or grossly offensive communication about another person, or

(b) sends a threatening or grossly offensive communication to another person, contrary to **section 4 (1) of the Harassment, Harmful Communications and Related Offences Act 2020** (distribution etc. of communication with intent to cause harm).

41. Online content by which a person publishes or broadcasts information, or a photograph or other representation, likely to enable the identification of the alleged victim of an offence under **section 2 or 3 of the Harassment, Harmful Communications and Related Offences Act 2020**, contrary to section 5(1) of that Act.

Safe Ireland's view is that there is no legal impediment to the inclusion of these offences in the definition of illegal content harmful to the general public at the level of either national or European law. If in fact there is an impediment which we have not identified, we submit respectfully that the Commission should lose no time advocating for the inclusion of these offences within the ambit of the law so that this Online Safety Code can become a much more effective tool to identify and frustrate the proliferation of many forms of online abuse in the context of domestic violence (and others).

2. Safe Ireland's view is that the definition of "regulated content harmful to the general public" is also too restrictive to be effective as a tool to prevent or sanction forms of online abuse which constitute cyber-bullying, being confined to content inciting to violence or hatred against a group of persons or one of their members on a number of grounds (sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation). We note also that most online abuse in the context of a pattern of domestic violence easily passes the risk test under Section 139A (4) of the Broadcasting Act 2009 as amended, in that it gives rise to a risk of significant harm to a person's physical or mental health, where the harm is reasonably foreseeable. Accordingly, we recommend that the definition also includes **content by which a person bullies or humiliates another person.**

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions [Section 11 – Obligations of the VSPS - Content]?

Safe Ireland Commentary:

Our view is that the proposed content of the terms and conditions is unobjectionable as far as it goes, but we do not see either confirmation that the user will comply therewith or content ratings as being very effective in themselves as a means to ensure compliance with those terms and conditions. Effective protection of children from both pornography and material depicting gross and gratuitous will come down to **robust and effective age verification**, which is continuously monitored and re-evaluated, and where possible as technology develops,

upgraded. However, potential suspension or termination of the account might have at least some deterrent effect

We also think it would be helpful to tighten the application of the sanctions listed at 11.9 (suspension or termination of accounts for repeated infringements of the terms and conditions identified after fair procedures). Safe Ireland recommends that the word “repeatedly” is defined as “on any subsequent occasion, including the next occasion”, and the very first time that a term or condition is found to have been infringed, the service user should be warned formally that any repeated infringement will result in suspension or termination.

9. What is your view on the requirements in the draft Code in relation to age verification?

Safe Ireland Commentary:

- We think that neither age estimation nor content warnings are adequate protections for children exposed to the risk of encountering either pornography or content depicting gross and gratuitous violence. These measures should be replaced by the most stringent and robust age verification measures possible, and
- These measures should apply on every occasion that an attempt is made to access either one of these two kinds of content.
- We note the Commission’s position that the details of any age verification process are to be left to each individual VSPS to decide. With great respect, it seems to us that this is a missed opportunity to set standards for, and exercise control over, age verification processes on which the online safety and well-being of children depend.
- We would suggest that at a minimum, there should be no question of access being granted to either explicitly sexual or grossly and gratuitously violent content without the prospective viewer having to provide sight of a valid passport or other official identification document with a photograph, to the VSPS.
- Safe Ireland further suggests that age verification should always be a two-stage process, i.e. first the passport or other identity document is shown, and then, the photograph on it is compared with a photograph of the prospective viewer (for instance, taken as a “selfie” and uploaded). Access should not be allowed unless and until the system can “match” the two. The benefit of this approach is that it would be very difficult to circumvent age verification controls by simply borrowing an identity document belonging to an older person. Our understanding is that some private companies have been using this approach to verify identity for some years.
- Consideration should also be given to two additional refinements which would further tighten age verification controls, to the extent that they are technically feasible:
 - Two-stage identification which takes place in real time, that is, (as at an airport), the passport is submitted and then the system takes a photograph of the user immediately afterwards which is then compared to the passport photograph – and access is only granted if the two match;

- The age verification process could be undertaken by an independent state-run or private agency, which would compare submitted ID documents with photographs on behalf of the VSPS and only allow access if the two matched. It would retain the personal data generated by this process in an ultra-secure virtual vault for as long as needed. That would mean that the age verification process would not have to be repeated, but could be done once, then the bona-fide over 18 person whose age had been verified could gain access to the relevant online material by for instance, inputting a numeric code or password generated by that agency's system which would be unique to that person. However, we fully recognise that this possibility is outside the ambit of the obligations on VSPS in this Code.
- Whatever method of age verification is chosen, and whichever standards are imposed on VSPS in this regard, the Code should cover the data protection obligations of both VSPS and the Commission towards the personal data which will have to be processed in the course of age verification. Safe Ireland suggests that it should be stipulated within the Code that any personal data generated by age verification should be used for no other purpose than that of age verification and kept for the minimum period necessary to verify age.

10. What is your view on the requirements in the draft Code in relation to content rating?

Safe Ireland Commentary: Even in the hands of those acting in good faith, this measure has limitations as it is very subjective. In the hands of bad actors, it carries safety risks. Safe Ireland's view is that content ratings should be sampled by the VSPS frequently and compared to those which would be given to the same content by professionals with specialist skills in this area. In particular, those professionals should be briefed to identify any ratings, or rating trends, which are so far out of the ordinary that bad faith by the rater must be suspected. We suggest that it is appropriate for the Code to be more prescriptive in this area, for example by suggesting that any evaluation measures should be carried out at set intervals over a minimum range of users because of the risks of harm to vulnerable users, especially children, carried by poor ratings which are not overseen effectively.

11. What is your view on the requirements in the draft Code in relation to parental controls?

Safe Ireland Commentary: Safe Ireland's view is that these provisions are broadly appropriate and would only stress the importance of ensuring that explanations of parental control systems are really easy to understand for the least technologically competent parents. "Appropriate means", the phrase used to describe instructions to parents in 11.27, should be clarified so that it is clear that it means: "user-friendly and easy to understand for all adults" – not only those who are very much at ease with technology. It should be remembered that when it comes to parental controls, the adults cannot fall back on their usual technology support service, that is, the advice of the children in the house.

12. What is your view on the requirements in the draft Code in relation to complaints?

Safe Ireland Commentary: Safe Ireland's view is that the text on complaints is unobjectionable in itself but very general indeed, perhaps too general to be useful either to complainants or VSPS. We think this part of the Code should be more prescriptive because to those affected by online abuse, time is of the essence. A swift response is needed so that the content in question is made inaccessible OR taken down with the minimum of delay - before it can be disseminated widely. We suggest that rather than leaving every detail of their complaints procedures to be decided by the VSPS alone, the Commission should stipulate in the Code that the content in question should be either rendered generally inaccessible OR taken down within a very short period, normally no longer than a couple of days at most, unless there are exceptional circumstances which justify a longer delay. We would also suggest that if there are indeed circumstances which make a swift decision very challenging to achieve within the specified timeframe, the content in question should be put out of the reach of all but VSPS personnel (and law enforcement where appropriate) until a decision is reached. The person making the complaint should be advised of the likely length of the delay and the reasons for it, and that delay should be kept as short as possible.

Safe Ireland also considers that the Code should stipulate that every VSPS should ensure that complaint handling services are resourced well enough to ensure that any target processing time is met in all but the most exceptional cases.

13. Do you have any other comments on the requirements in section 11?

Safe Ireland Commentary: No.

18. What is your view on the requirements in the draft Code in relation to media literacy measures [Section 13]?

Safe Ireland Commentary: Our view is that those suffering online abuse in the context of a pattern of domestic violence and abuse need to have ready access to information about how to protect themselves from such abuse (as far as possible) and about how to curtail it (as far as possible) when it does occur. This information needs to be written from a DV trauma-informed perspective and to be very simple and easy to use. It should always be remembered that a person living with the trauma of DV may find it difficult to absorb and retain information about any unfamiliar topic, so ease of access and simplicity of language, perhaps supported by visual materials, are paramount if the learning is going to be useful to the user in this context. In short, we think that this group of media users have very specific media literacy needs relating to their safety and that of their children, and so, an approach is called for which draws on specialist knowledge about domestic violence issues.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

Safe Ireland Commentary: We think it is appropriate to include, either at this point or under Section 11.29 through 11.31 above, an additional obligation on VSPS to gather and collate anonymised data in relation to not only to numbers of complaints of each type, but also on

processing times and outcomes, and importantly, on service users' satisfaction ratings for the complaints procedure they have just used. In Safe Ireland's review, this is the necessary counterpart of the reporting on complaints obligations which are imposed under Section 13.4.

Safe Ireland agrees that it should be the Commission which determines how each VSPS shall report to it on complaints received or other matters, and the stipulation that such reports should be received by the Commission seems reasonably frequent. We would suggest however that the Commission should also be free to specify a more frequent reporting interval in the case of an individual VSPS, if there is good reason to do so (e.g. high volumes of complaints on a particular topic in a short period).

21. Do you have any other comments on the requirements in section 13 of the draft Code?

Safe Ireland Commentary: No.

22. Do you have any comments on this section [13] of the Draft Code?

Safe Ireland Commentary: No.

23. Do you have any comments on the Annex [which lists the offence-specific categories of harmful online content referred to in the definitions "illegal content harmful to children" and "illegal content harmful to the general public"]?

Safe Ireland Commentary: Our comments on the Annex are set out under Question 5 above.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters Coimisiún na Meán is required to consider in developing an online safety code? [These matters are set out below for easy reference]:

139M.— When preparing an online safety code the Commission shall have regard in particular to—

(a) the desirability of services having transparent decision-making processes in relation to content delivery and content moderation,

(b) the impact of automated decision-making on those processes,

(c) the need for any provision to be proportionate having regard to the nature and the scale of the services to which a code applies,

(d) levels of availability of harmful online content on designated online services,

(e) levels of risk of exposure to harmful online content when using designated online services,

(f) levels of risk of harm, and in particular harm to children, from the availability of harmful online content or exposure to it,

(g) the rights of providers of designated online services and of users of those services, and

(h) the e-Commerce compliance strategy prepared under *section 139ZF*.]

Safe Ireland Commentary:

1. On (f) above (“levels of risk of harm, and in particular harm to children, from the availability of harmful online content or exposure to it”), Safe Ireland would be satisfied if the Code were to include in its definition of “illegal content harmful to the general public”, its recommendations on additional offences to be included at Section 5 above and also, if it were to include in its definition of “regulated content harmful to the general public”, any content whose effect is to bully or humiliate another person, because these additions taken together comprise many forms of online abuse which occur very frequently in the context of domestic violence; and
2. We think it would be appropriate, especially having regard to the references to safety by design in the draft Guidance, for the Code to stipulate that in the design of safety mechanisms in new applications, programs and systems, the principle of safety by design should always be followed and also, existing applications, programs, etc should be examined in timely fashion and adjusted if necessary so that their safety mechanisms too conform to safety by design principles. The meaning of Safety in this context must include the maximum level of safety from online abuse in the context of a personal relationship (as well as other forms of harm). We welcome therefore the proposal to include a section on Safety by Design in the next iteration of this Code and suggest under Question 28, how it might be modified to address the situation of those suffering, and at risk of, online abuse in the context of a personal relationship.

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act? [these matters are set out below for easy reference]:

139ZA.— (1) In preparing guidance materials or advisory notices under *section 139Z*, the Commission shall have regard in particular to—

(a) Article 28b of the Directive,

(b) the desirability of services having transparent decision-making processes in relation to content delivery and content moderation,

(c) the impact of automated decision-making on those processes,

(d) the need for any provision to be proportionate having regard to the nature and the scale of the services concerned,

(e) levels of availability of any online content, and of age-inappropriate online content, on relevant online services,

(f) levels of risk of exposure to harmful online content, or of exposure of children to age-inappropriate online content, when using relevant online services,

(g) levels of risk of harm, and in particular harm to children, from the availability of such content or exposure to it,

(h) the rights of providers of relevant online services and of users of those services, and

(i) the e-Commerce compliance strategy prepared under *section 139ZF.*]

Safe Ireland Commentary:

1. We note with approval in the Guidance the mention of safety by design principles. As indicated above under Question 24, we also think that an obligation to monitor existing applications, programs etc and to design new ones in accordance with safety by design principles, should be incorporated into the Code itself.
2. We also welcome the mention in the draft Guidance under the heading User-Friendly Reporting and Flagging, of the need for objectivity, accuracy and fairness when making content moderation decisions. We would further suggest that some additional training would be helpful to assist moderators to identify patterns of online abuse in a personal relationship, particularly in scenarios where there is no evidence that a crime is being committed (i.e. it appears to be regulated content harmful to the public rather than illegal content harmful to the public). Indeed, given the awful prevalence of domestic abuse and the proliferation of forms which it can take, we suggest that training for moderators on the nature, dynamics and impacts of online abuse in a personal relationship is a necessity, not a luxury.
3. With regard to the draft Guidance on age verification, we have already expressed our reservations in relation to age estimation above. We suspect such a system could be circumvented easily by any reasonably tech-savvy young person under 18. As ever, we think the most stringent possible age verification procedures are the most appropriate ones, having regard to the serious harm which can be done (and is being done) by the exposure of children to pornography and content depicting gross and gratuitous violence.
4. On the section on Parental Controls in the draft Guidance, Safe Ireland notes that it is only at the Bvery end that it is stated that these controls must be easy to find and use. We would suggest making this bit of the guidance more prominent and also, adding in

guidance to the effect that to be truly effective, any instructions on Parental Controls must be capable of being understood by the least technologically confident parents there are and also by parents who may find it difficult to absorb written instructions for whatever reason. This is of the first importance, otherwise a whole array of safety mechanisms will be useless to many children who need their protection.

5. With regard to the draft Guidance on Media Literacy, Safe Ireland suggests that consideration be given to providing periodic training to domestic violence support services and survivor-led support groups on how to establish and maintain online safety (as far as possible) in the context of abuse in a personal relationship.
6. Finally in relation to data protection rights: while Safe Ireland welcomes very much the inclusion of the importance of children's data protection rights, those of adults are also important, and as we have suggested above, this should be kept in mind at all times in the context of age verification. That is, care should be taken to treat personal data processed as part of age verification with the utmost care and also, not to retain any personal data longer than strictly necessary.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

Safe Ireland Commentary: Safe Ireland has no comment, other than in our view, it should apply to them.

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

Safe Ireland Commentary: Again, we have no comment to make other than in our view, it should also apply to these services.

28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Safe Ireland Commentary:

1. **Safety by Design:** As indicated above, Safe Ireland is very much in favour of this preventative approach, not least because in our experience, the harm caused by online abuse in the context of a pattern of domestic violence and abuse – may be very great, indeed sometimes devastating, and often, very durable. However, the net needs to be cast much wider than the protection of children from sexual abuse and the protection of the general public from racism, xenophobia and incitement to hatred or violence on the basis of membership of a specified group, as set out in the first paragraph of the draft Supplementary Measure at 1.1. Safety by design is needed very much also by victims of online abuse in the context of an intimate or other personal relationship and by those at risk of such abuse. This is a very large group of victims and potential victims! There needs to be a recognition that children are not the only vulnerable users of VSPS,

and that abusers will continue to find ever more ingenious ways of using VSPS (among other online tools) to abuse their victims. We suggest that specialist DV support services and other experts in this area are consulted before this part of the Supplemental Measures is incorporated into a new version of the Code.

2. **Online Safety Supports:** We suggest that there should be explicit mention both in the new Code and in any associated Guidance, of online abuse in the context of a personal relationship and also, of the specialist support services which can help anyone who finds themselves the victim of this form of abuse.
3. **Recommender System Safety:** Safe Ireland supports the inclusion of measures to ensure recommender system safety in any new iteration of the Code and also in any associated Guidance. We would have general concerns about what are described in the consultation document as toxic misogyny feeds which may well lead to incitement to hatred of, or violence towards, women and girls in general. We are also concerned that a particular victim could be targeted through recommender systems by an abuser inviting others to “pile on” her and abuse her online. For these reasons, we suggest that both the new Code on this topic and any associated Guidance are informed by input from specialist domestic violence support services, survivor-led groups, or other experts in this area.

Safe Ireland

SI/LSM/Final

Dated this 31st day of January 2024

Contact: Caroline Counihan BL, Safe Ireland Legal Support Manager

Email: [REDACTED]

Mobile: [REDACTED]



Our mission is to provide frictionless, trustworthy solutions for online platforms to maintain their integrity, protect their reputation and safeguard their customers.

Caroline Keville
Coimisiún na Meán,
One Shelbourne Building,
Shelbourne Road,
Dublin 4
By email: vspsregulation@cnam.ie

31 January 2024

Response to Consultation on the Online Safety Code

Dear Ms Keville,

VerifyMy's mission is to provide frictionless, trustworthy solutions for online platforms to maintain their integrity, protect their reputation and safeguard their customers. We are creating safe online experiences for everyone and we are pleased to share our response to your current consultation on the Online Safety Code. Our age assurance solution [VerifyMyAge](#) is designed for any online product, service or business, and features the widest range of age verification and age estimation methods. We are pleased to provide a short response to your current consultation on compliance with the latest regulations.

Question 9. What is your view on the requirements in the draft Code in relation to age verification?

We note that the Commission refers to "age verification" throughout the consultation, rather than the broader term of age assurance which is defined by emerging international standards such as ISO 27566 as to include both age verification and age estimation techniques. We would suggest aligning the language for consistency with those standards and the language used by the United Kingdom for example.

Age estimation provides an estimate of a user's age range and often relies on user behaviours or artificial intelligence and machine learning techniques. A key benefit of age estimation is its ability to provide fast and accurate results with minimal customer data and interaction.

We offer a wide range of age assurance methods because we agree that the user should be given the widest possible choice to suit their preferences. This also gives the user the best possible chance of being able to successfully complete an age check. Some may wish to adopt highly



privacy-preserving solutions while others may be comfortable sharing a government ID. We also want to ensure that users are not excluded because they lack the required documentation so it is important that they have alternative choices, such as our email address method, or facial or voice-based age estimation. It is also important to include age estimation methods such as email address that have zero discrimination by gender or skin tone, as well as being highly privacy-preserving.

We offer both facial age estimation and age estimation based on a user's email address, both of which can be tested to demonstrate a better than 99% probability that the user meets a minimum age requirement.

The email solution uses a range of data points to determine the user's minimum age using their email address. This form of estimation does not require any biometric data. VerifyMy's email address solution is fully inclusive and has zero bias by gender or skin tone. VerifyMyAge is designed to be as efficient and seamless as possible.

Our email method has been independently audited and is certified by the Age Check Certification Scheme (ACCS) to their standard ACCS 1:2020 Technical Requirements for Age Estimation Technologies – BS ISO/IEC/IEEE 29119-3:2013 Software and systems engineering – Software testing part 3: Test documentation. The audit is valid for the conformity assessment of email age analysis system in accordance with Evaluation Assurance level 3 – the highest possible level for age estimation methods. The ACCS test also resulted in 0% false positive results, meaning no individuals aged under 18 were estimated to be over 18. More information is available upon request.

We would be pleased to provide demonstrations of any of our capabilities and/or further testing data to assist the Commission in understanding what is currently available in the market, to businesses of all sizes, with minimal effort and time required to implement our solutions.

Yours sincerely,

Lina Ghazal
Head of Regulatory & Public Affairs
VerifyMy





Consultation Document: Online Safety Code

Submission from An Coimisiún Toghcháin

Introduction and background

An Coimisiún Toghcháin welcomes the opportunity to make a submission on Coimisiún na Meán's draft Online Safety Code. Before addressing this specific issue, given our status as a relatively recently established body, it might be helpful to provide a brief background to our organisation and its priorities to date.

The Electoral Reform Act 2022 provided for the establishment of a statutory, independent Electoral Commission – An Coimisiún Toghcháin – which is directly accountable to the Oireachtas. An Coimisiún Toghcháin was established on 9 February 2023.

Under the Electoral Reform Act 2022, An Coimisiún is responsible for a range of existing electoral functions, including:

- explaining the subject matter of referendum proposals, the promotion of public awareness of referendums and encouragement of the electorate to vote at referendum polls;
- conducting reviews and making reports in relation to the constituencies for the election of members to the Dáil and the European Parliament;
- making reports for the Minister in relation to local electoral boundaries and
- the registration of political parties.

An Coimisiún is also tasked with a number of new electoral roles, including:

- preparing research programmes and conducting research on electoral policy and procedure, and providing advice, as required, to the Minister and Government;
- promoting public awareness of, and working to increase public participation in the State's electoral and democratic processes through education and information programmes;
- overseeing the Electoral Register, making recommendations and setting standards in relation to its maintenance and updating;
- the preparation of ex-post reports on the administration of electoral events.

Online regulatory powers

In addition, Part 5 of the Electoral Reform Act 2022 (which is yet to commence) assigns An Coimisiún Toghcháin with regulatory powers to protect the integrity of Ireland's electoral processes in the online sphere, including to combat online disinformation, misinformation and manipulative or inauthentic behaviour. Sections 150 to 157 of the Act, designate powers in respect of the Commission's monitoring and investigatory functions, such as the issuing of take-down and correction notices in relation to material considered to constitute disinformation, or labelling orders flagging content for further investigation based on concerns

regarding disinformation. Part 4 of the Act provides for regulatory powers for An Coimisiún in relation to online paid-for political advertising (also not yet commenced.)

In relation to the draft *Online Safety Code*, An Coimisiún Toghcháin recognises the extensive regulatory remit of Coimisiún na Meán, which encompasses a number of legislative frameworks. An Coimisiún Toghcháin notes that one of Coimisiún na Meán's key duties under the Broadcasting Act 2009 as amended by the Online Safety and Media Regulation Act 2022 is to develop online safety codes for video-sharing platform services and providers of those services. As outlined by Coimisiún na Meán, in its **Consultation Document: Online Safety**, the finalised Online Safety Code will operate in tandem with other measures to protect users from harm, including the EU Digital Services Act Regulation ("DSA") and the Terrorism Content Online Regulation.

The chief focus of An Coimisiún Toghcháin in this submission regarding an *Online Safety Code for video-sharing platform services* is made in the context of any potential regulatory overlap or intersection between the Online Safety Code, the DSA and the Electoral Reform Act 2022.

The DSA sets out the rules applicable to intermediary services in regard to how they should combat illegal information, disinformation and other societal risks. The DSA identifies four categories of systemic risks which are required to be assessed in-depth by companies designated by the European Commission as very large online platforms (VLOPs) and search engines (VLOSEs).

Of direct relevance for An Coimisiún Toghcháin, is the category of risk concerning the actual or foreseeable negative effects on democratic processes, civic discourse and electoral processes, as well as public security as outlined in Recital 82 of the DSA. Article 34 of the DSA sets out risk assessment obligations of VLOPs and VLOSEs in this regard¹. An Coimisiún Toghcháin has identified this risk to electoral processes category in the DSA as an area of synergy and overlap with the Electoral Reform Act 2022 in regard to disinformation, misinformation and manipulative or inauthentic behaviour. In addition, An Coimisiún Toghcháin considers that content posted onto video-sharing networks falling under the remit of the Audio-visual Media Services Directive, the Online Safety and Media Regulation Act 2022 and possibly overlapping with the provisions of the DSA, may also, within an electoral context, intersect with areas for which An Coimisiún Toghcháin will have a regulatory role in the future.

Concerning the investigation and monitoring of disinformation and misinformation in an electoral context, An Coimisiún Toghcháin considers that inter-agency co-operation, information sharing and support are key. Section 164 of the Electoral Reform Act 2022 provides for consultation and exchange of information with Coimisiún na Meán, the Data Protection Commission, An Garda Síochána and the Minister for the Environment, Climate and Communications (Security of Network and Information Systems Regulations).

Coimisiún na Meán also has a key role in relation to media literacy and education and awareness raising in relation to online harms. An Coimisiún Toghcháin would welcome the opportunity to engage with Coimisiún na Meán and other key stakeholders with regard to potential collaboration in the areas of media literacy, education and any awareness raising initiatives particularly with regard to electoral process information and voter engagement during election campaign periods.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2065>

Consultation Question:

1. Do you have any comments on sections 1 - 9 of the draft Code?

An Coimisiún Toghcháin notes that the draft Code primarily focuses on the harms covered by the AVMS Directive, including incitement of violence or hatred, but that Coimisiún na Meán states that it will “also consider the potential relevance of the DSA in relation to content that promotes discriminatory attitudes in collaboration with the European Commission and its counterparts in other Member States” (**Consultation Document: Online Safety** p.14).

As previously referenced, Part 5 of the Electoral Reform Act provides An Coimisiún Toghcháin with regulatory powers (not yet commenced) in relation to online misinformation, and disinformation and manipulative or inauthentic behaviour in the context of electoral events.

It also provides that An Coimisiún shall, in considering the exercise of its powers in this area give due weight to the right to freedom of expression; the right to freedom of association; the right to participate in public affairs; and the obligation on the State to defend and secure the fairness and integrity of elections and referendums as well as having regard to the need to ensure the economic and efficient use of the Commission’s resources and the public harm concerned, as it relates to the overall integrity and fairness of the election or referendum. It should be noted that “public harm” is defined in the Act as ‘any serious threat to the fairness or integrity of an election.’

An Coimisiún Toghcháin looks forward to exploring potential areas for co-operation and engagement with Coimisiún na Meán in relation to its regulatory powers as well as in other areas of its work including education and public engagement.

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

In relation to the *Statutory Guidance Materials – Online Safety Code*

An Coimisiún Toghcháin notes the section of the guidance which address ‘Interplay with the DSA’:

“The Commission notes that certain moderation decisions made on foot of flags about breaches of terms and conditions required by the Code may be covered by relevant DSA provisions relating to moderation decisions taken on foot of terms and conditions. Examples include Statement of Reasons (Article 17), Internal Complaint-Handling Mechanism (Article 20) and Out of Court Dispute Resolution (Article 21). The Commission encourages video-sharing platform service providers to design these mechanisms so that they comply with relevant provisions of the Code as well as the DSA.”

Once its relevant powers are commenced it is the intention of An Coimisiún Toghcháin to engage further with key stakeholders including Coimisiún na Meán in relation to content moderation mechanisms and any potential overlap with regard to content posing a risk to democratic processes, civic discourse and electoral processes.

Simon Communities of Ireland Submission on the Draft Online Safety Code - Coimisiún na Meán

Introduction

Simon Communities of Ireland welcome the establishment of Coimisiún na Meán, and the opportunity to make a written submission on the Draft Online Safety Code. Simon Communities are engaging with the Commission's Draft Online Safety Code and its aims, to raise issues related to the protection of those experiencing homelessness in Ireland.

We note that the draft code includes the objective to protect the general public from audio-visual programmes, user-generated videos, and audiovisual commercial communications that contain incitement to violence or hatred directed against a group of persons or a member of a group based on grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation.

We raise the point above as the focus of our submission is on the areas which are particularly relevant to the Simon Communities as providers of services to those experiencing homelessness. Namely, to raise our concern about any hateful content that centres on homelessness and those who are seeking refuge and asylum in Ireland.

Migration and Homelessness

It is important to note that those who migrate to Ireland, both EU and non-EU citizens are not immune to homelessness. This is particularly the case as the housing crisis and most particularly the lack of affordability in the private rental market is a driving cause of homelessness. Migrant headed households making their home here in Ireland are disproportionately reliant on the private rental market and so can be overrepresented in the homeless figures. We have a concern that this fact could be mis-represented to direct blame, vitriol and even violence towards those from new communities in Ireland experiencing homelessness rather than evidence that homelessness is a housing issue and the correct housing policy can address its rise.

This concern is heightened in the context of the rise in the incitement of hatred and violence directed towards immigrants, particularly refugees and asylum seekers. This incitement has been

amplified by online platforms, with the spread of disinformation and a harmful narrative which looks to blame immigrants for the current homelessness and housing crisis or to move the focus of the crisis to this group.

These issues and the consequences do not exist solely in the online space. Over the past number of months there have been arson attacks on buildings intended to provide emergency accommodation. This fact is a cause of concern and anxiety to service providers and service users.

Offering Protection

The proposal to include user-generated content that is indissociable from user-generated videos in the content to be covered by the Code is an extremely important and welcome measure. Replies and comments under an online post can often be the source of harmful and hateful narratives.

Simon Communities of Ireland also welcome the requirements set out in the Code in relation to the reporting and flagging of content, and the requirements in relation to complaints. Although, we do wish to highlight the importance of harmful content being quickly removed.

We appreciate the Code requires service providers to set targets with respect to timelines and the accuracy of reporting and flagging mechanisms. It is paramount that harmful content and disinformation which incites hatred and violence is removed from online platforms without delay.

Simon Communities of Ireland would also like to take this opportunity to highlight the importance of protecting people experiencing homelessness's privacy. Living in homelessness often means living a life with little to no privacy. This is particularly relevant for rough sleepers. Simon Communities of Ireland appreciate the right to film in public places; however, we would like to highlight that filming vulnerable homeless people without their consent and uploading this content to online platforms should not be tolerated. People experiencing homelessness lack the comfort of having a home to call their own. Filming someone in the privacy of their own home without their knowledge or consent is not an acceptable practice, and therefore the practice of filming homeless people in public should not be an acceptable practice either.

Conclusion

The submission has highlighted our concern regarding the increase of hateful content centred around homelessness and individuals seeking refuge in Ireland, in addition to the filming of those

experiencing homelessness in public places. The inclusion of these issues in the strategy we believe is important in the current context but beyond that could be seen as a benchmark of the ambition of the Commission in protecting the most vulnerable.

About Simon Communities of Ireland

The Simon Communities support over 22,000 men, women, and children. We have 50 years of experience providing homeless, housing and treatment services to people facing the trauma and stress of homelessness. We are a network of independent Communities based in Cork, Dublin, Dundalk, Galway, the Midlands, the Mid West, the Northwest, and the Southeast, responding to local needs and supported by a National Office in the areas of policy, research, and communications. We share common values and ethos in tackling homelessness and, informed by our grassroots services, we campaign for more effective policies and legislation regionally, nationally and at European level. Whatever the issue, Simon's door is always open for as long as we are needed. For more information, please visit www.simon.ie.

Services include:

- Homelessness prevention, tenancy sustainment and resettlement.
- Street outreach, emergency accommodation and harm reduction. • Housing with support and Housing First services.
- Homeless specific health and wellbeing services (counselling; addiction treatment and recovery; and mental health supports).
- Personal development, education, training, and employment services.
- Foodbanks, drop-in centres, and soup runs.

Coimisiún na Meán - Draft Online Safety Code Consultation

Response from IAB Ireland 31/1/24

1. Introduction

- 1.1. IAB Ireland welcomes the opportunity to respond to this consultation.
- 1.2. IAB Ireland and its members welcomes Coimisiún na Meán's draft Online Safety Code and are united in supporting its objective to protect children from harmful content, including illegal content and age-inappropriate content as well as protecting the general public from content which amounts to incitement to violence or hatred, provocation to commit a terrorist offence, dissemination of child sex abuse material, offences concerning racism or xenophobia as well as certain commercial communications.
- 1.3. The successful transition and evolution of the complex digital advertising ecosystem depends to a large extent on nuanced and thoughtful interpretations of existing rules and careful design of new ones. This consultation is therefore timely and we welcome the opportunity to provide these initial comments. We look forward to further engagement on the points we raise here.

2. About IAB Ireland

- 2.1. IAB Ireland is the trade organisation for digital advertising in Ireland and a member of the global IAB network. IAB members include advertisers, agencies, ad intermediaries, technology providers, media owners, platforms and publishers all working together to help deliver a sustainable industry. With over 60 member companies, IAB Ireland represents the key stakeholders in digital advertising who collaborate in IAB councils/working groups to grow knowledge and share best practice in the Irish digital advertising industry.
- 2.2. IAB's remit is to prove, promote and protect the Irish digital advertising industry through events, research and standards, as well as engagement in policy development and regulatory affairs.
- 2.3. IAB Ireland and its members have invested significantly in the development and implementation of self-regulatory schemes which help govern digital advertising supply chains and aid compliance with regulations, including data protection laws.
- 2.4. For example, IAB Ireland introduced the Gold Standard in February 2021, a certification programme for IAB Ireland members which incorporates a global set of standards across 4 key pillars: uphold brand safety, tackle ad fraud, improve the digital advertising experience and help compliance with the GDPR and ePrivacy law. This framework evolves to meet the needs of our industry to increase transparency across the digital advertising supply chain

with new standards being introduced again in 2024 to further combat ad fraud and scam ads.

- 2.5. In addition, our European network, IAB Europe pioneered the development of the [Transparency and Consent Framework \(TCF\)](#) which seeks to achieve uniform implementations of very complex GDPR law - that is interpreted and applied differently by different data authorities - within the complex open demand and publisher supply chains. Without industry-wide collaboration, it would be far more difficult to comply. TCF is now in v2.2 and introduces a number of iterations that relates to the Action Plan submitted to and validated by the Belgian Data Protection Authority (APD).
- 2.6. Another example of IAB's investment and development of mechanisms that aid compliance with regulation is IAB Europe's [DSA Transparency Implementation Guidelines](#) to support implementation of a standardised approach to collect, compile and transport the required data, ensuring compliance with the DSA transparency requirements. [The technical specification, hosted by IAB Tech Lab](#) provides data formats and a mechanism for the transport of the data that are required to enable the advertising industry to implement relevant DSA transparency information.
- 2.7. [The IAB Ireland PwC Online Adspend Study 2022](#) reported digital advertising in Ireland grew 4% to €861m outperforming all other media. The IAB PwC 2023 Adspend study is currently in field and industry predictions for digital advertising in 2024 anticipate a growth of 4-5% in the Irish market.

3. **Comments on CNAM's Draft Online Safety Code:**

- 3.1. **Age Rating of content by users** - Permitting users to suggest age-ratings for content could be open to abuse and would not be a reliable method of age rating content. Given the very subjective nature of this method, it would not be an effective means of protecting children from inappropriate content.
- 3.2. **Co-regulation** - Articles 4a(1) and 28b(4) of the AVMSD asks that Member States be encouraged to use co-regulation through codes of conduct. Co-regulation allows for the harnessing of knowledge from industry and the expertise in dealing with harmful content.

We understand that most member states appear to have adopted co/self-regulation mechanisms in AVMSD.

IAB Ireland and its members welcome co-regulation and as a member of the ASAI, we support the collaboration between CNAM and ASAI in this respect.

We welcome the references in the draft guidance to the existing advertising self regulatory system and to the relevant references to the ASAI code. We would welcome the adoption of co-regulation mechanisms in the draft Online Safety Code.

3.3. Clearly define each type of commercial communication Aspects of the code directly transpose the AVMSD which we welcome. However we believe there is a need for clarity around certain definitions:

3.3.1. The Code does not define what is 'an audiovisual commercial communication not marketed, sold or arranged by' a VSPS as opposed to 'an audiovisual commercial communication marketed, sold or arranged by' a VSPS provider.

3.3.2. The definitions of 'audiovisual commercial communications harmful to the general public' and 'audiovisual commercial communications harmful to children' follow AVMSD closely, we would welcome further guidance in respect of what is meant by terms such as 'encourage children to persuade', 'exploit the trust children place...', and 'which or reasonably show children in dangerous situations.

3.4. Jurisdictional Scope - The intent of the code appears for it to be applied across the EEA for VSPSs in the Irish jurisdiction.

Certain obligations of the code reference offences under Irish Law. It is not clear as to how these obligations are intended to be applied - for example will these offences that refer to Irish law or that go over and beyond AVMSD be applied solely in Ireland or will they have application across the EEA.

3.5. Flexibility - The Code is very prescriptive in parts. Given the complexity and diversity in technology across VSPS, we would suggest that a more outcomes-based focus would produce better results facilitating VSPS identifying the most appropriate mechanisms to align with the code's outcomes.

3.6. Regulatory Cohesion - Recognising the importance of legal certainty, the Code should ensure that it is fully harmonised with the DSA and other EU regulation. There are instances where we believe that the code goes beyond the AVMSD. Some examples include:

3.6.1. User-generated ancillary content falls outside AVMSD.

3.6.2. The potential regulation of the use of recommender systems conflicts with the DSA approach and goes beyond AVMSD.

3.6.3. Prohibition of regulated content harmful to children exceeds the scope of AVMSD.

3.6.4. The content which may potentially be harmful to children, may not necessarily be harmful to adults.

3.7. Transition Period - We recommend that the code should allow for an appropriate transition period for implementation to ensure that compliance is achieved in a timely manner.



Pinterest Response to Consultation Document: Online Safety
31 January 2024

Introduction

The following is Pinterest’s response to the consultation published on 8 December 2023 by Coimisiún na Meán (the “Commission”) on the Draft Online Safety Code (“the Code”), Draft Statutory Guidance Materials, and application of the Code to video-sharing platform services (“VSPS”) under the Broadcasting Act 2009 as amended by the Online Safety and Media Regulation Act 2022 (the “Act”).

Pinterest is a visual discovery engine where more than 480 million monthly active users (or “Pinner”) around the world go to get the inspiration to create a life they love. Browsing and saving visual ideas on Pinterest’s service helps Pinner imagine what their future could look like, and go from inspiration to reality.

Pinterest shows users visual recommendations called Pins. Pins are created by both individual and business users by uploading photos or videos or bookmarking content from the web, and providing a text caption. Pinner can save and organise these recommendations into collections called boards. Some of our most common use cases include food, beauty, home decor, and travel.

Pinterest has a longstanding commitment to making our platform a safe place for everyone, which is the right thing for the people who use Pinterest, and aligns with our goals as a business. We view a positive, inspiring atmosphere as essential to our user experience, and accordingly, we have developed industry-leading content policies that broadly prohibit, among other things, pornography; any content that contributes to sexualization or sexual exploitation of minors; content promoting suicide or self-harm; hateful or violent content; and health, climate, or civic misinformation.¹ We enforce these policies through automated tools, manual review, and hybrid approaches that combine elements of both, and we work with trusted third parties and the wider industry to enhance our work.

These efforts are highly effective in drastically limiting the prevalence and reach of harmful content on Pinterest, but we know that the work needed to achieve our goal of providing a safe and positive platform for our users will never end. As such, we are dedicated to continually improving our policies, practices, and technology to keep our

¹ Pinterest’s Community Guidelines can be accessed at: <https://policy.pinterest.com/community-guidelines>

community safe. This is an industry-wide challenge as online trends and technological solutions continue to evolve, and we remain committed to exploring the best ways to achieve this goal.

As a responsible platform (and a Very Large Online Platform (VLOP) under the EU Digital Services Act (DSA)), Pinterest is already compliant with significant segments of the Code thanks to our stringent content safety policies, robust content moderation systems, strong measures for the protection of minors, and extensive transparency practices.² However, as detailed herein, we believe certain sections of the Code either require clarification or impose requirements that are not effective, practicable, or proportionate in the context of Pinterest’s functionality and common use cases. For ease of reference, Pinterest’s responses to the Consultation Questions are grouped into sections below, with the relevant questions quoted for reference.

Definitions

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

While we appreciate the difficulty in defining the parameters of “content” for purposes of the Code, we are concerned that the inclusion of content that is “indissociable” from videos is vague and likely outside the scope of the Audiovisual Media Services Directive (AVMSD, or the “Directive”). The consultation document provides a few examples, including video descriptions and comments, but considering the breadth of the definition (“any text, symbol, or caption accompanying any user-generated video”), various other content items may be reached by this definition, whether this was intended by the Commission or not.

Potential “indissociable” content items will vary by platform, but these may include links, labels, tags, stickers, captions, and music, among other items appearing in and around videos. It is also common for platforms, including Pinterest, to display a feed of recommended content below videos that includes a mix of video and non-video content. From the Code as drafted, it is unclear which of these items would be considered to be “accompanying” the video, and as we are unfamiliar with any other statute or case law using a similar definition, we cannot take guidance from other jurisdictions.

In any event, the concept of content “indissociable” from video does not appear in the AVMSD and likely goes beyond the parameters of the Directive. This means that the Code would be regulating content that is within the scope of the DSA, as that law “fully harmonises the rules applicable to intermediary services.”³

² Pinterest’s Transparency hub can be accessed at: <https://policy.pinterest.com/transparency>

³ Recital (9) DSA.

The breadth of this definition will likely lead to confusion over how to apply various provisions of the Code. To name a few examples, it is unclear which items of content would need to be included in a content rating system, which would be subject to requirements regarding content moderation and transparency reporting, and which would require safety impact assessments. As such, we believe that the definition of “indissociable” should be clarified significantly, or that the definition of content in the Code (which will apply to VSPS only) should rightly be confined to audiovisual content in accordance with the AVMSD. However, if the Commission intends to retain the concept of “indissociable” content in the Code, its scope and application will require clarification. Also, the Commission will need to clarify how the regulation of such content under the Code is intended to co-exist with the regulation of such content under the DSA, not least given the DSA is expressed to fully harmonise the regulation of such content. Such clarification would be beneficial to both platforms and users alike.

5. Do you have any comments on any other definitions provided in the draft Code?

We believe that a number of terms throughout the definitions of harmful audiovisual commercial communications are vague and ambiguous. These terms reflect subjective concepts that would be exceedingly difficult to apply to the varied advertising content hosted by online platforms, as reasonable people could reach different conclusions on whether a given advertisement is harmful. These definitions include the following:

- “audiovisual commercial communications harmful to the general public”:
 - “audiovisual commercial communications which prejudice respect for human dignity”
 - “audiovisual commercial communications which encourage behaviour prejudicial to health or safety”
 - “audiovisual commercial communications which encourage behaviour grossly prejudicial to the protection of the environment”
 - “audiovisual commercial communications which encourage immoderate consumption of alcoholic beverages”
- “audiovisual commercial communications harmful to children”:
 - “audiovisual commercial communications that directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity”
 - “audiovisual commercial communications that directly encourage children to persuade their parents or others to purchase the goods or services being advertised”
 - “audiovisual commercial communications which exploit the special trust children place in parents, teachers or other persons”
 - “audiovisual commercial communications which or unreasonably show children in dangerous situations”

We appreciate the Commission’s efforts to promote online safety by defining harmful content broadly, but are concerned that these definitions, as drafted, may result in either unnecessary regulation of legitimate commercial communications, or potential liability to

platforms that are moderating advertisements in good faith. For example, it is unclear whether advertisements for snack foods, video games, or extreme sports “encourage behaviour prejudicial to health or safety,” or if advertisements for automobiles, gas ranges, commercial flights, or oil and gas companies “encourage behaviour grossly prejudicial to the protection of the environment.” Platforms are thus faced with the possibility of either prohibiting advertisements that the Code is not meant to reach, or failing to remove prohibited advertisements and being subject to enforcement. We believe the principles of transparency, proportionality, and practicability would be served by revising these definitions to more clearly define the types of products and advertising practices being targeted, so that platforms can implement the Code objectively and consistently.

We also note that certain other definitions of harmful content in the Code are narrower than those currently utilised by Pinterest’s guidelines. For example, the Code defines audiovisual commercial communications “which include or promote any discrimination based on: sex, racial or ethnic origin, nationality, religion or belief, disability, age, sexual orientation” as harmful to the general public. Pinterest’s Community Guidelines, however (which also apply to advertisements), prohibit additional forms of discrimination based on socio-economic status, weight or size, pregnancy, or veteran status, among others.⁴ We thus propose that the Code clarify that the defined content types are not exclusive, and that additional types of content may be prohibited and actioned by platforms.

Content Moderation and Transparency Reporting

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

We believe that the Code’s requirement of quarterly reporting on the timeliness and accuracy of reporting and flagging mechanisms places an unnecessary and excessive burden on platforms.⁵ Transparency reporting is a complex and time-intensive task which requires the involvement of multiple teams of employees. Depending on the complexity of the report required, it may take up to 8 weeks or more to properly pull and assess data, draft a clear and accurate report, and allow for review and verification by knowledgeable experts in product function, data protection, platform regulation, product security, and other legal and technical specialties.⁶

Considering the time that it takes to prepare a transparency report, a quarterly cadence would mean that almost immediately after each report is complete, the teams supporting this function would need to begin work on the next one, placing a particularly

⁴ <https://policy.pinterest.com/community-guidelines>

⁵ See Section 11.15.

⁶ Indeed, the European Commission’s draft implementing regulation concerning transparency reporting under the DSA requires reports to be published two months after the close of each 6-month reporting period:
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14027-Digital-Services-Act-transparency-reports-detailed-rules-and-templates_en

high burden on platforms with smaller employee bases. We believe that reporting at annual or semiannual intervals, as is typical for platforms' self-guided transparency reports as well as under other legal frameworks, including the DSA, would be more proportionate to the goal of effective transparency.

12. What is your view on the requirements in the draft Code in relation to complaints?

It is unclear from the Code what form a complaints system should take with regards to the Code's content rating and parental controls requirements.⁷ Unlike content moderation or deactivation of underage users, where an action is taken by a platform on content or an account, and could thus be reversed by the platform, content rating and parental controls involve actions by the users themselves. As such, it is unclear on what grounds a user could complain to the platform, and what actions the platform would be expected to take in response.

If a user disagreed with a content rating applied to content they have saved, for example, a platform would not be able to override that rating without contravening the Code's requirement to enable *users* to rate content.⁸ Similarly, as the Code requires platforms to implement parental control systems that are "under the control of the end-user," the nature of the complaints a platform would be expected to process is unclear.⁹

Accordingly, if these requirements remain in the final Code, we believe additional guidance should be provided regarding the expected purpose and operation of platforms' complaints systems.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

As discussed above with regards to reporting on the timeliness and accuracy of reporting and flagging mechanisms, we believe that quarterly transparency reporting places an unnecessary and excessive burden on platforms, and the principles of transparency would be proportionately served by annual or semiannual reporting.

Protection of Minors

9. What is your view on the requirements in the draft Code in relation to age verification?

While we appreciate that the Code allows flexibility for platforms to determine effective measures for age verification, we disagree with its statement that self-declaration of age "shall not on its own be an effective measure for the purposes of this section."¹⁰ We

⁷ See Section 11.29.

⁸ See Section 11.22.

⁹ See Section 11.24.

¹⁰ Section 11.16.

believe that platforms should be encouraged to take an approach to age verification that balances the protection of minors with the principle of data minimisation as well as the relative risk of harm to the minor on the platform, and that following this approach, the use of self-declaration alone can be an effective and proportionate age verification measure in certain circumstances.

This position is consistent with the Data Protection Commission’s Fundamentals for a Child Oriented Approach to Data Processing (“DPC Fundamentals”), which favour a risk-based approach to age verification. Platforms applying the DPC Fundamentals should balance the type of service being offered, the risk of harm to minors, and data minimisation obligations to ensure they “only collect[] the data necessary in order to be able to achieve the requisite degree of certainty about the age of its users i.e. that which is proportionate to the level of risk arising from the processing of personal data.”¹¹

In adopting its own risk-based approach to age verification, Pinterest has considered factors including its use case as a visual discovery engine for helping users find ideas like recipes, and home and style inspiration; as well as the scope of its Community Guidelines. To help cultivate a safe and inspired community, Pinterest has developed and enforced strong Community Guidelines, developed in collaboration with subject matter experts, that outline what is and is not allowed on Pinterest.¹² Our Community Guidelines are developed with our youngest users¹³ in mind and applied to all users and content on Pinterest, so that our platform can provide a safe experience for both teens and adults. For example, unlike some other platforms, Pinterest does not age-gate adult content because all adult content is prohibited on Pinterest.

Our Community Guidelines broadly prohibit various types of content that may be harmful to users of all ages, including, among others: pornography and sexually explicit content; content promoting suicide or self-harm; hateful or violent content; content promoting disordered eating; and health, climate, or civic misinformation. While all content that violates our Community Guidelines might be considered harmful to teens, there are also specific areas of our policies that focus on harms that disproportionately affect younger users, such as our prohibition of bullying and harassment, and of dangerous pranks or challenges. In other areas, content that might be permitted in other circumstances is prohibited when it involves minors, for example, depiction of alcohol use.

As Pinterest’s content policies and enforcement are designed to provide a safe experience for all users, requiring additional age verification would be disproportionate to the risk of harm. The Code’s guidance for age verification places an emphasis on pornographic content and other “services or sections [] that are devoted to adult

¹¹ See DPC Fundamentals, at pp. 47-48:

https://www.dataprotection.ie/sites/default/files/uploads/2021-12/Fundamentals%20for%20a%20Child-Oriented%20Approach%20to%20Data%20Processing_FINAL_EN.pdf

¹² <https://policy.pinterest.com/community-guidelines>

¹³ Pinterest requires users to be at least 13 years of age, or the age of digital consent in their country, if higher.

content.”¹⁴ Pinterest, however, does not permit any such content or segment its service into adult-themed sections. Accordingly, additional age verification measures would require collection of sensitive user information without any corresponding improvement in user safety.¹⁵ In the case of our platform, self-declaration of age, in combination with other measures,¹⁶ strikes an appropriate balance between the principles of data minimisation and data accuracy, while providing for the protection of minors. We believe that the final Code should allow for this possibility, at least for platforms that do not host adult content.

We also believe that the Code (or Guidance Materials) should acknowledge that not all services are able to effectively estimate age based on use of the service. Where a service does not encourage the sharing of personal data, any such speculation as to a user’s age is likely to result in false positives, as well as unnecessary processing of personal identity document information in connection with those false positives. For example, an adult user may interact with content for children as they are looking for gift ideas for their children, planning their child’s birthday party, or lesson-planning for a school curriculum. A predictive mechanism could potentially flag those users, inaccurately, as being underage. The user would then need to provide proof of age, such as an identity document, in order to continue using the service.

Finally, we note that the Code provides for quarterly reporting on the accuracy and effectiveness of age estimation mechanisms.¹⁷ As discussed above in the section on Content Moderation and Transparency Reporting, we believe that quarterly transparency reporting places an unnecessary and excessive burden on platforms, and that the principles of transparency would be proportionately served by annual or semiannual reporting.

10. What is your view on the requirements in the draft Code in relation to content rating?

We are concerned that, at least for Pinterest, the requirement to establish a system for users to rate content would not be effective in achieving its purpose of identifying content that is inappropriate for younger users, and would likely even be counterproductive.

As detailed in Question 9 above, Pinterest’s Community Guidelines are designed to promote a positive and inspiring platform with content that is safe for all users. If a user encounters content that they believe is unsuitable for Pinner’s of any age, we encourage them to report that content to us so it can be reviewed against our policies and promptly actioned if it is in violation. That is, instead of labelling content that users believe to be

¹⁴ See Consultation Document, pp. 67-68.

¹⁵ Notably, Ofcom’s consultation regarding age assurance under the Online Safety Act apparently only applies to services that host pornographic content:
<https://www.ofcom.org.uk/consultations-and-statements/category-1/guidance-service-providers-pornographic-content>

¹⁶ For example a neutral age gate and blocking cookie to prevent immediate resubmission of age.

¹⁷ See Section 11.21.

harmful, Pinterest prefers to take a stronger action to remove unsuitable content from distribution on the platform.

A content rating system, however, may inadvertently lower our awareness of harmful content and delay that content's deactivation. If Pinterest were to add a content rating to its user experience, this could cause confusion among users and introduce friction into the reporting process. Users are likely to spend only a certain amount of time and attention on a piece of harmful content, so some may apply a content rating in lieu of submitting a report, even if the content violates our Community Guidelines outright and should be reported as soon as possible. Also, if enough other users disagreed with an unsafe rating and rated the content as safe, the content may incorrectly receive a safe rating, whereas it only takes one valid report to lead to content being actioned.

Accordingly, we believe that preserving our existing notice and takedown process, without the addition of a content rating system, would not only be a lesser burden but would actually be more effective in keeping our platform safe. We recommend that the requirement of a content rating system either be left out of the final Code, or deemed not practicable or proportionate for platforms that do not host adult content.

11. What is your view on the requirements in the draft Code in relation to parental controls?

We would like to request clarification of the scope of the Code's requirements regarding parental controls. The Code itself states only that platforms shall provide for parental controls "with respect to illegal content harmful to children and regulated content harmful to children."¹⁸ The Guidance Materials, however, advise platforms to consider a broad range of parental controls that do not necessarily appear to be related to harmful content, such as privacy settings and screen time restrictions.¹⁹ It would be helpful if the Commission could clarify whether some of the parental controls named in the Guidance Materials are considered essential for protecting children from harmful content, while others are complementary best practices for children's internet use based on risks posed by their use of the platform.

In addition, this is another area where we would request that the Commission clarify the impact of platforms' content safety policies and enforcement. Specifically, whether Section 11.24's parental controls requirement is obviated if a platform's guidelines prohibit, for all users, the content types defined as illegal and regulated content harmful to children. It is unclear how any of the parental controls proposed in the Code and its Guidance could be designed or configured to protect children from seeing content which is in any event prohibited from the platform.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

¹⁸ Section 11.24.

¹⁹ See Consultation Document at pp. 69-70.

Pinterest welcomes the Code’s consistency with the DPC Fundamentals in this area. We would like to request clarification, though, that Section 13.3’s prohibition on the use of such data for “profiling” does not prevent the use of age information to direct minors into an age-appropriate experience (such as a private profile) or implementation of other protection measures.

Audiovisual Commercial Communications

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

As detailed above, we believe that the Code’s definitions of harmful audiovisual commercial communications are vague and ambiguous, and thus would be challenging for platforms to implement effectively. Similarly, we would like to request clarification of the Code’s prohibition on audiovisual commercial communications “that are surreptitious or that use subliminal techniques.”²⁰ Pinterest’s Advertising Guidelines²¹ prohibit false, misleading, or deceptive advertisements, but we believe whether an ad deploys “surreptitious” or “subliminal” techniques is a highly subjective question on which reasonable observers may disagree. Accordingly, it would be helpful if the Code or Guidance Materials could provide guidance tailored for VSPS on how such advertisements should be detected and evaluated.

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

As a threshold matter, we note that the measures contained in the draft supplementary measures are not specifically provided for in the AVMSD. They also relate to subject matter governed by the DSA, including risk assessment and recommender system disclosures, and thus may conflict with it (see Recital 10 DSA).

As for the substance of the proposals, Pinterest would like to seek clarification of the provisions on Safety by Design and Recommender System Safety. Each of these proposals refers to the corresponding obligations in the DSA as potentially satisfying their requirements. Section 1.1 provides for safety impact assessments for existing services “unless, in the case of VLOPs, these risks have already been equivalently addressed and mitigated through the risk assessment and mitigation requirements of the DSA.” Similarly, Section 1.3 states that VLOPs may leverage portions of their DSA risk assessment to meet the Code’s requirement to publish a recommender system safety plan, “provided those sections at a minimum address the risks and measures referred to above.” In both cases, however, it is unclear what criteria should be applied

²⁰ Sections 12.2, 12.7.

²¹ <https://policy.pinterest.com/advertising-guidelines>

to determine whether the Code's requirements have been addressed by measures taken to comply with equivalent obligations in the DSA, and whether, if the Commission were to disagree with a platform's assessment that its DSA compliance measures satisfied the Code's requirements, the platform would be permitted to cure a violation by conducting additional risk assessment and disclosures.

It would also be helpful if these provisions could provide some criteria for the type of platform changes that may trigger requirements to conduct safety impact assessments. Section 1.1 provides that safety impact assessments would be required "[p]rior to the introduction of a new function relating to user-generated videos or prior to introducing substantial modifications to an existing function for user-generated videos[.]" Similarly, Section 1.3 "recommends that a safety impact assessment be conducted in relation to recommender algorithms and that safety should be prioritised before optimising user engagement." We believe that if these provisions are included in a future code, they should clarify which types of platform changes would necessitate a safety impact assessment, for example only those with a reasonably foreseeable impact on user safety. Section 1.3 is also unclear as to whether it requires an initial assessment, assessments for changes to the recommender system, or both.

Development of the Code and Application to Video-Sharing Platform Services

22. Do you have any comments on this section of the Draft Code?²²

The Code contains a significant number of new requirements, many of which will need to be interpreted by companies in the context of their own unique platforms. As such, there may be good faith differences of opinion between platforms and the Commission on the necessary measures for compliance with the Code. We are concerned, then, that on its face Section 14 essentially provides only for an investigation, a report on the Commission's findings (on which a platform may comment), and a decision and accompanying fines as enforcement measures for the Code. Even if the Commission is contemplating a more consultative approach to potential violations, we believe the principles of fairness and transparency would be served if the Code explicitly provided a process for platforms to cure violations.

There is precedent for this in the DSA, under which platforms being investigated can offer commitments specifying how they intend to comply, which, if accepted by the European Commission, would be deemed binding and terminate the investigation.²³ Also, at the conclusion of an investigation under the DSA where there is a finding of non-compliance, the European Commission must communicate preliminary findings that state the measures needed to come into compliance and provide a reasonable cure period before a fine is issued.²⁴

24. Do you have any other comments on any section or aspect of the draft Code,

²² We presume that this question refers to Section 14, Supervision and Enforcement of the Code.

²³ See DSA Art. 71.

²⁴ See DSA Art. 73.

including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

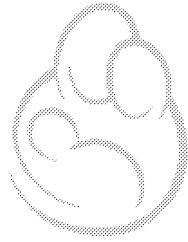
We note that the draft Code does not include a transition period for platforms to come into compliance with the Code. However, the Commission had indicated in its Call for Inputs (CFI) that it would likely provide for the same, and most respondents to the CFI acknowledged that one would be necessary.

For most if not all VSPS providers, compliance with the Code's requirements will entail substantial changes to their product, policies, content moderation systems, and transparency reporting practices. As such, compliance will require significant planning and resource allocation by numerous internal teams at each company. In light of this, we believe that a transition period of 12-15 months will be necessary for platforms to effectively plan, design, develop, test, and implement the required changes.

Conclusion

Pinterest is grateful for the opportunity to contribute to the important work being done by the Commission in developing the Online Safety Code, and looks forward to engagement with the Commission on the interpretation and application of the Code to Pinterest's service in a practical and proportionate manner. Pinterest welcomes further engagement as part of this process, and if it would be of assistance, we would be happy to elaborate on or discuss any of the points raised in this response or any other matters of interest to the Commission.

* * *



Cuidiú
Caring Support for Parenthood

CUIDIÚ INPUT TO COIMISIÚN NA MEÁN'S CONSULTATION DOCUMENT ON DRAFT ONLINE SAFETY CODE

INTRODUCTION

Cuidiú is a parent-to-parent support registered charity run by volunteers. It was founded in 1983 and for the past 40 years our aim has been to provide support and information to parents which allows them to make informed choices about pregnancy, childbirth and breastfeeding and to provide a supportive background to empower parents to act upon their decisions.

This is offered via childbirth education, postnatal support, breastfeeding support and at local meets and events. We provide a supportive background to empower parents to act upon their decisions in five key areas:

- * Consumer Guide to Maternity services in Ireland www.bump2babe.ie
- * Antenatal Classes www.antenatalireland.ie
- * Breastfeeding Counselling
- * Postnatal and Parent to Parent Support
- * Bump, Baby and Toddler Groups

Cuidiú supports formula and breastfeeding families throughout Ireland. We have over 1600 paid members but support thousands more in the wider community in our 26 branches across the country by running coffee mornings, parent and toddler groups and breastfeeding support groups.

We have 210 trained breastfeeding counsellors providing community-based peer support throughout the country, 18 antenatal teachers and 65 parent supporters. We receive HSE funding to assist in the training of our breastfeeding counsellors.

Our parent supporters provided support in areas such as birth trauma, emotional and mental health as well as issues around food refusal, weaning, combination feeding and are regularly asked "what type of formula is best?" 69% of their interactions take place in person and 31% on social media.

Breastfeeding Counsellors support over 2500 parents each year in both community and online settings with regular meetings and phone support and regularly have to underline evidence based public health information about infant feeding to counter the marketing driven misinformation that parents encounter in their day to day lives.

DIGITAL MARKETING IMPACTS PARENTS

The commercial communications of infant and follow on-formula known as “commercial milk formulas” (CMF) or “breastmilk substitutes” (BMS) are harmful because they influence parents’ feeding choices, undermine breastfeeding and ultimately undermine public health.

Cuidiú has a unique on the ground perspective of the experiences of Irish parents regarding their exposure to commercial milk formula marketing. Parents are influenced by the marketing, they choose brands that are advertised to them and they report that they got ‘help’ from commercial milk formula branded “helplines” and this contact influenced their choice of how to feed to their babies. Without unbiased commercial communications families would be free to make informed infant feeding choices - and follow public health advice.

WHY REGULATION IS IMPORTANT

Successive research and reports¹ have demonstrated that digital marketing influences parent’s infant feeding choices and undermines breastfeeding and public health messaging around infant and young child feeding.

The latest World Breastfeeding Trends initiative (WBTi) Report for Ireland² called for stricter regulatory measures to align with the International Code of Marketing of Breastmilk Substitutes.

In November 2023 WHO issued guidance³ for Member States on how to enact robust regulations that protect parents, families, caregivers and health professions from commercial milk formula marketing. This guidance should be used by Coimisiún na Meán as a blueprint for developing a practical and effective Online Safety Code that addresses the harms of commercial communications related to high fat, salt, sugar (HFSS) foods and commercial milk formula.

It is therefore imperative that Ireland seizes the opportunity to make robust Online Safety Codes that protects the health of children as they are the most vulnerable of our population.

Cuidiú hopes Coimisiún na Meán heeds the input from people, volunteers, practitioners and healthcare practitioners on the impacts of harmful commercial communications and answers requests to regulate HFSS and infant and follow-on formula.

RECOMMENDATIONS

1. Harmful commercial communications.
The exploitation of parents vulnerability at the time that they are making choices about infant feeding methods, both initially and when they may be combination feeding, for many and varied reasons, needs to be acknowledged so that there is no negative impact on the health and wellbeing of their infants. The marketing practices of the infant formula/breastmilk substitute/follow on milks and other ultra-processed food are aware of parents vulnerabilities and play on these during the antenatal and postnatal times of parents lives.

¹ How the Marketing of Formula Milk influences our decision on infant feeding.
<https://iris.who.int/bitstream/handle/10665/352098/9789240044609-eng.pdf?sequence=1>

² <https://www.worldbreastfeedingtrends.org/uploads/country-data/country-report/WBTi-Ireland-2023.pdf>

³ WHO Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes <https://iris.who.int/bitstream/handle/10665/374182/9789240084490-eng.pdf?sequence=1>

2. Definitions
Including “audio-visual commercial communications for infant formula and follow on formula” in the definitions of harmful commercial communications to children will protect adults and children from exploitative marketing practices.
3. Self Regulation
Self regulation of any industry is widely understood to mean little, or no, regulation at all. Cuidiú considers the current self-regulatory system to be unsustainable and ineffectual and over reliant on concerned, and informed, citizens voluntarily reporting breaches of the International Code of Marketing of Breastmilk Substitutes and existing infant feeding related legislation.
4. Complaints
Many of the members of Cuidiú have reported problems with the marketing practices under the current guidelines and find that the current complaint practices around monitoring the International Code are reactive and require citizens to be constantly vigilant in many areas. There should be a robust monitoring system in place.
5. Data related to babies and children
Many of our parent members report problems with receiving marketing communications because they have unwittingly signed an online form or entered a competition. The mining of data due to the submission of data around the birth of their baby by using apps etc needs to be monitored closely and robust guidelines needs to be put in place to protect infants and children.

CONCLUSION

A world free from CMF marketing, where parents can choose how to feed their baby free from commercial influence is possible and desirable. Formula will continue to be available for those who can't, or choose not to, breastfeed – there just won't be marketing manipulating parents' choices to choose one brand over another. Coimisiún na Meán has the opportunity to create a landmark Online Safety Code that will impact the health of population for generations and Cuidiu sincerely hopes the Coimisiún takes it.



Coimisiún na Meán Consultation on binding rules for video-sharing platforms (VSPs) to keep adults and children safe online

About SERP

SERP – the Sexual Exploitation Research Programme in University College Dublin – is the only research programme in Ireland dedicated to conducting research on all forms of commercial sexual exploitation. Our work informs academic discourse and creates useful knowledge for law and policy makers, practitioners, survivors and activists.

Over the last six years we have published six ground-breaking studies on commercial sexual exploitation in Ireland which focus on the health impacts of prostitution,ⁱ justice and the legislative context,ⁱⁱ the sex trade in the Covid-19 pandemic,ⁱⁱⁱ gender equality and sexual consent,^{iv} the sexual exploitation of children and young people,^v and pathways to exiting prostitution.^{vi} Members of SERP are regularly called upon to input into the development of policy, legislation and practice on issues of commercial sexual exploitation both domestically and internationally, and we have provided expert evidence to legislators in numerous jurisdictions.

The Consultation

We regret that we became aware of this Consultation process at too late a stage to be able to formulate a comprehensive response. However, we are very pleased to have the opportunity to meet with Online Safety Commissioner Niamh Hodnett next month and look forward to a deeper discussion on the role and application of the forthcoming Online Safety Code. In the meantime, we have set out a number of overarching points below and that we hope will aid our discussions in this regard:

- SERP is currently engaged in research and knowledge-exchange activities on technology-facilitated trafficking and also pornography. On the former we have been acting as an expert in collaboration with the OSCE (Organization for Security and Co-operation in Europe). On the latter we are working closely with Women's Aid to undertake a research study exploring the evidence base on the prevalence and impacts of pornography consumption in Ireland, with a particular focus on children and young people. We would be delighted to share our evidence in these areas with an Coimisiún as we progress with this work.
- At present, we share many of the concerns expressed by civil society partners that the Online Safety Code does not go far enough to effectively address some of the most prevalent harms to women and girls that occur online and undoubtedly constitute forms of gender-based violence. We would greatly welcome a closer alignment between the

operation of the Code and the realisation of the objectives set out in Ireland's *Third National Strategy on Domestic, Sexual and Gender-Based Violence*.^{vii}

- Based on our current research, we remain deeply concerned about the clear role that pornography consumption is playing in:
 - creating a highly conducive context for violence against women and girls (VAWG)
 - undermining efforts to achieve gender equality
 - fuelling the misogyny that leads to VAWG^{viii}
 - directly leading to the perpetration of violence in both women and girls' intimate relationships and in more public settings both on and offline
 - creating addictive tendencies in users, particularly male users, leading some down 'escalation pathways' that result not only in the consumption of CSAM but the perpetration of sexual offences against children
 - the perpetration of child sexual abuse by minors against other minors^{ix}
 - undermining the ability of adolescents and adults to form healthy, positive, consensual sexual relationships based on mutual respect.

- We therefore welcome any and all measures that could be included within the Online Safety Code to curb the proliferation of the violent and misogynistic content within mainstream pornography that is having incredibly detrimental real-world consequences in both children's and adults' lives.

- Our work on technology-facilitated trafficking has shone a light on the way online prostitution advertising platforms are not only used to facilitate the purchase of something that it is illegal to purchase in Ireland (the purchase of sex),^x but are also being used to facilitate a range of crimes of VAWG, not least the facilitation of human trafficking for the purpose of sexual exploitation.^{xi} We would like to better understand how the Code can address the serious harms for which prostitution advertising websites in Ireland are responsible.

- Finally, from our work on the sexual exploitation of children^{xii} we understand the ease with which children are being targeted and groomed online for the purpose of sexual exploitation. Again, it would be helpful to better understand how the Code and the wider work of an Coimisiún can play a role in preventing such harms from occurring in the first instance.

We look forward to our meeting next month and the opportunity to discuss some of the issues raised above in greater depth. In the meantime, please do not hesitate to get in touch if you require any further information.

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January 2024*

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- ⁱⁱ O'Connor, M., and Breslin, R., 2020. *Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform*. Dublin: SERP https://serp.ie/wp-content/uploads/2023/02/Shifting_the_Burden_Report.pdf
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- ^{vii} Government of Ireland, 2022. *Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026*. Dublin: Government of Ireland. <https://www.gov.ie/en/publication/a43a9-third-national-strategy-on-domestic-sexual-and-gender-based-violence/> (accessed 31/01/24)
- ^{viii} As asserted in the *Third National Strategy* (Government of Ireland, 2022; *op cit*).
- ^{ix} PA Consulting, 2023. *Video-Sharing Platform Services Online Harms Evidence Review: Provided to Inform Coimisiún na Meán's Approach to VSPS Regulation*. PA Consulting.
- ^x Part 4 of the *Criminal Law (Sexual Offences) Act 2017*, decriminalises those who sell sex whilst criminalising those who purchase it. It also increased the penalties enshrined in older legislation for those who organise and profit from the prostitution of another person.
- ^{xi} IHREC, 2023. *Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*. https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf
- ^{xii} Canning, M., Keenan, M. and Breslin, R., 2023; *ibid*.

BFLGI

Baby Feeding Law Group Ireland

**BABY FEEDING LAW GROUP IRELAND'S INPUT TO
COIMISIÚN NA MEÁN CONSULTATION DOCUMENT
ON THE DRAFT ONLINE SAFETY CODE**

1. INTRODUCTION

Baby Feeding Law Group Ireland (BFLGI) welcomes the opportunity to make a written submission to Coimisiún na Meán on developing Ireland's first binding Online Safety Code for video-sharing platform services, intended to ensure that VSPS take appropriate measures to protect children from harmful content.

BFLGI is an alliance of organisations and individuals working together to advocate for policies which protect the rights to food and health of all infants, young children, mothers, parents, families and caregivers by addressing practices that commercialise infant and young child feeding, threaten breastfeeding, and undermine good health.

BFLGI is part of a network including BFLG UK, Code Monitoring Northern Ireland, and the International Baby Food Action Network, as well as a member of the Coalition 2030 alliance, which works to uphold Ireland's commitment to achieving the Sustainable Development Goals.

Our members include individuals from academic disciplines, including medicine, nursing, dietetics, public health, and law. BFLGI advocates for implementing and enforcing existing laws relating to infant and young child feeding and health; for the development of robust legislation aligned with the International Code of Marketing of Breastmilk Substitutes¹ and regulations which fulfils Ireland's obligation and commitments to protect an infant's right to good health, and to be breastfed, under the United Nations Convention on the Rights of the Child.

We have come together to lend our expertise to the Online Safety Code (OSC) development process to strengthen the OSC. We welcome further engagement with Coimisiún na Meán in the coming months as the OSC is finalised, the super complaints mechanism is established, and further Media Codes are developed.

In our response, we outline our concerns regarding the online marketing of commercial milk formula products (also known as breastmilk substitutes, infant formula, and follow-on

¹ WHA *International Code of Marketing of Breast-Milk Substitutes* (1981) WHA Res 34.22.

formula). We discuss issues with current regulations for online advertising of these products and offer recommendations on how the draft OSC can be strengthened.

1.1 LIST OF ABBREVIATIONS

BFLGI	Baby Feeding Law Group Ireland
BMS	Breastmilk Substitutes
CMF	Commercial Milk Formula
HFSS	High in Fat, Sugar, or Salt
IYCF	Infant and Young Child Feeding
OSC	Online Safety Code
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VSP	Video Sharing Platform
WHO	World Health Organization

2. SUBMISSION STRUCTURE

The Consultation document set out a number of questions across four topics, exploring a wide range of issues, many of which are outside the direct expertise of BFLGI. Therefore, questions relevant to the work of BFLGI are addressed in order.

Some question responses are linked and reference each other, given the related content and importance to this submission. This submission to the Online Safety Code Consultation document responds to the questions provided by Coimisiún na Meán. This submission contains nine key recommendations.

In the recent Breastfeeding series published in the prestigious Lancet medical journal, internationally leading experts on infant and young child nutrition use the term commercial milk formula (CMF) ‘instead of breastmilk substitute to highlight the artificial and ultra-processed nature of formula products’.²

Recognising the expertise of the Lancet series authors and following this precedent, we refer to ‘CMF’ throughout this submission to capture all forms of breastmilk substitutes, including all formulas up to the age of 36 months as per the WHO guidelines.³

² Rollins N, Piwoz E, Baker P, Kingston G, Mabaso KM, McCoy D, Ribeiro Neves PA, Pérez-Escamilla R, Linda Richter L, Katheryn Russ K, Sen G, Tomori C, Victora CG, Zambrano P, Gerard Hastings G. Marketing of commercial milk formula: a system to capture parents, communities, science, and policy. (2023) *The Lancet*. 404: 486-502.

³ World Health Assembly (WHA) Resolution 69.9 *Ending inappropriate promotion of foods for infants and young children* online http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R9-en.pdf

INFANT AND YOUNG CHILD FEEDING: CRITICAL POINTS TO NOTE

- Breastfeeding is the proven optimal form of infant and young child feeding (IYCF).
- Ireland ranks the lowest not only in Europe but also among the lowest in the world for exclusive breastfeeding rates.
- WHO recommends that infants be exclusively breastfed for the first six months. Breastfeeding should continue for up to two years or beyond.⁴
- Babies who are not breastfed and do not have access to human milk should be fed CMF from birth to six months. They should be fed either CMF or animal milk (full fat) from six to eleven months. **From twelve to twenty-three months, young children should be fed animal milk. CMFs in the form of follow-up formulas are not recommended.**⁵
- The International Code of Marketing of Breastmilk Substitutes does not seek to prohibit or restrict access to CMF.
- The Code does aim to protect unbiased information on optimal IYCF (breastfeeding, human milk).
- Implementation of the Code of Marketing of Breast-milk Substitutes is strongly associated with higher rates of breastfeeding⁶
- Ireland has a responsibility under the Code and UNCRC to protect mothers and families from CMF marketing and to uphold the right to education on the benefits of breastfeeding.⁷
- Ireland is recognised as a ‘pioneer[s] of public health’ by the WHO. It was the first country in the world to introduce legislation that banned tobacco smoking in bars (and other indoor spaces) in 2004. The country is continuing to lead in public health policy by mandating that all alcohol products must carry comprehensive health warning labels.⁸
- Ireland has a unique opportunity through the development of the OSC (and beyond through the development of further Media Codes) to not only fulfil the aforementioned responsibilities under the Code and human rights law but to continue to act as a vanguard in public health policymaking by robustly addressing the harm to children’s health of digital CMF marketing.
- The health of children must be protected from for-profit entities.

⁴ WHO, *Global Strategy for Infant and Young Child Feeding* (2003). Online [who.int/iris/bitstream/handle/10665/42590/9241562218.pdf?sequence=1](https://www.who.int/iris/bitstream/handle/10665/42590/9241562218.pdf?sequence=1)

⁵ WHO, WHO Guidelines for complementary feeding of infants and young children 6-23 months of age (2023). Online <https://iris.who.int/bitstream/handle/10665/373358/9789240081864-eng.pdf?sequence=1>

⁶ UNICEF, *Global Breastfeeding Scorecard 2023* (2023). Online <https://www.unicef.org/media/150586/file/Global%20breastfeeding%20scorecard%202023.pdf>

⁷ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), Article 24 (2)(e).

⁸ WHO, *What’s in the bottle: Ireland leads the way as the first country in the EU to introduce comprehensive health labelling of alcohol products* (2023). Online <https://www.who.int/europe/news/item/26-05-2023-what-s-in-the-bottle--ireland-leads-the-way-as-the-first-country-in-the-eu-to-introduce-comprehensive-health-labelling-of-alcohol-products>

3. WHY ONLINE REGULATION OF CMF IS CRITICAL

The WHO recommends that a child is exclusively breastfed for their first six months and then fed breastmilk until the age of two, or longer if preferred, along with appropriate solid food.⁹ This is because there is a weighty corpus of empirical research demonstrating the importance of breastmilk over any other form of nutrition to the mother and the infant.¹⁰ **Exclusive breastfeeding rates in Ireland rank among the lowest in Europe and the world.**¹¹

The International Code of Marketing of Breastmilk Substitutes (the Code)¹² is the authoritative international public health guidance that sets the marketing standards for CMF products. The objective is to protect the public, mothers, parents, and health professionals from the harmful marketing practices of the baby food industry that have been shown to impact breastfeeding practices negatively¹³ and manipulate vulnerabilities and concerns of formula-feeding parents, creating unnecessary stress and financial strain. It is not the objective of the Code to prevent mothers or families from choosing to formula-feed infants. It is to ensure everyone has objective and unbiased information on infant and young child feeding (IYCF). **To achieve the safest and optimal IYCF environment, the Code prohibits the marketing of all CMF.**

As a WHO member state and signatory to the UN Convention on the Rights of the Child (UNCRC), Ireland has an obligation under the Code and international human rights law to embody the Code into domestic law.¹⁴ To date, Ireland has implemented laws prohibiting the marketing of CMF for babies up to 6 months. Still, it has failed to fully align with the Code to regulate the marketing of CMF for up to 36 months (despite being an original signatory in 1981). Consequently, **Irish mothers/parents/caregivers are exposed to an extensive range of CMF marketing, including digital marketing.**

⁹ WHO, *Global Strategy for Infant and Young Child Feeding* (2003). Online [who.int/iris/bitstream/handle/10665/42590/9241562218.pdf?sequence=1](https://www.who.int/iris/bitstream/handle/10665/42590/9241562218.pdf?sequence=1)

¹⁰ Pérez-Escamilla R, Tomori C, Hernández-Cordero S, Baker P, Barros AJ, Bégin, Chapman DJ, Grummer-Strawn LM, McCoy D, Menon P, Ribeiro Neves PA, Piwoz W, Rollins N, Victora CG, Richter L. Breastfeeding: crucially important, but increasingly challenged in a market-driven world. *The Lancet*. (2023) 40(10375): 472-485; Victora, Bahl, and Barros et al., 'Breastfeeding in the 21st century: epidemiology, mechanisms, and lifelong effect' (2016) 387 *The Lancet*. 475; Rollins, Bhandari, and Hajeerhoy, et al., 'Why invest, and what will it take to improve breastfeeding practices?' (2016) 387 *The Lancet*. 491; Kramer and Kakuma, 'Optimal Duration of Exclusive Breastfeeding (2012). Online www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD003517.pub2/full

¹¹ WBTi *Assessment Report Ireland* (2023).

<https://www.tudublin.ie/media/website/news/2023/main/WBTi-Ireland-Report-28-11-2023.pdf>

¹² WHA *International Code of Marketing of Breast-Milk Substitutes* (1981) WHA Res 34.22.

¹³ Pérez-Escamilla R (n 4).

¹⁴ Rollins (n 1); Patton C. (forthcoming) *Breastfeeding as a Human Right within the UN Human Rights System*.

EVIDENCE RELATING TO THE CMF INDUSTRY'S USE OF DIGITAL PLATFORMS.

The CMF industry designs advertisements for online use in the form of pop-up advertisements that appear on social media platforms and websites using algorithms that match advertisements to the user's interests. These advertisements use emotive language and imagery to connect with pregnant mothers and new and expectant parents.¹⁵ Before the internet, CMF marketers relied on postal sign-ups from expectant parents through the use of marketing companies presenting as 'parenting clubs'.¹⁶ In the digital era, however, '... the demographic information that once would have taken [CMF companies] months to collect is available instantaneously. Companies actively mine this data to tweak their online presence to increase reach, engagement, and ultimately sales'.¹⁷ A Changing Markets Foundation report found that CMF companies gather data by encouraging mothers to engage with online surveys, take part in competitions for free baby products, receive discount vouchers, sign up to receive alerts regarding the development of the baby in utero, participate in live chats with health care professionals, sign up for newsletters and pregnancy advice, and take part in communities where mothers chat to each other (but some of the mothers present are BMS company employees). The report observes, '[w]hat most don't realise is that every keystroke, interaction and piece of personal information is being collected, analysed and used to shape not only their online experience but also their perceptions of motherhood as a whole. In the marketing world, this is known as social listening'.¹⁸

¹⁵ Abrahams SW, 'Milk and Social Media: Online Communities and the International Code of Marketing of Breast-milk Substitutes' (2012) 28 *Journal of Human Lactation*. 400.

¹⁶ Baby Milk Action, *UK formula marketing practices 2009* (2009). Online babyfeedinglawgroup.org.uk/sites/babyfeedinglawgroup.org.uk/files/bflgmonrepmarch09sm.pdf

¹⁷ Changing Markets Foundation *Milking it: How Milk Formula Companies Are Putting Profits Before Science* (2017). Online changingmarkets.org/wp-content/uploads/2017/10/Milking-it-Final-report-CM.pdf 33-34.

¹⁸ *Ibid.*

Digital CMF marketing gives companies unparalleled access to pregnant women, new mothers, and parents, allows the cross-promotion of products, as well as undermining public health efforts and investment to support and protect breastfeeding.

Even though the Code prohibits the cross-promotion of CMF, digital marketing is one of the most effective ways this practice is carried out.¹⁹ Consequently, **regulating the digital marketing of CMFs is critical and increasingly recognised as an urgent global public health action.** The evidence that digital marketing influences and limits parents' infant feeding choices and undermines breastfeeding and public health advice is well-established²⁰

The WHO report on the 'Scope and Impact of Digital Marketing Strategies for Promoting Breast-milk Substitutes' noted that digital environments are fast becoming the predominant source of exposure to the promotion of CMF globally. Digital marketing amplifies the reach and power of advertising and other forms of promotion in online environments, and exposure to digital marketing increases the purchase and use of CMF products.²¹ At the same time, health and nutrition claims for infant formula are poorly substantiated and potentially harmful. A major study published in the British Medical Journal in 2023 found the majority of claims on infant formula have little or no scientific substantiation and the authors called 'for a revised regulatory framework for breast milk substitutes to better protect consumers and avoid the harms associated with aggressive marketing of such products'.²²

The WHO has taken action to address the severity of CMF digital marketing as a public health concern since Coimisiún na Meán's initial consultation in September 2023. In November 2023, it issued guidance for WHO member states on regulating the digital marketing of CMF. The Guidance has eleven detailed recommendations, including that Members States should:

¹⁹ WHO and UNICEF, Information Note: Cross-promotion of infant formula and toddler milks (2019). Online: <https://iris.who.int/bitstream/handle/10665/332490/WHO-NMH-NHD-19.27-eng.pdf?sequence=1>

²⁰ World Health Organization and UNICEF (2022). *How the Marketing of Formula Milk Influences our Decisions on Infant Feeding* Online www.who.int/publications/i/item/9789240044609 WHO and UNICEF (2022). *Scope and Impact of Digital Marketing Strategies for Promoting Breastmilk Substitutes* Online <https://iris.who.int/bitstream/handle/10665/353604/9789240046085-eng.pdf?sequence=2>; Mota-Castillo PJ, Unar-Munguía M, Santos-Guzmán A et al. Digital marketing of commercial breastmilk substitutes and baby foods: strategies, and recommendations for its regulation in Mexico (2023). *Globalization and Health* 19; Hastings, Angus, and Eadie, 'Selling second best: how infant formula marketing works' (2020) 16 *Globalization and Health*. 1.

²¹ WHO and UNICEF (n 10).

²² Cheung KY, Petrou L, Helfer B, Porubayeva E, Dolgikh E, Ali S, et al. *Health and nutrition claims for infant formula: international cross sectional survey*. *BMJ* 2023;380:e071075

- Ensure that **regulatory measures effectively prohibit the promotion of products within the scope of the Code, including brand promotion, across all channels and media, including digital media.**
- **Confer legal duties of compliance to monitor and take immediate action to prevent or remedy prohibited marketing on entities along the digital marketing value chain.**
- **Strengthen monitoring systems for detecting prohibited marketing in the digital environment and**
- All entities along the digital marketing value chain and in health care systems **should ensure that their marketing practices conform to the Code in digital environments**, irrespective of any regulatory measures implemented at national and subnational levels.

Given the increasing focus on this issue, it is fortuitous and timely that Ireland is in the process of developing Online Safety and Media Codes that can enact these recommendations. As the regulatory body, Coimisiún na Meán has the power and capacity to make an Online Safety Code including High Fat, Salt, Sugar food and commercial milk formulas.

Existing regulatory frameworks prohibit commercial communications for infant formula and largely pertain to products for infants 0-6 months. However, current laws have failed to protect the public from harmful commercial communications for products aimed at children older than 6 months (i.e. follow-on and toddler formulae) or commercial communications directed at parents to attract them to a particular brand of follow-on formula. Current regulations are incomplete and insufficient, which is why the Online Safety and Media Regulation Act detailed the need for greater regulation of infant and follow-on formulae.

There is no rationale for excluding HFSS or CMFs from the Online Safety Codes for Video Sharing Platforms.

4. RESPONSES TO CONSULTATION ON ONLINE SAFETY CODE

QUESTION 1: Do you have any comments on sections 1 - 9 of the draft Code?

On page 38, Section 4 Regulatory Principles Relevant to the Code at subsection 4.3, it notes:

“Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children.”

The 2020 WHO- UNICEF-Lancet Commission on the future for the world’s children notes that **‘commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing’**.²³

The commercial advertising and marketing of several products, services, and brands are associated with poor health. Harmful commodities include but are not limited to unhealthy food and beverages, alcohol, drugs, tobacco, e-cigarettes and breastmilk substitutes.²⁴ CMF marketing has now been recognised by leading academics as an industry with such power that it can influence government policy in ways that seriously undermine breastfeeding, limit the autonomy of IYCF decision-making, and commodify the feeding of all infants and young children.²⁵

Keeping in line with Section 4.3 of the Draft Code, other relevant sections of the OSC should specifically regulate harmful commercial advertising and marketing to prevent children’s exposure to such audiovisual commercial communications.

Moreover, the interests and safety of children must also be protected **from audiovisual commercial communications targeted at parents, caregivers and healthcare professionals for products that are harmful to children’s health**. Such regulation relating to the digital environment should not be less effective than regulation in the offline environment.

²³ Clark MA, Coll-Seck AM, Banerjee A, et al. A future for the world's children? A WHO–UNICEF–Lancet Commission (2020) 395. *The Lancet* 605-58.

²⁴ Lacy-Nichols J, Nandi S, Mialon M et al. Conceptualising commercial entities in public health: beyond unhealthy commodities and transnational corporations (2023) 401 *The Lancet* 1214-28.

²⁵ Baker P, Smith JP, Garde A. The political economy of infant and young child feeding: confronting corporate power, overcoming structural barriers, and accelerating progress (2023) 401 *The Lancet* 503-24.

Recommendation 1

The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur due to marketing practices of the CMF industry, must be addressed in the harms set out in the Online Safety Codes

QUESTION 5: Do you have any comments on any other definitions provided in the draft Code?

Definition on page 4: ‘Audiovisual commercial communications harmful to children’ excludes HFSS foods, drinks, and CMF products.

The public consultation Q&A document notes:

Legal Provisions 1. What legislation is the code based on? The power for Coimisiún na Meán to make Online Safety Codes is contained in Section 139K of the Online Safety and Media Regulation Act 2022. In addition, the Code must address the harms set out in Article 28b of the EU Audiovisual Media Services Directive 2018.

Section 139K contains the wording:

“Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”

Therefore, Coimisiún na Meán has the power and authority to include these products in the definitions of ‘Audiovisual commercial communications harmful to children’.

While the impact of the use of CMF is felt most strongly (but not exclusively) in the health outcomes for infants and children; the target of such marketing communications in this instance is the parent/caregiver or other adults with influence over the decisions of parents/caregivers.

Unlike with the marketing for other kinds of included foodstuffs, where marketers target children directly to rely on peer power to drive sales, the infant and child consumers of CMF have no direct say or influence in the purchasing of the product. The Online Safety Code must address this distinction and extend the protection from harmful audiovisual communications to children.

The WHO identifies the safeguarding of child health and development from harmful commercial marketing, including CMF marketing, as an opportunity for action.²⁶ The exclusion of babies and infants from the protections of this OSC could, therefore, undermine its effectiveness as a tool to prevent harm to children's physical health. Breastfeeding is described as a protective factor with regards to obesity development, with research that explored the relationship between breastfeeding and obesity in twenty-two European countries reporting that the odds of obesity were higher among children who never breastfed or breastfed for a shorter period compared to those who had been breastfed for at least six months.²⁷

The opportunity to protect children online in an effective way should not provide loopholes to companies that exploit children's online activities for profit. Simply leaving CMF out of the definition of harmful audiovisual commercial communications on the basis that they will be addressed in a separate code is insufficient. There is no guarantee that those extra codes will be developed in a timely manner, nor is there certainty as to the scope of these codes. Moreover, considering the content of the statutory guidance, the statutory standing of any future codes in this area is also unclear.

This OSC for VSPs may be the one and only chance to subject HFSS food and CMF advertising to meaningful legal controls.

The explanatory note (page 2) says that “The definitions of “audiovisual commercial communications harmful to the general public” and “audiovisual commercial communications harmful to children” address the requirements of Article 9(1) of the

²⁶ World Health Organization and UNICEF, How the marketing of formula milk influences our decisions on infant feeding (2022). Online <https://www.who.int/publications-detail-redirect/9789240044609>

²⁷ Rito AI, Buoncrisiano M, Spinelli A, Salanave B, et. al. Association between Characteristics at Birth, Breastfeeding and Obesity in 22 Countries: The WHO European Childhood Obesity Surveillance Initiative - COSI 2015/2017. (2019) 12 *Obes Facts*. 226-243 Online <https://pubmed.ncbi.nlm.nih.gov/31030194/>

Audiovisual Media Services Directive.” However, given the omission of CMF from the definitions, there is scope for their inclusion in the codes. Coimisiún na Meán can undoubtedly go beyond the requirements of Article 9(1), so long as the rules are compatible with the general principles of EU free movement law, which given the public health interests of children, would be considered appropriate and necessary for protecting public health.

BFLGI recommends that these products are not exempt from the definitions, both to protect adults and children from CMF marketing but also as a means of working towards the overall policy objectives of reducing harms given the relationship between breastfeeding/access to human milk and public health and the correlating health risks of CMF feeding.

Recommendation 2:

The definition of “audiovisual commercial communications harmful to children” should include the additional points:

1 ‘audiovisual commercial communications for all commercial milk formulae (including infant formula and follow-on formula)’

QUESTION 8: What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is deeply concerning that VSPs are setting their own targets. There is concern that they will set targets that are arbitrary or inadequate. There must be clarification about whether VSPs are to evaluate their *own* targets and then self-report their *own* findings to Coimisiún na Meán. **This means Coimisiún na Meán would evaluate whether VSPs have met their self-set targets. This form of self-regulation is not adequate.**

Rigorous reporting is needed to prevent VSPs from effectively setting their own standards. Currently, the industry has the capacity to furnish significantly more information than they do. **The code must insist on this.** Relying on the VSPs to self-report creates the opportunity for them to comply with lower standards and be creative in setting targets and evaluations.

Recommendation 3:

For the purpose of robustness, fairness, and transparency, VSPs must not set their own targets and standards. The OSC must insist on VSPs being accountable to Coimisiún na Meán rather than working in partnership with Coimisiún na Meán.

QUESTION 12. What is your view on the requirements in the draft Code in relation to complaints?

The content for question 12 is allied to the substantive response in Question 25. There can be no doubt that the issue of complaints, particularly with respect to audiovisual commercial communications, is inextricably linked to the regulatory mechanism in place. In that regard, **complaints processes and mechanisms and the associated bodies that will be established should not be industry bodies.**

For example, an Australian pilot project of an AI powered virtual violations detector trained to scan digital environments for commercial milk formula marketing detected 3,793 International Code of Marketing of Breastmilk Substitutes violations in the Australian jurisdiction between October 2022 to August 2023.²⁸

In contrast, an online search of Ireland’s ASAI’s Complaint Bulletins for ‘infant formula’ and ‘follow-on formula’ shows 1 upheld complaint for ads relating to infant formula in 2023, 2 upheld complaints in 2022 and 1 upheld complaint in 2021. Given the sheer volume of digital marketing of commercial milk formulas that Irish parents are exposed to, these numbers indicate that current regulations and legislation are poorly aligned with the International Code of Marketing of Breastmilk Substitutes. They also indicate ASAI’s own Code is outdated and insufficient at capturing the number of actual violations and the reactive complaints mechanism is not protecting consumers from harmful commercial communications.

A 2013 systematic review²⁹ found a significant divergence between the reported impact of marketing regulation (including self-regulation by industry) provided in peer-reviewed journals or industry-sponsored reports, showing the need for external monitoring. Moreover,

²⁸ Virtual Violations Detector (VIVID) and Findings Briefing, 2023,

https://www.corporateaccountabilitytool.org/_files/ugd/cca97c_9bd9891fda9f410d82c183bd6d0665da.pdf

²⁹ Galbraith-Emami, S. and Lobstein, T. The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review (2013) *Obesity Reviews*.

of studies evaluating voluntary policies, significantly more studies showed undesirable effects than desirable effects on exposure to, and power of, food marketing. This was not the case for studies evaluating mandatory policies.³⁰ Self-regulation is dealt with in more detail in Question 25.

Recommendation 4

The complaints process that will be established should be independent of industry.

QUESTION 17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

When considering harmful audiovisual commercial communications that impinge on the rights of children, those commercial communications that are clearly aimed at children should not be the only communications considered in the broader framing of the impacts on child health. While ‘women are the primary targets of formula milk marketing and have been for decades... Approaches aim to engage women early in their pregnancies to create brand loyalty from then through their children’s infancy, the toddler years and beyond’.³¹ As such, these advertising strategies, while not directly aimed at children, do directly undermine children’s health and development. **OSC should protect all children, not just those old enough to have digital access.**

Babies and infants are among the most vulnerable in society, and their protection should be extended through the caregiver by shielding the caregiver from CMF marketing messages. The UNCRC identifies implementing the International Code of Marketing of Breast-milk Substitutes and strengthening the State’s regulatory framework for industries and enterprises to ensure that their activities do not adversely impact children’s rights as crucial steps to upholding the UNCRC.

The UNCRC identifies implementing the International Code of Marketing of Breast-milk Substitutes and strengthening the State’s regulatory framework for industries and enterprises to ensure that their activities do not adversely impact children’s rights as crucial steps to upholding the UNCRC.

³⁰ Boyland, E, McGale, L, Maden, M, Hounscome, J, Boland, A, Jones, A. Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed (2022) 23. *Obesity Reviews*.

³¹ WHO and the United Nations Children’s Fund (UNICEF). (2022). How the marketing of formula milk influences our decisions on infant feeding. Geneva Licence: CC BY-NC-SA 3.0 IGO <https://iris.who.int/bitstream/handle/10665/352098/9789240044609-eng.pdf?sequence=1>

In 2023 in Geneva, at a review of the Irish government’s progress on upholding the rights of the Child, the government was questioned about implementation of the International Code of Marketing of Breastmilk Substitutes. A Department of Health spokesperson said “Commercial communications in relation to foods and beverages, including infant and follow up formula will soon be in the remit of a new regulator to be established under the Online Safety and Media Regulation Act 2022.... the Department of Health would expect to contribute to and be consulted on any Codes relating to such products and will be supporting appropriate restrictions in this regard”³².

Further content for question 17, linked to the paragraph below, is allied to the substantive response in Question 25.

A 2023 report on protecting children from the harmful impact of food marketing from the WHO and UNICEF notes that ‘**the main stakeholders responsible for implementing effective policies to protect children from the harmful impact of food marketing should be trusted public authorities, as the bearers of a duty to protect children’s rights and public health.** Delegation of responsibility to other stakeholders (e.g., sector associations representing the advertising industry or broadcasters) is not recommended as it has been shown to create conflicts of interest at the heart of policy discussions in many countries’.³³

Recommendation 5

The development of OSC should protect all children (including infants and young children) from the impact of digital communications.

Recommendation 6

Self-regulation has proven not to be effective in protecting infants and children from the impact of harmful commercial communications. They are not – and should not be viewed as – an appropriate mechanism to ensure that infants and children are effectively protected from harmful marketing.

³² Keegan, E, Dept of Health, 27th Jan 2023, Geneva, Irish government UNCRC presentation

³³ UNICEF and WHO. Taking action to protect children from the harmful impact of food marketing: a child rights-based approach (2023) Online <https://www.unicef.org/media/142621/file/UNICEFWHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf>

QUESTION 19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Overall, women are exposed to a high level of formula marketing which begins early in pregnancy, is targeted, and influences women's attitudes towards formula feeding. We welcome the reiteration of prohibiting the processing of children's personal data, but there is concern that there are loopholes, particularly in respect of CMF marketing and the use of "due date calculators" or potential data mining of female period tracker apps which may reveal pregnancies.

Due date calculators pose a potential ethical concern when integrated into digital marketing strategies for infant formula. These online calculators are designed to estimate a woman's due date based on her menstrual cycle and other factors. The issue arises when the data collected from these calculators is exploited for targeted advertising of infant formula. This data may not be considered children's data, but it is then used to track parents and children.

Digital marketers and algorithms can misuse this sensitive information to create personalised campaigns that specifically target expectant mothers and new parents, potentially influencing their choices in infant feeding. Such targeted advertising may exploit vulnerable moments in parents' lives, encouraging them to opt for formula feeding over breastfeeding, undermining public health efforts to promote breastfeeding as the optimal choice for infant nutrition. This ethical dilemma highlights the need for responsible data-handling practices in digital marketing, particularly when dealing with information related to babies and children.

Recommendation 7

Prohibition of online due-date calculators by commercial milk formula brands to ensure the protection of information related to babies and children.

Further consideration should be given to the potential breaches of privacy for infants when their data is processed or held for commercial purposes prior to birth and in their early years.

QUESTION 20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

We do not support the current approach of industry-led self-regulation for online advertising and believe the system fundamentally needs to change towards stronger independent statutory regulation and enforcement. There is widespread evidence which shows that voluntary and industry-led regulation is ineffective³⁴ with industry protecting their own interests over public health and other considerations.

Problems with self-regulatory complaints mechanisms include:

- Complaint procedures do not provide a level playing field between citizens and industry: they are onerous and time-consuming processes for individual complainants.
- There is a lack of effective enforcement mechanisms, such as fines, to serve as a deterrent.
- Compliance and informal resolution processes are not open to public scrutiny.

Consultation on Statutory Guidance

QUESTION 25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

On page 24, Section 4 Consultation on Draft Statutory Guidance, 4.1.10 Commercial Communications, it notes:

“This indicates Coimisiún na Meán’s plans in relation to developing additional requirements and advises providers to have regard to certain of its Commercial Codes. Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications.”

³⁴ World Cancer Research Fund International (2020). *Building Momentum: lessons on implementing robust restrictions of food and non-alcoholic beverage marketing to children* Online <https://wcrf.org/policy/our-publications/building-momentum-series/>; Boyland (n 27); Reeve, B. and Magnusson, R., (2018). Regulation of food advertising to children in six jurisdictions: a framework for analyzing and improving the performance of regulatory instruments. *Ariz. J. Int'l & Comp. L.*, 35, p.71

Unfortunately, it appears that self-regulatory mechanisms are being given credibility and support here, with the statutory guidance explicitly telling VSPs to use and refer to self-regulatory bodies on certain commercial communications, i.e. ASAI.

Recommendation 8

There should be no reference to, encouragement of, or cooperation with self-regulatory measures regarding commercial communications, particularly at the expense of statutory measures.

‘The marketing of breastmilk substitutes and unhealthy food and beverage products to children are clear examples of weak standards, poor industry adherence to voluntary codes, and the need for stronger regulatory, and monitoring systems.’³⁵

We echo the calls from the WHO and UNICEF that the best way to respect, protect and fulfil children’s rights when it comes to protecting them from harmful commercial communications is to **adopt a mandatory, comprehensive regulatory approach** while recognising that steps taken to restrict these harms must integrate both a public health lens and a child-rights lens.³⁶

This recommendation complements the recommendation that CMF be included in the definition of ‘audiovisual commercial communications harmful to children’, so that these protections enjoy the full application of regulation and statutory supports.

Recommendation 9

Self-regulatory industry bodies should not be permitted to become nominated bodies in the super complaints scheme.

In the section “Guidance: Complaints” on page 71, it notes:

‘The Commission advises video-sharing platform service providers to reasonably prioritise the notifications they receive about harmful content addressed by the

³⁵ Boyd Swinburn et al, The Global Syndemic of Obesity, Undernutrition, and Climate Change: The Lancet Commission report, 2019, Vol: 393, Issue: 10173, Page: 791-846

³⁶ [10] UNICEF and WHO (n 29)

Code from nominated bodies and trusted flaggers provided for in the Act and the DSA.’

Read in conjunction with the Call for Inputs submissions, and more specifically, that of the ASAI, it is important that advertising self-regulatory bodies established in the EU should not be actively encouraged nor permitted to seek to be a trusted flagger or nominated body under the Code.

In the section “Guidance: Commercial Communications”, at page 71, it notes:

“Commercial communications include advertising, sponsorship, product placement, teleshopping and other forms of marketing. Commercial communications that are harmful to the general public and/or children can have negative impacts on individuals, groups in society and on business. The Commission will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code.”

On this section of the guidance, there are concerns centring around two questions:

- 1) Why can the requirements as they relate to commercial communications on HFSS food and drinks and BMS not be included in this Code, or at least referenced? While there is work to be done on the requirements, taking into account many of those requirements in the current broadcasting codes in this area need updating, there is no reason why they must be omitted from this particular code.
- 2) If the additional requirements are being omitted, what mechanism does Coimisiún na Meán envisage will tie this OSC to future OSCs on these commercial communications?

These questions will need to be answered to provide clarity in the final Online Safety Code.

SUMMARY OF RECOMMENDATIONS

Recommendation 1

The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur due to marketing practices of the CMF industry, must be addressed in the harms set out in the Online Safety Codes

Recommendation 2

The definition of “audiovisual commercial communications harmful to children” should include the additional point:

‘audiovisual commercial communications for all commercial milk formulas (including infant formula and follow-on formula)’

Recommendation 3

For the purpose of robustness, fairness, and transparency, VSPs must not set their own targets and standards. The OSC must insist on VSPs being accountable to Coimisiún na Meán rather than working in partnership with Coimisiún na Meán.

Recommendation 4

The complaints process that will be established should be independent from industry.

Recommendation 5

The development of OSC should protect all children (including infants and young children) from the impact of digital communications.

Recommendation 6

Self-regulation has proven not to be effective in protecting infants and children from the impact of harmful commercial communications. They are not – and should not be viewed as – an appropriate mechanism to ensure that infants and children are effectively protected from harmful marketing.

Recommendation 7

Prohibition of online due-date calculators by commercial milk formula brands to ensure the protection of information related to babies and children.

Further consideration should be given to the potential breaches of privacy for infants when their data is processed or held for commercial purposes prior to birth and in their early years.

Recommendation 8

There should be no reference to, encouragement of, or cooperation with self-regulatory measures regarding commercial communications, particularly at the expense of statutory measures.

Recommendation 9

Self-regulatory industry bodies should not be permitted to become nominated bodies in the super complaints scheme.

BFLGI welcomes engagement with Coimisiún na Meán on finalising the details of the Online Safety Code to ensure it is a robust legal instrument that protects public health in Ireland.

Submission to Coimisiún na Meán on the Online Safety Consultation Document

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Introduction

We welcome the opportunity to make a written submission to Coimisiún na Meán on developing Ireland's first binding Online Safety Code for video-sharing platform services, intended to ensure that Video Sharing Platform Services (VSPS) take appropriate measures to effectively protect children from harmful content.

We are a group of academics, researchers and public health advocates with expertise in non-communicable disease law and policy, children's rights, and marketing regulation. We have analysed the Code development process and are making this submission to offer suggestions for an evidence-based design of the Code. We welcome further engagement with Coimisiún na Meán in the coming months as the Code is finalised, the super complaints mechanism is established, and further media codes are developed.

In our response, we offer evidence on the online advertising of high fat, salt and sugar foods (HFSS) in particular, but also commercial milk formula products (CMF) and alcohol, and pinpoint recommendations to strengthen the Code to ensure its success to protect the rights of children.

The United Nations Convention on the Rights of the Child (CRC) enshrines the right of all children to the enjoyment of the highest attainable standard of health (or right to health). To ensure that health is effectively protected, States that have ratified the CRC, including Ireland, have a legal obligation to ensure that related rights are also protected. Several of these rights are negatively affected by extensive marketing and the marketing of unhealthy products. Much of the evidence discussed in this submission frames it as a human right that children should be protected from exploitative marketing that can harm their health and well-being. Marketing for unhealthy products negatively affects a broad range of children's rights and the CRC provides the legal framework for a child rights-based approach to obesity and non-communicable disease (NCD) prevention.¹ In explicitly referring to the rights of the child, the Online Safety Code would signal to all stakeholders a clear rationale for the Code, a support structure based in UN conventions, and a guarantee of soliciting research that is in the name of children's rights, evidence-based, and not conflicted by other interests. The best interests of the child shall be upheld as a primary consideration in all actions concerning them (Article 3(1) CRC), which specifically requires that children are protected from actual exposure to the marketing of unhealthy products.

How the Submission is structured

This submission responds to the questions provided by Coimisiún na Meán.

It emphasises three themes: (i) definitions, (ii) the self-regulation paradigm, and (iii) monitoring.

¹ Garde, A., Tatlow-Golden, M. et al (2019). General Comment submission Children's rights in relation to the digital environment. [Online] Available from: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/GCChildrensDigitalEnvironment/OtherStakeholders/Amandine%20Garde,%20Mimi%20Tatlow-Golden%20and%20colleagues.docx>

Why is the regulation of audiovisual commercial communications of high fat, sugar, and salt (HFSS) foods so important?

The scale of disease linked to unhealthy diets in Ireland emphasises the need for a paradigm shift in how the country tackles it. Research estimates that 55,056 children currently living in the Republic of Ireland and 85,688 on the whole island will die prematurely due to overweight and obesity.² The direct healthcare costs and indirect costs to society of adult overweight and obesity in 2009 were estimated at €1.13 billion for the Republic of Ireland³, an estimated 2.7 per cent of total health expenditure in Ireland. Furthermore, the projected lifetime costs of childhood overweight and obesity have more recently estimated to be €4.6billion⁴.

65% of the diabetes burden, 23% of heart disease and between 7% and 41% of certain cancers are attributable to overweight and obesity.⁵ Similarly, the risk of coronary heart disease, ischaemic stroke and type 2 diabetes grows steadily with increasing body mass.

The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2018 and 2019⁶ found that:

- 1 in 5 primary school children have overweight or obesity.
- Overweight and obesity is more prevalent in girls, and in disadvantaged schools.
- A significant disparity is apparent between disadvantaged and other schools; this disparity is widening, particularly in older primary school children.
- There is a need to develop a better understanding of, and effective responses to, factors affecting weight gain in families and communities experiencing socio-demographic challenges, and in children, particularly girls, between the ages of 8 and 12.

Banning the online advertising of unhealthy food to children has been identified by the WHO as among the most promising whole-population policies for tackling overweight and obesity.⁷

This is because, in summary:

² Ivan J. Perry, Seán R. Millar, Kevin P. Balanda, Anne Dee, David Bergin, Laura Carter, Edel Doherty, Lorraine Fahy, Douglas Hamilton, Abbygail Jaccard, André Knuchel-Takano, Laura McCarthy, Adam McCune, Grace O'Malley, Laura Pimpin, Michelle Queally and Laura Webber. (2017). What are the estimated costs of childhood overweight and obesity on the island of Ireland?. Safefood ISBN: 978-1-905767-75-5
Publication date: November 2017 [Online] Available from: <https://www.safefood.net/getmedia/07c9ceb0-dd71-4658-b679-cfc40c03e16b/Cost-of-childhood-obesity-Report.aspx?ext=.pdf>

³ safefood (2012) Cost of Overweight and Obesity on the Island of Ireland. [Online] Available from: <http://www.safefood.eu/SafeFood/media/SafeFoodLibrary/Documents/Publications/Research%20Reports/Final-Exec-Summary-The-Economic-Cost-of-Obesity.pdf>

⁴ Ivan J. Perry, Seán R. Millar, Kevin P. Balanda, Anne Dee, David Bergin, Laura Carter, Edel Doherty, Lorraine Fahy, Douglas Hamilton, Abbygail Jaccard, André Knuchel-Takano, Laura McCarthy, Adam McCune, Grace O'Malley, Laura Pimpin, Michelle Queally and Laura Webber. (2017). What are the estimated costs of childhood overweight and obesity on the island of Ireland?. Safefood ISBN: 978-1-905767-75-5
Publication date: November 2017 [Online] Available from: <https://www.safefood.net/getmedia/07c9ceb0-dd71-4658-b679-cfc40c03e16b/Cost-of-childhood-obesity-Report.aspx?ext=.pdf>

⁵ World Health Organisation (2009). Global Health Risks - Mortality and burden of disease attributable to selected major risks. Available from: http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

⁶ Mitchell L, Bel-Serrat S, Stanley I, Hegarty T, McCann L, Mehegan J, Murrin C, Heinen M, Kelleher C (2020). The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2018 and 2019. [Online] Available from: <https://www.hse.ie/eng/about/who/healthwellbeing/our-priority-programmes/health/childhood-obesity-surveillance-initiativecosi/childhood-obesity-surveillance-initiative-report-2020.pdf>

⁷ WHO Regional Office for Europe (2022). WHO European Regional Obesity Report 2022. Copenhagen. Licence: CC BY-NC-SA 3.0 IGO. [Online] Available from: <https://apps.who.int/iris/bitstream/handle/10665/353747/9789289057738-eng.pdf>

- There is a clear link between food promotion and children's food preferences, what they buy and what they eat.⁸
- Advertising influences how much children eat⁹, and can lead to them 'pestering' parents to buy unhealthy products.^{10 11}
- Children are a vulnerable group who have the right to protection from advertising. Research shows that children as young as 18 months can recognise brands, with preschool children demonstrating preferences for branded products over the same food items when in plain packaging¹², and their learning about unhealthy food brands takes place well in advance of their understanding of foods that are healthy or not¹³.
- Most sales by major brands are unhealthy¹⁴. Specifically, sales of the top 20 global food and beverage companies, 89% was classified as unhealthy (using the WHO Europe nutrient profile model).
- Online food marketing provides food marketers with the opportunity to expand and amplify marketing effects at low cost, deepen emotional responses, embed automatised 'System 1' reactions to unhealthy items, spread marketing messages through children and young people's networks, form parasocial relationships with children through admired celebrities and influencers, change social norms and relate unhealthy food with culturally powerful messages of fun, pleasure, taste, friends, family, physical activity and daily consumption.

Why is the regulation of audiovisual commercial communications of alcohol so important?

The EU is the heaviest-drinking region in the world and has the highest proportion of total ill health and premature death due to alcohol.¹⁵ Alcohol is a modifiable risk factor; reductions in alcohol consumption would lead to an associated reduction in the burden of disease.

⁸ Public Health England (2015). Sugar Reduction: the evidence for action. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470179/Sugar_reduction_The_evidence_for_action.pdf

⁹ Emma J Boyland, Sarah Nolan, Bridget Kelly, Catrin Tudur-Smith, Andrew Jones, Jason CG Halford, Eric Robinson; Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults, *The American Journal of Clinical Nutrition*, Volume 103, Issue 2, 1 February 2016, Pages 519–533, <https://doi.org/10.3945/ajcn.115.120022>. Available from: <https://academic.oup.com/ajcn/article/103/2/519/4662876>

¹⁰ Gerard Hastings, Laura McDermott, Kathryn Angus, Martine Stead and Stephen Thomson. (2006). The extent, nature and effects of food promotion to children [electronic resource] : a review of the evidence : technical paper / prepared for the World Health Organization. WHO. Available from: http://www.who.int/dietphysicalactivity/publications/Hastings_paper_marketing.pdf

¹¹ Laura McDermott, Terry O'Sullivan, Martine Stead & Gerard Hastings (2015) International food advertising, pester power and its effects, *International Journal of Advertising*, 25:4, 513-539, DOI: [10.1080/02650487.2006.11072986](https://doi.org/10.1080/02650487.2006.11072986). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2006.11072986>

¹² Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children's Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792–797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

¹³ see Tatlow-Golden, M., Hennessy, E., Hollywood, L. and Dean, M. (2014) 'Young children's food brand knowledge. Early development and associations with television viewing and parent's diet', *Appetite*, 80, pp. 197-203 ; Tatlow-Golden, M., Hennessy, E., Hollywood, L. and Dean, M. (2013). "'Big, strong and healthy'" Young children's identification of food and drink that contribute to healthy growth', *Appetite*, 71, pp. 163-70

¹⁴ Bandy L, Jewell J, Luick M, Rayner M, Li Y, Shats K, Jebb S, Chang S, Dunford E. The development of a method for the global health community to assess the proportion of food and beverage companies' sales that are derived from unhealthy foods. *Global Health*. 2023 Dec 1;19(1):94. doi: 10.1186/s12992-023-00992-z. PMID: 38041091; PMCID: PMC10690999 [Online] Available from: <https://globalizationandhealth.biomedcentral.com/counter/pdf/10.1186/s12992-023-00992-z.pdf>

¹⁵ World Health Organization – Regional Office for Europe. Alcohol use.[Online] Available from: <https://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use>

Figures from the Revenue Commissioners show that in 2022 Irish people aged 15 and over drank 10.2 litres of pure alcohol per capita.¹⁶ Ireland has the ninth highest per capita alcohol consumption rate of all OECD member countries (based on 2018 Irish data).¹⁷ In 2018, the World Health Organization (WHO) reported that Ireland had the eighth highest rate of monthly binge drinking globally out of a total of 194 countries analysed.¹⁸

The Irish Health Research Board has found that “since 2016, little has changed with regard to alcohol consumption and alcohol-related harm. Ireland still has a high level of per capita consumption and a majority of drinkers in Ireland consume alcohol in a manner that is risky to their health. The consequences of our drinking patterns are reflected in our mortality data, which show that, on average, there have been three alcohol-related deaths every day since 2008.”¹⁹

The Global Action Plan for Prevention and Control of NCDs, by the World Health Organization (WHO), has called for a relative reduction of at least 10% in the harmful use of alcohol.²⁰ During 2010 to 2018 the median consumption of alcohol per capita across European Society of Cardiology (ESC) member countries showed a small decline from 5.1 to 4.5 litres in women and from 17.2 to 15.0 litres in men. Unless there is a change in the current trajectory, ESC linear projections show that it is unlikely that this target will be met.²¹

It is our conclusion, based on these data, that the Code should promote policies that put higher responsibilities on commercial actors, recognising their clear implication in the growing burden of non-communicable diseases, and lower ones on individuals, moving away from the discredited discourse of personal responsibility. To date, media codes favour policies where industries regulate themselves, where the role of ‘co-regulation’ is often in the form of post-hoc advice to commercial actors. Individual citizens are advised to become more media literate, and to protect themselves from harms. Evidence demonstrates that this paradigm does not work. To reverse NCD prevalence, we – along many others – call for a paradigm shift, not for a change in the measurement tools. The paradigm we advise call for is commercial regulation.

The best protection from exposure of digital marketing of alcohol, with its associated risks, is to remove it from all online contexts, and restricting marketing of alcohol is a cost-effective policy to reduce alcohol consumption and attributable burden²². This is because:

¹⁶ Office of the Revenue Commissioners. (2023). Revenue quarterly excise receipts and volumes. [Online] Available from: <https://www.revenue.ie/en/corporate/information-about-revenue/statistics/excise/receipts-volume-and-price/quarterly-update.aspx>

¹⁷ Organisation for Economic Co-operation and Development. Alcohol consumption. [Online] 2019. Available from: <https://data.oecd.org/healthrisk/alcohol-consumption.htm>

¹⁸ World Health Organization (2018). Global status report on alcohol and health 2018 Geneva: World Health Organization, 2018. Available from: <https://www.drugsandalcohol.ie/29701/>

¹⁹ O’Dwyer C, Mongan D, Doyle A and Galvin B (2021) Alcohol consumption, alcohol-related harm and alcohol policy in Ireland. HRB Overview Series 11. Dublin: Health Research Board.[Online] Available from: [HRB Alcohol Overview Series 11.pdf](#)

²⁰ World Health Organisation. (2013) Global Action Plan for Prevention and Control of Non Communicable Diseases 2013-2020. [online]. Available from: <https://www.who.int/publications/i/item/9789241506236>

²¹ European Society of Cardiology (2021). European Society of Cardiology: Cardiovascular Disease Statistics 2021. Eur Heart J. 2021. doi:10.1093/eurheartj/ehab892 [Online] Available from: <https://academic.oup.com/eurheartj/article-lookup/doi/10.1093/eurheartj/ehab892>

²² See WHO Regional Office for Europe (2021) Digital marketing of alcohol: challenges and policy options for better health in the WHO European Region. Copenhagen: WHO Regional Office for Europe Licence: CC BY-NC-SA 3.0 IGO. [Online] Available from: <https://www.who.int/europe/publications/i/item/9789289056434>

- Children and young people are especially at risk of harm from exposure to alcohol marketing^{23 24}
- This exposure affects the onset of alcohol use, as well as frequency of drinking and drinking patterns, especially among young people^{25 26 27}
- People who drink more alcohol, or show interest in or engage with alcohol marketing, will likely be targeted for more alcohol marketing because algorithms will target them with digital promotions for alcoholic products²⁸

Why is the regulation of commercial communications of Commercial Milk Formula (CMF) so important?

We refer to commercial milk formula products (CMF) throughout this submission to capture all forms of breastmilk substitutes (including all formulas up to the age of 36 months as per the WHO guidelines).²⁹ This comes from the recent Breastfeeding series published in *The Lancet* which used the term commercial milk formula (CMF) ‘instead of breastmilk substitute to highlight the artificial and ultra-processed nature of formula products’.³⁰

The Code of Marketing of Breastmilk Substitutes (the Code)³¹ is the authoritative international public health guidance that sets the marketing standards for CMF products. As a WHO member state and signatory to the UN Convention on the Rights of the Child (UNCRC), Ireland has an obligation under the Code and international human rights law to embody the Code into domestic law.³² To date, Ireland has implemented laws prohibiting the marketing of CMF for babies up to 6 months. Still, it has failed to fully align with the Code to regulate the marketing of CMF for up to 36 months (despite being an original signatory in 1981). Consequently, Irish mothers/parents are exposed to an extensive range of CMF marketing, including digital marketing.

The growing threat of digital CMF marketing gives companies unparalleled access to pregnant women, new mothers, and parents, allows the cross-promotion of products, as well as undermining public health efforts and investment to support and protect breastfeeding. The Code prohibits the cross-promotion of CMF, and digital marketing is one of the most

²³ Buchanan L, Kelly B, Yeatman H, Kariippanon K (2018). The effects of digital marketing of unhealthy commodities on young people: a systematic review. *Nutrients*. 10(2):148. doi:10.3390/NU1002014

²⁴ Chambers T, Pearson AL, Kawachi I, Stanley J, Smith M, Barr M et al. (2018). Children’s home and school neighbourhood exposure to alcohol marketing: using wearable camera and GPS data to directly examine the link between retailer availability and visual exposure to marketing. *Health Place*. 54:102–9. doi:10.1016/j.healthplace.2018.09.012.

²⁵ Anderson P, de Bruijn A, Angus K, Gordon R, Hastings G (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies. *Alcohol Alcohol*. 44(3):229–43. doi:10.1093/alcalc/agn115

²⁶ Finan LJ, Lippenman-Kreda S, Grube JW, Balassone A, Kaner E (2020). Alcohol marketing and adolescent and young adult alcohol use behaviors: a systematic review of cross-sectional studies, *J Stud Alcohol Drugs Suppl*. S19:42–56. doi:10.15288/jsads.2020.s19.42

²⁷ Noel JK, Sammartino CJ, Rosenthal SR (2020). Exposure to digital alcohol marketing and alcohol use: a systematic review. *J Stud Alcohol Drugs*. S19:57–67. doi:10.15288/jsads.2020.s19.57

²⁸ Carah N (2017). Alcohol corporations and marketing in social media. In: Lyons A, McCreanor T, Goodwin I, Moewaka Barnes H (editors). *Youth drinking cultures in a digital world: alcohol, social media and cultures of intoxication*. London: Routledge; 115–31

²⁹ World Health Assembly (WHA) Resolution 69.9 *Ending inappropriate promotion of foods for infants and young children* online http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R9-en.pdf

³⁰ Rollins N, Piwoz E, Baker P, Kingston G, Mabaso KM, McCoy D, Ribeiro Neves PA, Pérez-Escamilla R, Linda Richter L, Katheryn Russ K, Sen G, Tomori C, Victora CG, Zambrano P, Gerard Hastings G. Marketing of commercial milk formula: a system to capture parents, communities, science, and policy. (2023) *The Lancet*. 404: 486-502.

³¹ WHA *International Code of Marketing of Breast-Milk Substitutes* (1981) WHA Res 34.22.

³² Rollins (n 11); Patton C. (forthcoming) *Breastfeeding as a Human Right within the UN Human Rights System*.

effective ways this practice is carried out.³³ Consequently, regulating the digital marketing of CMFs is critical and increasingly recognised as an urgent global public health action. The evidence that digital marketing influences parents' infant feeding choices and undermines breastfeeding and public health advice is well-established.³⁴

The WHO report on the 'Scope and Impact of Digital Marketing Strategies for Promoting Breast-milk Substitutes' noted that digital environments are fast becoming the predominant source of exposure to the promotion of CMF globally. Digital marketing amplifies the reach and power of advertising and other forms of promotion in digital environments, and exposure to digital marketing increases the purchase and use of CMF products.³⁵

Since Coimisiún na Meán's Call for Inputs in September 2023, the severity of CMF digital marketing as a public health concern has been acted upon by the WHO, and it issued guidance for WHO member states on regulating the digital marketing of CMF.³⁶ The Guidance has eleven detailed recommendations, including:

- Member States should ensure that regulatory measures effectively prohibit the promotion of products within the scope of the Code, including brand promotion, across all channels and media, including digital media.
- Member States should confer legal duties of compliance to monitor and take immediate action to prevent or remedy prohibited marketing on entities along the digital marketing value chain.
- Member States should strengthen monitoring systems for detecting prohibited marketing in the digital environment.
- All entities along the digital marketing value chain and in health care systems should ensure that their marketing practices conform to the Code in digital environments, irrespective of any regulatory measures implemented at national and subnational levels.

³³ WHO and UNICEF, Information Note: Cross-promotion of infant formula and toddler milks (2019). Online: <https://iris.who.int/bitstream/handle/10665/332490/WHO-NMH-NHD-19.27-eng.pdf?sequence=1>

³⁴ World Health Organization and UNICEF (2022). *How the Marketing of Formula Milk Influences our Decisions on Infant Feeding* Online www.who.int/publications/i/item/9789240044609 WHO and UNICEF (2022). *Scope and Impact of Digital Marketing Strategies for Promoting Breastmilk Substitutes* Online <https://iris.who.int/bitstream/handle/10665/353604/9789240046085-eng.pdf?sequence=2>

³⁵ WHO and UNICEF (n 14).

³⁶ WHO, *Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes* (2023). Online <https://iris.who.int/bitstream/handle/10665/374182/9789240084490-eng.pdf?sequence=1>

Summary of Recommendations

1. Expand the definition of “harm” employed in the Online Safety Codes to include the harm generated by the commercial exploitation of children through online commercial communications for products such as HFSS food and drink, alcohol, nicotine products and commercial milk formula products. Specifically, harms their marketing entails include: inducement to engage in behaviours that are harmful to health, erosion of capacity to recognise content of a commercial nature, provision of information and entertaining content that makes understanding and making healthy choices more difficult, normalisation of their consumption, desensitisation to brands associated with harmful health outcomes, and desensitisation to unhealthy behaviour.
2. High fat, sugar and salt foods, alcohol and commercial milk formula products should be included in the definitions of “audiovisual commercial communications harmful to children” due to the harms their marketing entails for children.
3. The Code should require VSPS to furnish Coimisiún na Meán with transparent data appropriate to the task that the Code is seeking to achieve, in a format that permits Coimisiún na Meán to conduct its role effectively.
4. Provide a publicly available database where VSPSs recommender safety plans, targets and tri-monthly performance are lodged for transparency, comparability, EU benchmarking, and for research by universities and civil society.
5. There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications.
6. Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme.
7. Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
8. Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Consultation on Draft Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

Section 4 Regulatory Principles Relevant to the Code at subsection 4.3 notes:

“... in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children.”

The most under-recognised risk to children’s health and well-being is identified as the “commercial marketing of products that are harmful to children”.³⁷ The commercial advertising and marketing of several products, services and brands are associated with poor health. Harmful commodities include but are not limited to unhealthy food and beverages, alcohol, drugs, tobacco, e-cigarettes and commercial milk formula products. Moreover, the pandemics of obesity, undernutrition, and climate change represent three of the gravest threats to human health and survival.³⁸ The harms associated with the commercial advertising and marketing of HFSS foods are addressed on page 4, alcohol on page 5 and CMF on page 7.

Keeping in line with Section 4.3 of the Draft Code, the “safety of children” should be construed broadly to protect children from exposure that is detrimental to their health and well-being, recognising that harm is not just an immediate risk to health, it is also the long-term risk of repeated exposure.

Recommendation

Expand the definition of “harm” employed in the Online Safety Codes to include the harm generated by the commercial exploitation of children through online commercial communications for products such as HFSS food and drink, alcohol, nicotine products and commercial milk formula products. Specifically, harms their marketing entails include: inducement to engage in behaviours that are harmful to health, erosion of capacity to recognise content of a commercial nature, provision of information and entertaining content that makes understanding and making healthy choices more difficult, normalisation of their consumption, desensitisation to brands associated with harmful health outcomes, and desensitisation to unhealthy behaviour.

³⁷ Clark, H., Coll-Seck, A.M., Banerjee, A., Peterson, S., Dalglish, S.L., Ameratunga, S. *et al.* (2020). A future for the world’s children? A WHO–UNICEF–Lancet Commission. *Lancet* 2020; 395: 605–58. [Online] Available from: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)32540-1/fulltext#articleInformation](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32540-1/fulltext#articleInformation)

³⁸ Boyd Swinburn et al, The Global Syndemic of Obesity, Undernutrition, and Climate Change: The Lancet Commission report, 2019, Vol: 393, Issue: 10173, Page: 791-846

5. Do you have any comments on any other definitions provided in the draft Code?

1. Definition at page 44: “‘child’ means a person under the age of 18 years”.

The statutory guidance and associated explanatory note states that “Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications”. However, ASAI guidance note on High Fat, Salt and Sugar (HFSS) Food and Non-alcoholic beverages marketing communications states that “The ASAI Code sets out rules which restrict the advertising of HFSS foods to children under the age of 15.”

There is a conflict here. The Online Safety Code refers to children as under 18, but self-regulatory bodies (to which the OSC refers and recommends to VSPS) only use under 15s.

All children are vulnerable to harmful marketing, particularly in the digital environment. The narrow definition of the group of children requiring protection from harmful marketing used in the ASAI code and other self-regulatory codes is problematic given:

- Older children, even if they may have the cognitive capacities to identify the persuasive intent of advertising, are not as resistant to marketing as adults³⁹.
- Advertising can manipulate consumer behaviour via implicit persuasion.^{40, 41}
- “Persons up to the age of 18 years are entitled to continuing protection from all forms of exploitation and abuse”⁴², and this obligation on States exists alongside the right of children to exercise increasing levels of responsibility as their capacities evolve.

Legislation or regulatory codes which protect children should use the Convention on the Rights of the Child (CRC) definition of children – “a child means every human being below the age of eighteen years”.⁴³

There is a danger that the OSC offers legal protection to children (under 18) from online harms, except in certain circumstances where it actively promotes non-legally binding mechanisms. This is contradictory, creates hierarchies in the protection of children and undermines the need for comprehensive regulation.

2. Definition at page 45: “audiovisual commercial communications harmful to children” means...

The definition of “Audiovisual commercial communications harmful to children” excludes HFSS foods and drinks, as well as commercial milk formula products.

³⁹ Murphy G, Corcoran C, Tatlow-Golden M, Boyland E, Rooney B. See, Like, Share, Remember: Adolescents' Responses to Unhealthy-, Healthy- and Non-Food Advertising in Social Media. *Int J Environ Res Public Health*. 2020 Mar 25;17(7):2181. doi: 10.3390/ijerph17072181. PMID: 32218252; PMCID: PMC7177346.

⁴⁰ Nairn, A., & Fine, C. (2008). Who's messing with my mind? The implications of dual-process models for the ethics of advertising to children. *International Journal of Advertising*, 27(3), 447-470

⁴¹ Harris JL, Brownell KD, Bargh JA. The Food Marketing Defense Model: Integrating Psychological Research to Protect Youth and Inform Public Policy. *Soc Issues Policy Rev*. 2009 Dec 1;3(1):211-271. doi: 10.1111/j.1751-2409.2009.01015.x. PMID: 20182647; PMCID: PMC2826802.

⁴² UN Committee on the Rights of the Child (CRC), *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, 6 December 2016, CRC/C/GC/20, available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-20-2016-implementation-rights> Paragraph 40

⁴³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

The Public consultation Q&A document notes:

“Legal Provisions 1. What legislation is the code based on? The power for Coimisiún na Meán to make Online Safety Codes is contained in Section 139K of the Online Safety and Media Regulation Act 2022. In addition, the Code must address the harms set out in Article 28b of the EU Audiovisual Media Services Directive 2018.”

Section 139K states:

“Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”

Coimisiún na Meán has the right to include these products in the definitions of “Audiovisual commercial communications harmful to children”.

Importantly, health data show that unhealthy food marketing is a silent, slow-burn killer, shortening the lives of a third of the population, by promoting food preferences, requests and consumption while masquerading as family- and child-friendly sources of pleasure. It is equally necessary to provide protection against these harms whose impact is less immediately obvious than others. Unhealthy diets are a leading global public health risk, contributing to all forms of malnutrition (i.e. undernutrition; micronutrient-related malnutrition; and overweight, obesity and diet-related noncommunicable diseases (NCDs)).”⁴⁴

The harms associated with the promotion of unhealthy foods and beverages may not have the same public salience as those harms already specifically referenced in the OSC, but this does not mean they are non-existent. HFSS food marketing (as explained above) has the capacity to harm children in ways that may take a long time to fully manifest.

Audiovisual commercial communications of these products are harmful to children, and so should fall within the scope of “audiovisual commercial communications harmful to children”.

The opportunity to protect children online effectively should not provide loopholes to companies that exploit children’s online activities for profit. Simply leaving HFSS food out of the definition of harmful audiovisual commercial communications on the basis that they will be addressed in a separate code is insufficient. There is no guarantee that those extra codes will be developed in a timely manner, nor is there certainty as to the scope of these codes. Moreover, and considering the content of the statutory guidance, the statutory standing of any future codes in this area is also unclear. ***This OSC for VSPS may be the one and only chance to subject HFSS food audiovisual commercial communication to meaningful legal controls.***

⁴⁴ World Health Organization (2023) Policies to protect children from the harmful impact of food marketing: WHO guideline. Geneva: World Health Organization [Online] Available from: <https://apps.who.int/iris/rest/bitstreams/1514114/retrieve> pix

The explanatory note (page 2) says that “The definitions of “audiovisual commercial communications harmful to the general public” and “audiovisual commercial communications harmful to children” address the requirements of Article 9(1) of the Audiovisual Media Services Directive.” As it has been established that the provisions of the AVMSD concerning the protection of children from exposure to commercial communications are weak,⁴⁵ appeals to the content of the AVMSD to explain the absence of HFSS food advertising from this part of the code are unsatisfactory. Moreover, EU Member States are able to adopt rules on audiovisual commercial communications that exceed those in the AVMSD, provided that they do so in a manner that is proportionate. The litigation over Scotland’s minimum unit pricing of alcohol policy has demonstrated that rules to protect public health are proportionate if the available evidence permits a reasonable conclusion that an alternative measure could not have achieved the public health objectives in a less trade-restrictive manner.⁴⁶ It is more than reasonable to conclude on the basis of the evidence cited above that there is a legitimate public health objective to pursue in protecting children from online HFSS food marketing, and that restricting upon the ability of commercial operators to promote HFSS food online is the only option to protect child health and children’s rights effectively. Children are recognised a particular vulnerable group to commercial practices⁴⁷. This is why the aim of specifically protecting children will be taken into account in the proportionality assessment.⁴⁸

The inclusion, and recognition, of HFSS food and drink advertising as commercial communications harmful to children is all the more warranted in light of the scale of childhood overweight and obesity in Ireland, and the consequences for life and long-term health.

Similarly, the WHO identify the safeguarding of child health and development from harmful commercial marketing, including from formula marketing, as an opportunity for action⁴⁹. Breastfeeding is described as a protective factor from obesity development. Research demonstrates that, compared to children who were breastfed for at least 6 months, the odds of obesity were higher among children never breastfed or breastfed for a shorter period.⁵⁰

⁴⁵ A Garde, *EU Law and Obesity Prevention* (Alphen Aan de Rijn: Kluwer Law International 2010), chapter 5; O Bartlett and A Garde, ‘Time to seize the (red) bull by the horns: the EU’s failure to protect children from alcohol and unhealthy food marketing’ (2013) 38(4) *European Law Review* 498; O. Bartlett and A. Garde, ‘The EU’s Failure to Support Member States in their Implementation of the WHO Recommendations: How to Ignore the Elephant in the Room?’ (2017) 8(2) *European Journal of Risk Regulation* 251

⁴⁶ C-333/14 *Scotch Whisky Association* [2015] ECLI:EU:C:2015:845. For commentary on the interpretation of the proportionality test, see: O Bartlett and A MacCulloch, ‘Evidence and Proportionality in Free Movement Cases: The Impact of the Scotch Whisky Case’ (2020) 11(1) *European Journal of Risk Regulation* 109-130; A Alemanno, ‘Balancing free movement and public health: The case of minimum unit pricing of alcohol in Scotch Whisky’ (2016) 53(4) *Common Market Law Review* 1037-1063.

⁴⁷ See for example Article 5(3) of DIRECTIVE 2005/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ‘Unfair Commercial Practices Directive’ and Recital 75 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 ‘GDPR’

⁴⁸ C-547/14 *Philip Morris Brands* [2016] ECLI:EU:C:2016:325.

⁴⁹ World Health Organization and the United Nations Children’s Fund (UNICEF). (2022). *How the marketing of formula milk influences our decisions on infant feeding*. Geneva Licence: CC BY-NC-SA 3.0 IGO [Online] Available from: <https://www.who.int/publications-detail-redirect/9789240044609>

⁵⁰ Rito AI, Buoncristiano M, Spinelli A, Salanave B, Kunešová M, Hejgaard T, García Solano M, Fijałkowska A, Sturua L, Hyska J, Kelleher C, Duleva V, Musić Milanović S, Farrugia Sant’Angelo V, Abdrakhmanova S, Kujundžić E, Peterkova V, Gualtieri A, Pudule I, Petrauskienė A, Tanrygulyyeva M, Sherali R, Huidumac-Petrescu C, Williams J, Ahrens W, Breda J. Association between Characteristics at Birth, Breastfeeding and Obesity in 22 Countries: The WHO European Childhood Obesity Surveillance Initiative - COSI 2015/2017. *Obes Facts*. 2019;12(2):226-243. doi: 10.1159/000500425. Epub 2019 Apr 26. PMID: 31030194; PMCID: PMC6547266. [Online] Available from: <https://pubmed.ncbi.nlm.nih.gov/31030194/>

The exclusion of babies and infants from the protections of this Online Safety Code could undermine its effectiveness as a tool to prevent the evolution of childhood obesity and other harms to the physical health of children.

Recommendation

High fat, sugar and salt foods, alcohol and commercial milk formula products should be included in the definitions of “audiovisual commercial communications harmful to children” due to the harms their marketing entails for children.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The Code permits VSPS to set their own targets. They will in all likelihood set targets that are arbitrary or under-ambitious. A 2021 EU-wide study by BEUC, the European Consumer Organization, found that industry self-regulation permits advertising appealing to children to be judged as compliant with industry self-regulatory criteria, with only 14 of 81 complaints upheld despite the engaging nature of such marketing⁵¹.

It is not clear if VSPS are being left to evaluate their own targets, then reporting their own findings to Coimisiún na Meán whose role it is to evaluate if this self-reporting on self-made targets.

To ensure the Code's success and reputation, there is a need to avoid VSPS setting their own standards.

Recommendation

The Code should require VSPS to furnish Coimisiún na Meán with transparent data appropriate to the task that the Code is seeking to achieve, in a format that permits Coimisiún na Meán to conduct its role effectively.

⁵¹ Calvert, E. (2021). *Food marketing to children needs rules with teeth*. Brussels: BEUC. Available at <https://www.beuc.eu/publications/food-marketing-children-needs-rules-teeth>

12. What is your view on the requirements in the draft Code in relation to complaints?

The content for question 12 is allied to the substantive response in Question 25.

The efficacy of a complaints system is inextricably linked to the regulatory mechanism in place. In that regard, complaints processes and mechanisms, and the associated bodies or flaggers to be established, should not be industry bodies.

Furthermore, we recommend following evidence that is published in peer-reviewed, independent journals to make a judgement on the efficacy of monitoring and complaints. Evidence shows strong divergence between claims for the effectiveness of marketing regulation (including self-regulation by industry) in peer-reviewed journals, and industry-sponsored reports, such that whereas “scientific, peer-reviewed papers show... high levels of ... advertising of less healthy foods ... industry-sponsored reports indicate a remarkably high adherence to voluntary codes”⁵². Moreover, when studies evaluate voluntary policies for effects on exposure to, and the power of, food marketing, significantly more studies show undesirable effects than desirable effects. This is not the case for studies evaluating mandatory policies.⁵³

Please see response to question 25 for our summary of self-regulation research in the food and drinks industry.

⁵² Galbraith-Emami, S. and Lobstein, T. (2013) ‘The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review’. *Obesity Reviews*.

⁵³ Boyland, E, McGale, L, Maden, M, Hounsome, J, Boland, A, Jones, A. Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed. *Obesity Reviews*. 2022; 23(8):e13447. doi:10.1111/obr.13447

13. Do you have any other comments on the requirements in section 11 of the draft Code?

With the exception of proprietary industry research, there is no independent public data to reliably monitor the extent to which children are exposed to commercial advertising and marketing online, and the impact these VSPS have on children’s identities, behaviour and development.⁵⁴

Transparency on the services and platforms being regulated, and of the regulatory rules that are imposed on them, is unclear in the Code.

In the first instance, platforms and on-demand providers should respond to requests for information from the Commission. Currently, information in the public domain about platforms’ approaches to dealing with harmful content is limited, with inconsistencies in the information that is available across platforms - there is no way of assessing the impact and effectiveness of these approaches, either with respect to takedown of material or blocking of legal content.

Evaluations are conducted by intermediaries and platforms themselves, which have discretion on what to measure and disclose, with the transparency reports provided by many platforms noted not to “represent a comprehensive assessment of the impact of their content governance activities.”⁵⁵

The Code should require much more information from VSPS in order to better understand how harmful behaviour is perpetrated online, how harmful content is shared and amplified, and how well digital platforms are responding to improve safety.

Recommendation

Provide a publicly available database where VSPS recommender safety plans, targets and tri-monthly performance are lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.

⁵⁴ Garde, A et al. (2020). General Comment submission Children’s rights in relation to the digital environment. [Online]. Available from: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

⁵⁵ Mark Bunting. (2018). *Keeping Consumers Safe Online Legislating for platform accountability for online content*. [Online]. Available from: <http://static1.1.sqspcdn.com/static/f/1321365/27941308/1530714958163/Sky+Platform+Accountability+FINAL+020718+2200.pdf?token=lfv5b6G14vIcGq8x%2BWRfKHhNTN4%3D> p13

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

Please also see our response in Question 25.

Industry bodies and affiliated organizations should not be charged with monitoring and assessing the impact of regulatory processes. A 2023 report on protecting children from the harmful impact of food marketing from the World Health Organization and UNICEF (the United Nations Children’s Fund) note that “the main stakeholders responsible for implementing effective policies to protect children from the harmful impact of food marketing should be *trusted public authorities*, as the bearers of a duty to protect children’s rights and public health. Delegation of responsibility to other stakeholders (e.g. sector associations representing the advertising industry or broadcasters) is *not recommended* as it has been shown to create conflicts of interest at the heart of policy discussions in many countries”.⁵⁶ The existence of conflicts of interests mean that industry cannot be the partner in charge of developing or implementing policies.

It has been comprehensively demonstrated in independent research that voluntary industry self-regulatory actions have not worked effectively to protect children from the impact of harmful commercial communications. They are not an appropriate mechanism to ensure that children are effectively protected from harmful marketing.

Key findings and recommendations from research in this area:

- Food advertising targeting children is pervasive, it conditions children to view unhealthy commodities as a source of love, fun and pleasure from infancy onwards, and its influence on children’s attitudes and behaviour contributes to the childhood obesity epidemic;
- Online food marketing is exploitative, surveillant and violates multiple rights, including children’s rights to health, privacy and freedom from exploitation⁵⁷
- Advertising standards authorities/ associations are industry bodies. They have little or no formal accountability to government or the public. They are established and financed by the advertising industry. They exist to protect advertising industry interests.
- The public health objective is to protect children from the harmful effects of food marketing. The marketer’s overriding commercial interest means using marketing that effectively encourages children to consume unhealthy food. A *clear* conflict of interest exists.
- Industry-led regulatory mechanisms such as the EU Pledge have been shown to be slow, reactive, to apply weak standards⁵⁸ and are not fit for the purpose of protecting children and adolescents from the.
- The extent of lobbying of governments by unhealthy food corporations – identified as the greatest lobbying spenders of lobbyists for unhealthy commodities and practices

⁵⁶ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf> p26

⁵⁷ Tatlow-Golden, Mimi & Garde, Amandine. (2020). Digital food marketing to children: Exploitation, surveillance and rights violations. *Global Food Security*. 27. 100423. 10.1016/j.gfs.2020.100423.

⁵⁸ Calvert, E. (2021). *Food marketing to children needs rules with teeth*. Brussels: BEUC. Available at: <https://www.beuc.eu/publications/food-marketing-children-needs-rules-teeth>

in the US⁵⁹ is such that it makes a mockery of regulatory processes to charge their representatives with safeguarding children and their health.

- To devolve responsibility for and monitoring of advertising practice and standards to the advertising industry is a failure of a government's duty of care to its people, as well as its legal obligations under international human rights law, and in particular the UN Convention on the Rights of the Child.

⁵⁹ Chung, H., Cullerton, K. and Lacy-Nichols, J. (2024), Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. *Milbank Quarterly*. <https://doi.org/10.1111/1468-0009.12686>

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

Regarding the requirement that any media literacy measures be ‘effective’, we welcome this solely with the proviso that effectiveness is defined as *evidence of impact on behavioural responses to food marketing*, rather than simply comprehension and recognition of marketing and marketing strategies.

Media literacy is often offered as the solution to pervasive advertising and marketing practices. However, it is no substitute for a robust regulatory framework aimed at reducing the exposure of children to all forms of harmful marketing.

Expecting brief informational literacy interventions to counter many years of emotional learning from exposure to food marketing entails a modal mismatch and even if information is learned there is no evidence for its impact on food preferences or choices.

Note that eating and drinking take place many times every day, from infancy onwards, so these thoughts, feelings and behaviours are largely automatised. ‘System 1’ and ‘System 2’ are different types of thinking: S1 is automatised, rapid, emotional and driven by ‘gut feeling’; S2 is deliberative, rational and driven by consideration and reflection. In contrast to food choices and food marketing processing, applying literacy-based decisions requires deliberative, rational S2 reflection and actions. Although marketing responses may combine S1 and S2⁶⁰, the evidence has long indicated that young people are not motivated to engage in the necessary deliberative responses to resist emotion-laden, engaging, digital marketing^{61, 62}.

The only food advertising literacy intervention with evidence of impact on behaviour of which we are aware involved activating US adolescents’ values of autonomy and social justice to “resist the manipulative and unfair practices of the food industry, such as engineering junk food to make it addictive and marketing it to young children”⁶³.

⁶⁰Vinod Venkatraman et al., (2020). Disrupting System 1 Thinking: Better Science for Smarter Marketing Available at <https://www.ipsos.com/sites/default/files/disrupting-system-1-thinking-ipsos-esomar.pdf> Accessed 29 January 2024

⁶¹ The World Health Organization Regional Office for Europe (November 2016) Tackling food marketing to children in a digital world: trans-disciplinary perspectives. Children’s rights, evidence of impact, methodological challenges, regulatory options and policy implications for the WHO European Region. Geneva, WHO. Available at: <https://apps.who.int/iris/handle/10665/344003>

⁶² Esther Rozendaal, Matthew A. Lapierre, Eva A. van Reijmersdal & Moniek Buijzen (2011) Reconsidering Advertising Literacy as a Defense Against Advertising Effects, *Media Psychology*, 14:4, 333-354, DOI: 10.1080/15213269.2011.620540

⁶³ Bryan, C. et al (2016). Harnessing adolescent values to motivate healthier eating. *PNAS*, 113(39), 10830-10835. doi/10.1073/pnas.1604586113 p10830

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

Proponents of advertising self-regulation typically claim several advantages over government regulation including: cost-effectiveness; flexibility; efficiency; affordance of the opportunity to address company-specific issues rather than a one-size-fits-all approach.⁶⁴

Yet comprehensive analysis of Voluntary Codes of Practice (VCPs) implemented in America, Australia, Canada, China, New Zealand and Spain^{65 66 67 68 69} all point to these same shortcomings in the implementation and outcomes of VCPs for protecting children:

- self-serving;
- reactive;
- inadequately enforced;
- ineffective sanctions;
- procedures for complaint handling lack transparency and accountability
- partial, unjustified and inconsistent decision making by the relevant complaints board;
- failure to implement changes to codes;
- failure to prevent unhealthy food advertisements being developed and aired.
- provide little incentive for restraint by advertisers
- widespread pattern of low compliance to food advertising voluntary codes.
- lack independent monitoring
- do not protect the rights of children
- unsuitable for protecting children from the harmful effects of food advertising
- Is a form of ‘policy substitution’, is a strategy that has been used by a number of other industries such as tobacco, alcohol, soda as well as food industry food

Enforcement mechanisms reliant on post-hoc consumer complaints are insufficient, particularly given that digital media advertising has changed dramatically over time and is predicted to account for 60% of global advertising expenditure by 2025.⁷⁰

We do not support the current approach of industry-led self-regulation for online advertising, and believe the system fundamentally needs to change towards strong independent statutory regulation and enforcement.

⁶⁴ Ronit K, Jensen JD. Obesity and industry self-regulation of food and beverage marketing: a literature review. *Eur J Clin Nutr.* 2014 Jul;68(7):753-9. doi: 10.1038/ejen.2014.60. Epub 2014 Apr 9. PMID: 24713622.

⁶⁵ Hawkes, C. (2008). Agro-food industry growth and obesity in China: what role for regulating food advertising and promotion and nutrition labelling?. *Obesity Reviews*, 9, 151-161

⁶⁶ Mackay, S. (2009). Food advertising and obesity in Australia: to what extent can self-regulation protect the interests of children. *Monash UL Rev.*, 35, 118

⁶⁷ Thornley, L., Signal, L., & Thomson, G. (2010). Does industry regulation of food advertising protect child rights?. *Critical Public Health*, 20(1), 25-33

⁶⁸ Kunkel, D. L., Castonguay, J. S., & Filer, C. R. (2015). Evaluating industry self-regulation of food marketing to children. *American Journal of Preventive Medicine*, 49(2), 181-187

⁶⁹ León-Flández, K., Rico-Gómez, A., Moya-Geromin, M. Á., Romero-Fernández, M., Bosqued-Estefania, M. J., Damian, J., ... & Royo-Bordonada, M. A. (2017). Evaluation of compliance with the Spanish Code of self-regulation of food and drinks advertising directed at children under the age of 12 years in Spain, 2012. *Public Health*, 150, 121-129

⁷⁰ WHO. (2022). Understanding the digital media ecosystem. How the evolution of the digital marketing ecosystem impacts tobacco, alcohol and unhealthy food marketing. Copenhagen: WHO Regional Office for Europe; 2022 [Online] Available from: <https://apps.who.int/iris/handle/10665/355277>

We do not recommend that the ASAI is given responsibility for the day-to-day regulation of the HFSS advertising restrictions because it has the governance structure of a weak enforcement body. Some of our concerns regarding the ASAI is in its failure to be proactive. Rather, the ASAI generates a more reactive response to complaints of HFSS advertising, which is slow and allows for many more breaches to go unobserved and harms perpetuated.

Consultation on Draft Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Recommendation

There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications.

Page 24, Section 4 Consultation on Draft Statutory Guidance, 4.1.10 Commercial Communications notes:

“This indicates Coimisiún na Meán’s plans in relation to developing additional requirements and advises providers to have regard to certain of its Commercial Codes. Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications.”

Unfortunately, it appears that self-regulatory mechanisms are being given credibility and support here, with the statutory guidance explicitly telling VSPS to use and refer to self-regulatory bodies on certain commercial communications i.e. ASAI.

This creates a governance problem in the Code. It also confers on the ASAI industry codes the authority and weight of the State’s Media Commission and Media Regulator.

We emphasise the recent calls from WHO and UNICEF that the best way to respect, protect and fulfil children’s rights when it comes to protecting them from harmful commercial communications is to adopt a mandatory, comprehensive regulatory approach, while recognising that steps taken to restrict these harms must integrate both a public health lens and a child rights lens.⁷¹

This recommendation complements the recommendation that HFSS food and drink and commercial milk formula products are included in the definition of “audiovisual commercial communications harmful to children”, so that these protections enjoy the full application of regulation and statutory supports.

Recommendation

Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme

In the section “Guidance: Complaints” at page 71, it notes:

“The Commission advises video-sharing platform service providers to reasonably prioritise the notifications they receive about harmful content addressed by the

⁷¹ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf>

Code from nominated bodies and trusted flaggers provided for in the Act and the DSA.”

Read in conjunction with the Call for Inputs submissions, and more specifically, that of the ASAI, it is important that advertising self-regulatory bodies established in the EU should not be actively encouraged, nor permitted to seek to be a trusted flagger or nominated body under the Code.

Bodies like ASAI, funded by industry, will be well equipped to propose themselves as a nominated body or trusted flagger arguing that they have capacity to do this. However, the industry cannot be its own watchdog.

In the section “Guidance: Commercial Communications”, at page 71, it notes:

“Commercial communications include advertising, sponsorship, product placement, teleshopping and other forms of marketing. Commercial communications that are harmful to the general public and/or children can have negative impacts on individuals, groups in society and on business. The Commission will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code.”

On this section of the guidance, there are concerns centring around three questions:

- i. As noted in previous sections, why can the requirements as they relate to commercial communications on HFSS food and drinks and CMF not be included in this Code, or at least referenced? While there is work to be done on the requirements, taking into account many of those requirements in the current broadcasting codes in this area need updating, there is no reason why they must be omitted from this particular code.
- ii. If the additional requirements are being omitted, what mechanism does Coimisiún na Meán envisage will tie this OSC to future OSCs on these commercial communications? Will there be a hierarchy of codes? Is it not better to bring the two together with further guidance notes issued on outstanding issues relating to this regulation? VSPS have responsibility for commercial communications and, given that this Code is laying out the regulatory responsibility for VSPS in this area, inclusive of audiovisual commercial communications, it does not make sense to omit them now, with a view to apply these at a later date.
- iii. Indeed, why not include this as supplementary material? Indeed, in terms of accessibility and ease of application, it is not better to reference these materials now?

We believe all harmful online advertising should be subject to the same level of statutory regulatory control. A straightforward system where all actors are held accountable is preferred and helps to ensure certain actors are unable to shirk their responsibilities.

The section further adds:

“Prior to that, the Commission advises video-sharing platform providers to have due regard to the General and Children’s Commercial Codes of Coimisiún na Meán as they relate to the matters addressed under Article 9(1) of the Audiovisual

Media Services Directive. The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland...

On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Recommendations

- Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
- Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Coimisiún na Meán should not refer to non-statutory regulatory mechanisms in its statutory guidance. The evidence consistently and strongly points to the weakness and ineffectiveness of non-statutory mechanisms. The absence of, or gaps in, requirements for HFSS food and drink commercial communications should not equate with reference to non-statutory codes being directed to.

On this section, further questions and concerns include:

- i. Is HFSS food and drink advertising regulation for VSPPS being left to ASAI and the requirements of those codes until such new requirements are developed in subsequent Coimisiún na Meán codes or is it permanent?
- ii. Who is the responsible authority for these commercial communications now and into the future?
- iii. Is the direction/guidance to ASAI only interim? When the subsequent codes are developed, will these references to existing non-statutory regulatory measures and ASAI be removed?

Responses

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

VSPS providers must ensure that the Terms & Conditions are written in a manner children as young as 7 and 8 years of age can understand.

Research abounds regarding the facts that children under 13 are using social media. CyberSafeKids found that 84% of 8-12 year olds have at least one social media and/or instant messaging account.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Established timelines, prescribed by CNAM, are vital in terms of reporting and flagging content. It is essential that these timelines are prescriptive to ensure that the VSPS adhere to them.

Self-regulation does not work. This fact was the embryo upon which the OSMR Act was born. To proceed on the basis that VSPS can determine their own timelines in terms of take down and content flagging, serves to dilute the legislation. The ability to sanction VSPS rests entirely on the Online Safety Code (OSC).

Therefore, it is absolutely imperative that the legislation is sufficiently robust to bring about real change in this area. Tackling harms to children is key and I strongly believe that to address this issue effectively requires the OSC to be prescriptive regarding timelines for content review and take down. Failing to do so could risk the implementation of codes that serve to leave the legislation as lacking enforceability.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

I truly believe it is inappropriate for VSPS to collect or process, for commercial purposes, the data outside of what is necessary for purposes of age verification and parental controls.

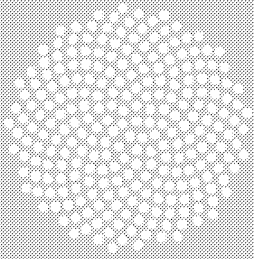
Furthermore, I do not believe that VSPS should be able to market to, profile or to target advertising to children under the age of 18.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

It is vital that WhatsApp be considered a VSPS. Groups can be large, as large as 1,000 members, and video content is circulated freely.

According to CyberSafeKids' *Trends and Usage Report 2022*, 39% of 8-12 year olds have a Whatsapp account.

Anne Fitzpatrick



Coimisiún na Meán Draft Online Safety Code & Draft Statutory Guidance Material Consultation

Food Drink Ireland (FDI) response

Wednesday, 31 January 2024

Coimisiún na Meán Draft Online Safety Code & Draft Statutory Guidance Material Consultation

Food Drink Ireland response

As the trade association representing the interests of over 150 food, drink and non-food grocery manufacturers and suppliers, Food Drink Ireland (FDI) is most grateful for the opportunity to respond to Coimisiún na Meán's public consultation on its draft Online Safety Code for video-sharing platform services.

Following on from the FDI contribution to the initial call for inputs in 2023, as a sector we wish to reiterate our support for measures that aim to protect children and the general public from specific types of harmful content that may be shared to designated video-sharing platforms. FDI member companies wish to exhibit their full support for Coimisiún na Meán's use of its full suite of powers to keep people safe online and to significantly reduce the potential harms that video-sharing services can cause to children and young people.

At present, FDI members demonstrate their support for the aims of Coimisiún na Meán by their continued responsible marketing and advertising of commercial products and in their compliance with existing national, international and EU law around commercial communications, such as the EU Audio Visual Media Services Directive (AVMS) and the Advertising Standards Authority of Ireland (ASAI) Codes of Standards for Advertising and Marketing.

FDI members' engagement in programs such as 'Best-ReMap' (2020-2023), along with ongoing engagement with the Food Safety Authority of Ireland's (FSAI) Reformulation Task Force displays ongoing commitment to contributing to a healthier food environment.

FDI recognises that while issues directly affecting members were not explicitly referenced within the draft text of the Online Safety Code itself, introductory segments of the consultation document referred to responses received from stakeholders in the initial call for inputs. The responses referenced proposed that the Code should also restrict the promotion of high fat, salt and/or sugar foods. It is FDI's understanding at this time and as stated by Coimisiún na Meán on page 15 of the Consultation document, these proposals will be considered further by Coimisiún na Meán in its

future work updating other media codes for the AVMS Directive. FDI would like to affirm the willingness of members to engage in all such future discussions and consultations.

Consultation on draft Statutory Guidance Material:

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

In relation to the draft statutory guidance materials referenced within this consultation, FDI understands that it is the intention of Coimisiún na Meán to develop specific 'additional requirements' as they relate to commercial communications, including those that relate to the promotion of foods that are high in fat, salt and/or sugar and that additional requirements will be applied to commercial communications on platforms falling under the jurisdiction of the Code. It has been outlined that this will be done following consultation with the public and with video-sharing platform services and that prior to such a time, the Commission has advised stakeholders to have due regard to the General and Children's Commercial Codes of Coimisiún na Meán as they relate to matters addressed under Article 9(1) of the AVMS Directive. Providers have also been directed to the Code of Standards for Advertising and Marketing Communications in Ireland.

Until such a time when supplementary Statutory Guidance Materials are being consulted upon, FDI would like to express its interest in future consultations relating to Statutory Guidance Materials. FDI restates its request that any reference to foods or beverages containing high levels of fat, salt and/or sugar is informed by evidence, research and that it is proportionate. FDI members are also aware of the Commission's encouragement to providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and/or sugar and is in support of this advice.

FDI supports the ability of advertisers using platforms to provide audio-visual communication to already restrict content to young audiences, including being able to exclude specific videos or categories. Working with digital technology and data partners can create possibilities to produce pre-qualified lists of video channels on

which advertising communications will only appear (i.e. 'inclusion lists'.)

Additionally, FDI notes the recognition of the Reformulation Roadmap as a core element of Ireland's Obesity Policy and Action Plan. Ability for companies to market their reformulated products is an important mechanism for assisting consumers to healthier choices, whether lower in calories, fat, salt and/or sugar or reduction in portion size. FDI notes that any restriction on this ability will limit the companies' ability to positively influence consumer behaviour by aiming to encourage purchasing of healthier substitutes through informed choice. Should restrictions on audio visual commercial communications be introduced in the future, members are concerned that their ability to drive such awareness will be limited.

To conclude this response, FDI very much welcomes future opportunities to contribute to discourse around the creation of additional measures or Statutory Guidance Materials on the previously referenced issues of importance to our members and would be very grateful if consideration could continue to be provided to industry viewpoints in future engagements.

Niamh Hodnett
Online Safety Commissioner
Coimisiún na Meán
2–5 Warrington Place
Dublin 2, D02 XP29

30 January 2024

Dear Commissioner,

We, the undersigned groups, and organisations, call on Coimisiún na Meán to redraft the Online Safety Codes to address the issue of ‘legal but harmful content’ for persons of all ages.

The Codes in their current form fall short of fully addressing section 139 of the Online Safety and Media Regulations Act 2022 which does not identify harms or the provision of safety codes as something only for minors but indicates the codes are to make provisions for ‘all users.’

As a sector, we are deeply concerned by the lack of care and protection for persons over the age of 18 despite the well-documented prevalence of harms extending into adulthood in areas such as, but not limited to suicide/self-harm, eating disorders, and various form of cyberbullying.

The internet has the potential to be a powerful tool for good for people of all ages offering a space of belonging or a way to make connections with people you might not otherwise meet. The internet can also open a person up to cyberbullying and provide access to content that can be distressing, triggering, and in some cases of harm, instructive. These harms do not disappear on a person’s eighteenth birthday, and we urge Coimisiún na Meán to address this vulnerability and omission within the Codes.

Thorough helplines, advice pages, emails, webchats, and face-to-face – we are the groups and organisations that support people of all ages who often share the impact the internet has on their daily lives.

Many undersigned organisations submitted responses to the first call and will again reply to the latest consultation with submissions including firsthand accounts and experiences from people the codes, in their current form, will not protect. It is of the utmost importance and urgency you review and strongly consider these submissions and the many voices behind them.

The future of online safety will be shaped by the Codes being drafted now. We are here to work with you to help deliver what we believe can be our shared agenda – a safer internet for people of all ages.

Yours sincerely,



Sarah O'Toole

Sarah O'Toole
Executive Director
Samaritans Ireland



Ian Power

Ian Power
CEO
spunout



HEADLINE
Supporting men, changing attitudes

Aine O'Meara
Áine O'Meara
Headline Programme Lead
Headline



**National Suicide
Research Foundation**

Eve Griffin

Dr. Eve Griffin
CEO
National Suicide Research Foundation



JIGSAW
Young people's
health in mind

Joseph Duffy

Joseph Duffy
CEO
Jigsaw



Shine
Supporting people affected by mental ill health

Nicola Byrne

Nicola Byrne
CEO
Shine



IASW
Irish Association of
Social Workers

Vivian Gerian
Chairperson
Irish Association of Social Workers



**Mental
Health
Reform**

Fiona Coyle

Fiona Coyle
CEO
Mental Health Reform



**LGBT
IRELAND**
For Inclusion
For Equality
For Everyone

Paula Fagan
CEO
LGBT Ireland

Kerry Cuskelly
Chair
Social Workers in Adult Mental Health
Special Interest Group
Irish Association of Social Workers



**AlcoholAction
Ireland**
Sheila Gilheany
CEO
AAI



nwc
National Women's Council
Doireann Crosson
Women's Health Coordinator
National Women's Council



Submission on the Draft Online Safety Code

31 January 2024

Introduction

spunout welcomes the chance to offer feedback on the draft Online Safety Code compiled by Coimisiun na Mean. The following observations and recommendations have been compiled by our staff team, following on from direct consultation with members of our Action Panel, comprising young people aged 16-25 living in Ireland. In our submission we have chosen to focus on a number of consultation questions which we consider to be of particular importance to the successful implementation of the Online Safety Code, presented below:

Question 6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

spunout has some concerns regarding the lack of a specified maximum timeframe for platforms to flag or remove content which has been identified as harmful. It is clear that the current intention of the draft Code is to ask each platform to set out their own timeframes and to monitor and report against those targets; while we understand that this is intended to establish clearer baselines for future regulation, we are disappointed at the current failure to specify a minimum level of acceptable speed.

In terms of ensuring effective regulation, and to indicate something of what the Commission would consider best practice, we would welcome the inclusion of a maximum takedown timeframe for all providers, with strong incentives and encouragement for providers to exceed this goal. We are concerned that the ultimate level of acceptable responsiveness will end up entirely based on platforms' own response times rather than on clear direction as to what would be considered acceptable by the Commission.

Question 8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

spunout agrees with the Commission's goal to ensure that all platforms should have a clear, accessible and user friendly method of reporting comments. As a pre-emptive measure, particularly in the case of service users under 18, we would suggest that all platforms should allow the option for comments to be moderated by the original poster prior to their going live on the platform itself. For example, in the case of a 17-year old publishing a video of themselves on their social media profile, they should have the option to pre-approve and/or report comments before they go live. This would, where it is chosen as a setting, allow young platform users to proactively and preemptively reduce their exposure to harm.



Question 9. What is your view on the requirements in the draft Code in relation to age verification?

spunout is concerned with the draft proposals regarding age verification. Each of the five listed methods of age verification have serious issues in terms of practical application. This is vitally important to the overall implementation of the Code, with any reliance on self-verification in particular likely to be ineffective and have the unwelcome effect of shifting responsibility for avoiding online harms onto young people and parents themselves, rather than ensuring service providers and regulators provide workable solutions.

Currently, requirements for self-verification of age arguably incentivise underage persons to lie about their age. This seriously undermines our ability to make online and video-sharing spaces safer for children, as it means it won't be possible to know how many children are actually on a platform. Prioritising effective methods of age verification, other than self declaration, is vital to ensure an effective Code.

spunout would propose that the Commission works to identify a trusted, independent provider (or multiple such providers) of age verification. While we do not mean to pre-emptively identify any single existing service's suitability, the mission statement of the Yoti service offers a clear example of what we believe the Commission should strive to promote: a single privacy-conscious service offering multiple ways to verify a person's age, which can be used as a single point of verification that can be used across multiple online services.

However, we remain concerned, as articulated in previous submissions, that the draft Code indicates a focus on avoiding online harm for young people under 18 in a manner that overlooks the real needs of all online platform users, especially young people between the ages of 18-35. While effective age verification and protection of children is vitally important, so too is ensuring a safer, less harmful online environment for all. We also stress the importance of avoiding a cliff edge situation, where young people who become legal adults, and therefore not subject to protections arising from age verification, are no longer focused on and covered by the Code's focus once they turn 18. Being able to confidently access online services without a high risk of encountering harm must be an achievable goal for all people, especially young adults who are moving out of the protections offered by age verification or other measures targeted exclusively or especially at those under 18.

Question 10. What is your view on the requirements in the draft Code in relation to content rating?

The content rating system is very important but a significant concern arises when members from different cultures may interpret content differently, leading to varying perceptions of what is deemed appropriate or inappropriate for certain age groups. To address this challenge, it is essential for video-sharing platform service providers to incorporate cultural sensitivity into their content rating systems.



This may involve the use of algorithms that consider diverse cultural perspectives, clearly communicating the criteria used for content rating to users, providing customisation options that allow users to adjust content ratings based on their cultural preferences or sensitivities, implementing a feedback mechanism that allows users to express concerns or provide input on content ratings and regularly reviewing and updating the content rating system based on feedback.

Question 18. What is your view on the requirements in the draft Code in relation to media literacy measures?

spunout welcomes the draft Code's identification of media literacy measures as a priority. We would recommend that platforms should be required to integrate user-friendly and interactive digital tours as a standard practice for introducing updates. This approach would proactively meet the challenges of service users struggling with walls of text and inaccessible explanations when faced with service changes or new features which may increase possible exposure to online harms, if not properly understood.

Question 25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

spunout strongly welcomes the draft Code's intentions regarding recommender systems, and the intention that these algorithms would be turned off by default where they involve in profiling or the processing of special category data. The potential for online harms generated and amplified by irresponsible recommender systems is enormous, and indeed all platforms should already in effect be implementing these measures. It is therefore of vital importance that platforms are not facilitated or excused to delay full implementation of these measures at the earliest possible moment.

We recommend that these measures be further strengthened and clarified by relocating the measures on recommender systems from their current position in Appendix 3, to Section 12 of the Code, along with other obligations on providers. Further, the text should be amended to remove from Section 6.4 the possibility of providers merely explaining 'the choices that have been made about whether' they have implemented these measures - providers should instead be required to explain how they have successfully implemented these requirements, with no room for failure to have done so.

Language should also be tightened up in Section 1.3, to remove the possibility that platforms would simply consider measures rather than definitely implement them, and to replace the word 'should' with 'must' when speaking of provider obligations regarding turning off such algorithms by default. The draft Code should also be amended to ensure that lawful consent is sought and recorded for all recommender systems - a requirement under EU and national law which must be complied with in full.



Other Matters

Image Based Sexual Abuse

spunout is concerned that the mainbody of the draft Code does not contain any meaningful reference or measures to prevent intimate or image-based sexual abuse, one of the most harmful and pernicious forms of online harm, particularly for young people. Non-consensual sharing of intimate images is explicitly illegal under Irish law, and therefore it should be a strong requirement on providers to ensure such matter is not published on their platforms, or is swiftly and effectively removed in all cases.

As a provider of text-based support services, particularly for young people, spunout is keenly aware of the very serious harm caused by the non-consensual sharing of intimate images. This is an issue that affects many young women in Ireland, and is a growing risk with the rise and increased availability of AI content generation. We are also aware through our work on our Text About It and Youth Information Chat services, of the very serious impact on many young men as well. In particular, we have observed an alarming incidence of young men falling victim to online extortion attempts relating to their intimate images - this is an online harm we have seen associated with serious risk of suicide among this group.

It is therefore disappointing to note that the draft Code does not contain specific mention of, or proposed action against intimate image abuse. We strongly recommend that explicit reference is made to non-consensual sharing of intimate images as a serious form of harmful content in Section 11 of the Code, with a requirement that the terms and conditions of providers must specifically name this form of harm as a forbidden form of content. We do not consider it sufficient to assume that intimate image abuse is sufficiently covered under a more general mention of online harms.

Response to Coimisiún na Meán's Consultation Document: Online Safety Code

Responses

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

VSPS providers must ensure that the Terms & Conditions are written in a manner children as young as 7 and 8 years of age can understand.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Established timelines, prescribed by CNAM, are vital in terms of reporting and flagging content. It is essential that these timelines are prescriptive to ensure that the VSPS adhere to them.

Self-regulation does not work. This fact was the embryo upon which the OSMR Act was born. To proceed on the basis that VSPS can determine their own timelines in terms of take down and content flagging, serves to dilute the legislation. The ability to sanction VSPS rests entirely on the Online Safety Code (OSC).

Therefore, it is absolutely imperative that the legislation is sufficiently robust to bring about real change in this area. Tackling harms to children is key and I strongly believe that to address this issue effectively requires the OSC to be prescriptive regarding timelines for content review and take down. Failing to do so could risk the implementation of codes that serve to leave the legislation as lacking enforceability.

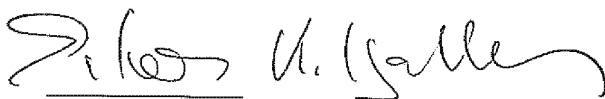
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I truly believe it is inappropriate for VSPS to collect or process, for commercial purposes, the data outside of what is necessary for purposes of age verification and parental controls.

Furthermore, I do not believe that VSPS should be able to market to, profile or to target advertising to children under the age of 18.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

It is vital that WhatsApp be considered a VSPS. Groups can be large, as large as 800 members, and video content is circulated freely.



Peter H. Galley



Draft Online Safety Code


Response to Coimisiún na Meán Draft
Online Safety Code Consultation

31 January 2024



Coimisiún um
Iomparacht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission



Introduction

The Competition and Consumer Protection Commission ('the CCPC') welcomes the opportunity to respond to the Coimisiún na Meán ('CnaM') consultation on a draft Online Safety Code ('the draft code').

The CCPC has a statutory function under Section 10(3)(a) of the Competition and Consumer Protection Act 2014 to provide advice to policymakers on matters likely to impact on consumer protection and welfare, or competition, and the CCPC's submission reflects this mandate.

As we set out in our response to the CnaM call for inputs during the development of the draft code, we are supportive of the decision by CnaM to focus the first online safety code on video-sharing platform services and providers (VSPS providers) and to make sure VSPS providers take measures to address online harms more effectively.

Our response to this consultation focusses on Section 12 of the draft code (audiovisual commercial communications).

Section 12 - Audiovisual Commercial Communications

It is important that those who view content on VSPS providers' platforms are made aware when they are being presented with commercial communication in order to protect them against misleading advertising or marketing. Both VSPS providers and those who upload content to their platforms should comply with all existing consumer protection law in this area. In order to help establish the extent to which they are complying with existing consumer laws, in October 2023, the CCPC took part in an EU wide 'sweep' of online posts by influencers to identify testimonials and endorsements that could mislead consumers. The results will be available at a later date. The 'sweep' was carried out by the European Commission and national authorities of the Consumer Protection Cooperation

Network (CPC). It began on the same day that the Commission launched an online influencers legal hub, which brings together EU legislation in this area¹.

We welcome the draft code obligations for VSPS providers to ensure that audiovisual commercial communications are readily recognisable as such. We further welcome the proposal for this to apply to both audiovisual commercial communications that are marketed, sold, or arranged by the VSPS providers themselves as well as by those who upload content to their platforms.

In December 2022 the CCPC published the results of research we conducted on online consumer behaviour and influencer marketing². The research found that consumers may be over-confident in their ability to recognise when posts by influencers are in fact marketing, and not identified as such. A key finding from the research was that a significant portion of the posts with commercial content that we analysed were either not labelled at all, or not sufficiently labelled.

When we engaged directly with consumers and influencers we found that there was widespread agreement amongst both groups that clear guidance would be beneficial for everyone. In the report we set out an approach to regulating influencer marketing, and we note that the obligations placed on VSPS providers platforms in Section 12 of the draft code are in line with the recommendations in our report³.

Labelling System

It will be important that there is a consistent labelling system adopted by those who upload commercial communications and we note that this is acknowledged by CnaM in the statutory guidance material that accompanies the draft code.

¹ More information on the 'sweep' and the legal hub can be accessed at: [Influencer Legal Hub - European Commission \(europa.eu\)](https://influencer-legal-hub.ec.europa.eu/)

² The full report can be accessed at: [CCPC influencer marketing research - CCPC Business](#)

³ The report recommended that the most appropriate approach to regulating influencer marketing is hybrid in nature encompassing: strengthened guidance; education of influencers; and increased responsibility for platforms.

In the absence of CnaM's own specifications for a labelling system, it is welcome that the draft code statutory guidance material references the guidance issued by the CCPC and the Advertising Standards Authority for Ireland ('ASAI') in October 2023 on influencer advertising and marketing⁴. However, it is unclear whether the former is encouraging VSPS providers themselves to follow the CCPC and the ASAI guidance in designing a labelling system, or if the VSPS providers are also to encourage content creators on their platforms to follow the guidance. This would benefit from clarification in the final draft code.

It is important to note that the CCPC and the ASAI guidance was intended for influencers who promote or recommend products or services on social media for a benefit (monetary or non-monetary). The term 'influencer' was used to cover a range of content creators, that includes, but is not limited to, online personalities, online streamers, bloggers/vloggers, celebrities, or media personalities. The CCPC research on consumer behaviour and influencer marketing found that the approach taken to guidance by social media platforms to their content creators on commercial communications was not universal. While some VSPS providers did provide a degree of guidance, the terminology used and format that it took varied⁵. This was one of the reasons why the CCPC and the ASAI took the decision to develop the influencer marketing and advertising guidance. We would strongly recommend that any labelling system provided by platforms to influencers is complementary to the CCPC and the ASAI joint guidance.

We expect that the CCPC and the ASAI guidance will be widely adopted by influencers and that in future commercial content will be displayed in a clearer and more transparent manner than in the past. Its uptake by influencers will be even more widespread if the draft code is clear that VSPS providers should encourage its use.

However, the effectiveness of new guidance and obligations will be dependent on content creators on VSPS platforms fully understanding the reasons why these types of

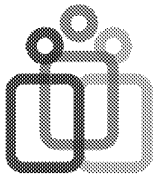
⁴ The full guidance can be accessed at: [CCPC-ASAI-Guidance-on-Influencer-Advertising.pdf](#). This guidance was developed after a period of extensive research that involved a qualitative eye tracking experiment, a quantitative eye tracking experiment and a series of interviews with influencers. This research was independently conducted by Ipsos MRBI.

⁵ See page 29 of the CCPC influencer market research for more information on the type of guidance issued by different social media platforms. It can be accessed at: [CCPC influencer marketing research - CCPC Business](#)

communications need to be labelled. In addition, consumers of this content should be able to identify the labels that are used and understand when a content creator is in breach of the guidance. Since we published the guidance with the ASAI, early indications show that raising awareness among the general public can be effective in ensuring compliance⁶. Therefore, it would be welcome if the obligations set out in Section 12 are explicitly stated among the aims included in the guidance for Section 13 of the draft code (media literacy – measures and tools).

ENDS

⁶ ASAI introduced an informal reporting tool in November 2023 and they have seen a significant interest from consumers in bringing content to their attention regarding potential failures to disclose brand deals, sponsorships or other partnership by influencers. See: 'New online form allows users to flag suspected breach of ASAI guidelines in promoting brands', Irish Independent, 05 Jan 2024. Accessed at: [More than 800 complaints made in five weeks about influencers' potential failing to declare ads on social media | Independent.ie](#)



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Ms Niamh Hodnett
Online Safety Commissioner
Coimisiún na Meán
1 Shelbourne Buildings (formerly Block A, Ballsbridge)
Shelbourne Road
Dublin 4
D04 NP20

31 January 2023

Sent via email: vspsregulation@cnam.ie

Re: Consultation on the Draft Online Safety Code for Video Sharing Platform Services

Dear Ms Hodnett,

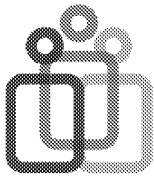
I write on behalf of the Irish Human Rights and Equality Commission (the 'Commission') regarding Coimisiún na Meán's Draft Online Safety Code for Video Sharing Platform Services.

Following on from your participation in the launch of the National Rapporteur's Second National Evaluation Report and our more recent meetings, we note that the deadline for responses to the public consultation on the Online Safety Code for Video Sharing Platform Services is 31 January 2024. Regrettably, we are not in a position to provide a detailed response to this consultation due to time and resource constraints. However, we would like to draw your attention to IHREC's Second National Evaluation Report, specifically Chapter 2 '*Technologically Facilitated Trafficking for Sexual Exploitation*'. This chapter details how Ireland reflects the global reality, that technology is used to facilitate the prostitution market where victims are trafficked and exploited. Please see Chapter 2¹ of this report for detailed analysis and recommendations.

Technology has provided an unprecedented opportunity for traffickers to profit from the recruitment and supply of victims to be exploited. By proxy, or directly, the Internet and web-based companies are themselves profiting from this expansion into the online space. The development of information and communications technology ('ICT')² in recent years has

¹ IHREC (2023) '*Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*', p. 201

² Often simply referred to in current times as technology or technologies.



created an ‘unprecedented boom’ for traffickers in the context of the commercial sex trade extending their global reach and business opportunities.³ Just as trafficked and exploited people are hidden within the mixed populations, online sexual exploitation is often hidden in plain sight within most, if not all, social media and communications platforms.

According to research by the Office of Security and Cooperation in Europe (OSCE), there are hundreds (likely thousands) of websites and platforms complicit in human trafficking that are based in, or are accessible within the European Union. Moreover, these platforms do not have meaningful safeguards in place to prevent trafficking, which makes them attractive to exploiters who operate with immunity. In its recent submission on the amendment of the EU Anti-Trafficking Directive, the OSCE notes:

“One of the more obvious example of the misuse of technology, is the advertisement of children and adults for prostitution on sexual service websites and social media. Although the images in these posts may or may not be inherently sexually explicit, when they involve victims of trafficking, they propose transactions that are exploitative, illegal and tantamount to rape. Yet despite these negative features, these advertisements for sexual services are now central to the human trafficking business model.”⁴

While an important distinction may exist between prostitution advertising websites and broader social media, it is important to emphasise that while the latter may benefit from measures such as age verification, the former – prostitution advertising websites - knowingly facilitate and profit from the prostitution of others.⁵ In Ireland, in 2021, [Alicia Edosa](#) and Edith Enoghaghase, both from Nigeria, were each found guilty on two counts of trafficking women from Nigeria into Ireland.⁶ In sentencing, the judge noted that ‘It makes it ridiculously easy to advertise the services of people who are compelled to engage in prostitution against their will.’⁷ According to UK’s Joint Slavery and Trafficking Analysis Centre ‘[a]dult services websites

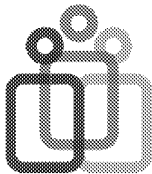
³ L’Hoiry, X., Moretti, A. and Antonopoulos, G.A. (2021) ‘[Identifying sex trafficking in Adult Services Websites: an exploratory study with a British police force.](#)’ *Trends in Organized Crime*

⁴ OSCE (2022) Proposal for strengthened provisions on combating tech-facilitated THB and on reducing demand fostering trafficking for sexual exploitation

⁵ Cross-Party Group on Commercial Sexual Exploitation (2021) *Online Pimping – An Inquiry into Sexual Exploitation Advertising Websites*, p. 16. According to UK’s Joint Slavery and Trafficking Analysis Centre – a multi-agency intelligence unit established by policing, Her Majesty’s Government (‘HMG’) and the National Crime Agency “Adult services websites represent the most significant enabler of sexual exploitation, in the UK measures such as safety-by-design and requirements for age verification are not, and will never be sufficient to guard against exploitation and are therefore inappropriate, All-Party Parliamentary Group on Prostitution and the Global Sex Trade (2018) [Behind Closed Doors: Organised sexual exploitation in England and Wales](#), p. 2

⁶ McCárthaigh S. (2021) ‘[Two women given jail sentences in excess of five years for human trafficking offences.](#)’ *The Journal* (28 September)

⁷ Dillon E. (2022) ‘[Sex-slave traffickers who forced migrants into prostitution in Ireland appeal sentences.](#)’ *Sunday World* (3 January)



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represent the most significant enabler of sexual exploitation in the UK'.⁸

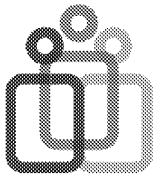
For your convenience, we have attached a list of relevant recommendations that that we hope will inform your work in drafting the Online Safety Code for Video Sharing Platform Services.

The Commission would like to engage further with you on this important area.

Yours sincerely,

Deirdre Malone
Director

⁸ All-Party Parliamentary Group on Prostitution and the Global Sex Trade (2018) [Behind Closed Doors: Organised sexual exploitation in England and Wales](#), p. 2



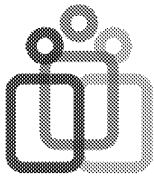
'Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU
Anti-Trafficking Directive'

Relevant Recommendations

Chapter 2 'Technologically Facilitated Trafficking for Sexual Exploitation'

- The Commission recommends that proposals of the OSCE for strengthened provisions on combating tech-facilitated trafficking in persons and on reducing the demand that fosters trafficking for sexual exploitation are considered by the State. Specifically, the OSCE has identified the following measures:
 - Criminalising the creation and dissemination of explicit material from trafficking victims;
 - Establishing civil and criminal liability for online platforms^[1], including websites, as well as their administrators, for complicity in human trafficking, e.g. facilitating or allowing exploitative acts – such as recruitment or advertising of trafficking victims - when such platforms knew or had reason to know about of the exploitation;
 - Mandating online platforms to:
 - Implement age and consent verification mechanisms for individuals depicted in sexually explicit content;
 - Create content-removal request mechanisms for non-consensual, sexually-explicit materials;
 - Conduct due diligence of their operations and systems to identify risks of misuse of their platforms for the purpose of trafficking in human beings, and mitigate those risks; and
 - Report illegal content to competent authorities, remove it, and preserve it for investigations and prosecutions of illegal acts.
- The Commission recommends that the State develop extensive public awareness and educational programmes for young people, especially girls, to highlight the risks on social platforms of being groomed and recruited into the sex trade;
- The Commission recommends the development of national State-led campaigns targeted at demand, in particular, addressing young men as potential buyers;

^[1] As defined by Art 2(h) of the Regulation on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC



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- The Commission recommends that An Garda Síochána are resourced to allow for the monitoring of prostitution advertising websites to identify vulnerability, control, organising and trafficking;
- The Commission recommends that An Garda Síochána develops specific law enforcement measures to disrupt the business model and profits of prostitution advertising websites.
- The Commission recommends that the Department of Justice develops a long-term legal and enforcement framework for prosecuting sites such as Escort Ireland for advertising the sale of controlled and trafficked women and minors and for profiting from the prostitution of others.
- The Commission recommends that in the light of the war in Ukraine, trends in the marketplace are monitored, paying particular attention to increases in advertisements for Ukrainian, Eastern European/Slavic or 'new' persons selling sex; increases of content related to Ukrainian/Eastern European/Slavic women on pornographic websites; and increases in online searches for Ukrainian pornography or 'escorts', and Ukrainian women or girls for sex/marriage/dates.
- The Commission recommends that sex buyers' review forums are monitored by law enforcement, NGOs, and academics in order to identify trends related to sexual exploitation.
- The Commission recommends that the capacity and knowledge of those responsible for investigating cases of prostitution and trafficking for sexual exploitation is increased, through the inclusion of the latest technologies.
- The Commission recommends that the National Coordinator develops and chairs a Forum to examine ways to disrupt demand and combat technology facilitated trafficking. This Forum must be multi-disciplinary, bringing together technology experts, law enforcement, legal experts, data analysts, social scientists, health professionals and NGO's.
- The Commission reiterates its recommendation that Ireland accede and become party to the Budapest Convention on Cybercrime to facilitate collaboration with relevant countries on technology facilitated trafficking for sexual exploitation.
- The Commission recommends that legislative reforms that have been effective in disrupting the operations of prostitution advertising websites in other jurisdictions – e.g. France, US, and Sweden are examined to see how they are disrupting the market.

Healthy Weight for Children Group Consultation Response Coimisiún na Meán Draft Online Safety Code

31st January 2024

Please find enclosed the HSE Healthy Weight for Children Group response to the Coimisiún na Meán draft Online Safety Code for Video Sharing Platform Services Consultation



**Irish Heart
Foundation**

The National Stroke & Heart Charity



**Institute of
Public Health**



Introduction

In 2018, the HSE published the Healthy Weight for Children Framework. The Framework puts a child health lens on Healthy Weight for Ireland: Obesity Policy & Action Plan published in 2015. Drawing on international and national evidence the Framework provides a strategic direction for a national and sustainable approach for the promotion of health and prevention of obesity in children.

The Healthy Weight for Children Group is a collaboration of health sector and public health partners who have an interest child health and obesity prevention including HSE Healthy Eating Active Living Programme, HSE Healthy Childhood Programme, *safefood*, Irish Heart Foundation and Institute of Public Health.

The Healthy Weight for Children Group would like to acknowledge that the Irish Heart Foundation acted as primary author for the substantive consultation response, with members of the Healthy Weight for Children Group submitting comments, edits and additional text based on their expertise in the specific subject matter.

Over the last 30 years, similar to other countries in Europe and across the world, the levels of overweight and obesity in Ireland have increased significantly across all age groups, social class and genders. This shift in population level BMI is heavily influenced and shaped by changes in the environment that we are born into, live, work, play and age in. The marketing and promotion of unhealthy foods and breastmilk substitutes is ubiquitous and increasingly online. Furthermore, children of lower SES are more exposed to food marketing than children of higher SES. The unequal effects of these changes mean that our children, young people and adults who experience disadvantage are more likely to live with poorer health for longer and to die prematurely than their peers in more advantaged areas.

Food marketing is not only a health concern, it is a children's rights concern. Marketing of foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt is in contradiction of several of the rights enshrined in the UN Convention on the Rights of the Child, including the rights to health, adequate and nutritious food, privacy, and freedom from exploitation. The UN Committee on the Rights of the Child has stated that the marketing of such foods should be regulated. Furthermore, in 2021, the Committee adopted the comment that the UN Convention on the 'Rights of the Child' explicitly applies in the digital world.

Digital marketing is of special concern because it facilitates engagement, which can amplify the overall impact of marketing compared to traditional mediums. As children and their parents spend more and more of their lives online they are exposed to a rapidly evolving digital marketing landscape. The Healthy Weight for Children Group sees the development of an Online Safety Code by Coimisiún na Meán as a timely opportunity to fulfil Ireland's legal obligation to protect these rights in the digital space where children increasingly spend their time.

This response outlines concerns regarding online advertising of high fat, salt and sugar foods (HFSS) and breastmilk substitutes and discusses issues with the Coimisiún na Meán proposals in respect of these foods and products for online advertising. The Coimisiún na Meán consultation document deals with a range of topics. Many of these issues are outside the scope and expertise of the Healthy Weight for Children group. Therefore, questions relevant to the work of the Healthy Weight for Children group are addressed in order.

Why is the regulation of commercial communication of high fat, sugar, and salt (HFSS) foods so important?

The scale of overweight and obesity in Ireland emphasises the need for comprehensive action. Safefood research estimates that 55,056 children currently living in the Republic of Ireland and 85,688 on the whole island will die prematurely due to overweight and obesity.¹ Research by the World Obesity Federation predicts that by 2025, 241,000 schoolchildren in Ireland will be overweight or obese by 2025 and as many as 9,000 will have impaired glucose intolerance; 2,000 will have type 2 diabetes; 19,000 will have high blood pressure; and 27,000 will have first stage fatty liver disease.² According to the WHO, 65% of the diabetes burden, 23% of heart disease and between 7% and 41% of certain cancers are attributable to overweight and obesity.³ Similarly, the risk of coronary heart disease, ischaemic stroke and type 2 diabetes grows steadily with increasing body mass.

A 2022 World Health Organisation (WHO) Europe region report identified banning online advertising of unhealthy food to children amongst the most promising whole population policies for improving health and tackling overweight and obesity.⁴ This is because, in summary:

- Recognition of food marketing across channels begins in infancy
- Brand logos are learned and linked to the products they sell before children know their ABCs^{5,6}
- Almost all sales by these major brands are unhealthy⁷. For example, of sales of the top 20 global food and beverage companies, 89% was classified as unhealthy (using the WHO Europe nutrient profile model).
- Much food marketing (across all channels) bypasses conscious choice
- Ubiquitous promotion of unhealthy foods and beverages further normalises harmful eating preferences and practices.

¹ Ivan J. Perry, Seán R. Millar, Kevin P. Balandá, Anne Dee, David Bergin, Laura Carter, Edel Doherty, Lorraine Fahy, Douglas Hamilton, Abigail Jaccard, André Knuchel-Takano, Laura McCarthy, Adam McCune, Grace O'Malley, Laura Pimpin, Michelle Queally and Laura Webber. (2017). What are the estimated costs of childhood overweight and obesity on the island of Ireland?. Safefood ISBN: 978-1-905767-75-5
Publication date: November 2017 [Online] Available from: <https://www.safefood.net/getmedia/07c9ceb0-dd71-4658-b679-cfc40c03e16b/Cost-of-childhood-obesity-Report.aspx?ext=.pdf>

² World Obesity Federation. (2017). Ireland National Infographic. Available from:
<http://www.obesityday.worldobesity.org/fullscreen-page/comp-it36nur2/068a7dcd-eb0d-4dd7-9cf6-1220ddc79ef0/60/%3F%3D60%26p%3D0a2r2%26s%3Dstyle-j84eeb5h>

³ World Health Organisation (2009). Global Health Risks - Mortality and burden of disease attributable to selected major risks. Available from: http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

⁴ WHO Regional Office for Europe (2022). WHO European Regional Obesity Report 2022. Copenhagen. Licence: CC BY-NC-SA 3.0 IGO. [Online] Available from: <https://apps.who.int/iris/bitstream/handle/10665/353747/9789289057738-eng.pdf>

⁵ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children's food brand knowledge. Early development and associations with television viewing and parent's diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

⁶ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children's Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792-797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

⁷ Bandy L, Jewell J, Luick M, Rayner M, Li Y, Shats K, Jebb S, Chang S, Dunford E. The development of a method for the global health community to assess the proportion of food and beverage companies' sales that are derived from unhealthy foods. *Global Health*. 2023 Dec 1;19(1):94. doi: 10.1186/s12992-023-00992-z. PMID: 38041091; PMCID: PMC10690999 [Online] Available from: <https://globalizationandhealth.biomedcentral.com/counter/pdf/10.1186/s12992-023-00992-z.pdf>

Summary of Recommendations

1. The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink and Breastmilk Substitutes, must be addressed in the harms as set out in the Online Safety Codes.
2. The definition of “audiovisual commercial communications harmful to children” should include the additional points:
 - audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
 - audiovisual commercial communications for infant formula and follow-on formula
3. A publicly available database where Video Sharing Platform Services (VSPS) recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.
4. There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.
5. Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme.
6. Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
7. Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Consultation on Draft Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

On page 38, Section 4 Regulatory Principles Relevant to the Code at subsection 4.3, it notes:

“Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children.”

The 2020 WHO- UNICEF-Lancet Commission on the future for the world’s children noted that “commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing”.

The commercial advertising and marketing of several products, services and brands are associated with poor health. Harmful commodities include but are not limited to unhealthy food and beverages and breastmilk substitutes. Keeping in line with Section 4.3 of the Draft Code, other relevant sections of the Online Safety Code should specifically regulate harmful commercial advertising and marketing to prevent children’s exposure to such audiovisual commercial communications. Such regulation relating to the digital environment should in no circumstance be less effective than regulation in the offline environment.

Recommendation:

The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink and Breastmilk Substitutes (BMS), must be addressed in the harms as set out in the Online Safety Codes.

5. Do you have any comments on any other definitions provided in the draft Code?

By establishing a robust, clear and comprehensive set of definitions for the Online Safety Code, then no segment of the environment of Video Sharing Platforms should be at a competitive advantage. This is especially so when it comes to the regulation of commercial communications.

Overall, the Healthy Weight for Children group recommends that harmful products are not exempt from the definitions in the Online Safety Code, both to protect adults and children from harmful communications relating to HFSS food and drink and BMS, but also as a means of working towards the overall policy objective of reducing harms given the relationships these products and public health concerns.

- **Definition at page 44: “child” means a person under the age of 18 years.**

Read in conjunction with the statutory guidance and associated explanatory note where it notes that “Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications”, there is a friction and concrete example of the lack of cohesion between statutory and non-statutory mechanisms. As per the [Advertising Standards Authority of Ireland \(ASAI\) guidance note on High Fat, Salt and Sugar \(HFSS\) Food and Non-alcoholic beverages marketing communications](#), “The ASAI Code sets out rules which restrict the advertising of HFSS foods to children under the age of 15.” There is a clear conflict here as the Online Safety Code refers to children as under 18, but self-regulatory bodies (to which the OSC refers and recommends to VSPs) only use under 15s.

Any legislation or regulatory codes which purport to protect children should use the Convention on the Rights of the Child (CRC) definition of children – individuals under 18 years. If policies and codes start to employ different definitions of children in different documents or with respect to different activities, there will be a differential level of protection offered. We cannot accept a situation where policy deems older children’s rights less worthy of strong protection. Moreover, it cannot be the case that the OSC offers protection to children (under 18) from online harms, except in certain circumstances where it promotes self-regulatory mechanisms. This creates hierarchies in the protection of children and undermines the need for comprehensive regulation.

- **Definition at page 4: “audiovisual commercial communications harmful to children” means...**

The definition of “Audiovisual commercial communications harmful to children” excludes HFSS foods and drinks, as well as breast milk substitutes.

In the Public consultation Q&A document, it notes:

“Legal Provisions 1. What legislation is the code based on? The power for Coimisiún na Meán to make Online Safety Codes is contained in Section 139K of the Online Safety and Media Regulation Act 2022. In addition, the Code must address the harms set out in Article 28b of the EU Audiovisual Media Services Directive 2018.”

Section 139K contains the wording:

“Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”

Therefore, Coimisiún na Meán has the power to include these products in the definitions of “Audiovisual commercial communications harmful to children”.

While those harms, audiovisual commercial communication and regulated content harms, referenced in the OSC unquestionably require regulation, and the promotion of unhealthy foods and beverages is often perceived as innocuous in comparison, it is important to note that unhealthy food marketing is, health data show, a silent, slow-burn killer, promoting food preferences, requests and consumption that are shortening the lives of a third of the population.

Indeed, “Unhealthy diets are a leading global public health risk, contributing to all forms of malnutrition (i.e. undernutrition; micronutrient-related malnutrition; and overweight, obesity and diet-related noncommunicable diseases (NCDs)).”⁸

HFSS food and drink marketing is harmful and there is a clear link between food promotion and children’s food preferences, what they buy and what they eat.⁹ Advertising influences how much children eat¹⁰, and can lead to them ‘pestering’ parents to buy unhealthy products.^{11 12} Children are a vulnerable group who have the right to protection from advertising due to their limited capacity to critically understand advertising and marketing practices.¹³ Research shows that children as young as 18 months can recognise brands¹⁴, with preschool children demonstrating preferences for branded products.¹⁵ **Audiovisual commercial communications of these products are harmful to children, and so should fall within the scope of “audiovisual commercial communications harmful to children”.**

The opportunity to protect children online in a meaningful way should not provide loopholes to companies that exploit children’s online activities for profit. Simply leaving HFSS food and BMS out of the definition of harmful audiovisual commercial communications on the basis that they will be addressed in a separate code is insufficient. There is no guarantee that those extra codes will be developed in a timely manner, nor is there certainty as to the scope of these codes. Moreover, and considering the content of the statutory guidance, the statutory standing of any future codes in this

⁸ World Health Organization (2023) Policies to protect children from the harmful impact of food marketing: WHO guideline. Geneva: World Health Organization [Online] Available from: <https://apps.who.int/iris/rest/bitstreams/1514114/retrieve> pix

⁹ Public Health England (2015). Sugar Reduction: the evidence for action. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470179/Sugar_reduction_The_evidence_for_action.pdf

¹⁰ Emma J Boyland, Sarah Nolan, Bridget Kelly, Catrin Tudur-Smith, Andrew Jones, Jason CG Halford, Eric Robinson; Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults, *The American Journal of Clinical Nutrition*, Volume 103, Issue 2, 1 February 2016, Pages 519–533, <https://doi.org/10.3945/ajcn.115.120022>. Available from: <https://academic.oup.com/ajcn/article/103/2/519/4662876>

¹¹ Gerard Hastings, Laura McDermott, Kathryn Angus, Martine Stead and Stephen Thomson. (2006). The extent, nature and effects of food promotion to children [electronic resource] : a review of the evidence : technical paper / prepared for the World Health Organization. WHO. Available from: http://www.who.int/dietphysicalactivity/publications/Hastings_paper_marketing.pdf

¹² Laura McDermott, Terry O’Sullivan, Martine Stead & Gerard Hastings (2015) International food advertising, pester power and its effects, *International Journal of Advertising*, 25:4, 513-539, DOI: [10.1080/02650487.2006.11072986](https://doi.org/10.1080/02650487.2006.11072986). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2006.11072986>

¹³ Young, B (2003). Does food advertising influence children’s food choices? A critical review of some of the recent literature, *International Journal of Advertising*, 22:4, 441-459, DOI: [10.1080/02650487.2003.11072862](https://doi.org/10.1080/02650487.2003.11072862). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2003.11072862>

¹⁴ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children’s food brand knowledge. Early development and associations with television viewing and parent’s diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

¹⁵ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children’s Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792–797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

area is also unclear. ***This OSC for VSPs may be the one and only chance to subject HFSS food and BMS advertising to meaningful legal controls.***

The explanatory note (page 2) says that “The definitions of “audiovisual commercial communications harmful to the general public” and “audiovisual commercial communications harmful to children” address the requirements of Article 9(1) of the Audiovisual Media Services Directive.” However, given the omission of HFSS food and drink and BMS from the definitions, there is scope for their inclusion in the codes. Coimisiún na Meán can certainly go beyond the requirements of Article 9(1), so long as the rules are compatible with the general principles of EU free movement law, which given the public health interests of children, would be considered appropriate and necessary for protecting public health.

The inclusion, and recognition, of HFSS food and drink advertising as commercial communications harmful to children is proportionate to the scale of childhood overweight and obesity in Ireland, and the consequences for life and long-term health.

The WHO identify the safeguarding of child health and development from harmful commercial marketing, including from formula marketing, as an opportunity for action¹⁶. The exclusion of babies and infants from the protections of this Online Safety Code could therefore undermine its effectiveness as a tool to prevent the evolution of childhood obesity and other harms to the physical health of children.

Breastfeeding is described as a protective factor with regards to obesity development, with research exploring the relationship between breastfeeding and obesity in 22 European countries finding that, compared to children who were breastfed for at least 6 months, the odds of obesity were higher among children never breastfed or breastfed for a shorter period.¹⁷

Overall, we recommend that these products are not exempt from the definitions, both to protect adults and children from BMS marketing, but also as a means of working towards the overall policy objectives of reducing harms given the relationship between breastfeeding and public health.

Recommendation:

The definition of “audiovisual commercial communications harmful to children” should include the additional points:

- audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
- audiovisual commercial communications for infant formula and follow-on formula

¹⁶ World Health Organization and the United Nations Children’s Fund (UNICEF). (2022). How the marketing of formula milk influences our decisions on infant feeding. Geneva Licence: CC BY-NC-SA 3.0 IGO [Online] Available from: <https://www.who.int/publications-detail-redirect/9789240044609>

¹⁷ Rito AI, Buoncristiano M, Spinelli A, Salanave B, Kunešová M, Hejgaard T, García Solano M, Fijałkowska A, Sturua L, Hyska J, Kelleher C, Duleva V, Musić Milanović S, Farrugia Sant’Angelo V, Abdrakhmanova S, Kujundzic E, Peterkova V, Gualtieri A, Pudule I, Petrauskienė A, Tanrygulyyeva M, Sherali R, Huidumac-Petrescu C, Williams J, Ahrens W, Breda J. Association between Characteristics at Birth, Breastfeeding and Obesity in 22 Countries: The WHO European Childhood Obesity Surveillance Initiative – COSI 2015/2017. *Obes Facts*. 2019;12(2):226-243. doi: 10.1159/000500425. Epub 2019 Apr 26. PMID: 31030194; PMCID: PMC6547266. [Online] Available from: <https://pubmed.ncbi.nlm.nih.gov/31030194/>

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is worrying that VSPs are setting their own targets. There is concern that they will set targets that are arbitrary or achievable. Similarly, there are questions on whether VSPs are being left to evaluate their own targets, then reporting their own findings to Coimisiún na Meán who just evaluate if they have met their self-set targets.

Rigorous reporting is needed to avoid VSPs effectively setting their own standards. Currently the industry has the capacity to furnish significantly more information than they do. The code must insist on this. Relying on the VSPs to just report themselves, creates the opportunity for them to just comply, and to be creative in what the targets they set are and the evaluations they will do of their own targets.

12. What is your view on the requirements in the draft Code in relation to complaints?

The content for question 12 is allied to the substantive response in Question 25. There can be no doubt that the issue of complaints, particularly with respect to audiovisual commercial communications, is inextricably linked to the regulatory mechanism in place. In that regard, complaints processes and mechanisms, and the associated bodies or flaggers to be established, should not be industry bodies.

A 2013 systematic review¹⁸ found significant divergence between the reported impact of marketing regulation (including self-regulation by industry) provided in peer-reviewed journals, or industry-sponsored reports, showing the need for external monitoring. Moreover, of studies evaluating voluntary policies, significantly more studies showed undesirable effects than desirable effects on exposure to, and power of, food marketing. This was not the case for studies evaluating mandatory policies.¹⁹

Self-regulation is dealt with in more detail in Question 25.

¹⁸ Galbraith-Emami, S. and Lobstein, T. (2013) 'The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review'. *Obesity Reviews*.

¹⁹ Boyland, E, McGale, L, Maden, M, Hounsome, J, Boland, A, Jones, A. Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed. *Obesity Reviews*. 2022; 23(8):e13447. doi:10.1111/obr.13447

13. Do you have any other comments on the requirements in section 11 of the draft Code?

The importance of transparency on the part of the services and platforms being regulated, and of the regulatory rules that are imposed on them, must be paramount. In the first instance, platforms and on-demand providers must respond to requests for information from the Commission. Currently, information in the public domain about platforms' approaches to dealing with harmful content is limited, with inconsistencies in the information that is available across platforms - there is no way of assessing the impact and effectiveness of these approaches, either with respect to takedown of material or blocking of legal content. Evaluations are generally conducted by intermediaries and platforms themselves, who have discretion on what to measure and disclose, with the transparency reports provided by many platforms noted not to "represent a comprehensive assessment of the impact of their content governance activities."²⁰

Indeed, it has been noted that outside of proprietary industry research, there is no independent public data to reliably monitor the extent to which children are exposed to commercial advertising and marketing online, and the impact these powerful and opaque digital marketing strategies have on children's identities, behaviour and development.²¹

Much more information is required in order to better understand how harmful behaviour is perpetrated online, how harmful content is shared and amplified, and how well digital platforms are responding to improve safety.

Recommendation:

A publicly available database where VSPS recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.

²⁰ Mark Bunting. (2018). *Keeping Consumers Safe Online Legislating for platform accountability for online content*. [Online]. Available from: <http://static1.1.sqspcdn.com/static/f/1321365/27941308/1530714958163/Sky+Platform+Accountability+FINAL+020718+200.pdf?token=llv5b6G14vlcGq8x%2BWRFKhhNTN4%3D> p13

²¹ Garde, A et al. (2020). General Comment submission Children's rights in relation to the digital environment. [Online]. Available from: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

When considering harmful audiovisual commercial communications that impinge on the rights of children, commercial communications to or at children alone, should not just be considered. While “women are the primary targets of formula milk marketing and have been for decades... Approaches aim to engage women early in their pregnancies to create brand loyalty from then through their children’s infancy, the toddler years and beyond” and these advertising strategies directly undermine children’s health and development. Online Safety Codes should protect all children, not just those old enough to have digital access. Babies and infants are our most vulnerable children and their protection should be extended through the caregiver by shielding the caregiver from infant formula marketing messages. The UN Convention on the Rights of the Child identifies implementation of the International Code of Marketing of Breast-milk Substitutes and strengthening the State’s regulatory framework for industries and enterprises to ensure that their activities do not have adverse impacts on children’s rights as crucial steps to upholding the Convention on the Rights of the Child.

Further content for question 17, linked to the paragraph below, is allied to the substantive response in Question 25.

A 2023 report on protecting children from the harmful impact of food marketing from the World Health Organization and the United Nations Children’s Fund note that “the main stakeholders responsible for implementing effective policies to protect children from the harmful impact of food marketing should be trusted public authorities, as the bearers of a duty to protect children’s rights and public health. Delegation of responsibility to other stakeholders (e.g. sector associations representing the advertising industry or broadcasters) is not recommended as it has been shown to create conflicts of interest at the heart of policy discussions in many countries”.²²

Voluntary actions have not been demonstrated to work effectively to protect children from the impact of harmful commercial communications. They are not – and should not be viewed as – an appropriate mechanism to ensure that children are effectively protected from harmful marketing.

Key findings and recommendations from research in this area:

- Food advertising targeting children is pervasive and its influence on children’s behaviour contributes to the childhood obesity epidemic;
- Online food marketing is exploitative, surveillant and violates multiple rights, including children’s rights to health, privacy and freedom from exploitation²³
- Advertising standards authorities/ associations are industry bodies. They have little or no formal accountability to government or the public. They are established and financed by the advertising industry. They exist to protect advertising industry interests.
- The extent of lobbying of governments by unhealthy food corporations – identified as the greatest lobbying spenders of lobbyists for unhealthy commodities and practices in the US²⁴ is such that it makes a mockery of regulatory processes to charge their representatives with safeguarding children and their health.

²² UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf> p26

²³ Tatlow-Golden, Mimi & Garde, Amandine. (2020). Digital food marketing to children: Exploitation, surveillance and rights violations. *Global Food Security*. 27. 100423. 10.1016/j.gfs.2020.100423.

²⁴ Chung, H., Cullerton, K. and Lacy-Nichols, J. (2024), Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. *Milbank Quarterly*. <https://doi.org/10.1111/1468-0009.12686>

- The public health objective is to protect children from the harmful effects of food advertising. The advertiser's overriding commercial interest means using advertisements that effectively encourage children to consume unhealthy food. A *clear* conflict of interest exists.
- To devolve responsibility for and monitoring of advertising practice and standards to the advertising industry is a failure of a government's duty of care to its people.
- Government regulation of food advertising to children must be implemented globally.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

“To prevent harm to people’s health and fulfil their obligation under the right to health, States should put in place national policies to regulate advertising of unhealthy foods. States should formulate laws and a regulatory framework with the objective of reducing children’s exposure to powerful food and drink marketing... Companies often voluntarily adopt self-formulated guidelines and standards to restrict Government regulation and respond public demands... However, self-regulation by companies has not had any significant effect on altering food marketing strategies... Due to a variety of reasons, such as the non-binding nature of such self-regulation, lack of benchmarks and transparency, inconsistent definition of children and different nutrition criteria, companies may be able to circumvent guidelines, blunting the intended effect of marketing guidelines they instituted... Owing to the inherent problems associated with self-regulation and public-private partnerships, there is a need for States to adopt laws that prevent companies from using insidious marketing strategies.”²⁵

We do not support the current approach of industry-led self-regulation for online advertising, and believe the system fundamentally needs to change towards stronger independent statutory regulation and enforcement. There is widespread evidence which shows that voluntary and industry-led regulation is ineffective²⁶²⁷²⁸, with industry protecting their own interests over public health and other considerations. Such systems are insufficient to undertake the robust regulation required to protect both children and adults from pervasive HFSS advertising²⁹³⁰.

Problems with self-regulatory complaints mechanisms include:

- Complaint procedures do not provide a level playing field between citizens and industry: they are onerous and time-consuming processes for individual complainants.
- There is a lack of effective enforcement mechanisms such as fines to serve as a deterrent.
- Compliance and informal resolution processes are not open to public scrutiny.

Reflecting responses to other questions 12, 17 and 25, we do not believe the ASAI should be responsible for the day-to-day regulation of the HFSS advertising restrictions. We call for regular proactive monitoring to identify non-compliance. The success of measures contained in the Code cannot rely on reactive complaints alone. Proactive monitoring should be carried out by an independent group with full details on breaches published and pursued for enforcement.

²⁵ UN General Assembly Human Rights Council. (2014). Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover: Unhealthy foods, non-communicable diseases and the right to health. [Online] Available from:

https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-31_en.doc

²⁶ World Cancer Research Fund International (2020). Building Momentum: lessons on implementing robust restrictions of food and non-alcoholic beverage marketing to children. Available at wcrf.org/buildingmomentum

²⁷ Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764.

²⁸ Reeve, B. and Magnusson, R., (2018). Regulation of food advertising to children in six jurisdictions: a framework for analyzing and improving the performance of regulatory instruments. *Ariz. J. Int'l & Comp. L.*, 35, p.71

²⁹ Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764

³⁰ Hawkes, C. (2008). Agro-food industry growth and obesity in China: what role for regulating food advertising and promotion and nutrition labelling?. *Obesity Reviews*, 9, 151-161.

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Recommendation:

There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.

At Page 24, Section 4 Consultation on Draft Statutory Guidance, 4.1.10 Commercial Communications, it notes:

“This indicates Coimisiún na Meán’s plans in relation to developing additional requirements and advises providers to have regard to certain of its Commercial Codes. Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications.”

Unfortunately, it appears that self-regulatory mechanisms are being given credibility and support here, with the statutory guidance explicitly telling VSPS to use and refer to self-regulatory bodies on certain commercial communications i.e. ASAI. This is extremely problematic as this not only gives the ASAI codes moral authority and weight from the State’s Media Commission and Media Regulator, it also then means that their complaint and enforcement systems will be used. Self-regulation is no regulation. Providers should have statutory regulatory measures to draw upon. Moreover, even if enforced rigorously, these self-regulatory mechanisms do not cover a great deal of harmful advertising techniques.

We echo the calls from the WHO and UNICEF that the best way to respect, protect and fulfil children’s rights when it comes to protecting them from harmful commercial communications is to adopt a mandatory, comprehensive regulatory approach, while recognising that steps taken to restrict these harms must integrate both a public health lens and a child rights lens.³¹

This recommendation complements the recommendation that HFSS food and drink and Breastmilk substitutes are included in the definition of “audiovisual commercial communications harmful to children”, so that these protections enjoy the full application of regulation and statutory supports.

³¹ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf>

Recommendation:

Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme

In the section “Guidance: Complaints” at page 71, it notes:

“The Commission advises video-sharing platform service providers to reasonably prioritise the notifications they receive about harmful content addressed by the Code from nominated bodies and trusted flaggers provided for in the Act and the DSA.”

Read in conjunction with the Call for Inputs submissions, and more specifically, that of the ASAI, it is important that advertising self-regulatory bodies established in the EU should not be actively encouraged, nor permitted to seek to be a trusted flagger or nominated body under the Code. These bodies would be responsible for flagging content to Coimisiún na Meán. However, we know that their own processes are ineffective and, despite what they show in their own statistics about their effectiveness in responding to complaints, their processes are flawed. There is a slow pace of change with self-regulatory processes.

Bodies like ASAI, funded by industry will be well equipped to propose themselves as a nominated body or trusted flagger as they have capacity to do this. However, the industry cannot be its own watchdog.

In the section “Guidance: Commercial Communications”, at page 71, it notes:

“Commercial communications include advertising, sponsorship, product placement, teleshopping and other forms of marketing. Commercial communications that are harmful to the general public and/or children can have negative impacts on individuals, groups in society and on business. The Commission will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code.”

On this section of the guidance, there are concerns centring around three questions:

- i. Why can the requirements as they relate to commercial communications on HFSS food and drinks and BMS not be included in this Code, or at least referenced? While there is work to be done on the requirements, taking into account many of those requirements in the current broadcasting codes in this area need updating, there is no reason why they must be omitted from this particular code.
- ii. If the additional requirements are being omitted, what mechanism does Coimisiún na Meán envisage will tie this OSC to future OSCs on these commercial communications? Will there be a hierarchy of codes? Is it not better to bring the two together with further guidance notes issued on outstanding issues relating to this regulation? VSPs have responsibility for commercial communications and, given that this Code is laying out the regulatory responsibility for VSPs in this area, inclusive of audiovisual commercial communications, it does not make sense to omit them now, with a view to apply these at a later date.
- iii. Indeed, why not include this as supplementary material? Indeed, in terms of accessibility and ease of application, it is not better to reference these materials now.

We believe all online advertising should be subject to the same level of statutory regulatory control. A straightforward system where all actors are held accountable is preferred and helps to ensure certain actors are unable to shirk their responsibilities.

The section further adds:

“Prior to that, the Commission advises video-sharing platform providers to have due regard to the General and Children’s Commercial Codes of Coimisiún na Meán as they relate to the matters addressed under Article 9(1) of the Audiovisual Media Services Directive. The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland...”

On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Recommendations:

- Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
- Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Coimisiún na Meán should not refer to non-statutory regulatory mechanisms in its statutory guidance. The absence of, or gaps in, requirements for HFSS food and drink commercial communications should not equate with reference to non-statutory codes being directed to.

On this section, further questions and concerns include:

- i. Is HFSS food and drink advertising regulation for VSPPS being left to ASAI and the requirements of those codes until such new requirements are developed in subsequent Coimisiún na Meán codes or is it permanent?
- ii. Who is the responsible authority for these commercial communications now and into the future?
- iii. Is the direction/guidance to ASAI only interim? When the subsequent codes are developed, will these references to existing non-statutory regulatory measures and ASAI be removed?

Dear Online Safety Commissioner Niamh Hodnett,

My name is Dr Liz O’Sullivan. I am a Lecturer in Nutrition and the Programme Chair for the BSc in Public Health Nutrition at Technological University Dublin. I am a Registered Dietitian (CORU ID D1028636) and a Nutritionist registered with the Association for Nutrition (AfN ID 11923). In addition, I am a member of the breastfeeding sub-committee of the Women’s Parliamentary Caucus, and the co-ordinator for the WBTi-Ireland Core Group. I welcome the opportunity to comment on the Draft Online Safety Code recently published by Coimisiún na Meán.

The World Breastfeeding Trends initiative (WBTi) is an initiative that assists countries to assess and monitor the status of policies and programmes related to infant and young child feeding (IYCF). To date, 99 countries have published a WBTi report, with Ireland being the most recent to do so in November 2023. The WBTi-Ireland report was funded by UNICEF Ireland and was collaboratively completed by representatives from:

- TU Dublin
- UNICEF Ireland
- The Health Service Executive
- La Leche League of Ireland
- Cuidiú
- Friends of Breastfeeding
- The University of Galway
- The Association of Lactation Consultants in Ireland
- Baby Feeding Law Group Ireland
- Baine Beatha

Across multiple points in the WBTi-Ireland report, we highlight issues related to the marketing and promotion of infant formula and follow-on or growing-up formula products. We repeatedly stress the need for more stringent legislation (and enforcement of same) to protect babies, children, and families from the harmful effects of aggressive promotion of commercial milk formulae. Specifically, one of the key recommendations outlined in the WBTi-Ireland report is to:

“Fully implement the World Health Organization Code of Marketing of Breast-milk Substitutes and its subsequent World Health Assembly Resolutions in legislation and ensure that this legislation is monitored and enforced in a transparent manner independent of industry, with particular attention paid to advertising and marketing online *via* baby clubs and social media influencers.”

In the WBTi-Ireland report, we highlight the key role that Coimisiún na Meán can play to protect Irish babies and children. We highlight the need to introduce policies to minimise the impact and reach of the commercial milk formula industry, in line with the World Health Organization Code of marketing of breast-milk substitutes, with close collaboration between the Food Safety Authority of Ireland (FSAI) and Coimisiún na Meán. We particularly noted that:

“Specifically, the development of the new Coimisiún na Meán represents a unique opportunity for Ireland to become more aligned with the WHO Code.”

At a meeting between the breastfeeding sub-committee of the Women's Parliamentary Caucus and Minister Stephen Donnelly in June 2023, Minister Donnelly described Coimisiún na Meán as having a lot of "legislative teeth" with regards the potential to regulate formula marketing. Minister Donnelly stated, and I quote, "Can we [Ireland] become more compliant with the WHO Code? I think we can."

As such, it was disheartening and disappointing to read on page 45 in the draft Code that communications related to the marketing and promotion of infant formula, follow-on formula, and growing-up milks (collectively known as commercial milk formulae) are not listed within the definition of "audiovisual commercial communications harmful to children."

Thus, **in response to QUESTION 5**, "Do you have any comments on any other definitions provided in the draft Code?" I **strongly recommend** that the definition of "audiovisual commercial communications harmful to children" include the additional point:

- audiovisual commercial communications for infant formula, follow-on formula, and growing-up milks (collectively termed "commercial milk formulae")

There is considerable evidence available highlighting the harms of such audiovisual communication. A multi-country study commissioned by UNICEF and WHO which was published in 2022 outlined these harms in detail. This report highlighted the manipulative tactics industry uses to undermine parental confidence in breastfeeding and convince people that their products are necessary. The Health Service Executive have declared that follow-on milks are not necessary and there is no benefit to infants to switching to a follow-on milk.

Stringent regulation, and enforcement of same, is the only way to adequately protect babies, children, and families in Ireland. In addition, this legislation and enforcement strategy should be reviewed at intervals to ensure new and innovative marketing strategies developed by industry to circumvent the legislation are ultimately legislated against. At present, the monitoring and enforcement of the marketing and promotion of formula milks is ineffective in Ireland, as noted with the WBTi-Ireland report. The public are relied upon to notify the FSAI of breaches of the legislation observed in person, but there is currently no clarity around what to do when breaches are noted in online communications (a regular occurrence). Coimisiún na Meán have the opportunity now to display the "legislative teeth" that Minister Donnelly stated they have and ensure babies, children, and families are protected from aggressive and inappropriate online marketing and promotion of commercial milk formulae.

An independent regulator is the only way to ensure the public are protected. In addition to the lack of clarity around reporting legislative breaches to the FSAI, the reporting of breaches to the Advertising Standards Association of Ireland (ASAI) is not appropriate. The ASAI is an independent self-regulatory body set up and financed by the advertising industry and is thus, a self-regulatory mechanism. Members of the WBTi-Ireland Core Group searched the database on complaints for 2022, 2021, and 2022 and located six complaints related to the advertising of commercial milk formulae that were upheld by the ASAI. In two cases, the action taken was to state that the ad must not reappear in its current format. Another advertiser was reminded that infant formula products were not allowed to be advertised to the public and no further action was required (see here), and in the remaining 3 cases, the advertisement had already been removed so no further action was required (see here for an example). These "sanctions" provide no true deterrent to companies and do nothing to protect the public for inappropriate marketing and promotion. Note, these six complaints are not a reflection of the true prevalence of violations of advertising standards as there

is no routine, systematic monitoring; these are simply examples observed by consumers. This highlights perfectly that self-regulation is not true regulation at all.

For this reason, **in response to QUESTION 8:** “What is your view on the requirements in the draft Code in relation to reporting and flagging of content?” I **strongly recommend** that video sharing platforms are not allowed to set their own targets and standards. There must be an independent regulator setting the standard, to whom the video sharing platforms are accountable.

Similarly, **in response to QUESTION 12** “What is your view on the requirements in the draft Code in relation to complaints?” I **strongly recommend** that complaints are handled by an independent authority without ties to industry, and that there is clear information and guidance available to the public indicating how they can make complaints. This is currently lacking in Ireland with regards our current legislation on the marketing and promotion of commercial milk formulae and parents and consumers are often unaware how to complain about inappropriate marketing and promotion practices.

I would be happy to engage with Coimisiún na Meán on any of the above points. I implore you to give the above points careful consideration and I look forward to an updated Online Safety Code that demonstrates Ireland’s commitment to the health and wellbeing of our youngest and most vulnerable citizens.

With kind regards,



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Response to the Consultation Document: Online Safety Code -January 31st 2024

UNICEF Ireland welcomes the drafting of Online Safety Code and commends Coimisiún na Meán's broad consultation which includes children and young people. We recognise that it is a complex task given the diverse ways in which digital platforms and services influence our lives, we appreciate the opportunity to contribute our insights to support the strengthening of this Code.

As a committed advocate for ensuring every child's access to education, healthcare, nutrition, and protection, UNICEF Ireland brings a nuanced understanding of the challenges surrounding children's online safety. We are dedicated to providing evidence-based insights and practical solutions to fortify the draft Online Safety Code, aligning with our mission of safeguarding children's rights in the digital age.

Our primary concern lies in the commercial communications aspect of the code, specifically the absence of High Fat Salt Sugar foods (HFSS) or Commercial Milk Formulas (CMF) from the Online Safety Codes for Video Sharing Platforms.

In analysing the *Review and Summary of Submission to Call for Inputs on Online Safety Code*, UNICEF Ireland noted several organisations rightfully emphasizing the state's legal obligations under the Convention on the Rights of the Child (CRC). They argue that marketing practices, whether digital or otherwise, undermining public health and infringing on fundamental rights as enshrined in the CRC (Article 24 - "the right of the child to the enjoyment of the highest attainable standard of health") should be explicitly addressed in the Code. They also refer to Article 2 the states obligation to ensure in all decisions impacting children, their best interests must be of paramount concern.

Additionally, it has been pointed out to the Commission, that as a WHO Member State, Ireland is obligated to embody the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions ('The Code' which Ireland signed in 1981) into domestic law. However, current regulations fall short of aligning with the Code's recommendations regarding the regulating the marketing of commercial milk formulas up to 36 months. This regulatory gap exposes Irish mothers, parents and caregivers to extensive CMF marketing,

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Unicef Ireland is therefore disappointed at the omission of commercial milk formulas and HFSS in the in the draft Code, especially considering their inclusion in the Online Safety and Media Regulation Act 2022.

We firmly believe that the Online Safety Code must address the harms associated with the commercialisation of infant and young child feeding, particularly the negative impact on public health due to marketing practices by CMF and High Fat, Sugar, and Salt (HFSS) food and drinks manufacturers.

The Dairy Industry of Ireland's submission pointed out that "any reference to infant and follow-on formula milks in the developed Code is evidence-based." It should be noted that in 2022 the WHO's comprehensive analysis on the *Scope and Impact of Digital Marketing Strategies for Promoting Breast-milk Substitutes – Marketing a \$55 billion Formula Milk Industry*¹ revealed alarming trends and the urgent need for stringent regulation. Digital marketing, now dominant in many countries, requires meticulous monitoring and regulation, as it facilitates targeted marketing to vulnerable populations. This sophisticated marketing strategy must not be left solely to industry self-regulation. Following on from this research, the Who developed *Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes*² for Member States.

With one of the world's lowest breastfeeding rates, Ireland has a unique opportunity to address this issue through a strict regulatory framework. UNICEF Ireland urges the inclusion of comprehensive measures in the Online Safety Code and forthcoming Media Codes, prohibiting the marketing of all CMF up to 36 months, aligning with international standards and fulfilling Ireland's commitment to the well-being of its children.

We appreciate the Commission's dedication to online safety, and UNICEF Ireland looks forward to meeting with you and actively contributing to the development of a robust and protective Online Safety Code and future Media Codes.

UNICEF Ireland

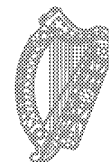
¹ WHO UNICEF – Scope and Impact of Digital Marketing Strategies for Promoting Breastmilk Substitutes <https://iris.who.int/bitstream/handle/10665/353604/9789240046085-eng.pdf?sequence=2>

² WHO, Guidance on regulatory measures aimed at restricting digital marketing of breast-milk substitutes <https://iris.who.int/bitstream/handle/10665/374182/9789240084490-eng.pdf?sequence=1>

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**Public Consultation on draft Online Safety Code, Coimisiún na Meán:
Submission by Department of Health**

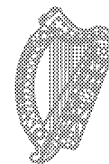
31st January 2024

Introduction

With regard to online safety, the Department of Health leads on the development of online mental health tools and resources, working with Healthy Ireland and the HSE to signpost services and provide positive messaging about online activity. The Department also leads on development of suicide reduction and prevention policy.

In addition, the Department of Health has responsibility for policy on obesity and nutrition and oversees the implementation of the Obesity Policy and Action Plan (OPAP) 2016-25 which sits within the Healthy Ireland Framework.

This submission responds to the public consultation primarily from the perspective of mental health, and specifically around suicide reduction and prevention policy. A section is also included (page 2) which addresses commercial communications from a public health perspective, and commits to further engagement from Healthy Ireland with Coimisiún na Meán on the matter.



Input from the perspective of Healthy Ireland

In its European Region Obesity Report of June 2022, the World Health Organisation identifies restrictions on the advertisement of food and drink considered unhealthy or harmful to children in particular as one of the key policy tools to use in addressing the obesity epidemic.

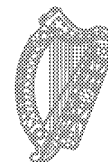
The establishment of An Coimisiún, with its remit of developing media service codes and online safety codes, represents a significant opportunity to drive the policy objectives of Healthy Ireland and the OPAP, and in particular to reflect the work that has been done at an EU level in the Best ReMaP Joint Action to address restrictions of marketing of unhealthy food and beverages to children.

The standards and practices that can be addressed through regulatory codes and rules developed by the Coimisiun na Mean include the advertisement of certain foods and beverages. In this regard, the OSMR Act states (in section 139k(5)) that codes and rules may prohibit or restrict the inclusion in programmes or user-generated content of commercial communications considered by An Coimisiún to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or those foods or beverages which contain fat, trans-fatty acids, salts or sugars.

In this consultation paper, the Coimisiun has indicated that it "will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code. This will be done following consultation with the public and with video-sharing platform service providers."

The OSMR Act provides that An Coimisiún may consult with public health authorities in relation to proposed restrictions or prohibitions. In practice, it is understood that the Department of Health and relevant public health authorities will have lead policy responsibility in this area and any action by An Coimisiún in this regard will only be taken in concert with these bodies.

Officials in the Department of Health have already commenced engagement with An Coimisiun on this matter and look forward to continuing to work with An Coimisiun and with other stakeholders to develop specific additional requirements relevant to this policy issue.



Background-Mental Health

Connecting for Life is Ireland's National Strategy to Reduce Suicide, and it aims to improve the nation's understanding of and attitudes to suicidal behaviour, mental health, and wellbeing. The Strategy emphasises the importance of encouraging safer online environments and responsible reporting on suicide related content. The National Office for Suicide Prevention (NOSP) within the HSE lead on implementation of *Connecting for Life*, and NOSP has also prepared a submission to this call for inputs from the Commission.

Mental Health Unit in the Department and NOSP have led out on engagement with sectoral stakeholders including Samaritans, Headline, and the National Suicide Research Foundation (NSRF) on the call for inputs last September and this consultation to advocate that each organisation make its own submission to the call.

The Department also supports the implementation of the HSE National Clinical Programme for Eating Disorders (NCP-ED), a collaborative initiative between the HSE, the College of Psychiatrists of Ireland, and Bodywhys (the Eating Disorders Association of Ireland), the national support group for people with eating disorders.

People with mental health problems, and notably people with eating disorders, have a heightened lifetime risk of, and vulnerability to, suicide. Suicide, self-harm and eating disorders are specifically referenced by the Broadcasting Act 2009 as potentially harmful content.

Online Safety Consultation – Mental Health Unit submission

This submission responds to the consultation questions most aligned with the role and function of the Department of Health from the perspective of the Mental Health Unit. More detail is provided in the response below. Having reviewed the draft Online Safety Code, the Department takes this opportunity to highlight a central concern as regards the exclusion of reference to suicide, self-harm, or eating/feeding disorders in the definition of *'regulated content harmful to the general public.'*

The Department would instead recommend that Coimisiún na Meán consider extending the definition to include these harms, aligned with the references to these harms in the Code's definition of *'regulated content harmful to children'*, which includes content that *'poses a risk to the life, physical health, mental health and/or safety of a child: cyber-bullying, encouraging eating or feeding disorders, encouragement of self-harm or suicide, and information about methods of self-harm or suicide.'* The rationale underpinning this recommendation is that these risks to mental health and safety do not cease to exist when a person has turned eighteen years old. Very harmful content that encourages suicide or makes available information on the means of suicide, and content encouraging eating or feeding disorders, should not be considered suitable viewing for anybody and should be removed. As such the *'regulated content harmful to the general public'* and the *'regulated content harmful to children'* should be aligned when it comes



to content that *'poses a risk to the life, physical health, mental health and/or safety of a child: cyber-bullying, encouraging eating or feeding disorders, encouragement of self-harm or suicide, and information about methods of self-harm or suicide*

Consultation on Online Safety Code – Question responses

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

The Department is very supportive of this proposal which will make the Code more effective. As noted in our previous submission, the Code should consider content connected to video content as potentially being harmful, to reflect the fact that connected content, such as comments, could change the meaning or perception of video content, and make something more harmful.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

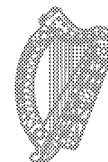
The Department is satisfied with the definition of illegal content harmful to children and regulated content harmful to children, noting that the latter incorporates categories of harmful online content defined by section 139A(1)(b) and (3) of the Act, namely: (a) content by which a person bullies or humiliates another person, (b) content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder, (c) content by which a person promotes or encourages self-harm or suicide, (d) content by which a person makes available knowledge of methods of self-harm or suicide.

4. What is your view on the other definitions of illegal content and regulated content?

The Department is concerned by the definition of *'regulated content harmful to the general public'* and the omission of any reference to harmful content related to eating/feeding disorders, self-harm and suicide. This is what is sometimes referred to as 'legal but harmful' content, and the Department believes the draft Code needs to be more robust in addressing this content which it is recognised can be extremely harmful to adults.

As outlined in our previous submission, in addition to the harms addressed in Article 28b of the Audiovisual Media Services Directive, the Department of Health is of the view that the code should address wider categories of harmful online content for all users, not just children, as detailed in the 2009 Broadcasting Act, including harmful online content on services by which a person:

- Bullies or humiliates another person;



- Promotes or encourages behaviour that characterises a feeding or eating disorder;
- Promotes or encourages self-harm or suicide;
- Makes available knowledge of methods of self-harm or suicide.

The 2009 Act as amended also specifies a further category of harmful online content relating to 42 criminal offences under Irish law listed in Schedule 3 of the 2009 Act as amended. Examples of offences include:

- Material relating to suicide.

The promotion of suicide and self-harm is a key online harm which should be addressed.

As policy makers our understanding of the role social media can play in suicide clusters and increased ideation is growing, and the code should specifically address this risk through requiring platforms to be proactive in identifying and removing harmful content on behalf of all users.

As currently drafted, the Department does not believe the Code fulfils section 139K of the Online Safety and Media Regulations Act 2022, which indicates that any codes are to make provisions for 'all users.'

6. What is your view on the obligations in the draft Code that relate to what a VSPPS provider must include in its terms and conditions?

The Department welcomes the obligations in the draft Code on VSPPS provider terms and conditions, whereby SPS providers are required to prohibit certain matters and to which anyone opening an account on a VSPPS is asked to agree.

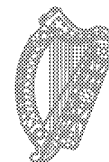
7. What is your view on the requirement in the draft Code for a VSPPS provider to suspend or terminate an account in certain circumstances?

The Department is very supportive of the requirement for VSPPS providers to make provision in their terms and conditions in relation to the suspension and termination of accounts, which they have determined have repeatedly infringed terms and conditions of the service relating to:

- illegal content harmful to the general public,
- regulated content harmful to the general public,
- illegal content harmful to children,
- regulated content harmful to children

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is the Department's view that the requirements in the draft Code on the flagging of content are not sufficiently strong. The draft Code does not specify removal timeframes



and instead requires VSPS providers to set targets with respect to reporting and flagging mechanisms, and regularly evaluate and report to Coimisiún na Meán on performance against those targets.

The Department is of the view that speed of decision making should depend on the nature of the harm being reported and the speed with which content was viewed on different platforms. Our submissions relate to harmful content related to suicide and self-harm in particular, and in our initial submission we outlined that the Department would favour specified timescales for VSPS provider decisions on flagged harmful content.

Timescales are important as distress can occur when a platform does not swiftly act to review a notification by the user. There is a tangible risk of real-time harm occurring to more vulnerable users, requiring targeted obligations for the monitoring of such content.

Action 1.4.1 of *Connecting for Life* centres on engagement with online platforms to encourage best practice in reporting around suicidal behaviour, so as to encourage a safer online environment in this area. Best practice would include timely removal of harmful content and reporting of suspected suicidal behaviour.

12. What is your view on the requirements in the draft Code in relation to complaints?

The Department is supportive of the requirements in the draft Code in relation to complaints.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

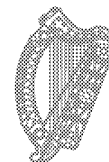
The Department particularly welcomes section 11.2 of the draft Code as a key provision of the new Code, stating as it does that '*Video-sharing platform service providers shall include in their terms and conditions a prohibition on the uploading or sharing of regulated content harmful to children*', which includes content related to eating and feeding disorders, self-harm and suicide.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

The Department is supportive of the requirements in the draft Code whereby providers must provide a report to the Commission on the provider's handling of communications from users raising complaints or other matters every three months from 1 January each year.

22. Do you have any comments on this section of the Draft Code?

The Department is supportive of the approach outlined in section 14 of the draft Code which sets out the provisions for the Supervision and Enforcement of the Code.



Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

The Department strongly welcomes the draft Guidance, outlining as it does that the Commission advises platforms to assist users to identify content that falls within the scope of the Code, including content that promotes eating or feeding disorders, content that promotes or makes available knowledge or methods of self-harm or suicide.

The Department would recommend that the Commission specifically reference these types of harmful content in any samples of best practice guidelines that it plans to publish. To be most useful, guidelines should specify what harmful content can look like – for example, with regard to suicide and self-harm, this can include information on different methods and rationales for suicide, any type of forum that encourages suicide, ‘pact’ websites, content (videos, images, descriptions) that depict suicide or self-harm acts.

Proposed Supplementary Measures and Related Guidance

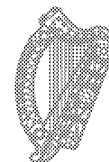
28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

In relation to the proposed supplementary measures for consideration in a future iteration of the Online Safety Code, the Department of Health has a particular interest in provider published online support safety plans, which should contain appropriate and effective measures to support the welfare of users impacted by content covered in the Codes.

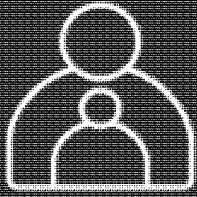
The Department would recommend that in preparing their plans, platforms should provide users with support materials and contact information about organisations who can support their welfare; and consider developing arrangements with organisations that can offer direct support, such as NGOs and relevant health services and supports.

With regard to suicide and self-harm specifically, the Department would request that providers developing such plans should engage with the HSE National Office for Suicide Prevention to access the most relevant and up to date information on services and supports. On the issue of eating/feeding disorders, the HSE and relevant organisations should be engaged.

Under *Connecting for Life*, Action 1.1.3 centres on co-ordinated communication campaigns for the promotion of mental health and wellbeing among the whole population with a focus on protective health behaviours and consistent signposting to relevant support services, and ideally provider online support safety plans would be aligned to these actions and relevant resources.



Finally, the Department notes that the section on online support safety plans references *'contacting local authorities in circumstances where the provider considers there may be an imminent and serious risk to the life or health of a user'* – this point needs to be clarified, what is meant by local authorities? If a provider considers there may be an imminent and serious risk to the life of a user, emergency services would be the most appropriate contact.



NPC

SUPPORTING PARENTS
SUPPORTING CHILDREN

NATIONAL PARENTS COUNCIL
SUBMISSION TO COIMISIÚN NA MEÁN

DEVELOPING IRELAND'S FIRST BINDING CODE FOR ONLINE SAFETY CODE FOR ONLINE VIDEO SHARING PLATFORM SERVICES

JAN 2024



INTRODUCTION

National Parents Council (NPC) is the representative organisation for parents of children in early, primary and post-primary education. NPC was established as a charitable organisation in 1985, under the programme for Government, as the representative organisation for parents of children attending primary school and has been extended to cover parents with children in early years in 2017 and in post-primary in 2022. NPC received statutory recognition in the Education Act 1998.

NPC Vision

NPC want to see an Ireland where every child has the opportunity to reach their full potential.

NPC Mission

NPC exists to ensure that all parents are supported and empowered to become effective partners in their children's education. NPC will work to increase the capacity and capability of the primary education sector, to achieve true partnership and deliver better outcomes for all children.

NPC's Key Activities are:

- Representing the parents' voice in all aspects of their children's education
- Advocacy
- Building participation
- Service delivery



NPC Service Delivery

NPC services are aimed at empowering parents so that they can support their children in all aspects of their education.

Helpline

The NPC helpline is a national confidential service for parents. Their helpline staff listen, give information and support to parents to help them make the best possible decisions for and with their children.

Website

The NPC's website www.npc.ie aims to provide parents with information regarding Early Years, primary, and post primary education. The site also allows parents an opportunity to give NPC their views regarding education issues.





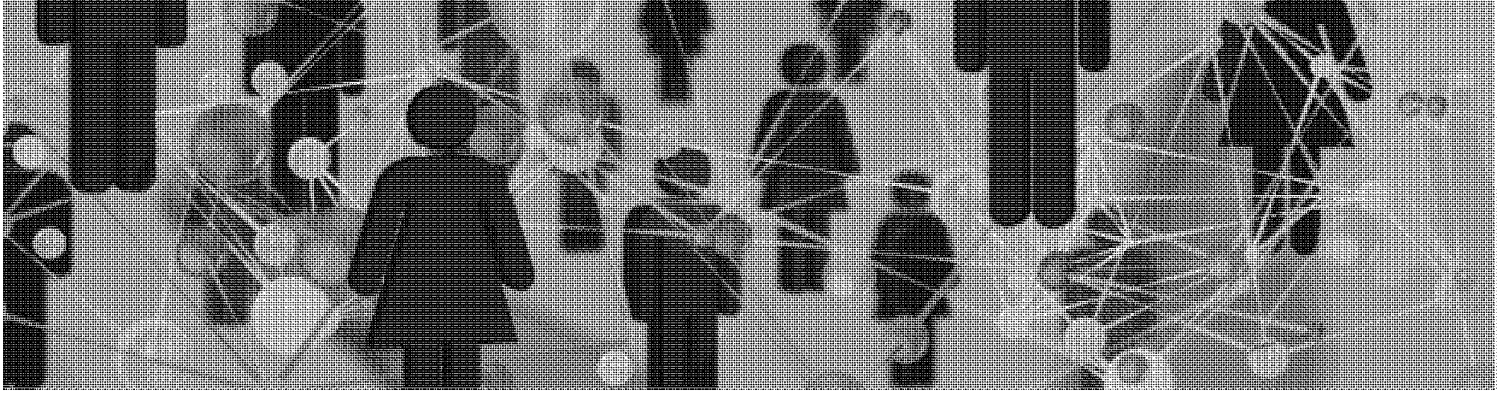
INTRODUCTION

The National Parents Council welcomes the opportunity to respond to some of the consultation questions prepared by the Coimisiún na Meán in relation to the development of the Draft Online Safety Code. In preparing this submission, NPC has taken into account the questions that are relevant to our key stakeholder; parents. On this basis, we developed a survey to hear the insights and concerns of parents around the main issues raised in the set of consultation questions.

After closely reviewing the Draft Online Safety Code, we asked supplementary questions, which we thought would be particularly relevant to parents. This survey, regarding the consultation questions posed by the Commission, was open from Jan 24th-Jan 29th and received a response rate of 312 parents.

The Commission's previous request for consultation (the call for inputs) has also informed this submission as we have used two previous surveys of parents and children. In our initial surveys, we received 595 responses from parents and 82 from children. These surveys ran from the 28th to the 30th of August 2023. We asked for feedback on their and their child's experience of consuming video content as well as their views on important issues in the development of the code.

All surveys were sent to NPC members and those on the NPC contacts database. Links to the surveys were also displayed on our website (www.npc.ie) and on the NPC social media platforms.



Submission Structure:

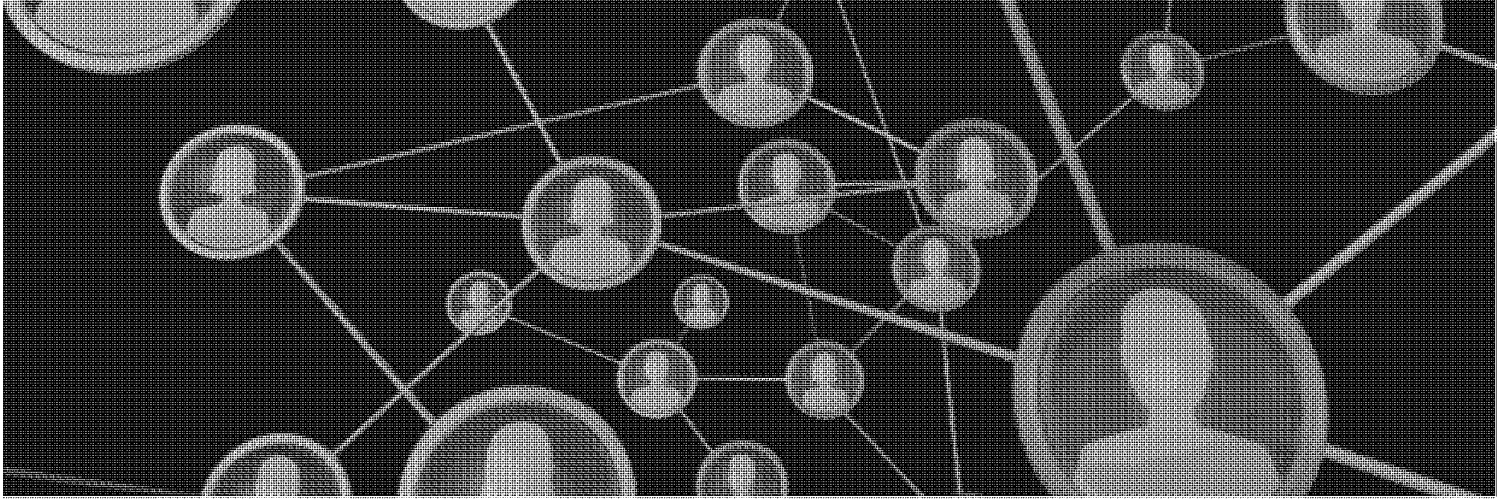
The questions that NPC finds to be relevant to our stakeholders can be found below with our answers to them based on the views of parents. Each question comes under the section that reflects the main areas in it as outlined in the Draft Online Safety Code. Some of the questions have been grouped together in the same section due to their relevance to overlapping areas in the Draft Online Safety Code. All questions numbers referred to are from the list of consultation questions.

Wider Context of Content:

Q. 2 What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

NPC supports the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code.

Comment sections connected to videos shared online are often filled with negative and toxic comments, including insults, threats, and arguments. Parents were asked who they thought should be responsible for regulating the content connected to videos shared online, in particular the comments associated with the videos. 70% of parents thought that comments should be disabled for videos aimed at children, and 22% felt that the comments should be effectively monitored. The remainder of parents were unsure how they felt about this. 54% of the young people surveyed felt that comments should be allowed but they should be monitored.



Definitions:

Q. 3 What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

Q4. What is your view on the other definitions of illegal content and regulated content?

Answer: Here is our answer to Questions 3 and 4 of the Consultation questions, which we combined.

With regard to parents’ views on “illegal content harmful to children”, 48% of parents have found the definition to be inclusive of all kinds of harms, 29% of them believe it does not cover all types of harm, and 18% of them have found it confusing (See figure 1).

● Includes all kinds of harm.	150
● Does not include all kinds of har...	90
● I find this definition confusing.	57
● Other	13

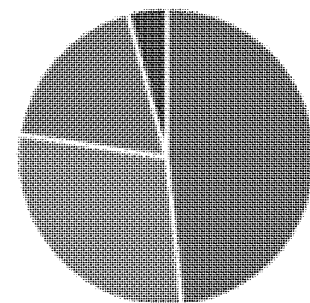


Figure 1

The Draft Online Safety Code includes a definition of “illegal harmful content to children”. The definition is as follows:

‘The definition of “illegal content harmful to children” comprises the relevant categories of offence-based harmful online content defined in the Act (link below). This includes various types of content involved in sexual offences involving children, as well as illegal threats, harassment and grossly offensive communications where the victim is a child, or the content is likely to be seen by a child.’

As a parent, I find this definition:



As for their views on “regulated content harmful to children”, 68% of parents have found it to be inclusive of all types of harm, 20% have said it does not cover all types of harm, and 9% have found it confusing (See figure 2).

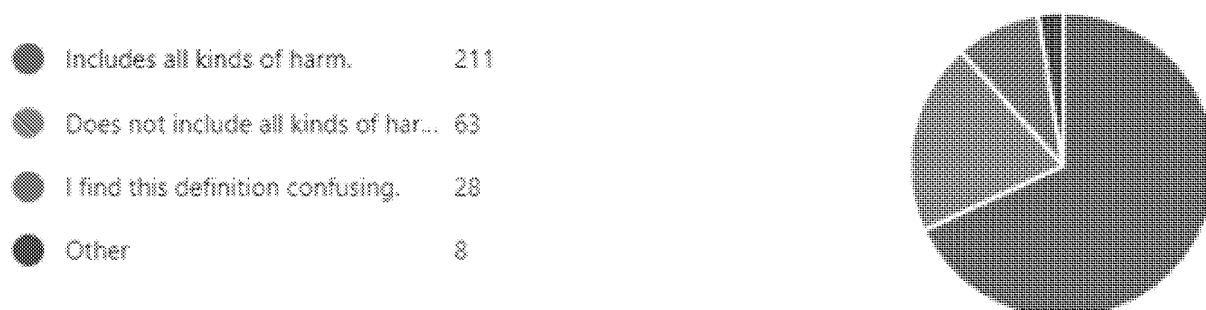


Figure 2

The Draft Online Safety Code includes a definition of “regulated content harmful to children”. The definition is as follows:

‘The definition of “regulated content harmful to children” includes age-inappropriate content such as pornography, and content depicting gross and gratuitous violence. It also includes dangerous challenges and covers a range of content that is included if it poses a risk to the life, physical health, mental health and/or safety of a child: cyber-bullying, encouraging eating or feeding disorders, encouragement of self-harm or suicide, and information about methods of self-harm or suicide.’

As a parent, I find this definition:

5. Do you have any comments on any other definitions provided in the draft Code? All individual comments from parents are included in the appendix below.



Terms and Conditions:

Q. 6 What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

When asked about their views on the obligations of VSPS providers to include regulations and measures that protect children from harmful content, the vast majority of parents (80%) are of the view that the Draft Online Safety Code should set out the specific regulations and measures that VSPS providers should abide by in their terms and conditions. On the other hand, only 8% of parents are in favour of the idea of VSPS providers choosing to set out their own regulations and measures in their terms and conditions. The rest of parents (10%) are not sure about how this aspect should be tackled (Figure 3).

● I agree the platform providers s...	28
● I disagree, the regulations shoul...	251
● I am not sure.	31
● Other	1

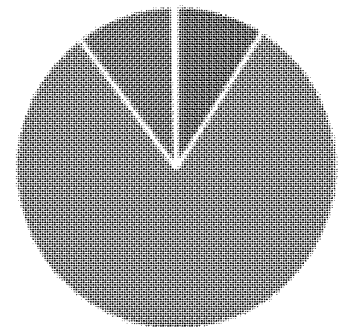


Figure 3

It is proposed in the Draft Online Safety Code, service providers who create video-sharing platforms will be responsible for writing their own regulations and rules, which stop the sharing and uploading of content harmful to children.



Q. 7 What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

According to the Draft Online Safety Code, VSPS providers should make provision in their terms and conditions in relation to the suspension and termination of accounts, and suspend or terminate accounts in certain circumstances. On this basis, we asked parents if VSPS providers should be required to include a strict timeline for when they will remove content that is harmful to children, 99% of parents responded “Yes” (See figure 4).

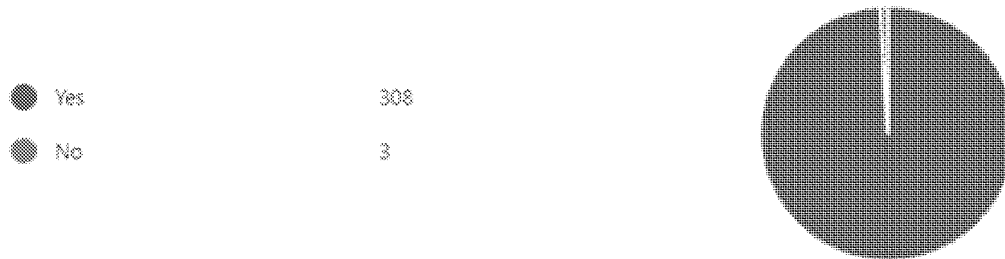


Figure 4

Do you think service providers should be required to include a strict timeline for when they will remove content that is harmful to children?

More specifically, we asked them what the timeline should be, 79% of parents said within 24 hours, 11% of them said within 3 days, and 1% said within 7 days (See figure 5).

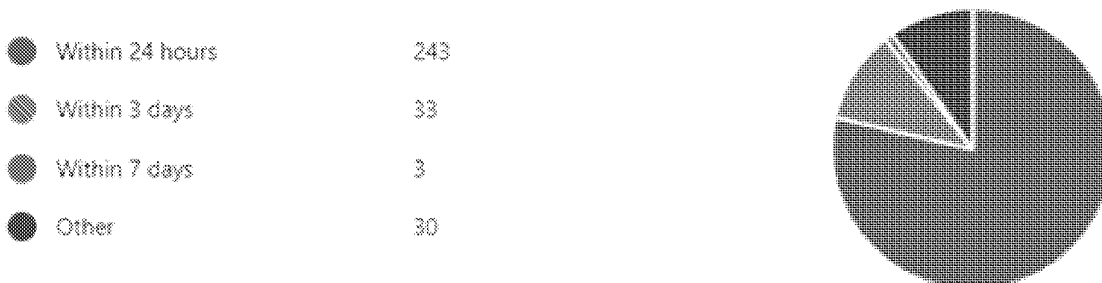


Figure 5

If yes, what do you think the timeline should be?



Complaints:

In this section, we have combined questions 8 and 12 as listed in the consultation questions as they both fit within the area of complaints. We also gave parents the opportunity to suggest features, which would be helpful in reporting content harmful to children

Q. 8 What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

NPC agrees with the Draft Online Safety Code that in order to ensure that reporting and flagging mechanisms are user-friendly, they should have features that make them as such. To inquire about parents' views on the features, we included all four features of the reporting and flagging mechanisms as outlined on page 66 of the Online Draft Code. 284 parents agreed that reporting and flagging mechanism should allow parents to tailor their notification appropriately for different forms of harmful or illegal content,

268 parents agreed that the mechanisms should allow them to state the reasons they believe the content is harmful or illegal content, 251 of the parents agree that the mechanisms should include a range of default options for different kinds of harmful or illegal content and/or harmful audiovisual commercial communications on the service in question, and 244 of them agree that the mechanisms should adhere to national and European requirements with respect to accessibility for people with a disability. (See figure 6).



- Specify the type/category of har... 284
- Explain why as a parent I am fin... 251
- Use methods that are accessible... 244
- If a child reports harmful conten... 268

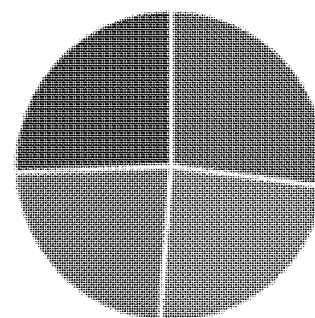


Figure 6

As a parent, I would like online tools that are easy to use in order to report content that is harmful to my child. I agree that these online tools should allow the following (Tick all that apply):

NPC believes if sanctions for posting inappropriate content are clear, that knowing that there are consequences for posting inappropriate content may deter some users from engaging in such behavior in the first place and publicising sanctions can serve as a deterrent to potential rule violators.

According to the Online Draft Safety Code, video-sharing platform services whose purpose is to provide access for adults to content consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty are not required to prohibit the uploading or sharing of that content, provided that the service provider shall implement effective measures to ensure that the service cannot be used by children (Draft Online Safety Code, 2023, p. 49).



When asked if the three measures as set out in the Draft Online Safety Code (Draft Online Safety Code, 2023, p.49) (and above) are stringent enough to keep children safe, the majority of surveyed parents (63%) responded “No”, 21% said “Yes”, and 13% answered “I do not know”(See figure 7).

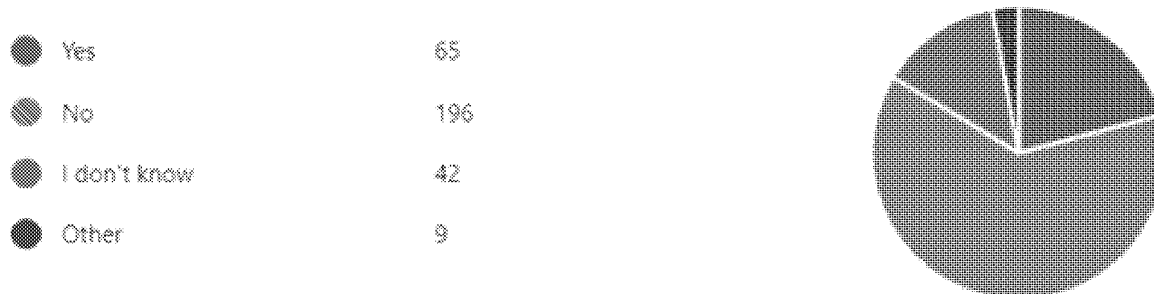


Figure 7

Video sharing platform providers will allow adults to share and upload content not suitable for children. However, they must include rules and regulations in their terms and conditions that protect children from viewing such content.

These rules are as follows:

- 1- The content should be rated as not suitable for children.
- 2- Adult users have to make sure children can't access the content.
- 3- Service providers should use tools to check the age of users.

Do you think these rules are strong enough to keep children safe online?



We asked parents what online tools they need in order for them to report harmful content to children.

All the answers are available in the Appendix, but the most common request was for an easy-to-use system such as a button on the homepage, which would link to a complaints form. Parents also suggested that the complaint be dealt with by a person rather than a robot.

Q. 12 What is your view on the requirements in the draft Code in relation to complaints?

The Commission requires service providers to report at intervals, specified in the code, of not more than 3 months on the provider’s handling of communications from users raising complaints or other matters (Draft Online Safety Code, 2023, p.89). On this basis, we asked parents if this measure is strict enough. Parents’ responses have been as follows: 54% of parents have answered “Yes”, 33% have responded “No”, and 13% of them have said “they do not know” (See figure 8).



Figure 8

The Draft online safety code says each service provider will have to report to the commission every 3 months explaining how they have handled complaints.
Do you think this is strict enough?



Age Verification:

Q. 9 What is your view on the requirements in the draft Code in relation to age verification?

When asked how important it is for parents that the Draft Online Safety Code will require service providers to take effective measures to verify the age of children and ensure that children do not view content aimed at adults, almost all parents (96%) see this as important while only 3% see this as somewhat important (See figure 9).

● Very important	297
● Somewhat important	10
● Not important	1

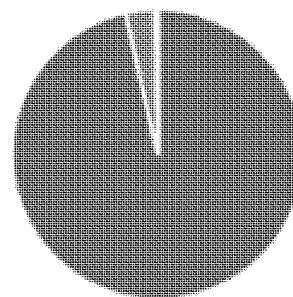


Figure 9

How important is it for you that the Draft Online Safety Code will require service providers to use effective methods that check the age of children to make sure children do not view content that targets adults?



The Online Draft Safety Code proposes a range of age verification techniques geared towards estimating or verifying the ages of children and users. We asked parents which of these techniques they would like VSPS providers to include in their platform to detect under-age users. Out of the 312 parents surveyed, 183 of them wanted Age Verification through hard identifiers to be included by VSPS providers, 107 wanted Tokenized Age Checking using Third Parties as one of the techniques to be included, 58 of parents wanted an Age Estimation technique to be included, 52 of these 312 parents wanted Biometrics techniques to be included, and 35 of them wanted a Self-declaration technique (See figure 10).

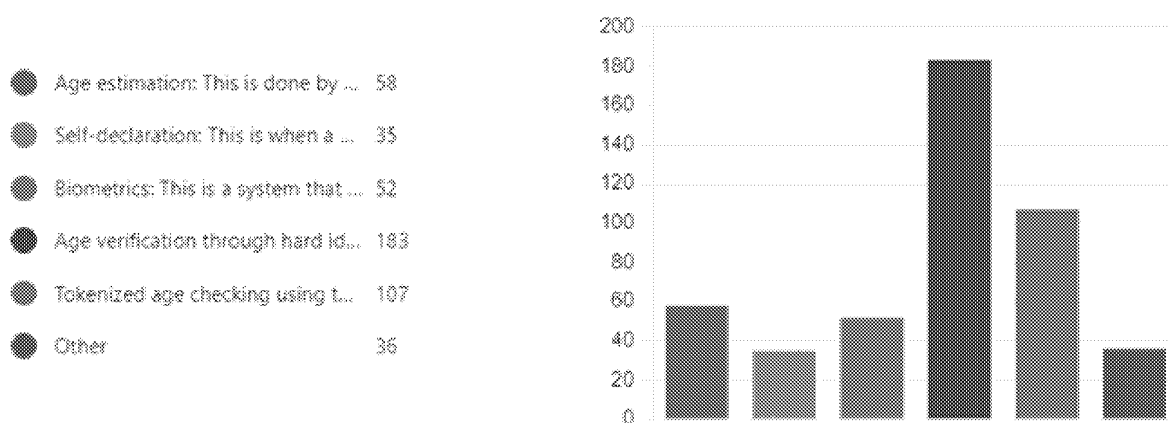
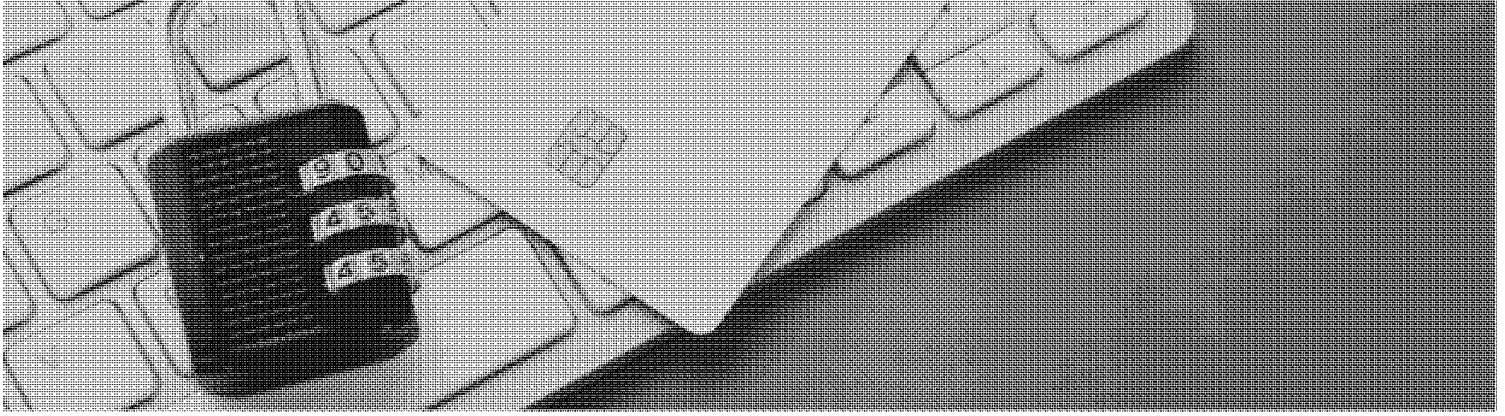


Figure 10

Service providers will have a minimum age for opening a social media account. They must check for under-age users and close their accounts.
 As a parent, which of these ways would you like to be included to identify under-age users?



Given that the Online Draft Safety Code defines a child as anyone below the age of 18, we wanted to know from parents whether content should be restricted in the same way to all children regardless of their cognitive abilities, which vary depending on the old of the child. More specifically, parents were asked if VSPS providers should restrict content to all children under the age of 18 in the same way. Interestingly, half of the parents (51%) believe that content should be restricted to all children regardless of their age. On the other hand, the rest of the parents (46%) believe that restrictions of content should vary depending on the child's age (See figure 11).

- Content should be restricted to ... 161
- Restrictions of content should v... 144
- I do not know. 7

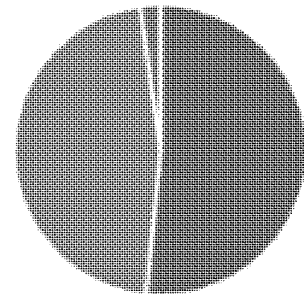


Figure 11

The Draft Online Safety Code suggests providers will restrict content to all children under the age of 18 in the same way. As a parent, I believe:



When asked if it would be effective to have a range of different age bands (e.g. 4-8, 8-13, 14-17), where content is either accessed or restricted based on how old the child is, the majority of parents (70%) responded “Yes” while 30% responded “No”. (See figure 12)

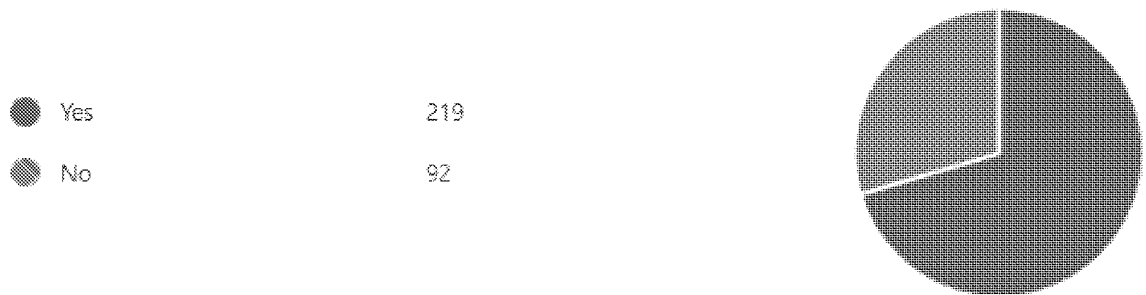


Figure 12

As a parent, I think it is a good idea to have a range of different age bands (e.g. 4-8, 8-13, 14-17), where content is either accessed or restricted based on how old the child is.



Content Rating:

Q.10 What is your view on the requirements in the draft Code in relation to content rating?

Parents were asked if they were familiar with different systems used to rate video content, and 55% of parents stated that they were somewhat familiar with them. The survey then asked what type of system they thought might be most useful to them.

54% favoured a system of age rating similar to that used for cinema content as a way of ascertaining whether content was suitable for their child or not. Some parents stated that they relied on websites such as (Common Sense Media: Age-Based Media Reviews for Families | Common Sense Media) for information about content. 48% of parents were not aware of any content rating information for selecting content on video sharing platforms, and 30% said they had only used them occasionally. 67% of parents felt that video sharing platforms did not provide enough information about their content to allow users to make informed decisions before watching them. 40% of young people said they found descriptions of the content the most useful when deciding whether to view it or not, and 39% said the age ratings were more effective, however, the majority of them (69%) said they were unaware or unsure if they had seen any of the platforms with these descriptions on them. The survey asked the children and young people, if they had seen the descriptions in advance would they have changed their minds about viewing content. 57% said that it may have and 47% said there was not enough information provided by the platforms before they viewed the content.



Parental Controls:

11. What is your view on the requirements in the draft Code in relation to parental controls?

NPC agrees with the Commission that effective controls are necessary in order to allow parents or guardians to protect children from harmful or illegal content and/or harmful audiovisual commercial communications. NPC specifically supports the recommendation of the Commission that video-sharing platform providers in developing and applying parental controls should be premised on the set of features proposed by the code (Draft Online Safety Code, 2023, p.69).

Accordingly, we asked parents which of those features they find to be necessary to protect their children from harmful content. In general, most of the parents have found all 13 features to be necessary. More specifically, the vast majority of parents (296) have highlighted the necessity of a feature that allows for the blocking of access to any accounts the child may encounter that could expose them to videos that may impair their physical, mental or moral development, the feature that received the second highest response rate in terms of its necessity (288 parents) is the default to privacy settings being turned on for a child, and the third highest response (286) was for the feature allowing the limiting of a child's aggregate screen time per day or week to an amount determined by the parent or guardian. As for the rest of the features, the response rate regarding their necessity ranged between 278 - 257 parents supporting the development of such features. Noticeably, the feature that received the lowest response rate from parents (161) is the one where the default to content which is universally suitable for children and when age of the user is unknown (See figure 13).



- A feature that allows a parent to... 286
- A feature that allows for the par... 278
- A feature that allows the parent ... 296
- A feature that allows the parent ... 278
- A feature that allows a parent to... 275
- A function that allows a parent t... 263
- A feature that allows a parent to... 254
- The platform should include a f... 254
- Privacy setting should be autom... 258
- The location of the child should ... 281
- Content that is considered safe f... 163
- The posts of a child should be a... 256
- A feature that allows a parent to... 277

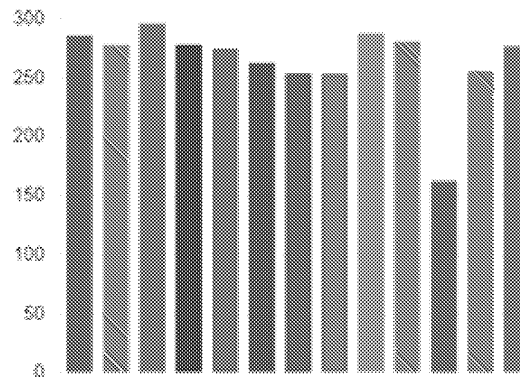
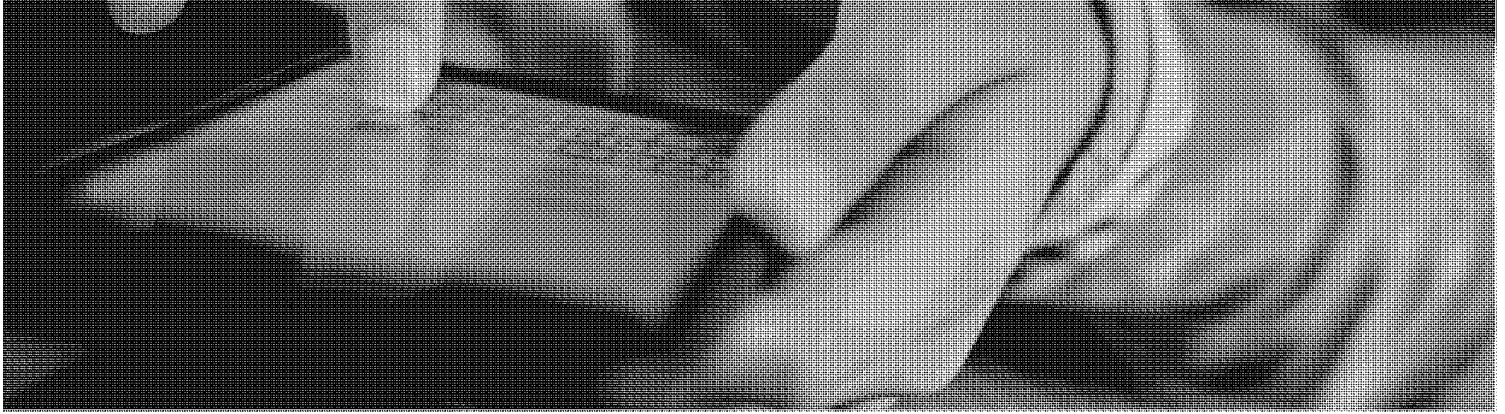


Figure 13

The Draft Online Safety Code will include ways for parents to protect children from harmful or illegal content. For this reason, the Draft Online Safety Code advises service providers to have the following features.



Audiovisual Commercial Communications:

Q.14 What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

Clearly labelling sponsored content in videos aimed at children is essential for transparency. In fact, it helps children and their parents understand that what they are watching is a form of advertising rather than regular content. Declaring sponsored content allows viewers, including children, to make informed decisions about the content they engage with. It helps them distinguish between organic content and promotional material. By clearly marking sponsored content, video platforms could also use this as an educational opportunity to teach children about advertising and the difference between regular content and advertisements. Parents were asked if they thought sponsored content should be clearly labelled and regulated to ensure that children can distinguish between regular content and advertisements, or if they believed that sponsored content should not feature at all in videos aimed at children and such content should be completely separate from videos meant for young audiences. 85% of parents believed that sponsored content had no place in videos aimed at children.



Media Literacy:

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

NPC supports the Commission's recommendation that VSPS providers shall have measures that develop media literacy skills of their users, which should have specific aims as outlined in the Draft Online Safety Code (Draft Online Safety Code, 2023, p.74). NPC therefore wanted to hear the views of parents with respect to the aim of promoting users' understanding of the service, including its functions and features, its content moderation guidelines and its online safety features, and in particular its content rating feature. On this basis, we specifically asked parents if their child is able to understand how a certain platform works, the functions and features of the platform, its content moderation guidelines, online safety features, and its content rating feature. Out of 312 parents, 174 of them think that their child is able to understand how a certain platform works and 131 parents think that their child can understand the functions and features of the platform. In addition, 126 parents think their child can understand content rating features and 104 parents believe their child can understand online safety rules. As for content moderation guidelines, only 73 parents think their child is able to understand what those entail (See figure 14).

- How the platform works: This re... 174
- Functions and features: This refe... 131
- Content moderation guidelines: ... 73
- The online safety rules of the pl... 104
- Content rating feature: this refer... 126

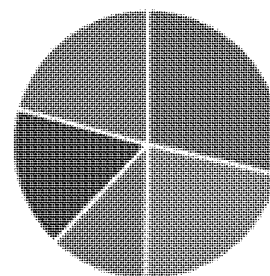


Figure 14

As a parent, I think my child is well able to understand (Tick all that apply):



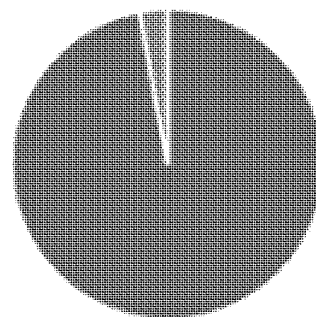
Processing Personal Data of Children:

Q. 19 What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

When we asked parents about how important it is for them that the Draft Online Safety Code will not allow the processing of personal data of children for commercial purposes. Almost all parents (97%) find this requirement to be very important while only 3% find it somewhat important (See figure 15).

Therefore, NPC supports the requirement in the Draft Online Safety Code that Personal data of minors collected or otherwise generated by video-sharing platform providers pursuant to points (f) and (h) of the third subparagraph shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising (Draft Online Safety Code, 2023, p. 97).

● Very important	301
● Somewhat important	9
● Not important	0



(Figure 15)

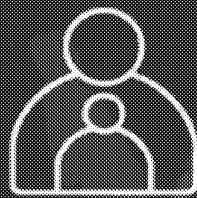
How important is it for you that the Draft Online Safety Code will not allow the use of personal data of children for commercial (business) reasons, except to check their age.



In Conclusion

NPC welcomes this opportunity provided by Coimisiún na Meán to make a submission on the Draft Online Safety Code. In the main, it is clear from the parents' responses that the Code is welcomed and has made a good start in developing regulation in this important area. Parents have told NPC that they struggle daily in their job of ensuring that their children are protected online. They want user-friendly mechanisms to report harmful content, which will be acted on swiftly. Whilst the results of this survey are encouraging in relation to the Draft Online Safety Code, it is also clear that parents would like the code to go further and be more prescriptive in areas such as age verification, take down of harmful content, and parental controls for example.

NPC look forward to the final Online Safety Code being published and are available to the Coimisiún na Meán if any further information or clarification is needed on any of the contents of this submission.



NPC

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SUPPORTING CHILDREN

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Appendix 1 – Responses to ‘Other’ options

The Draft Online Safety Code includes a definition of “illegal harmful content to children”. The definition is as follows:

“The definition of “illegal content harmful to children” comprises the relevant categories of offence-based harmful online content defined in the Act (link below). This includes various types of content involved in sexual offences involving children, as well as illegal threats, harassment and grossly offensive communications where the victim is a child, or the content is likely to be seen by a child.”

I would ideally like to see the word 'violence' also included in this definition. Otherwise ok

I cannot say that this would be a definitive list of all kinds of harm. There may be other types that do not come to mind. No one is the same so what I might interpret as being harmful may not be deemed as harmful for someone else.

Adequate

Grossly offensive communication of all kind including adult victims also should be removed

Doesn't include all types of harm AND is confusing

Definition is dangerously vague and would allow certain content to be unavailable depending on laws passed by a string government. Look at what happens in US (and libraries here) regarding LBGTQ content

Should include sexual offences in general (not just including children)

Does not include all kinds of harm. Needs to include more in physical and mental abuse and violence. Ads need to be considered. For example, children may play age appropriate online games with ads but the ads advertise violent games. This needs to be controlled.

It's mostly exhaustive in its inclusion of types of harm.

encouraging terrorism and methods of terrorist acts such as bomb-making

Wording should include "this includes and is not limited to..."

all harmful content should be made and considered illegal. please share the full definition somewhere that is easy to access. I couldn't find it by following the link.

I don't know if this includes all kinds of harm

The Draft Online Safety Code includes a definition of “regulated content harmful to children”. The definition is as follows:

“The definition of “regulated content harmful to children” includes age-inappropriate content such as pornography, and content depicting gross and gratuitous violence. It also includes dangerous challenges and covers a range of content that is included if it poses a risk to the life, physical health, mental health and/or safety of a child: cyber-bullying, encouraging eating or feeding disorders, encouragement of self-harm or suicide, and information about methods of self-harm or suicide.”

I cannot say that this would be a definitive list of all kinds of harm. There may be other types that do not come to mind. No one is the same so what I might interpret as being harmful may not be deemed as harmful for someone else.

The eating disorder is very important glad to see it inThere

Hate speech, incitement, discrimination speech should be included also

Definition is dangerously vague and can allow certain content to become unavailable depending on laws passed by government

If this content was regulated then it couldn't be allowed anywhere near children however children can be evasive about their age and gain access to such material - that is why I support an outright ban on so-called smartphones and smartwatches in primary schools. Perhaps we need to refer to them as portals to potentially psychologically dangerous content such as pornography and physical violence to drive this point home!

encouraging terrorism and methods of terrorist acts such as bomb-making

not sure. What other types of content were up for discussion but not included in the draft?

I don't know enough about this

Video sharing platform providers will allow adults to share and upload content not suitable for children. However, they must include rules and regulations in their terms and conditions that protect children from viewing such content.

These rules are as follows:

- 1- The content should be rated as not suitable for children.
- 2- Adult users have to make sure children can't access the content.
- 3- Service providers should use tools to check the age of users.

Do you think these rules are strong enough to keep children safe online?

No rules can keep children 100% safe online

All three protections are necessary

Double verification should be required for all of that content. Summary of the content should be provided before being able to access the content.

Due to difficulties that arise from using true age, many children & their parents don't use correct age on setting up. Therefore user ages are NOT accurate. Correlation between likely child computer / game use and children's interaction should be used to prompt date of birth verification.

There are ways around these rules

Not strong enough at all. The service provider should not allow the upload of age inappropriate content without it being strictly governed by the provider. Age regulation is needed and in a stringent manner. There must be a form of automatic or AI type check for content to minimise its upload and incorrect rating.

To some extent

No. But there isn't much adults can do other than talking to their children, informing them, educating them and make rules around the online use.

It's very hard to keep them fully safe but putting these in place goes a long way towards it

Service providers will have a minimum age for opening a social media account. They must check for under-age users and close their accounts.

As a parent, which of these ways would you like to be included to identify under-age users?

The parents should be the ones who can sign them up asking the parents maybe the same details first ;

Parents permission and strict protocols for that permission-there should be no facial recognition or anything like it or children online to verify accounts, far too dangerous.;

Review new Ryanair process for variety of options;

Parent responsibility and or accountability ;

Age checking through parents/ gaurdian approval to sign into platform etc;

Unsure.;

I think sharing a child's biometric with too too is a bad idea. This is a difficult topic but solve this for verify age and not putting a child sensitive data on the internet would be the holy grail of suitable control.;

Parent approval

I don't have a solution but none of the others appeal as they apply to everyone. ;

Hard identifier such as PPS number and Parent's signature consent;

Use a PIN the use of any personal info, documents or biometrics would be completely wrong given that allows formal or informal profiling of people and will sooner or later be hacked.;

I don't know how this can be verified without doing so through an adult ;

Child provides PPSN, which can be obtained from parent and service providers can use APIs to verify if applicant is correct age without state providing exact age or any other details.;

Parent has to set up the account and then assign the child to their an account. Upload of IDs is only ok if there are clear terms and rules around the storage of PII.;

Leave that for parents to select minimum age, some children are special needs;

Can the WiFi provider at a a filter to restrict access to data?;

All are not good at exactly estimating the correct age;

Parental proof;

Ask parents permission ;

Parent/guardian verified, digital declaration;

Parent must verify the account for their child;

Not happy with options;

Self-declaration: This is when a child specifies their own age. ;parents have to verify the age of their child;

A relevant responsible adult verifying child's age;

Child gives age and parent have to verify;

I think noneOf the above are applicable. Children lie about their age on platforms such as tik tok/instagram all the time. I think they should be asked to answer questions appropriate to their age to establish the correct age. There could be a 10/20 question survey before joining these platforms and if they don't have the correct answer then they don't gain access. My son is on a platform in USA that adheres to this policy and it is very successful as they have an interview type method so it's fairly easy to spot an underage person based on the answers they give.;

I don't know enough in this area. Needs to balance data protection with strong ability to check real age ;

Hard identifiers seem to be the surest to verify age, but I suppose once that's done, tokenized age checking can be used for seamless online navigation and access to other services?;

It should need to be verified by a parent and the parent should need to approve via a verified mechanism, providing id or via mygovid or a similar mechanism;

A child being asked to upload there passport or showing their face to who knows who for an "age estimation"!?!?? Is that a joke? Leaving them wide open to all kinds of creeps getting direct access to their personal data. We are talking about innocent children who need to be protected because they dont always know what is real and what's not. Can the parents not give their details and then fine them/jail them if they are found to be facilitating their child to gain access to adult or other harmful content. Make it the parent's responsibility. All the above put the onus on the child.;

I'm not sure ;

information collected on a child's parent to confirm their age if they are under 16 but over the minimum age to open an account;

Dont know ;

I wouldn't like that children have to upload photos of themselves at all. But would rather a different method of verification;

Parents permission has to be given ;

All of the above have downfalls. My preference would be passport but my concern would be data security.;

The Draft Online Safety Code states that self-declaration of age by users is not enough on its own to check the exact age of users, specifically children. What other ways would you like to be included along with the self-declaration measure?

Biometric confirmation. Parent having to upload their own documents and giving approval. I do not believe that a child's identity documents should be used, the parent's ID should be used as guarantor.

I think I'd prefer biometric checks etc. Over uploading passports etc. Both options are flawed but I'd prefer that my child's passport details etc. Are not stored in some third party's cloud that could potentially be hacked. This is all the more true in my opinion if my child has several online accounts.

Biometrics of the face only

a bank card of the parent. And a payment of €0.01. The point is not the money, the point is having a parent supervising. Any kids can upload their ID, but most of them don't have a bank card - or at least when young and more vulnerable. Having them to ask for CC number is already starting a conversation with their parent about why they want to join a platform. The fact that a €0.01 is showing on the bank statement make it difficult to hide.

Hard indentifiers

Parental verification

Submitting ID

Biometrics and passport

ID

Parents have to upload Photo ID of themselves and proof of their guardianship of the child

Children can't consent. They don't understand the dangers. Only parents can consent. Also why is there no mention of the addictive on purpose attributes of social media & videos & games.

Notification sent to parents if child is trying to access online content

Clarified by parent and copy of id

Have the child's account linked to an adults/parents account, who must verify the child's age

Independent age verification service provided by a heavily regulated third party verification provider where any confidential data such as passport scans/ images are reliably protected and do not need to be shared with the online platform.

I don't really like the idea of providing passport information, because it's such a valuable data.

Perhaps an individual could apply for an 'adult' token by providing their passport once, on a secure site. But one of the big issues is that once an adult has access to adult material, there's a risk that children with access to the same hardware can subsequently view the material without needing to provide an age declaration. I think perhaps there needs to be better education around how to safeguard or prevent children accessing age-inappropriate material. How many parents, for example, know how to successfully keep their children off adult youtube etc? We set up children's accounts, but the little blighters have the passwords to all accounts. Maybe facial recognition is the way forward...

Ise of family link app where parent can assign age profile and permission rights

Ask parents permission from parents.

Hard data on the child in token format

Boometrics

Biometrics

Facial scanning or something along those lines

legal responsibility of guardian empathized - a cultural shift is required, many parents are complicit allowing their children to falsify their age - age could be linked to the mobile phone - a sim is usually connected to the user - a passport could be required at time of purchase to ensure correct age is given to new sim owner

ID verification

Hard identification

Not sure except from figuring a way the parents need to be ask first

ID check

Double verification with email and phone number...

Hard identifier such as passport

Childs finger print

Uploading proof of date of birth

Parents or guardian permission and strict measures via the parents permission, such as verifying with both parents/guardians

Age verification by ID that cannot be forged. Parental consent age verification as well as the Age verification ID.

Parental verification.

Confirmation via parents

Parental consent or parents upload their own info as vroroof of consent & age verification.

Passport or ID

Don't know enough about other methods yo suggest one

Validation by passport - possibly consider the upcoming government digital wallet so that children's is would be protected.

Parent responsibility and or accountability

Parent check age and approval from the parent email address

See above

Questions with varying degree of answers that can categorize the Reponses and assign age brackets

Passport

Email to parent/guardian ac to confirm child's input

I would love to see no child under the age of 16 can have a mobile phone. This would need to be implemented across the board it's not enough having it restricted in schools alone. Parents are forced to give in so as not to have their child left behind from their peers but if all kids weren't allowed phones it would make it ela whole lot easier.

I've verified and set age limits for my child on gaming and streaming platforms that use a card refundable payment to verify age.

Hard identifiers needed such as passport if not available signed and stamped declaration from garda to be uploaded with parental signature

Adult input - for example the parent/guardian must approve their child's access to an account by inputting their own sensitive data to approve any access to a specific platform for children. Any notifications from the platform should be emailed to the parents own email address as well as the child.

See earlier answer in 'other' abovr

Na

I believe that children under the age of 16 should not have access to Facebook, tiktok, Snapchat etc as it is damaging and dangerous. The Internet is a fantastic tool but as an experienced mother of the fall out of it the Internet social media is not safe for children under 16

Parental consent from verified user

Parental approval of age bands

Request permission from linked parents account. Difficult currently in all aspects from android to apple devices.

If needed for school verify by schools. This is an issue that teachers respect children in secondary school to have a phone for research etc but then take no responsibility for what children are accessing even while in school phones are used for all sorts of content including bullying

Parents can be in a photo saying the child's age and they give them permission to use the site

Upload ID such as passport

Formal id

Parental confirmation of age. Additional question to the child to validate their age.

Biometrics

Parental and school declaration. It must be an informed choice.

Parent and child's proof of age by passport or PSC

Require adults permission through verification with their email address perhaps

Parental approval

Verification by a parent or guardian

ID

This is the issue as I'm not sure how to go about it, but I don't like the idea of anything visual. A list of favourite things might be able to weed out kids.

If using self-declaration, you could ask for parent confirmation too alongside this, but I think the only way to be fully compliant is to use hard identifiers.

3rd party verification by a parent or guardian.

Use hard identifier such as PPS number and parent's signature

Leave the status quo or some form of offline check maybe a way forward. The creation of online databases of identity documents or biometrics linked to what people view is not acceptable.

Remember this will apply to both adults and children.

Facial age identification

Official identification

Documentation verification

Hard copies of ID. I am concerned any self declaration or biometric system could be overridden

Parents consent with identification

Parent verification is an option. A 'family share' method where parent approves the sign up and also can access the child's account for safety reasons.

Parental control

There should be a mandatory parental consent to open an account, with automatic review rights given to those parents of the content.

Biometrics or facial mapping for age. Anyone can pretend to be any age with self declaration

Not sure but self declaration definitely isn't enough.

This should be reconciled to PPS numbers

As above hard identifiers such as passport id

Parental consent using an MFA type process. The parent has to first see the content being accessed and then either approve or reject. The approval or rejection should be app based.

Passports

ID of parents/Guardians to be required for all interaction regarding children

Parent consent

The guardian/parent must have to set up and upload the token. A PIN should also be entered by the parent. For example Sky television service and X-Boxes request a PIN to be entered for older-age movies - I (the parent) do not share this pin-code with my child and only enter it myself if deem content is appropriate or I am watching it with them.

Parental verification

Patent hard identifier upload as additional requirement, for added safety layer to verify age passport and bank statements (or other proof of residence)

Verification by parents

Via an adult but it's very difficult to confirm

Account linked to parent/guardians phone and that person must give permission

Adult declaration confirming the child's age.

Perhaps an online form to be filled out by the parents of child.

Child provides PPSN, which can be obtained from parent and service providers can use APIs connected to state database to verify if applicant is over the correct age without state providing exact age or any other details, thus violating our constitutional right to privacy.

Parent consent, hard ID,

Technology to help identify underage users of the platform or trying to view content.

email

Declaration made by parents or guardians

Absolutely hard evidence of age must be required to protect children.

Parent verification

Parental/Guardian Access Code Approval

Proof of age, passport, birth cert

Face ID

Not sure

We need as parents way to control social media on phones or any machines

Passport or other legal document

Some form of face recognition or hard date evidence but this brings risks to, which must be managed

I would like the government to have create a public service token based on age for school aged children that can be used in schools and can only be used one at a time. The set up should be easy because they already have cards for public services.

Ask for parental permission

Possibly parent signatures

The providers need to do more than allow self declaration by children. Hard identifiers as outlined above or Tokenized age checking is a good way to do this.

Verification from Adult by uploading of adult Identification or unique number created especially for this.

Online Garda vetting / parent's confirmation by passport etc

Links to parents accounts/devices until the child is 18

An email address

Parental proof

Contact parent via email

Parents declaration

Not sure

authentication / verification by parent or guardian

Maybe a text or WhatsApp with the content for agreement?

Unsure

Have parents set up their account to make sure their age is correct

Declaring a parent/guardian account which verifies the age band of the child.

Parents verify the age of their child.

Parental approval. Copy of passport

hard evidence - passport checks

self declaration is completely useless

Documentation proof of age

By unloading their passport or a relevant document

Passport

parent has to authorise access for the child

Parental verification

Li

Passport etc

Upload id

See 7

Additional Confirmation by a parent or guardian to verify proof of age of child and upload their own identification. Remember Kids can use / Rob/ borrow older age ID easily

Age verification through a parents account. Evidence of age. Parental responsibility to be explicit regarding their child accessing adult content

Passport like online gambling

Token. Set up by a guardian. All child accounts up to 16 years of age for any social media account must be linked to their guardians account for safety.

possibly a declaration for the child's parents confirming their child's age

Parents consent

The need for parents to verify the age, plus a verification from a official side like teacher etc

Hard identifiers: Birth certificate or companies to make contact with parents to verify bone-fides.

That way parents are giving permission and are aware of what their child gets access to.

Parents confirming

Be a named guardian to verify age or give permission

Like a junior revolut account - child can have a "junior" social media account but must be set up through a parents account

Providing a parents contact details, linked to parent's account

Age checking via pps etc and parental consent under a certain age ex 14/15

Maybe an adult has to verify their identity too.

Ask from parents

Parental consent and safety controls through filters

Parental verification

parents should have to upload id

Parental permission and proof of age

Parent verification

Parental/guardian verification and photo id

Passport upload.

PPS verification.

Ask age appropriate question or puzzle

A questionnaire or interview style application to open an account, an underage user would be highlighted by the answers given.

Hard identification even of an adult that allows parent be more aware of what their child is using

Evidence of age by using passport information. The passport number maybe stored only to prevent multiple uses and government agencies may access the system to ensure compliance.

Parent verification as a two step factor for account creation

Above

Proof of age

ID document to verify age

Must be signed off on by a parent - unique code sent to parent.

Make sure to upload parents passport for approval

Parent or guardian should be sent an email with a verification code for the child to proceed when making an account.

Parental or guardian confirmation
Email to parents to verify/confirm the age of the child before the social media account is created.
The declaration could be made by a parent using their verification process such as ID card, driver licence etc. by providing that they take responsibility for declaring their child's age without having to submit child passports or the likes
Permission required from a registered parent.
Parents ID and verification to be included also
As mentioned above
Documents such as passport used as verification
Self declaration doesn't work. An Id upload of some sort possibly.
Secure third party age authentication
Parents/caregivers should take full responsibility. They should have to use biometrics through a third party/public body that will check their child's age against a register (only people accessing this online stuff should have to register their children's birthdates). They should have to use the biometrics every time their child wants access.
Proof of identity
When the parent is purchasing the phone the age so be verified through passport identification and under 18 should not have access to harmful content..as whats coming up on teenage phones is just unbelievable and horrific we are destroying this age group
Some type of passport identifier but not a passport reader.... As in the child's details on the passport need to be safe and not used or seen by others. Perhaps some kind of code
Permission from appropriate adult
Seeking an email verification from a parent from their own email address or from a safety app like Family Link.
Provide upload of ID. More responsibility for parents e.g. fines/repercussions for parents if their child breaches age minimum
Identification check
Self declaration can be mis used and will be by children. Identification needs ti be via official documentation
Age verification through biometrics and hard identifiers combined will reduce the likelihood of underage children accessing this content
Some way of ensuring that a parent is aware that a child has signed up to an account and can put measures in place to keep them informed as to what they're watching e.g. a record of content to parents e mail address
I don't know
Use official identification or have a second declaration that must be input by a parent or guardian using biometrics
Official documentation as hard proof
Have parents verify child's age trough email
A ID verification or ID from the parent staying its correct
Parental consent
I don't know
I do not know
Email their parent/guardian to confirm age
-information collected on a child's parent to confirm their age if they are under 16 but over the minimum age to open an account
-test questions
Ask a few questions that would help determine age
Parents consent
Something like a PPS number

Unsure. Parental/guardian verification with proof of child and parental/guardian ID.
Parent/guardian declaration
Contact details for parent/guardian
Biometrics, hard identifiers
Through parents, somehow
Could upload a handwritten passage. Maybe a "complete this sentence..." or similar and use techniques to decipher the child's age. Or a questionnaire that would decipher the child's age
Biometrics and passport ID
Parent's confirmation
Parents permission and a ban on social media for kids under 16
PPS numbers could be used but as with all measures I could have concerns about GDPR breaches/hacking on sites.
Parent identified as responsive for allowing content
Don't know
These platforms should not be assessable to anyone under 16.
16-18 should have to provide data and the details of a parent to join..the child's account should be in some way then linked to the parent so that they can monitor what is being accessed and viewed by the child

As a parent, what online tools do you need in order for you to report harmful content to children?

Easy to understand how to report. Sometimes it is very difficult and confusing. Make it easy for us to report and block.

Something quick and easy to complete like a Google form and/or survey monkey type portal where you can make your point quickly and easily, also the ability to drop and drag evidence (eg screen grabs, photos etc.) In support of your complaint. Again while using your phone or whatever (when you notice harmful online content that puts your child at risk).

It should be a link on the service provider's page. Quick and easy to report.
a platform where you can report harmful content.

Ability to explain why content is harmful

I'm not sure - other than report content to the provider or in more serious cases contact the guards.

A report button and a timely turn around for staff to answer queries

I don't know

Easy to use form / email that sends me a copy of my submission and acknowledgment from the provider of my submission

The platforms do not take reports seriously. The report should also go to the Garda online unit & Ombudsman for children & Govt could additionally fund expanded remit of these Depts with taxes from the platforms. The perpetrator should not dictate the terms. The platforms are designed to addict children. Address that.

The school app I.e. Alladin

That the site is immediately suspended until review is completed

A simple reporting method

Direct access to regulatory body which can be partnered with content provider to ensure all relevant parties are aware of any issues

There should be a simple to find 'report harmful content' button beside each discrete piece of content.

Clear access to a reporting button (some buttons are very small, or you need to drill down to find then) for each application, that allows me to report to service provider.

Knowledge of access to a link to access the reporting site and a dedicated phone line for same in the event of escalation of the issue

Email where I can report

Pin number to block and also site restrictions/ permission request via Microsoft family etc. kids are not allowed social media accounts

Safe GDPR protected reporting mechanism

I'm not sure

As parents we are often not aware of what harmful content they are exposed to - greater regulation of social media sites is required - phones should not be allowed in schools - the social acceptability of phones with young children needs a cultural change

I'm not sure

Just make it easy and affective

Easy access to raise concerns and a response

Regulators website where the harmful content can be uploaded and reported by an adult

A tool that is easily accessible

Ease of reporting user friendly and instant reporting access

Chat/e mail function

Two way accounts that flag on my side if something is appropriate whether the child has viewed it or not.

Am easy to find reporting tool

Easily accessed and well advertised phone and email information for making a complaint.

?

Ease of sharing information.

User friendly - click options & provide a contact email / mobile for personalised response.

But most important is for the Commission is to engage to with EU & platforms to have defaults requiring knowledge to opt out off rather than the current knowledge level required to operate / set up parental contrails. standardize so that there is one approach to parental controls for example PS5 / Sony Entertainment accounts have the child's account as a subset of the adults versus Epic (Fortnite) which has the parental console accessible via the child's account with pin which needed to be public initially for his friends to invite, actively managed acceptance and then changed to friends / friends of friends only! Christmas 2023 took over 20 hours across several days to painstakingly set-up the necessary - I have a child not a PhD in IT!

Service provider and ad agency hold responsibility and or accountability

Safe website/platform that's linked to ombudsman man

See above

Community Notes or website where we can have an interactive dialogue about the issues we see with the content. Resolution should be shared at the end of the case discussion.

An app based tool?

Training on how to spot it, how to talk to your child about it and Training on how to shield /put in place measures to prevent it reaching your child. Training for parents.

An effective report function.

Once reported harmful content is frozen and cannot be accessed until determined if safe etc

A dedicated, highly trained professional who takes all complaints seriously by thoroughly investigating, responding and taking full action to resolve the complaint.

I assume an in app tool is enough,

N

Strict laws surrounding monitoring and maybe all accounts need to be linked to an adult in order to use

A quick response

Easy to use, direct, specific, quick.

A direct agency to contact to complain and have the content removed effective immediately

A program that covers everything that has been viewed in a time period with red flags on any harmful content- or a complete block which needs parent approval

Link to child's phone...visibility of content viewed on snap chat, Google, safari..

We need to realise that age does not define capability and immaturity especially in teenagers. One teenager can be advanced and understand the repercussions of what they are viewing others are not that savvy therefore need to be protected and parents need to be able to read content easier on phones so it can be a bit more tailored as well to the individual by request. Taking into consideration moral religious and values of parents and children

Email addresses to contact the relevant service providers

App

A very visible "Report function" on all sites with drop down menu (like in outlook to report suspicious emails) & then a response to let me know the query will be reviewed in a timely manner (e.g. like a FOI request which has to be dealt with in x number of days).

Ease of reporting and a human response and follow up.

Speed of response

Clear guidelines on what to do in the event of reporting harmful contents.

Easy to use

A link with a set of questions to answer or to provide the information in my own words

Age restrictions on you tube. No access to other social media channels

They probably exist but the actions are random. As an adult I've seen random results to reports that don't make sense.

Specify the type/category of harm I am reporting as harmful to my child.

Explain why as a parent I am finding the content (image/sound/text) to be harmful to my child.

Option to block content from the specific person that uploaded it.

An easily identifiable link/button that allows content to be flagged. That content should then be immediately flagged as potentially inappropriate to all users while it is investigated.

An icon on the Internet provider screen

Online reporting tools are pretty ineffective and will continue to be so. They are based on what the platform considers harmful content.

Visible easy option on each piece of content to report on it

An obvious Report button and a reply so I know it was sent properly and seen

Easier methods to report

A phone based app and a website

Easy access to report and immediately block harmful material

Easy online tools

Full report abilities and better follow up from providers on decision making and reasons for decisions. Person to person communication.

Report junk

I need in the first instance to be able to review all of the content my children are consuming. It is an arduous and difficult task to trawl through viewing history - there should be an easier tracking tool.

A user friendly content warning disclosure option- most of the time reporting bullying or spam or racism on instagram does not even load correctly or comes back to say it found the results wrong!

Easy access too complicated service providers a human not a machine

Each child account should be linked to a parental one. Parents see what the child sees and can report it without the child's knowledge.

Transparency and obvious methods for reporting

Currently I will report via the app itself. I am very skeptical as to what is done with this feedback. I suspect very little.

A simple box ticking

Tools should be built into the apps themselves and the report should go to the service provider, the parent, and a government body so they are kept in the loop.

In built reporting within apps. Escalation procedures clearly outlined

Wordpad at a minimum.

Accessible information on how and who to report to

A direct contact to report it and follow up

Quick click function to report the content plus a free text space if further detail required. Providers should be required to feedback to those who complained as to what action was taken.

Easy access to the areas on a platform where you can make such reports ie make them clearly visible on the platform

A forum that deals strictly with these issues that parents can discuss and highlight with each other.

A link on the content that provided direct feedback to the provider with an option to provide my email so I can be informed of actions taken should I wish.

Easy access

Easy to access and direct line of communication to report harmful content. The option should be obvious on a page, and not hidden away from view through several layers of chatbot q&a's.

Everything available

Easy to access, direct reporting to the platform & relevant authorities.

Email

Click option

I don't know what we need to make quick complaints.

Google family link or Microsoft family link

Simple easy to use reporting website or app. I need to provide the webpage, the reason, my information and some other basic details. Keep it simple.

I need for a real human to respond to reports and to act on the report. Social media use bots and often reports are shut down without anyone acting on them. This is evident by the same problem cropping up repeatedly.

An app n the specific website would make it easier

It needs to be easy to ascertain how to make these reports if needs be.

a simple "report this content" button on each site and then a clear and concise list to tick to inform them of the type of content.

Away to get image off line asap buy still away to give the content to the Garda

online form

Independent body outside service provider that the service providers are answerable to.

Easy of accessibility / contact information

Email address to report incident

Not sure

quick use portal

Fortunately we have never been in this situation in the past 3 years with little millers I trust them completely

Easily accessible reporting system that is not a black hole!! It need to br monitored and authority for action to be taken immediately in some cases.

An obvious method to flag inappropriate content to service provider and hide the content from showing again.

Easy use platforms

Parental controls using an account for the parent on the same platform.

A platform that hides reported harmful content immediately until it is assessed properly.

all tools available

simple, clear, not involving a password, short

Text message

Unsure
24/7 monitored
Easily accessed report tool
An easy access / user friendly too/hotline/online complaints that is verified and you are given a case number so you can identify your complaint and it can be followed up
A button on the content page with a follow-up reporting form
An app that makes is very easy to report.
Updated information regarding sites that children and young people are using as parents are completely in the dark
Template report of harmful content form and direct response to the report
An easy access complaint link on the site/app
Easy and accessible tools
?
a trustworthy contact and support network, online is not sufficient enough and does not give any feedback whether somebody in listening and taking care of the concern
Traffic light software to alert parents that their child is potentially putting themsleves in danger such as key words that potentially flag in issue without outright monitoring and therefore keeping the trust of the relationships.
Link on page
Something that can't be infiltrated
When you click "report" there is a place to write exactly what you are reporting. Not just a drop down box of random options
I don't know
Moderated checked once a child involved - AI or robotic dealing with report re children not good enough
Easy access to complaint personale.
Email and inbuilt reporting mechanism
not sure
a link to be able to report issues
A means to add detail of why the content is harmful
Content info
Telephone numbers. Email contact, staff dedicated to complaints handling.
A clear And simple method of reporting if you feel that content is harmful to a child or a Child is experiencing any form of online bullying that is causing upset so it can be stopped before it escalates. Maybe something like the child that is doing the bullying gets a warning and then their account is blocked for 24 hrs initially / 48 hours And then an outright ban if they choose to continue. Perhaps IP addresses could be used to establish if harmful content or bullying is coming from a single individual - although children are so tech savvy they can use VPN's etc. When the internet was fairly new in my workplace they had a pop up if you went into social media of any kind and it said "what you are doing is not work related" I remember thinking at the time that it was genius. Perhaps there is a modern day equivalent that could pop up on a child's device saying " the content that you are about to share is upsetting/harmful and may result in a ban from this site and / Or prosecution. Please Consider this before clicking send" And then actually follow through on the warning!
Easy to use and easy to link to your own device so you can monitor the process easily
A simple complaints process that is investigated quickly and competently
Template, telephone number, contact form
Ensure it's straightforward to do
Report button on videos and webpages.
Easy to access form to report other content

Oversight / audit trail of what has been viewed.

Easy report function

A simple to use app

Not sure

Online forms and a button to click to access the link (the complaint form) in the content page e.g. beside "Like" or "Subscribe" buttons.

A flag mechanism that would link to a quick questionnaire to complete regarding the content which will be used to help direct and triage the item for moderation. Each triage level should then have specific targets to meet in terms of turnaround times on addressing the report depending on severity assessed by the questionnaire.

Report/harmful content button, blocking of all further videos from the creator

I want to be able to contact a human being if I have a concern not a robot or AI simulated response. I want ease of access to complaints some websites have it so hidden it's ridiculous. I want my complaint logged and responded to with the correct relevant titles of the respondee recorded such as headed paper name contact information in case it needs to be brought further you need a clear pathway and documented evidence by both parties to say how the issue was dealt with

Transparency is important, it should be easy for a parent to access their child's viewing history. When reporting inappropriate content I would like feedback that the issue is being dealt with and actioned.

One email address to send the details too of the site that is harmful and a quick response time

Easy accessible dedicated website

Online complaints process simplified

Simple access tools online

Easy, accessible, not tokenistic

email? re the above Q 11. number 4. If a child reports harmful online content the service provider should have to report that to the child's parents

Easy to use contact form/survey to detail what content was harmful. Easy to find email address

All the tools in the world and still no reply from tiktok re harmful content and engaged with the very helpful cyber safe Ireland who engaged with yourselves

Easy access to reporting

Easy to use links/apps to access when reporting harmful content.

Easy to use platform that parents can be confident will be followed up on

Don't allow content that is harmful to children.

I need access to view content that my child views. Easy reporting tool. Ability to block content.

Timeliness to remove content

Easy way to contact service providers that require them to respond in a timely manner.

Easy and quick

Something that you can use immediately-a link button

A quick response and action

Easy report features, ads that share an easy process for reporting

Once harmful content is identified it should be blocked for everyone logging in as a child then only unlocked if it is deemed appropriate. It should have a block tick box option and reason for blocking. Standardised complaint form online where you can submit a link to whatever harmful material you have found.

It should be easier to block videos and content on a device. Especially YouTube. You can't seem to block a specific topic, for example GTA 5.

Easier reporting platform

I don't know

A trusted third party regulator

An email address specifically for reporting harmful content, to the specific online platform, such as TicToc. Email provides a parent with proof that a complaint was made & when, esp when no action has been taken to remove same.

Email/chat function

Don't know

Easy to access and transparent tools. Sometimes it can be hard to find where to report things. Ideally parents would be informed if their child has seen harmful content and receive guidance on how to address or who to see support from.

Report it now button beside the content

All of the above

Report section

??!

How to report, who to report to, guidelines for what to look for, how to handle lack of appropriate response

Easy accessible online direct reporting contact number and named organisation

Whatever tool makes it easy and quick for me to report.

When a complaint is made it's needs to be looked at by a 3rd party watchdog asap and be frozen straight away until it's investigated

A complaints body would be useful that would raise the issue with the site. I have found complaints to sites in the past have been dealt with less than satisfactorily.

Access to messages in games such as roblox, chat messages I can see but can't see " in game" messages

Don't know

I think as soon as you as a parent/guardian hit the 'inappropriate' button then the content should be immediately removed by the service provider.

That way the onus is on them to then filter through things, at the minute it seems to be 'ok' for this kind of content to filter through and left up to people to report it as inappropriate...unfortunately that's too late as that means the child has already viewed it..the damage to that child is already done then.

Easy access to reporting is essential & confirmation by the company that they have received the complaint and show that they have dealt with it by return phone call to the person.

Click on screen but require a code logging my report with a response to be provided by email, in the same way a complaint would be managed

Do you think service providers should be required to include a strict timeline for when they will remove content that is harmful to children? If yes, what do you think the timeline should be?

24 Hours is too long if it is harmful. Should be almost immediate.

Depends on severity of content

As soon as possible and within 24 hours

immediately

Immediately especially for the photographic content

Immediate block with the blocked content having right to get unblocked for them within 3 days based on justification & sanction for frivolous reporting.

Immediately, if one parents reports unverified content as unsuitable then it should be automatically removed and queued for checking and the content creator given a notification to reclassify the video for 18+ or wait until it's checked.

Maybe temp block when it is reported to prevent others viewing it, then revert to complainer with outcome within a specified period.

Sooner for personally offensive/embarrassing content

Content should be immediately flagged as potentially inappropriate for younger viewers. All users should see some notification of this while the report is being reviewed. Once deemed inappropriate it should be removed immediately. The uploader should then be excluded from uploading content deemed suitable for children for a period of time.

Within 12 hours

Depends what the content is. Some content may require more consideration before action is taken.

Within 1 hour

within minutes of receiving a complaint

Asap within 15 mins if possible

Content should be removed until it can be checked and deemed safe or not.

2 hours

Immediately

within 3 hours

1 to 2 hours

24hrs is too late? It should be done immediately

immediately

Immediately pending review

Within 1 hour of notification

Depending on the triage level there should be an associated timeliness with the most severe being 24hours

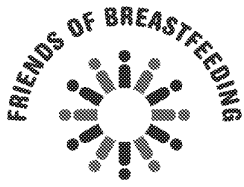
Timeline (up to 7 days max) should vary depending on content

immediately 1-2 hours

30 minutes

Immediately

less than 24 hours



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Submission of Friends of Breastfeeding to Coimisiún na Meán in relation to the Draft Online Safety Code

Friends of Breastfeeding welcomes the opportunity to participate in the public consultation on the draft Online Safety Code for video-sharing platform services.

Friends of Breastfeeding welcomes the development of the Code and believe it will play a vitally important role in regulating online safety, broadcasting and on-demand services. The protections for infant and young child health contained in the Online Safety and Media Regulation Act 2022 are of crucial importance, and as a member organisation of the Baby Feeding Law Group Ireland we are supportive of their work advocating for the inclusion of those provisions in the Online Safety Code and of the Group's submissions to Coimisiún na Meán during the current consultative progress.

Friends of Breastfeeding would like to make representations in relation to the following of the consultation questions circulated on the draft Code as published.

- 2. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?**
- 3. What is your view on the other definitions of illegal content and regulated content?**
- 4. Do you have any comments on any other definitions in the draft Code?**

Omission of Restrictions on Promotion of BMS to Children

Friends of Breastfeeding welcome the Comisiún's intention to ensure that the draft definitions of 'audiovisual communications harmful to the general public' and 'audiovisual communications harmful to children' fulfil the requirements of Article 9(1) of the AVMSD and its recognition of the need to regulate content that may fall within in the harm profile of 'impairment of the physical, mental or moral development of children' as identified in its VSPS Online Harms Evidence Review.

FoBF welcomes the inclusion of “commercial communications in contravention of Irish and European law on the promotion of infant and follow-on formula” in the definition of audiovisual communications harmful to the general public contained in §10 of the draft Code.

It is noted that in the summary of the draft Code it is stated that the definition of audiovisual communications harmful to children also includes communications promoting formula and follow-on formula.



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FoBF would like to see the explicit enunciation of that inclusion in the definition in §10 of the draft Code of audiovisual communications harmful to children, in the same manner as is done for communications harmful to the general public.

Omission of Restrictions on Promotion of BMS

FoBF also notes the Coimisiún's intention to give consideration to restrictions on the promotion of breast milk substitutes and of high fat, salt and sugar foods at a later date in the context of updating other media codes for the AVMS Directive.

We would urge the Coimisiún to reconsider this stance and to undertake this assessment at this stage in the development of the Code. FoBF refers the Coimisiún to the 2023 WHO Guidance on regulation of this form of commercial communications¹ and to the recommendations of the World Breastfeeding Trends Initiative Report for Ireland.²

To fail to provide restrictions now on the marketing of infant and follow-on formula dilutes the efficacy of the Code in its efforts to protect both adults and children from the heightened risks of and harms associated with commercial exploitation, and the negative impact on development and health that can occur as a result of harmful marketing practices in relation to breastmilk substitutes.

Coimisiún na Meán has the remit to go beyond the requirements of Article 9(1) in the Code providing there is no violation of the principles of free movement of goods and services. Including infant and follow-on formulas in the definitions of harmful audiovisual communications within the Code would be proportionate measure for the protection of public health.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters Coimisiún na Meán is required to consider in developing an online safety code?

Co-Regulation and Self-Regulation

The draft Code explicitly refers to self-regulatory bodies on certain commercial communications. At the launch of the OSMR Bill Minister Catherine Martin said the era of self-regulation had come to an end. Article 28(b)(2) of the AVMSD refers to national bodies 'encouraging' co-regulation and self-regulation through the use of codes of conduct. This mandates the Coimisiún to guide such self-regulation, not to defer to it. FoBF urges the Coimisiún to act to assume responsibility for regulation and not to defer to self-regulation on matters related to the Act, and supports BFLGI's call for no reference to, encouragement of,

¹ <https://iris.who.int/bitstream/handle/10665/374182/9789240084490-eng.pdf?sequence=1>

² <https://www.worldbreastfeedingtrends.org/uploads/country-data/country-report/WBTI-Ireland-2023.pdf>



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or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures, in the Code, including in respect of complaints and content flagging to the Coimisiún.

Loophole for Processing of Children's Data

FoBF urges the Coimisiún to strengthen the prohibition on the processing of children's personal data by including within that prohibition consideration given to the collecting of parental data which may identify a child and its potential siblings. In the context of infant and follow-on formulas, examples include baby clubs that collect data about infants' due dates and birth dates. Fertility, pregnancy and parenting apps also collect this type of data. As a result, children have developed a digital footprint linked to marketing databases before they are even born. FoBF echoes BCLGI's recommendation that the Coimisiún take proactive measures to regulate and monitor digital marketing practices related to infant formula and follow-on milk with stricter guidelines, increased transparency, and penalties for misleading advertising.

Friends of Breastfeeding
31st January 2024



**HSE Health & Wellbeing
Consultation Response
Draft Online Safety Code**

31st January 2024

Please find enclosed the HSE Health & Wellbeing response to the Coimisiún na Meán draft Online Safety Code for Video Sharing Platform Services

Introduction

It is recognised nationally and internationally that healthcare systems must prioritise primary prevention, early intervention and improving health and wellbeing to reduce the growing levels of chronic disease and to ensure more sustainable approaches to the provision of health and social care services are developed into the future. Primary prevention aims to prevent harm and disease before it ever occurs by reducing exposure to factors that contribute to causing harm and disease, including environmental, social and commercial, as well as lifestyle factors.

HSE Health & Wellbeing, leads and coordinate a health system wide, evidence-based approach to the implementation of the Healthy Ireland Framework and priority national health policies such as Healthy Weight for Ireland: Obesity Policy and Action Plan, Tobacco Free Ireland, and First Five. HSE Health & Wellbeing collaborate with a range of public health agencies as well. HSE Health & Wellbeing would like to acknowledge that the Irish Heart Foundation acted as primary author for the substantive consultation response, with HSE Health and Wellbeing programmes submitting comments, edits and additional text based on their expertise in the specific subject matter.

Over the last 30 years, similar to other countries in Europe and across the world, the levels of overweight and obesity in Ireland have increased significantly across all age groups, social class and genders. This shift in population level BMI is heavily influenced and shaped by changes in the environment that we are born into, live, work, play and age in. The marketing and promotion of unhealthy foods and breastmilk substitutes is ubiquitous. Furthermore, children of lower SES are more exposed to food marketing than children of higher SES. The unequal effects of these changes mean that our children, young people and adults who experience disadvantage are more likely to live with poorer health for longer and to die prematurely than their peers in more advantaged areas.

Food marketing and marketing of breastmilk substitutes are not only a health concern, it is a children's rights concern. Marketing of foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt is in contradiction of several of the rights enshrined in the Convention on the Rights of the Child, including the rights to health, adequate and nutritious food, privacy, and freedom from exploitation. The UN Committee on the Rights of the Child has stated that the marketing of such foods should be regulated. Furthermore, in 2021, the Committee adopted the comment that the UN Convention on the Rights of the Child explicitly applies in the digital world.

Digital marketing is of special concern because it facilitates engagement, which can amplify the overall impact of marketing compared to traditional mediums. As children and their parents spend more and more of their lives online they are exposed to a rapidly evolving digital marketing landscape. HSE Health & Wellbeing sees the development of an Online Safety Code by Coimisiún na Meán as a timely opportunity to fulfil Ireland's legal obligation to protect these rights in the digital space where children increasingly spend their time.

HSE Health & Wellbeing sees an important role for the regulation of the marketing and promotion of health harming products across multiple channels in creating a healthier environments and reducing exposure to risk factors for chronic disease.

This response outlines concerns regarding online advertising of high fat, salt and sugar foods (HFSS) and breastmilk substitutes and discusses issues with the Coimisiún na Meán proposals in respect of

these foods and products for online advertising. The response also takes the opportunity to address the changing landscape in terms of products containing natural and synthetic nicotine.

The Coimisiún na Meán consultation document deals with a range of topics. Many of these issues are outside the scope and expertise of HSE Health & Wellbeing. Therefore, questions relevant to the work of the HSE Health & Wellbeing are addressed in this response.

Why is the regulation of commercial communication of high fat, sugar, and salt (HFSS) foods so important?

The scale of overweight and obesity in Ireland emphasises the need for comprehensive action. Safefood research estimates that 55,056 children currently living in the Republic of Ireland and 85,688 on the whole island will die prematurely due to overweight and obesity.¹ Research by the World Obesity Federation predicts that by 2025, 241,000 schoolchildren in Ireland will be overweight or obese by 2025 and as many as 9,000 will have impaired glucose intolerance; 2,000 will have type 2 diabetes; 19,000 will have high blood pressure; and 27,000 will have first stage fatty liver disease.² According to the WHO, 65% of the diabetes burden, 23% of heart disease and between 7% and 41% of certain cancers are attributable to overweight and obesity.³ Similarly, the risk of coronary heart disease, ischaemic stroke and type 2 diabetes grows steadily with increasing body mass.

A 2022 World Health Organisation (WHO) Europe region report identified banning online advertising of unhealthy food to children amongst the most promising whole population policies for improving health and tackling overweight and obesity.⁴ This is because, in summary:

Recognition of food marketing across channels begins in infancy

Brand logos are learned and linked to the products they sell before children know their ABCs⁵

- Almost all sales by these major brands are unhealthy⁷. For example, of sales of the top 20 global food and beverage companies, 89% was classified as unhealthy (using the WHO Europe nutrient profile model).
- Much food marketing (across all channels) bypasses conscious choice
- Ubiquitous promotion of unhealthy foods and beverages further normalises harmful eating preferences and practices.

¹ Ivan J. Perry, Seán R. Millar, Kevin P. Balanda, Anne Dee, David Bergin, Laura Carter, Edel Doherty, Lorraine Fahy, Douglas Hamilton, Abigail Jaccard, André Knuchel-Takano, Laura McCarthy, Adam McCune, Grace O'Malley, Laura Pimpin, Michelle Queally and Laura Webber. (2017). What are the estimated costs of childhood overweight and obesity on the island of Ireland?. Safefood ISBN: 978-1-905767-75-5 Publication date: November 2017 [Online] Available from: <https://www.safefood.net/getmedia/07c9ceb0-dd71-4658-b679-cfc40c03e16b/Cost-of-childhood-obesity-Report.aspx?ext=.pdf>

² World Obesity Federation. (2017). Ireland National Infographic. Available from: <http://www.obesityday.worldobesity.org/fullscreen-page/comp-it36nur2/068a7dcd-eb0d-4dd7-9cf6-1220ddc79ef0/60/%3F%3D60%26p%3D%26s%3Dstyle-j84eeb5h>

³ World Health Organisation (2009). Global Health Risks - Mortality and burden of disease attributable to selected major risks. Available from: http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

⁴ WHO Regional Office for Europe (2022). WHO European Regional Obesity Report 2022. Copenhagen. Licence: CC BY-NC-SA 3.0 IGO. [Online] Available from: <https://apps.who.int/iris/bitstream/handle/10665/353747/9789289057738-eng.pdf>

⁵ Tatiow-Golden M, Hennessy E, Dean M, Hollywood L. Young children's food brand knowledge. Early development and associations with television viewing and parent's diet. *Appetite*. 2014 Sep;80:197-203. doi: 10.1016/j.appet.2014.05.015. Epub 2014 May 21. PMID: 24859112.

⁶ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children's Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792-797. doi:10.1001/archpedi.161.8.792. Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

⁷ Bandy L, Jewell J, Luick M, Rayner M, Li Y, Shats K, Jebb S, Chang S, Dunford E. The development of a method for the global health community to assess the proportion of food and beverage companies' sales that are derived from unhealthy foods. *Global Health*. 2023 Dec 1;19(1):94. doi: 10.1186/s12992-023-00992-z. PMID: 38041091; PMCID: PMC10690999 [Online] Available from: <https://globalizationandhealth.biomedcentral.com/counter/pdf/10.1186/s12992-023-00992-z.pdf>

Summary of Recommendations

1. The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink, alcohol, nicotine products and Breastmilk Substitutes, must be addressed in the harms as set out in the Online Safety Codes.
2. The definition of “audiovisual commercial communications harmful to children” should include the additional points:
 - audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
 - audiovisual commercial communications for infant formula and follow-on formula
3. Delete “electronic cigarettes and refill containers” and replace it with “Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS), refill containers oral nicotine products and other nicotine delivery systems.”
4. A publicly available database where Video Sharing Platform Services (VSPS) recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.
5. There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.
6. Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme.
7. Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
8. Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Consultation on Draft Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

On page 38, Section 4 Regulatory Principles Relevant to the Code at subsection 4.3, it notes:

“Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children.”

The 2020 WHO- UNICEF-Lancet Commission on the future for the world’s children noted that “commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing”.

The commercial advertising and marketing of several products, services and brands are associated with poor health. Harmful commodities include but are not limited to unhealthy food and beverages, alcohol, drugs, tobacco, e-cigarettes and breastmilk substitutes. Keeping in line with Section 4.3 of the Draft Code, other relevant sections of the Online Safety Code should specifically regulate harmful commercial advertising and marketing to prevent children’s exposure to such audiovisual commercial communications. Such regulation relating to the digital environment should in no circumstance be less effective than regulation in the offline environment.

Recommendation:

The heightened risks of, and harms associated with, commercial exploitation and negative impact on development and health that can occur as a result of marketing practices of HFSS food and drink, alcohol, nicotine products and Breastmilk Substitutes, must be addressed in the harms as set out in the Online Safety Codes.

5. Do you have any comments on any other definitions provided in the draft Code?

By establishing a robust, clear and comprehensive set of definitions for the Online Safety Code, then no segment of the environment of Video Sharing Platforms should be at a competitive advantage. This is especially so when it comes to the regulation of commercial communications.

Overall, the HSE Health & Wellbeing recommends that harmful products are not exempt from the definitions in the Online Safety Code, both to protect adults and children from harmful communications relating to nicotine products, HFSS food and drink and breastmilk substitutes but also as a means of working towards the overall policy objective of reducing harms given the relationships these products and public health concerns.

- **Definition at page 44: “child” means a person under the age of 18 years.**

Read in conjunction with the statutory guidance and associated explanatory note where it notes that “Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications”, there is a friction and concrete example of the lack of cohesion between statutory and non-statutory mechanisms. As per the [Advertising Standards Authority of Ireland \(ASAI\) guidance note on High Fat, Salt and Sugar \(HFSS\) Food and Non-alcoholic beverages marketing communications](#), “The ASAI Code sets out rules which restrict the advertising of HFSS foods to children under the age of 15.” There is a clear conflict here as the Online Safety Code refers to children as under 18, but self-regulatory bodies (to which the OSC refers and recommends to VSPs) only use under 15s.

Any legislation or regulatory codes which purport to protect children should use the Convention on the Rights of the Child (CRC) definition of children – individuals under 18 years. If policies and codes start to employ different definitions of children in different documents or with respect to different activities, there will be a differential level of protection offered. We cannot accept a situation where policy deems older children’s rights less worthy of strong protection. Moreover, it cannot be the case that the OSC offers protection to children (under 18) from online harms, except in certain circumstances where it promotes self-regulatory mechanisms. This creates hierarchies in the protection of children and undermines the need for comprehensive regulation.

- **Definition at page 4: “audiovisual commercial communications harmful to children” means...**

The definition of “Audiovisual commercial communications harmful to children” excludes HFSS foods and drinks, as well as breast milk substitutes.

In the Public consultation Q&A document, it notes:

“Legal Provisions 1. What legislation is the code based on? The power for Coimisiún na Meán to make Online Safety Codes is contained in Section 139K of the Online Safety and Media Regulation Act 2022. In addition, the Code must address the harms set out in Article 28b of the EU Audiovisual Media Services Directive 2018.”

Section 139K contains the wording:

“Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”

Therefore, Coimisiún na Meán has the power to include these products in the definitions of “Audiovisual commercial communications harmful to children”.

While those harms, audiovisual commercial communication and regulated content harms, referenced in the OSC unquestionably require regulation, and the promotion of unhealthy foods and beverages is often perceived as innocuous in comparison, it is important to note that unhealthy food marketing is, health data show, a silent, slow-burn killer, promoting food preferences, requests and consumption that are shortening the lives of a third of the population, while masquerading as family- and child-friendly source of pleasure.

Indeed, “Unhealthy diets are a leading global public health risk, contributing to all forms of malnutrition (i.e. undernutrition; micronutrient-related malnutrition; and overweight, obesity and diet-related noncommunicable diseases (NCDs)).”⁸

HFSS food and drink marketing is harmful and there is a clear link between food promotion and children’s food preferences, what they buy and what they eat.⁹ Advertising influences how much children eat¹⁰, and can lead to them ‘pestering’ parents to buy unhealthy products.^{11 12} Children are a vulnerable group who have the right to protection from advertising due to their limited capacity to critically understand advertising and marketing practices.¹³ Research shows that children as young as 18 months can recognise brands¹⁴, with preschool children demonstrating preferences for branded products.¹⁵ **Audiovisual commercial communications of these products are harmful to children, and so should fall within the scope of “audiovisual commercial communications harmful to children”.**

The opportunity to protect children online in a meaningful way should not provide loopholes to companies that exploit children’s online activities for profit. Simply leaving HFSS food and BMS out of the definition of harmful audiovisual commercial communications on the basis that they will be addressed in a separate code is insufficient. There is no guarantee that those extra codes will be developed in a timely manner, nor is there certainty as to the scope of these codes. Moreover, and

⁸ World Health Organization (2023) Policies to protect children from the harmful impact of food marketing: WHO guideline. Geneva: World Health Organization [Online] Available from: <https://apps.who.int/iris/rest/bitstreams/1514114/retrieve> pix

⁹ Public Health England (2015). Sugar Reduction: the evidence for action. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470179/Sugar_reduction_The_evidence_for_action.pdf

¹⁰ Emma J Boyland, Sarah Nolan, Bridget Kelly, Catrin Tudur-Smith, Andrew Jones, Jason CG Halford, Eric Robinson; Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults, *The American Journal of Clinical Nutrition*, Volume 103, Issue 2, 1 February 2016, Pages 519–533, <https://doi.org/10.3945/ajcn.115.120022>. Available from: <https://academic.oup.com/ajcn/article/103/2/519/4662876>

¹¹ Gerard Hastings, Laura McDermott, Kathryn Angus, Martine Stead and Stephen Thomson. (2006). The extent, nature and effects of food promotion to children [electronic resource] : a review of the evidence : technical paper / prepared for the World Health Organization. WHO. Available from: http://www.who.int/dietphysicalactivity/publications/Hastings_paper_marketing.pdf

¹² Laura McDermott, Terry O’Sullivan, Martine Stead & Gerard Hastings (2015) International food advertising, pester power and its effects, *International Journal of Advertising*, 25:4, 513-539, DOI: [10.1080/02650487.2006.11072986](https://doi.org/10.1080/02650487.2006.11072986). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2006.11072986>

¹³ Young, B (2003). Does food advertising influence children’s food choices? A critical review of some of the recent literature, *International Journal of Advertising*, 22:4, 441-459, DOI: [10.1080/02650487.2003.11072862](https://doi.org/10.1080/02650487.2003.11072862). Available from: <https://www.tandfonline.com/doi/abs/10.1080/02650487.2003.11072862>

¹⁴ Tatlow-Golden M, Hennessy E, Dean M, Hollywood L. Young children’s food brand knowledge. Early development and associations with television viewing and parent’s diet. *Appetite*. 2014 Sep;80:197-203. doi: [10.1016/j.appet.2014.05.015](https://doi.org/10.1016/j.appet.2014.05.015). Epub 2014 May 21. PMID: 24859112.

¹⁵ Robinson TN, Borzekowski DLG, Matheson DM, Kraemer HC. Effects of Fast Food Branding on Young Children’s Taste Preferences. *Arch Pediatr Adolesc Med*. 2007;161(8):792–797. doi: [10.1001/archpedi.161.8.792](https://doi.org/10.1001/archpedi.161.8.792). Available from: <https://jamanetwork.com/journals/jamapediatrics/fullarticle/570933>

considering the content of the statutory guidance, the statutory standing of any future codes in this area is also unclear. ***This OSC for VSPs may be the one and only chance to subject HFSS food and BMS advertising to meaningful legal controls.***

The explanatory note (page 2) says that “The definitions of “audiovisual commercial communications harmful to the general public” and “audiovisual commercial communications harmful to children” address the requirements of Article 9(1) of the Audiovisual Media Services Directive.” However, given the omission of HFSS food and drink and BMS from the definitions, there is scope for their inclusion in the codes. Coimisiún na Meán can certainly go beyond the requirements of Article 9(1), so long as the rules are compatible with the general principles of EU free movement law, which given the public health interests of children, would be considered appropriate and necessary for protecting public health.

The inclusion, and recognition, of HFSS food and drink advertising as commercial communications harmful to children is proportionate to the scale of childhood overweight and obesity in Ireland, and the consequences for life and long-term health.

The WHO identify the safeguarding of child health and development from harmful commercial marketing, including from formula marketing, as an opportunity for action¹⁶. The exclusion of babies and infants from the protections of this Online Safety Code could therefore undermine its effectiveness as a tool to prevent the evolution of childhood obesity and other harms to the physical health of children.

Breastfeeding is described as a protective factor with regards to obesity development, with research exploring the relationship between breastfeeding and obesity in 22 European countries finding that, compared to children who were breastfed for at least 6 months, the odds of obesity were higher among children never breastfed or breastfed for a shorter period.¹⁷

Overall, we recommend that these products are not exempt from the definitions, both to protect adults and children from BMS marketing, but also as a means of working towards the overall policy objectives of reducing harms given the relationship between breastfeeding and public health.

Recommendation:

The definition of “audiovisual commercial communications harmful to children” should include the additional points:

- audiovisual commercial communications for foods or beverages high in fat, trans-fatty acids, salts or sugars; and
 - audiovisual commercial communications for infant formula and follow-on formula
- **Definition at page 45: “audiovisual commercial communications harmful to the general public” means... audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers;”**

¹⁶ World Health Organization and the United Nations Children’s Fund (UNICEF). (2022). How the marketing of formula milk influences our decisions on infant feeding. Geneva Licence: CC BY-NC-SA 3.0 IGO [Online] Available from: <https://www.who.int/publications-detail-redirect/9789240044609>

¹⁷ Rito AI, Buoncristiano M, Spinelli A, Salanave B, Kunešová M, Hejgaard T, García Solano M, Fijałkowska A, Sturua L, Hyska J, Kelleher C, Duleva V, Musić Milanović S, Farrugia Sant’Angelo V, Abdrakhmanova S, Kujundzic E, Peterkova V, Gualtieri A, Pudule I, Petrauskienė A, Tanrygulyyeva M, Sherali R, Huidumac-Petrescu C, Williams J, Ahrens W, Breda J. Association between Characteristics at Birth, Breastfeeding and Obesity in 22 Countries: The WHO European Childhood Obesity Surveillance Initiative - COSI 2015/2017. *Obes Facts*. 2019;12(2):226-243. doi: 10.1159/000500425. Epub 2019 Apr 26. PMID: 31030194; PMCID: PMC6547266. [Online] Available from: <https://pubmed.ncbi.nlm.nih.gov/31030194/>

This definition comes from Article 9(1) of Directive (EU) 2018/1808 which states that ‘(d) all forms of audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers shall be prohibited.’

While we greatly welcome this measure as it will protect children and teenagers from the harmful advertising of tobacco products and electronic cigarettes, HSE Health & Wellbeing recommends consideration is given to the expansion of the definition of electronic cigarettes to counter the development, promotion, and communication via audiovisual commercial communications of any novel nicotine and non-nicotine products produced by tobacco and e-cigarette companies. As guidance, the World Health Organisation, when describing electronic cigarettes, define these products as “Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS)¹⁸.” We should also be clear that when we reference nicotine, that this includes synthetic nicotine as well as natural nicotine (which is derived from the tobacco leaf).

These industries have a proven track record of exploiting any form of ambiguity in legal definitions and innovating new products that are deliberately designed to evade legal texts so that they can continue to sell their harmful products for commercial gain. This is evidenced by tobacco companies identifying and abusing loopholes in the EU-wide menthol cigarette ban to keep selling their products¹⁹. And just recently, tobacco companies exploiting a legal loophole in the UK to promote flavoured nicotine pouches²⁰.

Nicotine pouches are now being aggressively marketed as regulators worldwide clamp down on electronic cigarettes. Moreover, non-nicotine electronic cigarettes that have the option of adding nicotine after purchase may be deliberately promoted if they are omitted from the definitions or statutory guidance relating to e-cigarettes.

Recommendation:

Delete “electronic cigarettes and refill containers” and replace it with “Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS), refill containers oral nicotine products and other nicotine delivery systems.”

¹⁸ WHO. (2021). WHO REPORT ON THE GLOBAL TOBACCO EPIDEMIC, 2021. Addressing new and emerging products. [Online] Available here: <https://iris.who.int/bitstream/handle/10665/343287/9789240032095-eng.pdf?sequence=1>

¹⁹ Stockton et al. (2021). ‘Impossible to enforce’: Big Tobacco exploiting loopholes in European menthol ban. The Bureau of Investigative Journalism. [Online] Available here: <https://www.thebureauinvestigates.com/stories/2021-11-02/big-tobacco-exploiting-loopholes-in-european-menthol-ban>

²⁰ Das, Shanti. (2023). Influencers and freebies: Big Tobacco’s push to sell nicotine pouches in UK. The Guardian.[Online] Available here: <https://www.theguardian.com/business/2023/jul/30/influencers-and-freebies-big-tobaccos-push-to-sell-nicotine-pouches-in-uk>

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

It is worrying that VSPs are setting their own targets. There is concern that they will set targets that are arbitrary or achievable. Similarly, there are questions on whether VSPs are being left to evaluate their own targets, then reporting their own findings to Coimisiún na Meán who just evaluate if they have met their self-set targets.

Rigorous reporting is needed to avoid VSPs effectively setting their own standards. Currently the industry has the capacity to furnish significantly more information than they do. The code must insist on this. Relying on the VSPs to just report themselves, creates the opportunity for them to just comply, and to be creative in what the targets they set are and the evaluations they will do of their own targets.

12. What is your view on the requirements in the draft Code in relation to complaints?

The content for question 12 is allied to the substantive response in Question 25. There can be no doubt that the issue of complaints, particularly with respect to audiovisual commercial communications, is inextricably linked to the regulatory mechanism in place. In that regard, complaints processes and mechanisms, and the associated bodies or flaggers to be established, should not be industry bodies.

A 2013 systematic review²¹ found significant divergence between the reported impact of marketing regulation (including self-regulation by industry) provided in peer-reviewed journals, or industry-sponsored reports, showing the need for external monitoring. Moreover, of studies evaluating voluntary policies, significantly more studies showed undesirable effects than desirable effects on exposure to, and power of, food marketing. This was not the case for studies evaluating mandatory policies.²²

Self-regulation is dealt with in more detail in Question 25.

²¹ Galbraith-Emami, S. and Lobstein, T. (2013) 'The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review'. *Obesity Reviews*.

²² Boyland, E, McGale, L, Maden, M, Hounsome, J, Boland, A, Jones, A. Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed. *Obesity Reviews*. 2022; 23(8):e13447. doi:10.1111/obr.13447

13. Do you have any other comments on the requirements in section 11 of the draft Code?

The importance of transparency on the part of the services and platforms being regulated, and of the regulatory rules that are imposed on them, must be paramount. In the first instance, platforms and on-demand providers must respond to requests for information from the Commission. Currently, information in the public domain about platforms' approaches to dealing with harmful content is limited, with inconsistencies in the information that is available across platforms - there is no way of assessing the impact and effectiveness of these approaches, either with respect to takedown of material or blocking of legal content. Evaluations are generally conducted by intermediaries and platforms themselves, who have discretion on what to measure and disclose, with the transparency reports provided by many platforms noted not to "represent a comprehensive assessment of the impact of their content governance activities."²³

Indeed, it has been noted that outside of proprietary industry research, there is no independent public data to reliably monitor the extent to which children are exposed to commercial advertising and marketing online, and the impact these powerful and opaque digital marketing strategies have on children's identities, behaviour and development.²⁴

Much more information is required in order to better understand how harmful behaviour is perpetrated online, how harmful content is shared and amplified, and how well digital platforms are responding to improve safety.

Recommendation:

A publicly available database where VSPS recommender safety plan, targets and tri-monthly performance is lodged, for transparency, comparability, EU bench-marking, and for research by universities and civil society.

²³ Mark Bunting. (2018). *Keeping Consumers Safe Online Legislating for platform accountability for online content*. [Online]. Available from:

<http://static1.1.sqspcdn.com/static/f/1321365/27941308/1530714958163/Sky+Platform+Accountability+FINAL+020718+200.pdf?token=lv5b6G14vlcGq8x%2BWRfKHhNTN4%3D> p13

²⁴ Garde, A et al. (2020). General Comment submission Children's rights in relation to the digital environment. [Online]. Available from: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

When considering harmful audiovisual commercial communications that impinge on the rights of children, commercial communications to or at children alone, should not just be considered. While “women are the primary targets of formula milk marketing and have been for decades... Approaches aim to engage women early in their pregnancies to create brand loyalty from then through their children’s infancy, the toddler years and beyond” and these advertising strategies directly undermine children’s health and development. Online Safety Codes should protect all children, not just those old enough to have digital access. Babies and infants are our most vulnerable children and their protection should be extended through the caregiver by shielding the caregiver from infant formula marketing messages. The UN Convention on the Rights of the Child identifies implementation of the International Code of Marketing of Breast-milk Substitutes and strengthening the State’s regulatory framework for industries and enterprises to ensure that their activities do not have adverse impacts on children’s rights as crucial steps to upholding the Convention on the Rights of the Child.

Further content for question 17, linked to the paragraph below, is allied to the substantive response in Question 25.

A 2023 report on protecting children from the harmful impact of food marketing from the World Health Organization and the United Nations Children’s Fund note that “the main stakeholders responsible for implementing effective policies to protect children from the harmful impact of food marketing should be trusted public authorities, as the bearers of a duty to protect children’s rights and public health. Delegation of responsibility to other stakeholders (e.g. sector associations representing the advertising industry or broadcasters) is not recommended as it has been shown to create conflicts of interest at the heart of policy discussions in many countries”.²⁵

Voluntary actions have not been demonstrated to work effectively to protect children from the impact of harmful commercial communications. They are not – and should not be viewed as – an appropriate mechanism to ensure that children are effectively protected from harmful marketing.

Key findings and recommendations from research in this area:

- Food advertising targeting children is pervasive and its influence on children’s behaviour contributes to the childhood obesity epidemic;
- Online food marketing is exploitative, surveillant and violates multiple rights, including children’s rights to health, privacy and freedom from exploitation²⁶
- Advertising standards authorities/ associations are industry bodies. They have little or no formal accountability to government or the public. They are established and financed by the advertising industry. They exist to protect advertising industry interests.
- Similarly, industry-led regulatory mechanisms such as the EU Pledge have been shown to be slow, reactive, weak and not fit for the purpose of protecting children and adolescents from the harmful effects of conditioning to view unhealthy commodities as a source of love, fun and pleasure from infancy onwards.

²⁵ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf> p26

²⁶ Tatlow-Golden, Mimi & Garde, Amandine. (2020). Digital food marketing to children: Exploitation, surveillance and rights violations. *Global Food Security*. 27. 100423. 10.1016/j.gfs.2020.100423.

- The extent of lobbying of governments by unhealthy food corporations – identified as the greatest lobbying spenders of lobbyists for unhealthy commodities and practices in the US²⁷ is such that it makes a mockery of regulatory processes to charge their representatives with safeguarding children and their health.
- The public health objective is to protect children from the harmful effects of food advertising. The advertiser's overriding commercial interest means using advertisements that effectively encourage children to consume unhealthy food. A *clear* conflict of interest exists.
- To devolve responsibility for and monitoring of advertising practice and standards to the advertising industry is a failure of a government's duty of care to its people.
- Government regulation of food advertising to children must be implemented globally.

²⁷ Chung, H., Cullerton, K. and Lacy-Nichols, J. (2024), Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. *Milbank Quarterly*. <https://doi.org/10.1111/1468-0009.12686>

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

“To prevent harm to people’s health and fulfil their obligation under the right to health, States should put in place national policies to regulate advertising of unhealthy foods. States should formulate laws and a regulatory framework with the objective of reducing children’s exposure to powerful food and drink marketing... Companies often voluntarily adopt self-formulated guidelines and standards to restrict Government regulation and respond public demands... However, self-regulation by companies has not had any significant effect on altering food marketing strategies... Due to a variety of reasons, such as the non-binding nature of such self-regulation, lack of benchmarks and transparency, inconsistent definition of children and different nutrition criteria, companies may be able to circumvent guidelines, blunting the intended effect of marketing guidelines they instituted... Owing to the inherent problems associated with self-regulation and public-private partnerships, there is a need for States to adopt laws that prevent companies from using insidious marketing strategies.”²⁸

We do not support the current approach of industry-led self-regulation for online advertising, and believe the system fundamentally needs to change towards stronger independent statutory regulation and enforcement. There is widespread evidence which shows that voluntary and industry-led regulation is ineffective^{29,30,31}, with industry protecting their own interests over public health and other considerations. Such systems are insufficient to undertake the robust regulation required to protect both children and adults from pervasive HFSS advertising^{32,33}.

Problems with self-regulatory complaints mechanisms include:

- Complaint procedures do not provide a level playing field between citizens and industry: they are onerous and time-consuming processes for individual complainants.
- There is a lack of effective enforcement mechanisms such as fines to serve as a deterrent.
- Compliance and informal resolution processes are not open to public scrutiny.

Reflecting responses to other questions 12, 17 and 25, we do not believe the ASAI should be responsible for the day-to-day regulation of the HFSS advertising restrictions. We call for regular proactive monitoring to identify non-compliance. The success of measures contained in the Code cannot rely on reactive complaints alone. Proactive monitoring should be carried out by an independent group with full details on breaches published and pursued for enforcement.

²⁸ UN General Assembly Human Rights Council. (2014). Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover: Unhealthy foods, non-communicable diseases and the right to health. [Online] Available from:

https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-31_en.doc

²⁹ World Cancer Research Fund International (2020). Building Momentum: lessons on implementing robust restrictions of food and non-alcoholic beverage marketing to children. Available at wcrf.org/buildingmomentum

³⁰ Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764.

³¹ Reeve, B. and Magnusson, R., (2018). Regulation of food advertising to children in six jurisdictions: a framework for analyzing and improving the performance of regulatory instruments. *Ariz. J. Int'l & Comp. L.*, 35, p.71

³² Boyland, E.J. and Harris, J.L., (2017). Regulation of food marketing to children: are statutory or industry self-governed systems effective?. *Public Health Nutrition*, 20(5), pp.761- 764

³³ Hawkes, C. (2008). Agro-food industry growth and obesity in China: what role for regulating food advertising and promotion and nutrition labelling?. *Obesity Reviews*, 9, 151-161

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Recommendation:

There should be no reference to, encouragement of, or co-operation with self-regulatory measures in respect of commercial communications, particularly at the expense of statutory measures.

At Page 24, Section 4 Consultation on Draft Statutory Guidance, 4.1.10 Commercial Communications, it notes:

“This indicates Coimisiún na Meán’s plans in relation to developing additional requirements and advises providers to have regard to certain of its Commercial Codes. Providers are strongly encouraged to engage with existing non-statutory regulatory measures in respect of certain commercial communications.”

Unfortunately, it appears that self-regulatory mechanisms are being given credibility and support here, with the statutory guidance explicitly telling VSPs to use and refer to self-regulatory bodies on certain commercial communications i.e. ASAI. This is extremely problematic as this not only gives the ASAI codes moral authority and weight from the State’s Media Commission and Media Regulator, it also then means that their complaint and enforcement systems will be used. Self-regulation is no regulation. Providers should have statutory regulatory measures to draw upon. Moreover, even if enforced rigorously, these self-regulatory mechanisms do not cover a great deal of harmful advertising techniques.

We echo the calls from the WHO and UNICEF that the best way to respect, protect and fulfil children’s rights when it comes to protecting them from harmful commercial communications is to adopt a mandatory, comprehensive regulatory approach, while recognising that steps taken to restrict these harms must integrate both a public health lens and a child rights lens.³⁴

This recommendation complements the recommendation that HFSS food and drink and Breastmilk substitutes are included in the definition of “audiovisual commercial communications harmful to children”, so that these protections enjoy the full application of regulation and statutory supports.

³⁴ UNICEF and WHO. (2023). Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF). [Online] Available from: <https://www.unicef.org/media/142621/file/UNICEF-WHO%20Toolkit%20to%20Protect%20Children%20from%20the%20Harmful%20Impact%20of%20Food%20Marketing.pdf>

Recommendation:

Self-regulatory industry bodies should not be permitted to become nominated bodies as part of the super complaints scheme

In the section “Guidance: Complaints” at page 71, it notes:

“The Commission advises video-sharing platform service providers to reasonably prioritise the notifications they receive about harmful content addressed by the Code from nominated bodies and trusted flaggers provided for in the Act and the DSA.”

Read in conjunction with the Call for Inputs submissions, and more specifically, that of the ASAI, it is important that advertising self-regulatory bodies established in the EU should not be actively encouraged, nor permitted to seek to be a trusted flagger or nominated body under the Code. These bodies would be responsible for flagging content to Coimisiún na Meán. However, we know that their own processes are ineffective and, despite what they show in their own statistics about their effectiveness in responding to complaints, their processes are flawed. There is a slow pace of change with self-regulatory processes.

Bodies like ASAI, funded by industry will be well equipped to propose themselves as a nominated body or trusted flagger as they have capacity to do this. However, the industry cannot be its own watchdog.

In the section “Guidance: Commercial Communications”, at page 71, it notes:

“Commercial communications include advertising, sponsorship, product placement, teleshopping and other forms of marketing. Commercial communications that are harmful to the general public and/or children can have negative impacts on individuals, groups in society and on business. The Commission will develop specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code.”

On this section of the guidance, there are concerns centring around three questions:

- i. Why can the requirements as they relate to commercial communications on HFSS food and drinks and BMS not be included in this Code, or at least referenced? While there is work to be done on the requirements, taking into account many of those requirements in the current broadcasting codes in this area need updating, there is no reason why they must be omitted from this particular code.
- ii. If the additional requirements are being omitted, what mechanism does Coimisiún na Meán envisage will tie this OSC to future OSCs on these commercial communications? Will there be a hierarchy of codes? Is it not better to bring the two together with further guidance notes issued on outstanding issues relating to this regulation? VSPs have responsibility for commercial communications and, given that this Code is laying out the regulatory responsibility for VSPs in this area, inclusive of audiovisual commercial communications, it does not make sense to omit them now, with a view to apply these at a later date.
- iii. Indeed, why not include this as supplementary material? Indeed, in terms of accessibility and ease of application, it is not better to reference these materials now.

We believe all online advertising should be subject to the same level of statutory regulatory control. A straightforward system where all actors are held accountable is preferred and helps to ensure certain actors are unable to shirk their responsibilities.

The section further adds:

“Prior to that, the Commission advises video-sharing platform providers to have due regard to the General and Children’s Commercial Codes of Coimisiún na Meán as they relate to the matters addressed under Article 9(1) of the Audiovisual Media Services Directive. The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland...”

On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Recommendations:

- Remove from the guidance the line “The Commission also directs providers to the Code of Standards for Advertising and Marketing Communications in Ireland.”
- Remove from the guidance the line “On the matter of commercial communications relating to foods high in fat, salt and sugar, the Commission strongly encourages providers to engage with existing non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar.”

Coimisiún na Meán should not refer to non-statutory regulatory mechanisms in its statutory guidance. The absence of, or gaps in, requirements for HFSS food and drink commercial communications should not equate with reference to non-statutory codes being directed to.

On this section, further questions and concerns include:

- i. Is HFSS food and drink advertising regulation for VSPs being left to ASAI and the requirements of those codes until such new requirements are developed in subsequent Coimisiún na Meán codes or is it permanent?
- ii. Who is the responsible authority for these commercial communications now and into the future?
- iii. Is the direction/guidance to ASAI only interim? When the subsequent codes are developed, will these references to existing non-statutory regulatory measures and ASAI be removed?



Coimisiún na Meán Draft Online Safety Code & Draft Statutory Guidance Material Consultation

Response from Danone Ireland
31st January 2024

Danone is a leading food and drink company, with a focus on delivering health, through food and drink, to as many people as possible. With over 740 employees in Ireland, working in the infant and specialised nutrition sector, Danone welcomes the opportunity to respond to the Commission's consultation in relation to the development of the Online Safety Code.

Legitimacy of baby formula

As an organisation, we strongly support the aim and intent of the Online Safety Code in providing “a safer online experience” free from “online harms such as content promoting suicide, self-harm, sexual assault, misogyny, eating/feeding disorders, cyber-bullying, incitement to hatred and violence, racism, child sex abuse material and non-consensual intimate image sharing”, but do not believe that “breastmilk substitutes” qualify as “harmful” audio-visual commercial communications (section 3.3.4 and section 10 of the Draft Online Safety Code).

We know breastfeeding is the best source of nutrition for babies and agree that it should be promoted and protected. When breastfeeding is not feasible or chosen, formula milks are, however, the only legitimate, nutritionally complete alternative during a baby's first year, recognised by leading medical societies and guidelines, including, in Ireland, by the Food Safety Authority of Ireland (FSAI)¹ and the Paediatric Dietitians' Interest Group (PDIG)² of the Irish Nutrition and Dietetic Institute (INDI)³. As such, formula milks cannot be compared to alcohol or cigarettes.

Parents and caregivers want, and deserve, to be educated and empowered to make decisions that work best for them and their families. Some parents cannot breastfeed; some make the personal choice to feed their children partially or fully with formula milks, for a multitude of reasons - whether returning to work; lack of support or personal preference. Parents and caregivers are entitled to receive information and support – on breastfeeding, mixed feeding and formula feeding – to allow them to make the right choice for them and their family – and that all feeding journeys are respected. Incorporating communication on infant and follow-on formula in the Online Safety Code could prevent parents and caregivers from receiving this information with likely unintended negative consequences.

Existing regulation relating to the promotion of baby formula

Commercial communications of baby formula are already governed by the following Irish and European regulatory frameworks:

- 1) Regulation (EU) No 609/2013 of the European Parliament and the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control
- 2) Commission Delegated Regulation (EU) 2016/127 regarding the specific compositional and information requirements for infant formula and follow-on formula and regarding the requirements on information relating to infant and young child feeding:
 - including Article 10, which states that advertising of infant formula shall be restricted to publications specialising in baby care and scientific publications and cannot be marketed via commercial communications to consumers.
 - and Article 11, which states that communications for follow-on formula cannot use any unapproved health or nutrition claims and marketing to women with babies under 6 months or pregnant is prohibited. Article 11 also stipulates that informational and educational materials, whether written or audio-visual, relating to follow-on formula, shall include clear information on all the following:
 - The benefits and superiority of breastfeeding.
 - Maternal nutrition and the preparation for, and maintenance of, breastfeeding.

¹ Food Safety Authority of Ireland (FSAI), Scientific Recommendations for a National Infant Feeding Policy, 2nd Edition, 2011, pg. 59 https://www.fsai.ie/getmedia/833e2b90-1bd3-41a4-8c19-c9273c815ad5/scientific_rec_national_infant_feeding_policy.pdf?ext=.pdf

² Paediatric Dietitians' Interest Group (PDIG) of the Irish Nutrition and Dietetic Institute (INDI) November 2015. <https://www.indi.ie/childrens-health/359-drinks-for-babies-from-birth-to-12-months.html?highlight=WyJpbmZhbhbnQhXQ==>

- The possible negative effect on breastfeeding of introducing partial bottle feeding.
- The difficulty of reversing the decision not to breastfeed.

3) Regulation (EU) No. 1169/2011 on Food Information to Consumers

4) Regulation (EC) no 1924/2006 of the European Parliament and of the Council on Nutrition and Health Claims made on Foods

This regulation is overseen by a range of national bodies and include written, verbal, and electronic communication. Danone Ireland is fully compliant with the above laws.⁴⁵⁶⁷

Voluntary guidelines

Moreover, we, alongside other Dairy Industry Ireland (DII) members, have demonstrated willingness to engage with relevant authorities and ensure strict compliance with the law as it relates to product communication. One example is *The Guidance for Compliance with Food Law When Communicating with Health Professionals about Infant Formula (2021)*, developed by DII and its members in partnership with the Food Safety Authority of Ireland (FSAI).

Danone's responsible marketing of baby formula

When it comes to infant nutrition, Danone Ireland is consistently clear in communications to parents and caregivers that breastmilk is the best source of nutrition for babies.

We lead the industry in responsible marketing of formula and were the first company not to advertise or promote infant formula for children aged 0-6 months in all countries globally, even if permitted by local legislation. We voluntarily extended our Policy on the Marketing of Breastmilk Substitutes⁸ to 12 months, in parts of the world where infant health is more at risk⁹, to help encourage breastfeeding. We have seen other companies unilaterally joining this movement to adopt global standards for formula marketing.

Recognising the great responsibility that we have towards parents and caregivers; Danone provides regulatory training on the marketing and promotion of breastmilk substitutes. New employees involved in the marketing, distribution, selling, education, or governance of formula milks are trained within their first three months and have a clause in their contract pertaining specifically to the application of Danone's Policy on the Marketing of Breastmilk Substitutes. Any influencers or external agencies that we partner with are offered regulatory training, are thoroughly vetted, and have to sign a statement of compliance. Once engaged, all their materials are reviewed and audited by a cross-functional compliance process. This includes regulatory affairs, medical affairs, communications, compliance, and legal. We provide ongoing refresher training with colleagues and partners throughout the year and undertake category specific training if there are changes to legislation.

Consumer and HCP communications audits

In addition to Danone's own company codes and policies, our communication to healthcare professionals (HCPs) is audited annually and, to consumers, on a frequent basis, by the Food Safety Authority of Ireland (FSAI). For HCPs, this includes an audit of all communications materials including, but not limited to, data cards, detail aids and presentations, as well as our websites, such as the (Danone) Nutricia website. For consumer communications, this includes on-pack label and claims verification. Label and claims changes occur for a multitude of reasons including, but not limited to, new product launches, recipe reformulation, change of address or label re-design, nutritional information or change in the country of manufacture. All consumer and HCP communication must also adhere to Food Safety Authority of Ireland (FSAI) and Advertising Standards Authority of Ireland (ASAI) regulation and guidelines.

⁴ Regulation (EU) No 609/2013 of the European Parliament and the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control

⁵ Commission Delegated Regulation (EU) 2016/127 regarding the specific compositional and information requirements for infant formula and follow-on formula and regarding the requirements on information relating to infant and young child feeding

⁶ Regulation (EU) No. 1169/2011 on Food Information to consumers

⁷ Regulation (EC) no 1924/2006 of the European Parliament and of the Council on Nutrition and Health Claims made on Foods

⁸ DANONE POLICY FOR THE MARKETING OF BREAST-MILK SUBSTITUTES

⁹ As per the FTSE-Russell definition, cf. appendix 1 of Danone's Policy for the Marketing of Breastmilk Substitutes

Question 5. Do you have any comments on any other definitions provided in the draft Code?

Definition of “Audiovisual commercial communications harmful to children”

In Section 3.3.4 of the Consultation, it is stated that: “*Audiovisual commercial communications harmful to children*” include communications for alcohol specifically aimed at children and commercial communications in contravention of Irish and European law on the promotion of infant and follow-on formula”. We assume that the reference to infant and follow-on formula here is an error as it does not reflect the definition for audiovisual commercial communications harmful to children set out in page 45 of the Consultation.

Definition of “Audiovisual commercial communications harmful to the general public”

The proposed Code rightfully emphasises the protection of the overall public – and children in particular – from “*all harm to their physical, mental or moral development*”. In particular, this encompasses the concepts of “*prejudice respect for human dignity*”, “*discrimination*”, “*behaviour prejudicial to health or safety*”, “*behaviour grossly prejudicial to the protection of the environment...*”, as per the definitions of section 10 of the proposed Code.

However, we do not agree that infant and follow-on formula should be included in the definition of “audiovisual commercial communications harmful to the general public” for the reasons outlined above and below. Furthermore:

Audiovisual Media Services Directive doesn’t reference infant or follow-on formula

The Consultation states that: the definitions of “*audiovisual commercial communications harmful to the general public*” closely reflect the terms of the AVMS Directive (pg. 15). The Explanatory Note states that: the definitions of “*audiovisual commercial communications harmful to the general public*,” address the requirements of Article 9(1) of the Audiovisual Media Services Directive (pg. 62). However, the AVMS Directive is entirely silent on the issue of infant and follow-on formula and the definition of “*audiovisual commercial communications (ACC) harmful to the general public*” in the Code goes beyond the types of ACC covered by the AVMS Directive.

Article 28b(6) of the AVMS Directive permits Member States to impose, on video-sharing platform providers, measures that are stricter or more detailed than the measures referred to in paragraph 3 of that Article. However, this provision concerns the regulatory measures which can be imposed, not the type of content and ACC which can be subject to regulation. Accordingly, there are question marks over the Commission's inclusion of this type of ACC within a legislative measure which purports to transpose the revised AVMS Directive. Moreover, as it falls outside the scope of the AVMS Directive, any such provision cannot benefit from the country-of-origin principle under same. This means that the measure can only have affect in Ireland, leading to a fragmentation of the EU's internal market (see further below in relation to the DSA). It is clear from the EU legislation governing the marketing of baby formula, that Member States can only regulate within their own jurisdictions and not across other Member States.

As a result, this development cannot be viewed in isolation from the EU's Digital Services Act (DSA), Article 14 of which overlaps with section 12.8 of the draft Code. As the AVMS Directive does not apply to infant and follow-on formula, the following statement in the DSA becomes relevant:

“The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary to avoid and put an end to **fragmentation of the internal market** and to ensure legal certainty” (Recital 4, emphasis added).

“This Regulation **fully harmonises** the rules applicable to intermediary services in the internal market with the objective of ensuring a safe, predictable and trusted online environment...Member States **should not adopt or maintain additional national requirements** relating to the matters falling within the scope of this Regulation, unless explicitly provided for in this Regulation, **since this would affect the direct and uniform application of the fully harmonised rules applicable** to providers of intermediary services in accordance with the objectives of this Regulation. (Recital 9, emphasis added).

Accordingly, the proposal to include infant and follow-on formula in the definition of audiovisual commercial communications harmful to the general public raises questions with regards to compliance with the DSA. We also note that the General Scheme of the Online Safety and Media Regulation Act, which was originally notified to the European Commission for approval, did not contain any reference to infant and follow-on formula.

Section 139K(5) of the Online Safety and Media Regulation Act 2002 provides that “*an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars*”. It is clear that any decision to prohibit the ACCs relating to infant formula or follow-on formula in the Code is **discretionary** and must be:

- in accordance with law; and
- based on the fact that the Commission considers it the subject of public concern.

However, as outlined above, there are concerns over whether this proposal actually complies with EU law. Furthermore, we respectfully submit that any such proposal must be evidence based, but the Commission has provided no evidence to support the view that the illegal advertisement of infant formula or follow-on formula on VSPSs is the subject of public concern or that the illegal advertisement of infant formula or follow-on formula on VSPS is an issue at all. Accordingly, how can it be said that the proposal is effective and satisfies the principle of proportionality. If such evidence does exist, it has not been set out in the Consultation to allow for meaningful commentary on same.

In light of the afore mentioned concerns, existing legislation, and Danone's responsible marketing of baby formula, Danone Ireland asks the Commission to reconsider its inclusion of reference to infant and follow-on formula in the definition for “*audiovisual commercial communications harmful to the general public*”.

Message

From: Orla Twomey [REDACTED]
Sent: 31/01/2024 17:01:19
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code Consultation
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Ms Keville

Thank you for the opportunity to comment on the draft Online Safety Code.

As an overall piece, a general reference to the value of providers engaging with established co- and / or self-regulatory mechanisms would be welcome and we believe beneficial and in keeping with the AVMSD.

We are particularly responding to Statutory Guidance Materials – Online Safety Code - Consultation question 25. (Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?) in relation to the following sections: Guidance: Commercial Communications (Sections 12.1-12.11 of the Code) and Declaration of Audiovisual Commercial Communications (Sections 12.10-12.11 of the Code)

Response: The Advertising Standards Authority for Ireland notes that the AudioVisual Media Services Directive 2018 provides at Article 4a 1 that “Member States shall encourage the use of co-regulation and the fostering of self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall: (a) be such that they are broadly accepted by the main stakeholders in the Member States concerned; (b) clearly and unambiguously set out their objectives; (c) provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at; and (d) provide for effective enforcement including effective and proportionate sanctions.”

In this regard we welcome the various references in the draft Guidance to the existing advertising self-regulatory system and to the fact that at various points, providers are directed to the ASAI Code, are strongly encouraged to engage with non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar, and are recommended to follow the joint guidance developed by Competition and Consumer Protection Commission and the Advertising Standards Authority for Ireland in relation to influencer marketing.

It is noted however that the Commission have signalled that they will develop “specific additional requirements as they relate to commercial communications, including those relating to the promotion of foods that are high in fat, salt and sugar and infant and follow-on formula and these will be applied to commercial communications on platforms falling under the jurisdiction of the Code”.

ASAI is of the view that following the application of Guidance, and the continuing engagement between the long-established advertising self-regulatory rules, the providers and the Commission, further additional requirements may not be necessary nor proportionate. To this end we would suggest that the wording be amended from “*will develop*” to “will consider, over time, whether specific additional rules are required”.

As a supplementary comment, it is noted in the “Summary of Submissions to Call For Inputs - “Developing Ireland’s First Binding Online Safety Code For Video-Sharing Platform Services”, the Advertising Standards Authority for Ireland is classified as an Industry organisation. It would be appreciated if you could amend this to ‘Advertising self-regulatory organisation’.

Also, in the text under Declaration of Audiovisual Commercial Communications (Sections 12.10-12.11 of the Code, the ASAI name should read “Advertising Standards Authority for Ireland”

If you have any queries on the above, please let me know.



Orla Twomey
Chief Executive
Fostering Trust in Advertising



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31 January 2024

Udemy Response to Consultation on the draft Online Safety Code

About Udemy

Udemy's mission is to provide flexible, effective skill development to empower organizations and individuals through its online platform. Various courses can be accessed through Udemy's online skills marketplace (**Udemy Marketplace**) or through its subscription service for organizations (**Udemy Business**).

To access courses on Udemy's platform, users must either purchase the course through the Udemy Marketplace or have a subscription to Udemy Business. Across both the Udemy Marketplace and Udemy Business, Udemy has circa 5 million average monthly users in the EU.

Udemy's Response to the Consultation on the Code

Udemy welcomes the approach of Coimisiún na Meán (**Commission**) to consult on the draft Online Safety Code (**Code**). Udemy supports efforts to make the online world a safer place. The Code has the potential to assist in this objective. Udemy is responding to this consultation as a video-sharing platform service (**VSPS**) designated by the Commission. Udemy seeks to constructively engage with the Commission on the Code to ensure that it operates in a targeted, proportionate, and transparent manner for designated VSPS, in accordance with the purposes and objectives of the Code.

Udemy considers seven types of obligations in the Code to be excessive, disproportionate, and inappropriate when applied to Udemy's online platform. These obligations are:

1. Age verification and associated reporting requirements (section 11.16-11.21)
2. Content rating (section 11.22-11.23)
3. Parental controls (section 11.24-11.28)



4. Complaints (section 11.29-11.31)
5. Media literacy (sections 13.1-13.2)
6. Reporting in relation to complaints (sections 11.15 and 13.4), and
7. Recommender system (listed as a future supplementary measure)

Udemy considers that the above seven specific sections of the Code ought not to apply to Udemy for the following five reasons:

1. Udemy’s specific platform and business model is designed for enterprise-level, professional skills education.

Udemy is *not* a social media platform; it is a platform dedicated to professional skill development. Its content providers undergo a vetting process, its users are required to have accounts, and in most cases, pay to access content on the platform. As a result, Udemy’s platform carries a very low to negligible risk of harmful content circulation.

Udemy functions primarily as a professional skills learning platform, allowing instructors to upload and monetize their courses. Instructors widely recognise that Udemy’s carefully curated professional educational environment stands in stark contrast to a general video platform, such as YouTube. For example, Udemy’s VSPS does not support livestreaming or short video clips.

Unlike some of the other VSPSs designated by the Commission, Udemy does not make video content instantly available when a user attempts to publish content. Before publishing a course on the Udemy platform, instructors must set up instructor accounts which are subject to separate instructor terms ([Instructor Terms](#)) and then undergo an identity verification process ([Instructor Identity Verification Process](#)). Only after successful verification can instructors publish content. Subsequently, this content must then undergo Udemy’s quality review process before it can be published, a process that typically takes up to two business days. Further information on this quality review process is discussed below.

2. Parts of the Code are not designed or appropriate for Udemy’s low risk platform.

Udemy appreciates that the purpose of the Code is to govern how internet users safely interact and share information online. The Code identifies one of its core purposes as requiring VSPS to “*take appropriate measures to minimise the availability of harmful online content and risks arising from the availability of and exposure to such content*” (section 3.1). This section also states that the appropriate measures shall include measures referred to in Article 28b(3) of the Audiovisual Media Services Directive which specifically references the requirement to take into account the legitimate interests of the VSPS.¹

¹ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)



The objectives of the Code place strong emphasis on the protection of children and the prevention of access to illegal and harmful content (sections 4.8 – 4.12). Measures adopted by VSPS under the Code must “*be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided*” (section 4.12).

Yet, the characteristics and functions of Udemy’s VSPS do not pose the risk of sharing illegal or harmful content. These provisions of the Code are essentially irrelevant to Udemy’s operational practices. Due to Udemy’s business model, which revolves around providing an online professional skills platform, the platform poses an extremely limited risk to online safety.

Udemy is a professional skills platform primarily focused on hosting curated video content designed for enterprise-level professional education. The majority of this content is accessible only through paywalls, requiring enrolment in a course for access and therefore minimising the availability of such content and preventing incidental viewing, especially by children. Udemy’s business model is fundamentally incompatible with engaging or targeting underage users. In addition to the fact that the platform is delivered in a manner which is anathema to the posting of harmful content (as distinct from the other designated VSPS whose platforms are in many cases optimised for spontaneous posting) Udemy also implements strict review and moderation activities. This is to ensure the quality of the courses on Udemy’s platform remain consistent with a professional skills development platform. Users are required to have an account to access content on the Udemy platform. Account creation is restricted to those 18 and older. Udemy takes extensive measures to minimize the risk of harmful content being made available on Udemy’s platform through its stringent content and moderation policies and procedures. All content on Udemy’s platform undergoes review, moderation, and categorization by Udemy before being published on the platform.

3. Udemy already exercises significant moderation over the content on its platform.

Udemy has a Quality Review Process that every course must pass in order to be published and discoverable in the Udemy marketplace ([Udemy’s Quality Review Process](#))

Video content must be submitted to Udemy for review before being published. Udemy’s Quality Review Team evaluates every video course submitted to ensure that it meets certain course requirements before being published ([Udemy Course Quality Checklist](#)). Requirements include that the video content is valuable educational content, that the video does not include restricted content, that the video meets certain minimum length and quality requirements, and that individual videos form part of an overall course.

Udemy has comprehensive restrictions on prohibited content ([Restricted Topics](#)). This includes content that is sexually explicit or relates to violence, bodily harm (including self-harm), weapons instruction, illegal or unethical activities, animal cruelty,



misinformation, misleading content, or discriminatory language or ideas. Until a video course undergoes Udemy's Quality Review Process, it will not be available online on Udemy's platform. If a course contains restricted content, it will not pass Udemy's quality review process and will not be permitted to be published on the platform.

As such, video content on Udemy is educational content that is created following prior planning on the part of creators (Planning) and is only published following pre-publication vetting and human review-based quality control by Udemy. As such, there is low to minimal risk of the availability of harmful online content on Udemy's platform.

4. Udemy is already subject to the DSA.

Udemy is an 'online platform' for the purpose of the Digital Services Act (**DSA**). Udemy will be required to comply with a range of important obligations similar in nature and objective to those set out in the Code. From 17 February 2024 when the DSA comes into operative effect, Udemy will be required to:

- Operate a complaint mechanism,
- Enable trusted flaggers,
- Adopt measures against abusive notices and counter-notices,
- Ban targeted adverts to children,
- Adopt a transparent recommender system, and
- Ensure transparency for online advertising.

Udemy notes that the Commission encourages VSPS 'to design these mechanisms so that they comply with relevant provisions of the Code as well as the DSA'. Udemy, however, considers that adopting a subsidiary requirement in the Code to impose the same obligations as the DSA is repetitive and likely to give rise to legal uncertainty given the supremacy of EU law.

5. Udemy is not a VLOP.

Udemy is *not* a Very Large Online Platform (**VLOP**) within the meaning of the DSA, unlike certain of the other VSPS designated by the Commission. Under the DSA, only VLOPs are required to adopt measures such as:

- Risk management obligations
- External and independent auditing
- An internal compliance function
- Codes of conduct
- Crisis response cooperation

Udemy notes that the Code imposes onerous obligations such as a safety by design / systemic safety risk assessment on all VSPS. These obligations have been carefully calibrated, at EU level, to only apply to online platforms that meet the criteria of a VLOP. Udemy considers that it is excessive to impose this analogous obligation on it, where it would not apply under the DSA, as Udemy is not a VLOP.



The Commission must not apply sections of the Code that are disproportionate.

In conclusion, Udemy believes that Irish law provides the Commission with a practical solution to ensure an appropriate level of regulation for the different types and categories of VSPS in line with its statutory objectives. Udemy considers that the Broadcasting Act 2009 (as amended) (Act) obliges the Commission to use its discretion (see section 139L) to either:

- a) specify in its designation decision that certain sections of the Code do not apply to Udemy, or
- b) specify in the Code that certain VSPS are exempt from complying with specific sections of the Code where the level of risk of exposure to online harm is low and/or the level of availability of harmful online content on the platform is low.

This can be reflected in the Register of Designated Relevant Online Services. Indeed, section 7 of the Code provides for the severability of any provision of the Code which is found to be “unlawful, invalid, prohibited, unenforceable or inapplicable (either generally or with respect to a particular video-sharing platform service provider(s)) in any respect”.

Accordingly, Udemy requests the Commission to specify that the seven sections of the Code identified above on page 1 do not require Udemy to adopt mandatory measures. In light of the proportionality requirements in the performance of its functions under section 7(2) of the Act and under section 4.16 of the Code, Udemy consider that it would be disproportionate for it to adopt the seven specific obligations identified above. Udemy reserves its rights to engage with the Commission further on this.

For completeness, Udemy sets out its position in response to each Consultation Question in line with the numbering in the Commission’s Consultation Document.

Consultation Questions

1. Do you have any comments on sections 1 - 9 of the draft Code?

- As drafted, Udemy notes that the Code is applicable to all VSPS designated by the Commission (section 2.2). However, this is directly at odds with statements that the purpose of the Code is to ensure that VSPS take “*appropriate measures*” to protect users from harmful content (section 3.1), that the Code is “*proportionate*” in regard to the “*nature and scale*” of the VSPS, and in light of the “*availability of harmful online content*” (section 3.2). The universal application of the Code to all designated VSPS is overly expansive and means the Code cannot be said to apply proportionately to platforms which are not harmful.
- Udemy notes that the Commission has discretion under the Act as to how to apply the Code where the Commission “*has determined that the code is to apply*”

to the service” (section 139L(1)(a) of the Act). Udemy calls on the Commission to exercise its discretion in respect of Udemy and disapply sections of the Code which are inappropriate and disproportionate. Section 139M of the Act supports this approach, as it lists the factors that the Commission must consider when adopting the Code, which include:

“(c) the need for any provision to be proportionate having regard to the nature and the scale of the services to which a code applies,

(d) levels of availability of harmful online content on designated online services,

(e) levels of risk of exposure to harmful online content when using designated online services,

(f) levels of risk of harm, and in particular harm to children, from the availability of harmful online content or exposure to it”

- Udemy considers that, if the Code were to apply without differentiation to all designated VSPS, the Commission would not have given adequate consideration to the variation in risk of exposure and harm between different platforms. Where, as is the case for Udemy, the level of risk of harmful online content being made available is very low due to the nature of its professional educational service and the considered method of course preparation and curated delivery, the Commission should exercise discretion in the obligations imposed on such a VSPS.
- The purposes and objectives of the Code (sections 3.1 and 4.8 – 4.12) place a strong emphasis on the protection of children and the prevention of access to illegal and harmful content. However, the limited risk posed by Udemy to child users (which comprise a tiny fraction of the Udemy user base and who can only use the platform under direct parental supervision) means for example, imposing mandatory age verification and parental controls – where there is little to no risk of harm – is overly prescriptive and harmful to Udemy’s business model.
- It is permitted for the Commission to adopt this approach and will avoid a scenario where the Commission is implementing and applying a Code, the majority of which is irrelevant to Udemy’s platform, resulting in tokenistic or meaningless regulation. Indeed, when assessing Udemy’s compliance with the Code, the Commission must assess whether compliance is *“practicable or proportionate... taking into account the size of the video-sharing platform service and the nature of the service that is provided”* (section 9).

- On this basis, the Commission must use its discretion and disapply inappropriate elements of the Code to Udemmy.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Udemy does not take a view on this proposal. Udemy curates content and associated descriptive text (such as tagging and other meta data) which are largely designed to accurately describe professional and educational learning content. As such, Udemy does not take issue with the inclusion of user-generated content indissociable from user generated videos.

- 3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?**
- 4. What is your view on the other definitions of illegal content and regulated content?**
- 5. Do you have any comments on any other definitions provided in the draft Code?**

Udemy has responded to Questions 3, 4 and 5 in the following composite response:

Udemy does not take a view on these definitions. Udemy welcomes the Commission's efforts to protect children from harmful online content and to remove harmful content from the internet, illegal or otherwise. The professional educational course content published on the Udemy platform is aimed almost exclusively towards adult learners. Udemy requires that all content hosted on the Udemy platform complies with its standards and policies and content must not come within the Udemy list of Restricted Topics, which includes illegal activities and discriminatory language or ideas. Udemy already has robust measures in place to limit harmful content from appearing on its website (see Udemy's Quality Review Process). For these reasons, the risk of harmful content being made available to either adults or children on the Udemy platform is negligible. Udemy believes that its current measures aptly address any potential issues.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Udemy already lists certain Restricted Topics which are not permitted to be made available on its platform. Udemy considers that these comprehensive prohibitions, combined with ex ante pre-publication quality controls, prevent the uploading of (1) illegal content harmful to the general public, (2) regulated content harmful to the general public, and (3) illegal content harmful to children. Within its Terms of Use, Udemy already provides for detailed Content and Behaviour Rules (see, Trust & Safety). In particular, these rules state that users “cannot post any course, question, answer, review or other content that violates applicable local or national laws or regulations of your country.” In any event, from February 2024 onwards, Udemy’s



Terms and Conditions must also comply with its obligations under the DSA (Article 14).

Accordingly, Udemy considers that there is no cause for the inclusion of additional terms over and above what is already clearly set out in the DSA and in Udemy's Terms of Use and Trust and Safety policy.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

Udemy supports transparent mechanisms to remove platform users who are in violation of its Terms of Use on a continuous basis. In Udemy's case, these follow a linear escalation of penalties for each reported violation, beginning with a warning for the first violation and culminating in a ban (see, [Escalation Process for Policy Violations and Student Content and Behavior Rules](#)).

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

- Udemy considers that the reporting requirements set out in sections 11.14 and 11.15 of the Code are excessive and disproportionate. This particularly applies to the requirement to report to the Commission every 3 months. For low-risk platforms like Udemy, this places an excessive reporting responsibility on it. The Commission will be required to monitor, review, consider and respond to submissions from designated VSPS within the ambit of the Code *without distinction* where some reports are virtually guaranteed to contain frequent flagging and removal of significantly and seriously harmful material and others which are likely to be consistently benign. This adds an unnecessary administrative burden and strain on resources for the Commission.
- Udemy firmly requests the Commission to limit this reporting requirement to those platforms which hit certain thresholds (such as VLOPs), based on size or user base, likelihood of harmful content and children on its platform etc. Where a particular threshold is met, the Commission could then impose the three-monthly reporting obligation. However, low risk platforms should not be subject to mandatory reporting obligations as set out in the Code.
- Udemy already has well-developed reporting mechanisms which allow users to flag issues with the content of a course on the platform, as well as general support queries (see, [How to Report Abuse](#)). In addition, Udemy will be required to implement measures under the DSA (Article 22) to receive notices from trusted flaggers in respect of illegal content and to ensure they are given priority and processed without undue delay. On this basis, we recommend that the requirement for specific reporting mechanisms linked to content flagging or reports be limited in application to more high-risk platforms which do not carry out ex ante content moderation and therefore rely on customer flagging and



reports for the removal of problematic content, such as social media sites or sites which allow livestreaming, which Udemy does not.

- 9. What is your view on the requirements in the draft Code in relation to age verification?**
- 10. What is your view on the requirements in the draft Code in relation to content rating?**
- 11. What is your view on the requirements in the draft Code in relation to parental controls?**

Udemy has responded to Questions 9, 10 and 11 in the following composite response:

Udemy strongly considers that the measures in the Code in relation to age verification (sections 11.16 - 11.21), content rating (11.22 - 11.23) and parental controls (11.24 - 11.28) are excessive, disproportionate, and inappropriate when applied to Udemy's online platform. In light of the characteristics of Udemy's learning platform described below, Udemy considers that applying sections 11.16 – 11.28 of the Code to Udemy would disproportionately affect its business, requiring it to make large-scale and cumbersome technical changes to its worldwide platform. These changes would result in a user journey incongruous and inappropriate for a service offering and marketing itself as a provider of enterprise-level professional educational courses. Udemy does not consider that its platform poses a sufficient level of risk to justify this.

Udemy encourages the Commission to focus on the nature of the content available on a video-sharing platform, whether such a platform is known to be used by children and the level of risk to children of such content, when determining whether specific VSPS are required to introduce specific age verification measures, content rating and parental controls.

The specific protection measures on Udemy's platform are explained further as follows:

- a. Udemy has a Quality Review Process that every course must pass in order to be published and discoverable in the Udemy marketplace. Before video content is permitted to be published on Udemy's platform, Udemy's Quality Review Team evaluates the video content to ensure that it meets certain course requirements, which includes that the video content is valuable educational content and that the video does not include restricted content.
- b. Restricted content is not permitted and is removed pre-publication during the Quality Review Process, which includes content that is sexually explicit or relates to violence, bodily harm (including self-harm), weapons instruction, illegal or unethical activities, animal cruelty, misinformation, misleading content or discriminatory language or ideas (see, [Restricted Topics](#)).
- c. The requirement for registration and the necessity of payment for accessing most of the content available on Udemy's platform minimises the availability of video content on Udemy to children and prevents incidental viewing by children. Every course on Udemy's platform requires registration to access.



Furthermore, most of the content on Udemy's platform is behind a paywall, meaning that a credit card or other payment details are required to access such content, rendering it inaccessible to children. If Udemy receives a report of a child using the platform via their own account and not a parent's account, Udemy immediately closes the account. If a child is found using a parental account, Udemy requests that the parent send a photo confirmation that they are giving their permission. These are effective technical measures to ensure that children are not able to access most of the content on Udemy's platform.

- d. Users of Udemy's VSPS must be over 18 to create an account on Udemy and access its content. In Ireland, persons who are under the age of 18 but above 16 may use Udemy's services only if their account is set up by a parent or guardian who handles any course enrolments and manages their account usage. Anyone who is under the age of 16 in Ireland is not permitted to use Udemy's services. Any violation of these rules will result in Udemy terminating the user's account. The Udemy platform does not support or allow livestreaming, meaning that sections 11.25 and 11.26 of the Code will not apply to it.

In any event, as the Commission is aware, Article 28 of the DSA requires providers of online platforms accessible to minors to put in place *appropriate and proportionate* measures to ensure a high level of privacy, safety, and security of minors, on their service.

In light of the above, Udemy strongly considers that the Commission should exercise its discretion under section 139L(1) of the Act by not imposing age verification, content rating and parental control requirement on Udemy.

12. What is your view on the requirements in the draft Code in relation to complaints?

Udemy already has robust complaint mechanisms. Udemy has developed a dispute resolution mechanism built into its Terms of Use. Udemy does not consider that this is required to be covered by the Code where Udemy will be required to implement an internal complaint-handling system to comply with the DSA (Article 20) and engage with out of court dispute settlement processes under the DSA (Article 21). To avoid legal uncertainty, Udemy requests that overlapping complaints requirements not be applied.

To the extent that the Commission encourages the use of out-of-court dispute resolution mechanisms under section 11.31 of the Code, Udemy encourages the Commission to provide a list of mediators for this purpose. Udemy also considers that this requirement should be limited to complaints from service users within the EU only so as not to create a disproportionate burden on platforms with users across multiple jurisdictions outside the EU.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

N/A

- 14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?**
- 15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?**
- 16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?**
- 17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?**

Udemy has responded to Questions 14, 15, 16 and 17 in the following composite response:

In contrast to the other VSPS whose business model relies, in many cases, on behavioural advertising revenue, Udemy does not generally host audiovisual commercial communications on its platform.

- a. In respect of audiovisual commercial communications which are not marketed, sold, or arranged by Udemy, there is only a limited ability for instructors to market other courses that are available on the Udemy platform (see, [Marketing Tools: Rules and Guidelines](#) and [Bonus Lecture: Rules and Guidelines](#)).
- b. In respect of audiovisual commercial communications which are marketed, sold or arranged by Udemy, Udemy only promotes and markets its own content and services on Udemy's platform. It is not part of Udemy's business practices to engage in harmful or surreptitious marketing, or to host advertisements, or promote alcohol.
- c. In respect of user-generated content that contains an audiovisual commercial communication, instructors who post content on Udemy are made aware that contravening the limits of marketing is a violation of Udemy's policies. Udemy considers that it is readily apparent where user-generated content on Udemy's platform contains an audiovisual commercial communication.

As such, these provisions are of limited applicability to Udemy and Udemy requests the Commission to ensure that the provisions in question are only implemented on a non-mandatory basis.

- 18. What is your view on the requirements in the draft Code in relation to media literacy measures?**

Udemy requests the Commission not to adopt any mandatory requirements in relation to media literacy. Udemy's business model as a professional skills provider encourages

critical engagement with the content it hosts and poses a minimal risk for misinformation.

Udemy requests the Commission to ensure that requirements introduced by the Code are flexible depending on the nature of the platform and the level of risk (e.g., whether content is published in real time and what content moderation practices are in place).

Udemy considers that media literacy requirements will vary based on the type of platform and particular circumstances, and as such any reporting requirements in relation to media literacy planning, such as at section 13.2 of the Code, should be on a voluntary basis only.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Udemy has outlined the inapplicability of obligations in relation to age verification and parental controls above. Children may only access content on the Udemy platform with the direct involvement of a supervising adult. As such, Udemy is of the view that these requirements are unnecessary and that this provision of the Code should not apply to Udemy.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

Under the DSA, Udemy will report on its complaint handling metrics annually (Article 15). Udemy strongly considers that it is not appropriate for the Code to impose more frequent reporting obligations on Udemy as it does not constitute a VLOP. Accordingly, Udemy requests the Commission to disapply this obligation in its case.

Udemy recommends that the requirement for reporting complaints every three months be limited in application to more high-risk platforms and those which reach certain usage thresholds, such as a quantity of complaints or subject matter of complaints within a specific timeframe, after which the platform should be required to meet enhanced reporting standards. Low risk platforms should not be subject to disproportionate reporting standards.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

As outlined above, Udemy does not consider that measures in relation to media literacy and the processing of children's personal data apply to its business, owing to the nature of its content provision. Further, there is an existing complaints and dispute resolution mechanism in place at Udemy.

22. Do you have any comments on this section of the Draft Code?

Udemy welcome a constructive approach to supervision and enforcement of internet regulation where this is scoped and appropriate to the systems in place at each VSPS.

23. Do you have any comments on the Annex?

Udemy does not take a view on the contents of the Annex beyond its comments above in relation to the definitions it contains in response to Consultation Question 3.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

As outlined at Consultation Question 1, Udemy considers that the Code in its current form would apply too broadly and fails to differentiate between platforms which pose varying levels of risk (as intended by section 139M of the Act). This creates disproportionate obligations for low-risk platforms which are unsuitable and unnecessary for the Udemy business model.

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Certain aspects of the draft Statutory Guidance materials introduce requirements which are excessive for certain VSPS, particularly in relation to Age Verification, Content Rating, and Parental Controls. Udemy has set out above its reasons why those obligations should not apply to its platform. Udemy notes that the Commission is required to take into account the following when drafting such draft guidance:

"(d) the need for any provision to be proportionate having regard to the nature and the scale of the services concerned,

(e) levels of availability of any online content, and of age-inappropriate online content, on relevant online services,

(f) levels of risk of exposure to harmful online content, or of exposure of children to age-inappropriate online content, when using relevant online services,

(g) levels of risk of harm, and in particular harm to children, from the availability of such content or exposure to it,"

As previously described, the levels of availability of harmful content and of risk of exposure or harm caused by content are low to negligible for the Udemy platform. Udemy does not consider that adequate consideration has been given to the matters listed in section 139ZA of the Act when drafting this guidance to be applied mandatorily to all VSPS without differentiation.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

As outlined above, Udemy considers that many of the harms that the Code seek to mitigate against are not relevant to how Udemy operates. The Commission must only



apply those sections of the Code that are relevant to a designated VSPS to ensure the appropriate level of regulation for different types and categories of VSPs in line with statutory objectives.

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

Udemy considers that the Commission must disapply the seven specific aspects of the Code identified in introduction above to Udemy. The Commission is empowered to take this approach under section 139L of the Act. This will enable the Commission to pursue its aims under the Act and the objectives of the Code itself more efficiently and meaningfully by focusing on those providers which pose true risks to online safety. It will also mitigate the risks of undermining the Commission's purpose through the creation of unnecessary or inappropriate administrative burdens which in themselves do not further online safety goals.

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

N/A.



A Submission to An Coimisiún na Meán’s Public Consultation on its Draft Online Safety Code; Draft Statutory Guidance Material; and its Supplementary Measures for Further Consideration

31 January 2024

Introduction

This is a combined submission by the ISPCC (Irish Society for the Prevention of Cruelty to Children) and Webwise to An Coimisiún na Meán’s public consultation on its draft online safety code; draft statutory guidance material; and its supplementary measures for further consideration.

This submission has reflected on the relevant draft documents in respect of the broader submission that was made with our Irish Safer Internet Centre partners to the Coimisiún’s call for inputs in September 2023.

DRAFT CODE

Introductory Sections

1. Do you have any comments on sections 1 - 9 of the draft Code?

The ISPCC and Webwise do not have any substantive comment on sections 1-9 of the draft Code. These sections lay out clearly and accurately the legislative framework that underpins the Code and to which services the Code relates.

Definitions

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

The ISPCC and Webwise support the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code.

Often it is within this context that cyberbullying can flourish. It is also within this context where inappropriate comments are placed on innocent videos of children that can lead to the sexualisation of these children, so it is important to include this type of content within the framework of the code.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

The ISPCC and Webwise support Comisiún na Meán’s definitions of “illegal content harmful to children” and “regulated content harmful to children” and welcome the broadening of these definitions. Many of these are reflective of offences already defined in statute in this jurisdiction, e.g. offences that

pertain to child sexual abuse material, the grooming of children for sexual purposes and showing a child pornographic material for the purpose of grooming them for sexual exploitation/abuse.

Both definitions are reflective of the harms identified by the Webwise Youth Advisory Panel when consulted with on what harms the Code ought to address (they mentioned cyberbullying, pornography, and hate speech).

Whilst we recognise that these measures will first pertain to children only (under 18s), over 18s must be catered for without unnecessary delay. Whilst legally children are protected and viewed as minors until they attain the age of 18, the need for similar protections and safeguards does not cease to exist once they turn 18 years old.

4. What is your view on the other definitions of illegal content and regulated content?

The ISPCC and Webwise do not have any substantive comment on these other definitions.

5. Do you have any comments on any other definitions in the draft Code?

The ISPCC and Webwise support the other definitions in the draft Code.

OBLIGATIONS OF VIDEO-SHARING PLATFORMS (VSPS) - CONTENT

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

The ISPCC and Webwise want to highlight the need for a minimum standard of clear terms and conditions for regulated services' content and content moderation practices.

Members of the Webwise Youth Advisory Panel highlighted the lack of clear, accessible terms and conditions as a vital part of making platforms safer.

When asked about terms and conditions, members of the **Webwise Youth Panel** have been vocal about the need for clear, accessible information. Here is what they had to say on the matter:

“The Terms and Conditions in apps should be simpler and more accessible to read in a way that is visually pleasing and gathers the attention of the reader. This design also should include simple terms for younger users of social media (13 and over) with shorter main descriptions, focusing on how their data is used...”

Webwise Youth Panel Member, Aged 16

“Bringing in better and more clear guidelines for behaviour on social media and implement more accurate fact checking methods”

“One issue I find is that social media companies do not explain to their users in detail the facilities that they have as so many young people are not aware of the support systems are in place, this could be changed by having informational videos or posts to outline their supports and how to use them effectively. Reporting needs to be better regulated and more efficient as I have noticed many times that reporting goes unnoticed and nothing gets done, which is a big problem.”

Webwise Youth Panel Member, Aged 16

“...I think easier and clearer terms and conditions are a must. Younger audiences will not want to scroll through endless amounts of small print that may be challenging to understand. I think bright colours, imagery, audio/video and simpler wording is vital to this. I also think there should be questions to be answered at the end in order to prove that the terms and conditions have been acknowledged, not just clicked through. I also think there should be a verification of age to prevent those underage giving a fake date and being allowed access to online services and platforms. This is done by the likes of Unidays and Spotify students when verifying they are a student by providing an image of their student ID which is reviewed before being verified to have access to the account.”

Webwise Youth Panel Member, Aged 20

“The biggest problem with being online is that youths do not understand certain aspects of being online and what it entails, such as: terms and conditions being difficult to understand, what does it mean for a website to take cookies or what am I agreeing to gain access to this website. Young people do not understand the sensitivity of some of the actions and what it does to their data. So, the biggest problem we are facing is children and adults alike not understanding what they are agreeing to.”

“They must make it in law that websites and social media alike must have a visual option for terms and conditions that is easy to comprehend.”

For members of the Webwise Youth Advisory Panel this is an important issue and one that would benefit from proper consultation with young people and other vulnerable groups.

Lauren, Webwise Youth Advisory Panellist recommends:

“It is important to make terms and conditions accessible to all, not using overly complex language and making it easier to understand. I also think it should be engaging, to prevent users from just clicking through without understanding what they are agreeing to. This should be done by adding visuals, video explanations, imagery, and colours to make it more visually pleasing to attract users to look at rather than ignore.”

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

The ISPCC and Webwise support the approach the Coimisiún is proposing to take in respect of this and that this is underpinned by the principle of fair procedures.

We support the actions taken in the code which allows VSPS providers to terminate accounts where there are repeated incidences of infringing the terms and conditions of a service.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The ISPCC and Webwise welcome the inclusion of the requirement for transparent and user-friendly reporting mechanisms in respect of content, and the inclusion of the requirement of regular reporting to the Coimisiún on reporting performance. Such an approach ought to demonstrate the effectiveness, or otherwise, of such mechanisms and give important insights into the type of content users are reporting.

Reporting mechanisms need to have on-platform accessibility-by-design reporting tools enabling complaints (e.g. inclusion of voice-activated option), whilst establishing a central place (hub) on-platform to provide end-user guidance on process, steps, associated timeframes, and feedback loop.

9. What is your view on the requirements in the draft Code in relation to age verification?

The ISPCC and Webwise support the draft Code stating that self-declaration of age by users on its own is not effective. However, we are concerned about the Coimisiún’s note in the guidance concerning the uploading document-based age verification of children to verify age.

As highlighted in the initial submission by the Irish Safer Internet Centre, we would have concerns about where such documents would be stored, accessed, and the possibility of data leaks.

We support the guidance on the use of technical design measures and tokenised age checking using third parties.

10. What is your view on the requirements in the draft Code in relation to content rating?

The ISPCC and Webwise are wary of sites allowing users to rate content and have them decide the age for which it is suitable. It is allowing the opportunity for potential miscalculations of age, either innocently or intentionally.

We consider PEGI (Pan European Game Information) to be a current best practice in this area. The PEGI age categories and content descriptions are specifically designed for non-linear media and have been updated following technological, academic, and societal developments.

Some games covered by PEGI include console games, VR games, mobile and tablet games, and PC and cloud gaming. However, Apple and Steam do not apply the PEGI system to their platforms and products.

11. What is your view on the requirements in the draft Code in relation to parental controls?

The ISPCC and Webwise believe offering parental controls is generally favoured, but according to research such controls can give ‘a false sense of security’ and ‘not necessarily limit the online risk of harm’.¹

However, they can still have some role in child safety online. The code ought to require that VSPPS providers offer a suite of parental controls to parents and carers with the recommendation to involve their child and young person in any conversations on the use of parental controls. Industry should also be asked to consult with children and young people on what parental control features they feel work well. Ultimately, the safety of a product or service is down to the provider and not parents/carers.

Any controls must respect, protect, and fulfil children’s rights, be accessible, be turned on by default, be easily navigable, be able to recognise and to accommodate to a child’s age and stage of development (i.e. child’s evolving capacity). It would be important that VSPPS providers explain to users how parental control systems operate and draw users’ attention to them by appropriate means.^[1]

The ISPCC and Webwise want to commend the Coimisiún for ensuring that live-streaming services fall under the parental control systems and allow parents to prevent a child from livestreaming.

¹<https://euconsent.eu/download/understanding-of-user-needs-and-problems-a-rapid-evidence-review-of-age-assurance-and-parental-controls/>

12. What is your view on the requirements in the draft Code in relation to complaints?

The ISPCC and Webwise support the approach to complaints being proposed in the draft Code in respect of the need for effective procedures for the handling and resolution of complaints. Outcomes (resolutions) are important in any complaint mechanism. The draft Code could recommend the importance of educating people (especially minors and in a child-friendly manner) about the availability of such mechanisms.

We support the Coimisiún for the inclusion of the need for establishing transparent and easy to access information about making complaints, including where they can be made, the timeframe to expect, information on how they will prioritise complaints, and how the appeals process would happen.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

The ISPCC and Webwise have no further comments on section 11 of the draft Code.

AUDIOVISUAL COMMERCIAL COMMUNICATIONS

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold, or arranged by the VSPS provider?

The ISPCC and Webwise believe that any audiovisual commercial communications should have a consistent feature that places a stringent requirement on users to declare when videos contain advertising and/or commercial communications. There should also be a specific form the declaration should take. It is vital that the form is clear, concise, and easy for young people to understand.

The ISPCC and Webwise support how the draft Code is proposing to ensure that any audiovisual communications which are not marketed, sold, or arranged by the VSPS provider must include in their terms and conditions that these are readily recognisable as such.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold, or arranged by the VSPS provider?

The ISPCC and Webwise believe that any audiovisual commercial communications should have a consistent feature that places a stringent requirement on users to declare when videos contain advertising and/or commercial communications. The ISPCC and Webwise believe that the code should also include a specific form the declaration should take.

We believe the Coimisiún has done well in ensuring that audiovisual commercial communications are readily recognisable as such, and for suggesting that VSPS providers shall not market, sell or arrange audiovisual commercial communications harmful to the general public or audiovisual commercial communications harmful to children. The ISPCC and Webwise commend the Coimisiún for providing that content relating to alcohol will not be advertised to children, and making sure that such content will be rated as adult content.

16. What is your view on the requirements in the draft Code, in relation to user declarations that user-generated content contains an audiovisual commercial communication?

The ISPCC and Webwise want to highlight the need for users to declare when their videos contain advertising and/or commercial communications. This should be clear, transparent and easy for children and young people to understand.

Parents were asked (NPC survey 2023) if they thought sponsored content should be clearly labelled and regulated to ensure that children can distinguish between regular content and advertisements, OR if they believed that sponsored content should not feature at all in videos aimed at children and such content should be completely separate from videos meant for young audiences. “85% of parents believed that sponsored content had no place in videos aimed at children.”

One parent commented:

“There should be no advertising whatsoever to minors online, not only things deemed generally inappropriate but also harmful to the individual or unhealthy, which varies widely from person to person. There is no way to fully monitor the damage so it should not be considered at all, it should all be banned for children.”

“39% of the young people surveyed thought that it should be very clear and obvious to them when products or services were being promoted, but 50% felt that these promotions had no place in video content aimed at children or younger people.”

One young person commented:

“They should say if their video is just really an ad to get me to buy something”

The ISPCC and Webwise are pleased as any content relating to alcohol will not be advertised to children, as that content will be rated as adult content.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

The ISPCC and Webwise have no further comments in respect of section 12 of the draft Code.

OTHER OBLIGATIONS

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

The partners of the Irish Safer Internet Centre believe media literacy is a crucial skill for all ages, especially as online sources and social media are being used more frequently as the main source of news in Ireland, particularly among younger people, reaffirming that media literacy tools and education are more important than ever. We welcome the inclusion of a requirement for platforms to include media literacy measures, tools, and reporting to the Coimisiún.

Measures and tools need to be accessible, and users made aware of the availability of the tools for example using prompts/nudges.

The ISPCC and Webwise wants to commend Coimisiún na Meán for proposing that each VSPS provider must publish an action plan specifying measures it will take to promote media literacy. We further commend the Coimisiún for ensuring that any measures to promote media literacy are relevant, transparent, collaborative, and objective.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

The ISPCC and Webwise do not have any comments relating to the personal data of children being used for commercial purposes. The draft Code has clearly stated in 3.6.2, that the processing of such data for commercial purposes is prohibited. We support the direction to the DPC in the accompanying draft Guidance to the draft Code.

20. What is your view on the requirements in the draft Code in relation to reporting, in relation to complaints?

The ISPCC and Webwise do not have any substantive comments as the Code is following the Online Safety and Media Regulation Act, section 139K (6), and will require VSPS providers to provide a handling of communications from users raising complaints or other matters every three months from the 1st of January each year.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

The ISPCC and Webwise have no further comment in respect of section 13 of the draft Code.

SUPERVISION AND ENFORCEMENT

22. Do you have any comments on this section of the Draft Code?

The ISPCC and Webwise believe this section lays out clearly the enforcement procedure and accompanying sanctions.

It may be beneficial to expand on what ‘periodically’ could mean in 14.2, if practicable.

ANNEX TO THE CODE

23. Do you have any comments on the Annex?

The ISPCC and Webwise believe the annex to the Code is clear and lays out well the statutory frameworks for the various types of harm covered by the draft Code.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters Coimisiún na Meán is required to consider in developing an online safety code?

The ISPCC and Webwise believe accessibility should be a ‘must-have,’ on a par with privacy, security, and safety-by-design.

There should be a clear requirement for accessibility to be built by design and co-created in consultation with expert bodies such as the National Disability Authority (NDA) whose work is guided by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It also incorporates the Centre for Excellence in Universal Design (CEUD), which is the only statutory Centre of its kind in the world.

There remains a scarcity of information about the experiences of children with disabilities. To address this gap the Council of Europe commissioned a study to explore the children's views on how their rights were realised in relation to access to the digital environment, impact on education, health, play and recreation, safety and protection, opportunities for increasing involvement in decision-making. The research Two Clicks Forward and One Click Back, Report on children with disabilities in the digital environment² notes "the challenges and barriers faced by children with disabilities vary significantly according to the type and nature of the impairment. It does them a disservice to lump them together as an undifferentiated group".[...] "It was apparent throughout the study that laws, policies and services on the digital environment, that conflate children of different ages, living in different contexts and with different disabilities under the single heading 'children with disabilities', have the potential to do them a disservice, underplaying the significant diversity in their lived realities of the digital world."

It further reveals, "While some of the challenges faced do not have digital solutions, technological developments have enabled many children with disabilities to find information, communicate, socialise, learn and play in ways that were not previously possible or are still not possible to the same extent in their non-digital lives."

Safety measures, settings, terms and conditions, complaints mechanisms and solutions should be appropriately tailored, clear and accessible to all users regardless of age, ability, or disability.

A Webwise Youth Panellist noted;

"I believe it is extremely important as people do not understand what they could be agreeing to. These terms & conditions are too wordy and may be difficult especially for visual learners and people with reading difficulties. This problem does not just affect people's ability to understand, it affects their personal data."

DRAFT STATUTORY GUIDANCE

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?

The ISPCC and Webwise support the direction that non-adherence to the guidance is not a 'contravention' to the guidance but that 'failure to follow the guidance' would be looked on less favourably by the Coimisiún. Such an approach ought to support regulated entities to employ best efforts when adhering to the Code.

We welcome the characteristics laid out for online safety measures to achieve their objective. It is particularly welcoming to see the inclusion of 'safe' and the recognition to the importance of ensuring the safety of users by encouraging the use of safety impact assessments.

APPLICATION OF THE DRAFT CODE TO THE CATEGORY OF VIDEO-SHARING PLATFORM SERVICES

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

² <https://rm.coe.int/two-clicks-forward-and-one-click-back-report-on-children-with-disabili/168098bd0f>

The ISPCC and Webwise have no comments on this section.

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

The ISPCC and Webwise have no comments on this section.

FUTURE SUPPLEMENTARY MEASURES AND RELATED GUIDANCE

28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

The ISPCC and Webwise support the need for the matters included in the draft supplementary measures and the draft supplementary guidance to be considered and consulted on further in due course and look forward to contributing to such amendments of the first Code.

Emailed to: VSPSregulation@cnam.ie

31 January 2024

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- independent evaluation of online intermediaries (social media, news sites, dating service providers, gaming service providers, digital education providers etc.) regarding their practices of content moderation;
- knowledge exchange where companies can discuss challenges and solutions related to tackling online harms; and
- a bank of good practices and reporting on the state-of-the art regarding governance and procedures of moderation of user-generated content (UGC) online.

The Internet Commission is currently working at the intersectional point between digital safety and complaints, that being the EU Digital Services Act's Article 21 provision, introducing out-of-court dispute settlement bodies to the user redress process.

Our comments to this consultation come from our experience of evaluating global online service providers' platforms across different online services. Our insight comes from careful study of the procedures, resources, governance and the organisations' culture driving UGC moderation. Our research has explored critical challenges faced by service providers such as:

- achieving maximum efficiency by balancing human and automated moderation;
- understanding the implications of outsourcing content moderation services;
- addressing tensions emerging from users' rights online (digital rights); and
- ensuring content moderators' wellbeing.

Specifically, we share evidence from our evaluation of a diverse cohort of online services including two dating service providers, a gaming service provider, a live-streaming gaming service provider, a news services organisation, and a children's social media service provider. We retain a focus on procedural accountability; that consumer outcomes, particularly vulnerable communities, are best served by ensuring that processes and procedures are evaluated, and we use this information to identify emerging trends and issues. Being proactive in this fast-moving space is key and our approach allows us to flex against market requirements.

Our independent evaluation takes a look "under the hood" at processes, culture and technology that shape content moderation and offer industry benchmarks UK wide and internationally.

Moreover, in light of emerging legislation and its implementation across the globe, we continue to support businesses that aim to go beyond regulatory compliance and promote best practices, driving a race to the top. By setting these standards, we enable companies to demonstrate their commitment to finding ways to protect their customers.

We are uniquely positioned to support video-sharing platform service providers and their users where the providers intend to use mediation by an independent mediator to resolve any disputes arising from user complaints about them taking or not taking any action in response to the Code.

We would welcome the opportunity to further explore our work and findings with the Coimisiún at any time.

Section 2 – Answers to Questions

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

We agree with the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content. On one level, we believe that the form of harm is explicitly different between, for instance, audiovisual content vis-à-vis the caption or comments of said content. This could mean that the video provides visual aids to make, for example, the incitement to hatred more vivid and accessible to its target audience.

However, two examples justify the inclusion:

1. where the caption implicitly creates harmful/illegal content, as opposed to the video itself. The two are not harmful/ illegal when standing alone but are when treated as one.
2. in a similar case as to the one in the consultation, where, for instance, an ultra-conservative twitter account shares a photo of an unpopular minority public figure - this may be viewed as inciting hatred given the context of the account.

We believe it is important that providers offer measures to cater for the often-indistinguishable nature of these harms.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

In relation to the terms and conditions obligations, concerning restrictions on the upload of content, it is pragmatic to highlight the difference between children and the general public. Treating all uploaded content at the threshold which should apply to children would constitute a restriction of the freedom of expression under Article 10 of the European Convention on Human Rights. It is noted that the explanation of Section 3.4.1 utilises principles from the case law of the European Court of Human Rights to differentiate between content which does (or does not) contribute to civic discourse.

Regarding the two protective measures for providers sharing pornographic content, challenges remain in preventing users getting around this system. As the major porn websites currently utilise an easily avoidable age checkbox, or age-gating system, a regulatory tightening of this system across the industry is commendable. Our Accountability Report 2.0 offers some insights on age verification. In the context of dating platforms, our evidence demonstrates this works well where additional data is shared by the user and can be cross-referenced against the original age provided.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

The Code's requirements as to reporting and flagging of content are well put, and designed to positively impact users.

In our previous response, we referenced extensive data garnered by way of our Accountability Reports. Part of this work focused on an organisation's reduction in response times to flagged content (over one year) as indicative of an improvement and we support the Coimisiún's requirement that VSPS providers set and meet targets for timeliness of response. We also recognise the value of proportionality and determination not to be overly prescriptive – accounting for the breadth and types of service and complaints.

However, we would recommend that the Coimisiún set out definitions and/or processes for determining the categorisation of types of harms and associated complaints, against which targets can be set. In this way, a number of benefits may be obtained. For example:

- The Coimisiún will have a harmonised data set across which it can assess the timeliness of services in responding to complaints. The Coimisiún can also more readily compare that timeliness across types of complaint within an individual service and throughout the industry.
- Smaller services with less resource and experience in content moderation and categorising complaints compliance can be supported to implement a system which they can readily report on to the Coimisiún.
- Standardising complaint types and the associated time targets will enable better assessment of efficacy *over time* and may limit the degree to which VSPS providers reorganise their complaint types to conceal underperformance.

During one of our assessment cycles, we noted that there were significant differences in the time taken to respond to, for example, two categories of flags concerned with harm experienced by children – the names of which indicated little distinction. It would be our recommendation that the Coimisiún provide the guidance set out above to mitigate the risk of technicalities getting in the way of effective risk mitigation for the most vulnerable users. This would not undermine the flexibility of the approach of setting targets for response times, but rather strengthen the ability of the Coimisiún to assess its effectiveness while producing better outcomes for users.

We would also argue that consistency and a standard baseline of understanding on the back end should lead to greater uniformity on the front-end – positively impacting user experience by ensuring that users are not obstructed or put off from reporting by an unfamiliar set of reporting types or processes. This goes hand-in-hand with the Coimisiún's user friendliness provisions, particularly concerning the use of default options for distinct kinds of harmful or illegal content and/or harmful audiovisual commercial communications on the service. This feature would be a positive step toward standardisation of reporting experiences for users, which can be expected to enhance usability and support the develop of user competency when navigating such tools.

We are encouraged by the inclusion of the requirement that services **a)** tailor their notifications appropriately for different forms of harmful or illegal content and/or harmful audiovisual commercial communications; and **b)** state the reasons they believe the content is harmful or illegal content and/or harmful audiovisual commercial communications. These requirements chime with some of the evidence the Internet Commission submitted to the Call for Inputs.

The tailoring of a notification is vital to ensuring a sense of mutual accountability and trust between user and service, as is the furnishing of reasons. The latter is vital in empowering users to be sufficiently informed to follow a complaint to its conclusion, understanding what assessment is being undertaken, what outcomes they might expect and how they can appeal an outcome.

We restate our view that vital to the effective functioning of a reporting system is its integration with enforcement and appeals systems. Our reporting shows that service providers often put together their flagging, reporting, moderation, oversight, and appeals systems in a piecemeal way: building as and when they have resource or where there is a pressing demand. This leads to fragmentation between policies, procedures and systems and a lack of clarity on the journey of a complaint as it is progressed. Users need to be able to understand what activity causes a particular enforcement action - to understand where they went wrong - and be able to appeal if necessary. This also has impacts for moderation staff who must spend time checking across two systems to validate the appeal. A disconnected approach can, and often does, lead to questionable or erroneous moderation decisions.

It would also be of great benefit to users (and the emotional resilience of moderation staff) if expectations were placed on services to effectively signpost users to mental health support, where needed. We are aware of at least one service provider that has partnered with a mental health service to provide this support. In this instance, users may text the name of the organisation to the mental health service provider to be connected with a counsellor immediately. This is an example of best practice and while this level of support may not be achievable for smaller services, we would recommend that the Coimisiún incorporate mental health signposting as a measure under the requirements for notifications to users.

9. What is your view on the requirements in the draft Code in relation to age verification?

We agree with requirements to establish and operate age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental, or moral development of minors. We also believe that the Coimisiún's approach in not prescribing the method to be used - instead, requiring its effectiveness - is a positive one that leaves room for innovation, without allowing providers to evade their duties.

In the text, the Coimisiún notes that, "*mere self-declaration of age is not regarded as an effective age verification technique,*" despite self-declaration being listed under Sections 11.16-11.21 of the Code. To align with other regulatory texts referring to such techniques, and to avoid confusion, it would be more appropriate to group the list of techniques under 'age assurance measures,' which can include both estimating and verifying.

The Coimisiún also proposes the use of age estimation techniques to 'verify' a self-declaration of age through behavioural or biometric analysis. There are a number of issues with this:

1. It appears that while the Code suggests self-declaration alone is insufficiently robust, corroboration can be provided by 'estimation' to achieve verification. This approach could only be considered appropriate where a very low level of assurance is required of a user's age, such as where the risks to children are distinctly low. It would not be appropriate where risks are higher. Each of these systems are easily circumvented by children and/or bad actors. Each of them, too, is liable to give rise to synthetic data points, which can be inaccurate and have knock-on impacts on the datasets informing the outcomes of estimation further down the line.
2. Age estimation takes a broad-brush approach where precision is needed, especially where companies are setting targets for the proportion of *children of different ages* who are incorrectly assessed to be adults. If these measures were to be implemented in line with the Age Appropriate Design Code, and its age banding of children, then age estimation techniques are inadequate to accurately place children within such brackets and enable age-appropriate service delivery. The broadness of this approach is also inadequate in accounting for the variations in children's rates of development, which can be significant and can arise for any number of reasons. A child should not be excluded from participation online because the behavioural patterns they exhibit - which are being tracked by services - are not exactly the same as their peers.
3. Targeting children with the aim of conducting age estimation based on service usage patterns and the nature of content created by the user (and/or biometric information) stands out as a particularly invasive proposition. This gives rise to several questions around its alignment with GDPR.

On this last point, we stress the importance of ensuring that effective and robust age verification is conducted in line with data protection requirements, in particular where it relates to Article 8 and parental consent. We would suggest that the Coimisiún consider the significance of the links between its age verification measures and its parental control measures. Empowering parents to reliably verify parental responsibility online is key to enabling them to provide consent for the processing of their child's data for age assurance purposes, in line with GDPR, *and* to ensure the appropriate adult has access to the parental control measures put forward in the Code.

12. What is your view on the requirements in the draft Code in relation to complaints?

As set out in Section 1 of our response, we believe we are well-placed to discuss the complaints requirements in the Code. Our views in response to this question are also applicable to **question 20** on the 'reporting of complaints'.

Appeals and complaints is an indispensable facet of online safety, as we outlined in our (pre-DSA) Accountability Report 2.0 in 2022. One of our key findings was that the way organisations communicate moderation decisions, apologising for incorrect decisions and build transparent appeals processes, illustrates the extent to which ethical considerations are embedded into their operations. One of our partner companies (a livestreaming platform) implemented an effective approach to complaints and redress by establishing an apology mechanism for users found, via the appeals process, to have been wrongfully banned. Communicating with users in this way promotes a shared sense of accountability. In pursuit of further transparency, users were also sent (pre-written) emails concerning the progress of their appeal. This will soon be supplemented with a dashboard for appeals, containing suspension-specific updates.

Our report also highlighted one of our organisations falling short regarding their complaints and appeals process. This organisation had not integrated its enforcement and appeals system, meaning users could not connect an appeal with a specific enforcement action and moderation staff were forced to check across two systems to validate the appeal. This disconnected approach had negative impacts for both users (who struggled to appeal enforcement action) and moderators (who were subjected to laborious tasks which slowed response times) - creating the risk that questionable and incorrect moderation decisions would go unchallenged. This point demonstrates the importance of an accessible, easy-to-use system which does not deter users from challenging a platform's decision simply because to do so is an onerous task.

We are increasingly of the view that user access to impartial Digital Dispute Resolution is the missing piece of the puzzle, with regards to making online experiences safer. Provision for the establishment of such a service is made under Article 21 of the European Union's Digital Services Act.

Our experience operating Alternative Dispute Resolution services in energy and communications markets leads us to believe that access to such a provision in the digital space could offer:

- Independent redress for users to challenge disputes
- A complete overview of issues emerging in digital markets
- The opportunity to spot issues of concern with individual platforms
- Clear and transparent categorisation of complaint types
- The capture of consumer experiences and detriment and
- The ability to share information with platforms and regulators to drive improvements

While regulation, guidance and oversight can set the standards by which the market should operate, first-hand evidence of actual user experience will not be captured and consumers will remain unable to challenge final decisions made by providers, even if they are incorrect. For context, the Energy Ombudsman upholds consumer complaints approximately 70% of the time – showing that, even in a highly regulated market, erroneous decisions are made.

TAG is developing our thinking and evidence base, with regard to the provision of Digital Dispute Resolution, and we will share this with the Coimisiún at the earliest opportunity.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

As has been highlighted at both European and Irish-level, media literacy is a key tool in the overall objective of enhancing the safety of the digital space, particularly regarding online harms on digital platforms. Our Accountability Report 2.0 contained several notes on the theme of user empowerment and enhancing media literacy as a means of empowering users. As outlined in the Code, a focus on media literacy helps provide the foundation upon which companies can take this approach in a form adjusted to their platform's unique features. Further, we also agree that given the lacuna in European law (due to constitutional limitations) and Irish laws regarding mandatory media literacy measures, it is appropriate to *“provide high-level obligations, elaborated by statutory guidance materials, and there should be a requirement to be transparent about the actions taken and their impact”*.

Emailed to: VSPSregulation@cnam.ie

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During one of our assessment cycles, we noted that there were significant differences in the time taken to respond to, for example, two categories of flags concerned with harm experienced by children – the names of which indicated little distinction. It would be our recommendation that the Coimisiún provide the guidance set out above to mitigate the risk of technicalities getting in the way of effective risk mitigation for the most vulnerable users. This would not undermine the flexibility of the approach of setting targets for response times, but rather strengthen the ability of the Coimisiún to assess its effectiveness while producing better outcomes for users.

We would also argue that consistency and a standard baseline of understanding on the back end should lead to greater uniformity on the front-end – positively impacting user experience by ensuring that users are not obstructed or put off from reporting by an unfamiliar set of reporting types or processes. This goes hand-in-hand with the Coimisiún's user friendliness provisions, particularly concerning the use of default options for distinct kinds of harmful or illegal content and/or harmful audiovisual commercial communications on the service. This feature would be a positive step toward standardisation of reporting experiences for users, which can be expected to enhance usability and support the develop of user competency when navigating such tools.

We are encouraged by the inclusion of the requirement that services **a)** tailor their notifications appropriately for different forms of harmful or illegal content and/or harmful audiovisual commercial communications; and **b)** state the reasons they believe the content is harmful or illegal content and/or harmful audiovisual commercial communications. These requirements chime with some of the evidence the Internet Commission submitted to the Call for Inputs.

The tailoring of a notification is vital to ensuring a sense of mutual accountability and trust between user and service, as is the furnishing of reasons. The latter is vital in empowering users to be sufficiently informed to follow a complaint to its conclusion, understanding what assessment is being undertaken, what outcomes they might expect and how they can appeal an outcome.

We restate our view that vital to the effective functioning of a reporting system is its integration with enforcement and appeals systems. Our reporting shows that service providers often put together their flagging, reporting, moderation, oversight, and appeals systems in a piecemeal way: building as and when they have resource or where there is a pressing demand. This leads to fragmentation between policies, procedures and systems and a lack of clarity on the journey of a complaint as it is progressed. Users need to be able to understand what activity causes a particular enforcement action - to understand where they went wrong - and be able to appeal if necessary. This also has impacts for moderation staff who must spend time checking across two systems to validate the appeal. A disconnected approach can, and often does, lead to questionable or erroneous moderation decisions.

It would also be of great benefit to users (and the emotional resilience of moderation staff) if expectations were placed on services to effectively signpost users to mental health support, where needed. We are aware of at least one service provider that has partnered with a mental health service to provide this support. In this instance, users may text the name of the organisation to the mental health service provider to be connected with a counsellor immediately. This is an example of best practice and while this level of support may not be achievable for smaller services, we would recommend that the Coimisiún incorporate mental health signposting as a measure under the requirements for notifications to users.

9. What is your view on the requirements in the draft Code in relation to age verification?

We agree with requirements to establish and operate age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental, or moral development of minors. We also believe that the Coimisiún's approach in not prescribing the method to be used - instead, requiring its effectiveness - is a positive one that leaves room for innovation, without allowing providers to evade their duties.

In the text, the Coimisiún notes that, "*mere self-declaration of age is not regarded as an effective age verification technique,*" despite self-declaration being listed under Sections 11.16-11.21 of the Code. To align with other regulatory texts referring to such techniques, and to avoid confusion, it would be more appropriate to group the list of techniques under 'age assurance measures,' which can include both estimating and verifying.

The Coimisiún also proposes the use of age estimation techniques to 'verify' a self-declaration of age through behavioural or biometric analysis. There are a number of issues with this:

1. It appears that while the Code suggests self-declaration alone is insufficiently robust, corroboration can be provided by 'estimation' to achieve verification. This approach could only be considered appropriate where a very low level of assurance is required of a user's age, such as where the risks to children are distinctly low. It would not be appropriate where risks are higher. Each of these systems are easily circumvented by children and/or bad actors. Each of them, too, is liable to give rise to synthetic data points, which can be inaccurate and have knock-on impacts on the datasets informing the outcomes of estimation further down the line.
2. Age estimation takes a broad-brush approach where precision is needed, especially where companies are setting targets for the proportion of *children of different ages* who are incorrectly assessed to be adults. If these measures were to be implemented in line with the Age Appropriate Design Code, and its age banding of children, then age estimation techniques are inadequate to accurately place children within such brackets and enable age-appropriate service delivery. The broadness of this approach is also inadequate in accounting for the variations in children's rates of development, which can be significant and can arise for any number of reasons. A child should not be excluded from participation online because the behavioural patterns they exhibit - which are being tracked by services - are not exactly the same as their peers.
3. Targeting children with the aim of conducting age estimation based on service usage patterns and the nature of content created by the user (and/or biometric information) stands out as a particularly invasive proposition. This gives rise to several questions around its alignment with GDPR.

On this last point, we stress the importance of ensuring that effective and robust age verification is conducted in line with data protection requirements, in particular where it relates to Article 8 and parental consent. We would suggest that the Coimisiún consider the significance of the links between its age verification measures and its parental control measures. Empowering parents to reliably verify parental responsibility online is key to enabling them to provide consent for the processing of their child's data for age assurance purposes, in line with GDPR, *and* to ensure the appropriate adult has access to the parental control measures put forward in the Code.

12. What is your view on the requirements in the draft Code in relation to complaints?

As set out in Section 1 of our response, we believe we are well-placed to discuss the complaints requirements in the Code. Our views in response to this question are also applicable to **question 20** on the 'reporting of complaints'.

Appeals and complaints is an indispensable facet of online safety, as we outlined in our (pre-DSA) Accountability Report 2.0 in 2022. One of our key findings was that the way organisations communicate moderation decisions, apologising for incorrect decisions and build transparent appeals processes, illustrates the extent to which ethical considerations are embedded into their operations. One of our partner companies (a livestreaming platform) implemented an effective approach to complaints and redress by establishing an apology mechanism for users found, via the appeals process, to have been wrongfully banned. Communicating with users in this way promotes a shared sense of accountability. In pursuit of further transparency, users were also sent (pre-written) emails concerning the progress of their appeal. This will soon be supplemented with a dashboard for appeals, containing suspension-specific updates.

Our report also highlighted one of our organisations falling short regarding their complaints and appeals process. This organisation had not integrated its enforcement and appeals system, meaning users could not connect an appeal with a specific enforcement action and moderation staff were forced to check across two systems to validate the appeal. This disconnected approach had negative impacts for both users (who struggled to appeal enforcement action) and moderators (who were subjected to laborious tasks which slowed response times) - creating the risk that questionable and incorrect moderation decisions would go unchallenged. This point demonstrates the importance of an accessible, easy-to-use system which does not deter users from challenging a platform's decision simply because to do so is an onerous task.

We are increasingly of the view that user access to impartial Digital Dispute Resolution is the missing piece of the puzzle, with regards to making online experiences safer. Provision for the establishment of such a service is made under Article 21 of the European Union's Digital Services Act.

Our experience operating Alternative Dispute Resolution services in energy and communications markets leads us to believe that access to such a provision in the digital space could offer:

- Independent redress for users to challenge disputes
- A complete overview of issues emerging in digital markets
- The opportunity to spot issues of concern with individual platforms
- Clear and transparent categorisation of complaint types
- The capture of consumer experiences and detriment and
- The ability to share information with platforms and regulators to drive improvements

While regulation, guidance and oversight can set the standards by which the market should operate, first-hand evidence of actual user experience will not be captured and consumers will remain unable to challenge final decisions made by providers, even if they are incorrect. For context, the Energy Ombudsman upholds consumer complaints approximately 70% of the time – showing that, even in a highly regulated market, erroneous decisions are made.

TAG is developing our thinking and evidence base, with regard to the provision of Digital Dispute Resolution, and we will share this with the Coimisiún at the earliest opportunity.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

As has been highlighted at both European and Irish-level, media literacy is a key tool in the overall objective of enhancing the safety of the digital space, particularly regarding online harms on digital platforms. Our Accountability Report 2.0 contained several notes on the theme of user empowerment and enhancing media literacy as a means of empowering users. As outlined in the Code, a focus on media literacy helps provide the foundation upon which companies can take this approach in a form adjusted to their platform's unique features. Further, we also agree that given the lacuna in European law (due to constitutional limitations) and Irish laws regarding mandatory media literacy measures, it is appropriate to *“provide high-level obligations, elaborated by statutory guidance materials, and there should be a requirement to be transparent about the actions taken and their impact”*.

Response to Coimisiún na Meán's Consultation Document: Online Safety Code

Responses

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

VSPS providers must ensure that the Terms & Conditions are written in a manner children as young as 7 and 8 years of age can understand.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Established timelines, prescribed by CNAM, are vital in terms of reporting and flagging content. It is essential that these timelines are prescriptive to ensure that the VSPS adhere to them.

Self-regulation does not work. This fact was the embryo upon which the OSMR Act was born. To proceed on the basis that VSPS can determine their own timelines in terms of take down and content flagging, serves to dilute the legislation. The ability to sanction VSPS rests entirely on the Online Safety Code (OSC).

Therefore, it is absolutely imperative that the legislation is sufficiently robust to bring about real change in this area. Tackling harms to children is key and I strongly believe that to address this issue effectively requires the OSC to be prescriptive regarding timelines for content review and take down. Failing to do so could risk the implementation of codes that serve to leave the legislation as lacking enforceability.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

I truly believe it is inappropriate for VSPS to collect or process, for commercial purposes, the data outside of what is necessary for purposes of age verification and parental controls.

Furthermore, I do not believe that VSPS should be able to market to, profile or to target advertising to children under the age of 18.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

It is vital that WhatsApp be considered a VSPS. Groups can be large, as large as 800 members, and video content is circulated freely.

Caroline Keville
Coimisiún na Meán,
One Shelbourne Building,
Shelbourne Road,
Dublin 4.
By email: vspsregulation@cnam.ie

31st January 2024

Dear Ms Keville,

Response to Consultation on the Online Safety Code

The Age Verification Providers Association is the global trade body representing 25 suppliers of age estimation and age verification technology.

Please see below our responses to a number of questions posed by the above consultation where we have relevant expertise.

1. Do you have any comments on sections 1 - 9 of the draft Code?

Para 4.18 on **practicability** may give smaller VSPs the impression that they are excused from compliance if the cost of implementation of measure required by the Code is too high. This arises from a contradiction or ambiguity in the Directive itself. The Commission should be clearer that protections must be proportionate to the risk of harm as well as the cost, and that it is unlikely that for the most harmful content, it would be possible to argue that protections should not be implemented on economic grounds alone.

5. Do you have any comments on any other definitions provided in the draft Code?

There is no definition of “age verification” (or the related terms “age assurance” and “age estimation”).

We note that the Commission refers to “age verification” throughout the document, rather than the broader term of age assurance which is defined by emerging international standards such as ISO 27566 as to include both age verification and age estimation techniques. This means that Irish guidance would use language inconsistent with those standards and the language used by the United Kingdom.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

11.5 requires VSPs to include in their terms and conditions a requirement that users comply with and do not attempt to circumvent, in particular, the measures relating to robust age verification. It would helpfully also state that VSP service providers should not make available or promote mechanisms that can assist users in circumventing age verification such as Virtual Private Networks and other location-spoofing tools. If it does

this, the guidance should also remind service providers that the use of such tools by child users does not negate the obligation to protect them.

11.6.3 implicitly downgrades the requirement for age verification from “robust” to “effective”. This creates a loophole for services where the principal purpose is other than publishing pornography that would allow for a lower level of age assurance. For example, “X” publishes a large quantity of pornographic content but this is not its principal purpose nor that of a dissociable section of the X service. So underage users could access equally harmful pornography more easily on X than on dedicated adult sites. Adult sites may also respond to the loophole by adapting to make something other than pornography ostensibly their principal purpose e.g. the publishing of cartoons – and if this is achieved in a dissociable manner, then the lower level of “effective” age verification would be acceptable.

“Effective” and “Robust” age verification requires definition.

9. What is your view on the requirements in the draft Code in relation to age verification?

We note that the Commission refers to “age verification” throughout the document, rather than the broader term of age assurance which is defined by emerging international standards such as ISO 27566 as to include both age verification and age estimation techniques. This means that Irish guidance would use language inconsistent with those standards and the language used by the United Kingdom.

We agree that the Coimisiún na Meán should refer to the effectiveness of age verification, rather than specify the particular techniques that must be used. To specify particular techniques would be to stifle innovation.

We agree that VSPs should be transparent about the age verification techniques they use.

At 11.18, requiring VSPs to declare their targets for the proportion of children of different ages who are incorrectly assessed to be adults is an important first step, but the Commission should go further and define the minimum rate of false positives it would accept to still consider that children cannot normally access in appropriate content. Without this, there is a risk of a race to the bottom, with sites which wish to retain as many users as possible and give those users that maximum possible access to content which is what for many drives their business models, selecting the least effective forms of age assurance.

We agree that mere self-declaration of age should not be regarded as an effective age verification technique.

At 11.20 there is an implication that age estimation is not sufficient to provide robust age verification for pornographic sites. While it may not be sufficient for adults only just over 18, for those above a “buffer age” such as 25, facial age estimation can deliver >99.5% certainty that users are at least 18, which compares well to age verification methods. Facial age estimation is often preferred by users when offered a choice, as they do not have to disclose other personal data. It also does not suffer from the same risks arising in conventional age verification from binding the user to the proof, as the user is the proof. **The guidance should be amended to allow for the use of age estimation for pornographic services provided it is still as robust as age verification alternatives through the application of a sufficient buffer.**

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act? Consultation on the application of the Code to the category of video-sharing platform services

On the guidance on age verification:

We welcome the statement that “Effective age estimation should meet any industry standards adopted and report on quality parameters achieved as well as complying with data protection and privacy requirements.”

The Commission could usefully reference international standards such as BSI PAS 1296:2018 or new standards which are almost complete IEEE 2089.1 and ISO 27566, as a way to assess whether a method of age assurance is sufficiently robust or effective. These standards define levels of age assurance (“Indicators of confidence”) to which the Commission can simply refer for the main use-cases. Robust age verification may equate to the “Enhanced” level; effective age verification may equate to the “Standard” level as defined in Part 2 of the ISO 27566 and Appendix A of IEEE P2089.1 (these are consistent).

“Targets for effectiveness would have to be sufficiently high and effectiveness would need to be demonstrated to have been achieved.” – this provides no insight into the Commission’s view as to what would constitute “sufficiently high”.

“Tokenised age services may be considered.” This is welcome but may not be clear to most readers. It might be better phrased as “Mechanisms such as tokenisation” that facilitate the re-use and interoperation of existing age checks may be considered.”

Thank you for the opportunity to contribute to this consultation. Please do not hesitate to contact us for more information.

Yours sincerely,

Iain M. Corby

Iain M. Corby
Executive Director



Youth Work Ireland

Online Safety Code Submission – Coimisiún na Meán

Introduction

Youth Work Ireland is a Federation of 20 Member Youth Services and a National Office who work together to support, empower, inspire, and educate young people through the delivery of best practice youth work services. Our Vision is an Ireland of equality, access, and participation for all young people. We are an inclusive and member-centred organisation. Our work is in service to our membership as they in turn work to develop the potential of young people and strengthen communities in Ireland.

We work with over 100,000 young people and our members run hundreds of youth projects and clubs often with the most disadvantaged young people and those who live in remote communities. We run a network of Youth Information Centres and respond online through our text based and other services. Youth Work Ireland is a leading member of ERYICA the European Agency for Youth Information and Counselling Services with our CEO currently serving as President.

Youth Work Ireland welcomes the opportunity to feed into the development of the Online Safety Code as it applies to Video Sharing Platforms designated by the Commission. We further welcome the development of a Youth Advisory Panel by the Commission and hope it will be fully supported and a core feature of the Commission's work.

The Need to Engage

The establishment of the Commission and the advent of the Digital Services and the Digital Markets Act represent a very welcome development in the field of regulating online content and ensuring the rights and needs of children and young people are recognised and vindicated. As a youth organisation while recognising the legal position, we work across the board with children and young people under and over 18 consistent with the Irish Government's policy on youth and the policies of the European Union and the Council of Europe.

Notwithstanding the above the current consultation, it should be recognised, presents challenges for those working with children and young people at grassroots level. The documentation is long and can be complicated for those who are not experts in issues of law and technology. It also can be hard for those working on the frontline with children and young people to "keep up" with all developments given the other pressures they face in

their day-to-day work. We have thus taken a thematic approach to the major issues we observe relating to the code.

It would also then seem appropriate for the Commission to develop a type of outreach function for the main umbrella organisations in the field to facilitate them in translating their frontline experience into the field of policy and regulation.

General Principles

A common regulatory principle in many areas of policy making is the “precautionary principle” particularly where events are subject to rapid change in an uncertain world. This would be common in environmental policy. We believe this should be considered for this code in the principles section particularly relating to children and young people.

The best interest of the child is well established in Irish law and indeed now has constitutional expression. This clearly then must override all other considerations particularly where proportionality is concerned.

We should utilise the basic concepts of tort law in the regulation of platforms. In essence it is the damage done to people that we are seeking to prevent or sanction regardless of the logic or reasoning behind it. Regardless of codes these would be the standards applied by any court.

Regarding advertising and commercial activity, the code should promote harmony and similar objectives to existing state codes for example relating to alcohol, tobacco and HFSS.

Obligations relating to media literacy are most welcome and could benefit from further elaboration by the Commission perhaps in another document.

Age and Verification

This is one of the defining issues in this field and based on a broad view, still seems to present several challenges.

The material in, and associated with the code, separates adults from children at the age of 18 as might be expected. However, Ireland has established in law a digital age of consent at 16, which while not all encompassing was long discussed at the time of the introduction of the GDPR. It is also well known that a variety of platforms have established their own age of access at 13.

The Code and related material are replete with reference to age, so it needs to be clear what age is being referred to. It would seem this should be based on the contents of Irish law rather than the self-regulatory systems of the platforms which are clearly ineffective. The code needs to explicitly address the younger ages and how it treats them.

Notwithstanding this, the idea that verification must be robust is worthy of support and it may well be the case that platforms themselves have methods and processes which can help strengthen this beyond the current unsatisfactory arrangements.

There are other concepts present in safeguarding systems in Ireland that could be useful such as protection for vulnerable adults and these could be useful particularly in relation to young adults.

There may be a need for a more nuanced approach to parental controls or a sliding scale as teenage years will entail a certain amount of experimentation. The youth panel and parents' groups might assist with this.

Platforms employ staff relating to a variety of issues such as content regulation and child protection, the Commission may want to consider ways and means to interact with these.

Age has a variety of different treatments under the law as set out by the Law Reform Commission in its report on the Age of Majority, family law and medical treatment, and other issues. These may assist the Commission in its work.

Regulated content

The provisions in this area are welcome and represent an attempt to move beyond existing law and integrate comments from previous consultations. These are areas where frontline staff and volunteers will often interact with children and young people about issues in their online experience.

Each area would benefit from separate documentation after the adoption of the code or perhaps in the guidance as there will inevitably be many nuanced situations.

Clearly as indicated these areas must be kept under constant review depending on developments in society and the operations of the platforms.

Mental Health needs to be constantly born in mind when considering these issues

Data

It is not clear precisely where the worlds of data protection and online safety meet or overlap. Data collection is a clear core business of platforms, and the code does address this in places.

It is important to ensure that all relevant data is stored in Ireland or the EU particularly when it comes to audits.

The operation of algorithms is particularly important here which seems to be covered in the area of "recommender" but we are not clear if this is the case so it should be clearer and explicit.

Similarly, when the code provides for the respect of the GDPR rights of children (13.3) once more what age is being referred to, 18, 16 or 13?

Guidance Materials and Supplementary Measures

The Guidance Materials are a very welcome addition to the corpus of regulatory material as is the inclusion of supplementary measures. The Commission should indicate how it envisages the progress of the supplementary measures.

Safety by Design is a very useful concept, and we believe it offers much assistance in this area. Similarly, Online Safety Supports are a common-sense measure where those working on the frontline with children and young people can be engaged.

The Recommender System Safety is also very valuable and the Commission needs to ensure that platforms are fully transparent in how algorithmic technologies are being utilised particularly regarding children and young people as these appear to go to the heart of the business model and indeed profitability of platforms.

Technology Ireland view on the Coimisiún na Meán (CnaM) draft Online Safety Code: Technology Ireland's response to the consultation on binding rules for video-sharing platforms to keep adults and children safe online

A. INTRODUCTION

B. EXECUTIVE SUMMARY

C. GENERAL OBSERVATIONS

D. KEY ISSUES

E. DRAFT SUPPLEMENTARY MEASURES

A. INTRODUCTION

Technology Ireland, the Ibec group representing the technology industry, welcomes the opportunity to respond to Coimisiún na Meán's (**CnaM**) consultation on a draft Online Safety Code (the **Code**) for video-sharing platforms aimed at keeping adults and children safe online. As a sector we strongly voice our support for a co-regulatory approach to achieve protection of all users, including children and young people, from harmful online content. Our members are committed to working closely with regulators and civil society to address these evolving harms and to operating within a code that reflects the intentions of the Revised AVMS Directive (AVMSD) and, the Broadcasting Act 2009 as amended (the Act) by the Online Safety and Media Regulation Act 2022, which clearly defines the objectives which our sector must meet in order to achieve these goals.

With Ireland as a major hub for the technology sector in Europe, CnaM will be the lead regulator for many/most Technology Ireland members and maintaining good relation and /information flows with regulators from other EU Member States will be a key component of this leadership role. CnaM should position itself to offer stable that is underpinned with a coherent regulatory framework. In this regard, this first Online Safety Code should complement existing EU frameworks, ensure that the AVMSD is fully transposed in Ireland, and avoid the creation of new and potentially contradictory requirements. Technology Ireland's comments on the Code are made from the perspective of our members who have been designated as Video Sharing Platform Services (VSPs). It should therefore not be assumed that the Code is broadly applicable to any future categories of designated online services and CnaM should be ready to develop bespoke codes where services are sufficiently different to merit a different approach.

Technology Ireland is grateful for the opportunity to respond to this consultation. We outline below some key overarching observations and issues arising from our review of the draft Code.

B. EXECUTIVE SUMMARY

Our substantive response to the Code is set out under Section C (General Observations) and Section D (Key Issues) below. We also include some observations at Section E in relation to certain elements of the proposed Draft Supplementary Measures set out at Appendix 3 of CnaM's consultation document.

Our members are very concerned that many provisions of the Code cut across the Digital Services Act's (DSA) full harmonisation efforts and that they apply an overly prescriptive rather than outcome-based approach. These aspects of the Code fail to achieve, and/or are disproportionate to, the Code's objectives and, moreover, they fail to recognise evolving risks and solutions in this area. We believe that there are opportunities to address these issues without undermining the policy intent and effectiveness of the Code. We detail these below.

In summary, our response to the provisions of the Code is as follows:

Section C: General Observations

- **Co-regulation:** we would advocate for a co-regulatory approach to the development of the Code;
- **DSA Overlap / Beyond AVMSD:** certain measures in the Code (i) overlap with the harmonised approach enshrined in the DSA; and (ii) go beyond what is required or proportionate in its implementation of AVMSD- and would thus be pre-empted by DSA;
- **Jurisdiction:** clarity is required on the jurisdictional scope of the Code, in circumstances where it defines illegal content by reference to Irish statutes;
- **Systemic nature of the Code:** we would welcome an acknowledgement within the Code that its intention is to address 7 mechanisms and systems and not specific items of content;
- **Inflexibility:** the Code is too prescriptive in places, making it impractical and inflexible for industry-wide compliance, taking into account quickly developing platform technologies and new and emerging risks. We would welcome a Code which is prescriptive as to objectives that are consistent with the DSA and AVMSD, but not as to the means by which those objectives must be achieved;
- **Transition period:** we believe VSPs would require an adequate implementation period for compliance with the Code, noting by way of example the DSA's implementation period of 15 months for the majority of in-scope services.

Section D: Key Issues

- **Age Assurance:** We suggest the adoption of consistency in relation to the terminology used for age-checking mechanisms. We are supportive of the flexibility afforded to VSPs by the Code in terms of age assurance mechanisms they may use, however the requirement to close the accounts of under-age users is outside the scope of AVMSD;
- **Parental controls:** we would welcome clarification on the parental requirements in circumstances where controls must be in place in relation to content which, under the Code, is not permitted on the service and suggest an age-gating approach in Section 11.2 of the Code;
- **Rights of Minors:** the Code should better reflect the necessary and careful balancing of child protection objectives with a child's rights to privacy, freedom of information and expression;
- **Regulated Content Harmful to Children:** the definition appears to go beyond what is envisaged by the AVMSD and has the effect of requiring VSPs to prohibit the availability of content that is legal but harmful to all users (and not just minors). It also introduces a new category of content (dangerous challenges) without engaging the appropriate legislative procedure for designating new types of content;
- **Transparency Reporting:** we express concern relating to the burden that quarterly reporting imposes on VSPs and any requirements that may go beyond what is envisaged by AVMSD and which may also be pre-empted by the DSA. We request clarification in relation to the necessity for this frequency and the proposed contents of such reports, especially in light of the consistency proposed at a European level by DSA reporting.

- **Targets and reporting obligations:** there is no AVMSD basis for the requirement of turnaround times for content moderation and related reporting obligations: further, such response times (and transparency reporting) are pre-empted by the DSA. Mandatory turnaround times also increase the risk of over-moderation and thus threaten freedom of expression. Rather, a standard such as requiring removal “without undue delay” allows for the flexibility to review more complex cases and fully evaluate context and the law.
- **Terms and conditions obligations:** the requirements to include certain prescribed terms within a VSP’s terms and conditions goes beyond what is required by AVMSD.
- **Ancillary content:** we are concerned about the proportionality and feasibility of applying the Code to non-video content (e.g. comments);
- **Content rating:** the requirements related to crowd-sourced age rating go beyond what is required by AVMSD. In addition, for several reasons, crowd-sourced rating is neither an efficient nor reliable mechanism to protect children from inappropriate content
- **Alternative dispute resolution (ADR):** requirements for any ADR should align with the requirements of DSA to minimise friction and avoid duplication.
- **Audit:** CnaM should consider VSPs’ annual DSA audit reports before appointing an auditor under the Act, to avoid duplication;
- **Audiovisual Commercial Communications:** we are concerned that the requirements(e.g. account termination; crowd-sourced rating) are unduly prescriptive and impractical;
- **Other services to be designated:** the Code may not be suitable or workable for all designated services;

Section E: Draft Supplementary Measures

- The measures related to recommender systems and safety by design have no AVMSD basis and would conflict with the DSA if pursued.

C.GENERAL OBSERVATIONS

Co-regulation

Articles 4a(1) and 28b(4) of the AVMSD require Member States to encourage the use of co-regulation through the use of codes of conduct that are “broadly accepted by the main stakeholders”. Co-regulation for VSPs has the particular benefit of harnessing industry knowledge and expertise in tackling illegal and harmful content, as well as allowing for the flexibility required to address such issues in a global, fast-paced, ever changing technological environment.

We are concerned that CnaM is not proposing co-regulation in this space, but instead is choosing a more traditional regulatory approach, whereby the regulator formulates and enforces prescriptive rules. While we acknowledge and support CnaM’s willingness to consult on the contents of the Code, there are a number of practical and proportionality issues that arise from the drafting of the Code being solely regulator-led. These

issues could be avoided if CnaM were to facilitate industry-led code drafting. Such a co-regulatory approach would not detract from CnaM's regulatory powers and responsibilities (CnaM would still have to be satisfied that the Code sets appropriate standards for meeting required statutory objectives before adopting and applying it); nor would it impact on CnaM's ability to exercise its regulatory enforcement powers where VSPs fail to meet the provisions of the Code.

A co-regulatory approach appears to be in line with the approaches adopted in most Member States who adopted new co-regulation/self-regulation mechanisms pursuant to the AVMSD, where the European Commission has recognised¹ the value of co- and self-regulation. Co-regulation was also the model adopted in Australia, whereby industry-drafted safety codes must be approved and registered by the Australian eSafety Commissioner.

Scope: DSA overlap / Beyond AVMSD

The risk, under the current draft Code, of Ireland fragmenting EU efforts to create a harmonised strategy for digital regulation remains a very significant concern.

One of the express goals of the DSA is to fully harmonise the rules applicable to intermediary services in the internal market with the objective of ensuring a safe, predictable and trusted online environment.² In the legislative process of the DSA, it was expressly recognised that national laws that legislate issues regarding illegal online content notice and action procedures, transparency and minimum requirements for notices undermine the harmonisation goals of the DSA, leading to weaker protections for EU citizens.³

More particularly, the DSA fully harmonises the rules applicable to how intermediary services, including VSPs, respond to illegal and harmful content on their services - save to the extent that the AVMSD lays down rules applicable to VSPs (as those specific AVMSD rules will be deemed to be *lex specialis* to the DSA).

In respect of any matters falling within the scope of the DSA's remit, it is important that the Code's obligations are limited to those appropriate measures for VSPs which are required under AVMSD. Where a requirement in the Code extends beyond the requirements of AVMSD, and addresses matters within the scope of the DSA, that requirement is pre-empted from applying⁴. A number of provisions of the draft Code and related materials extend beyond what could be deemed appropriate measures in line with AVMSD requirements and overlap with the DSA, creating additional national requirements which would be pre-empted by the DSA. This in turn creates legal uncertainty and risks undermining the important goals of the DSA.

While the Code seeks to implement the requirements of AVMSD, there are instances where it goes beyond what is required or proportionate. In this regard, we note that the Code, as currently drafted, is too prescriptive in its implementation of AVMSD, meaning that VSPs are not afforded flexibility in terms of the measures by which they may achieve compliance with the Code's objectives.

¹ See Commission Staff Working Document: "Reporting on the application of Directive 2010/13/EU "Audiovisual Media Services Directive" as amended by Directive (EU) 2018/1808, for the period 2019-2022", at paragraph 2.8.

² See e.g. Recital 2 DSA: "*Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services as regards the way they should tackle illegal content, online disinformation or other societal risks. Those diverging national laws negatively affect the internal market [...]*".

³ [DSA Impact Assessment](#), paragraph 93, Commission Proposal, [COM\(2020\) 825 final](#), pages 5-6

⁴ Recital 9 DSA

With regard to instances within the Code which overlap with DSA requirements and which are out of scope of AVMSD or go beyond appropriate measures envisaged by AVMSD, we would call out the following examples:

Definition of Content

The definitions of regulated content are too broadly drafted. Their deployment through other definitions and throughout the Code's obligations, including with respect to due process obligations referred to below, goes beyond the position required under the AVMSD and conflicts with DSA requirements;

It is proposed that the Code be applied to *'user-generated content comprising any text, symbol, or caption accompanying any user-generated video, provided such text, symbol, or caption'* which is *'indissociable'* from a *'user-generated video'*. Again the incorporation of such non-video, ancillary content into the definition of *'content'* falls outside the scope of AVMSD and risks creating unworkable requirements, undermining CnaM's stated goals of practicability and proportionality;

Prohibition on certain content

The requirement for VSPs to prohibit certain content under the category of *'regulated content harmful to children'* (which by definition is not necessarily harmful to adults), exceeds the scope of AVMSD. As such this conflicts with the systemic risk assessment and risk mitigation regime set up under DSA which pre-empt Member States from requiring platforms to take any particular action in relation to such lawful but potentially harmful content and DSA provisions which set out what measures platforms must take to protect minors online (Article 28 DSA).

More broadly, the requirements in the Code to prohibit certain content within VSPs' terms and conditions exceeds AVMSD requirements for taking of *'appropriate measures'* which should be determined *"in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake."* The outright prohibition of such content fails to take account of the graduated and proportionate nature of the obligations envisaged under the AVMSD. As such, these requirements conflict with Article 14 DSA which exhaustively harmonises a platform's obligations with respect to the content of terms and conditions.

Account suspension / termination

The Code's requirements to suspend or terminate accounts which repeatedly infringe a service's terms and conditions, also exceeds AVMSD requirements and conflicts with Article 23 DSA which only pertains to *"recipients of the service that frequently provide manifestly illegal content"* and Article 14 DSA which expressly leaves it up to a provider to assess what measures should be taken in case of a violation of the terms and conditions.

Transparency Reporting and Audits

The transparency reporting and auditing requirements set out in the Code exceed AVMSD requirements and overlap with and are pre-empted by the DSA, which sets out detailed and comprehensive transparency reporting requirements in Articles 15, 24 and 42 DSA. These requirements in the Code apply to a broader category of content than provided for in Article 28b(1) AVMSD and require more transparency than required under Article 28b(5) AVMSD, in addition to DSA audit requirements which would include complaint handling (Article 37 DSA).

Due Process Requirements

The Code requires VSPs to: (i) establish a mechanism for users to report or flag certain harmful content, (ii) explain to users what effect has been given following such a notification, and (iii) implement a complaint procedure. These sections overlap with the due process requirements set out by the DSA and are therefore pre-empted by the DSA's provisions on notice and action mechanisms, statement of reasons and internal complaint-handling system (Articles 16, 17 and 20 DSA) as well as the provisions on systemic risks in relation to harmful content (Articles 34-35 DSA) insofar as they apply to a broader range of content than covered by Article 28b(1) AVMSD.

Parental Controls

The obligation at Sections 11.25 and 11.26 of the Code to offer parental controls over live streaming also goes beyond the scope of the AVMSD, in that it requires parental controls that are able to prevent a child from viewing any live stream of user-generated content (**UGC**), whether or not it is potentially harmful. Article 28b(3)(h) of the AVMSD only applies to content which may impair the physical, mental or moral development of minors.

Appendix 3 of CnaM's consultation document sets out possible Draft Supplementary Measures that might be applied in the future. While noting these will be subject to separate consultation, we are concerned that elements within those measures conflict with the DSA (see further at Part E below), in particular:

Recommender Systems

CnaM's proposed regulatory approach for the use of recommender systems goes beyond what is set out in AVMSD and conflicts with the DSA's provisions dealing with recommender systems for VLOPs and non-VLOPs, particularly the proposed requirement to '*ensure that recommender algorithms based on profiling are turned off by default*' (Article 38 DSA).

Recommender systems are a necessary part of providing relevant and varied content to users. CnaM's proposed regulatory approach for the use of recommender systems goes beyond what is set out in AVMSD and conflicts with the DSA's provisions dealing with recommender systems for VLOPs and non-VLOPs, particularly the proposed requirement to '*ensure that recommender algorithms based on profiling are turned off by default*' (Article 38 DSA). DSA Article 38 already requires VLOPs that make use of recommender systems to offer at least one option for their recommender systems which is not based on profiling. This allows users to control how their data is used to inform recommendations. In addition, the GDPR already regulates the processing of personal data by platforms, including when processing such data for purposes of providing recommendations.

Safety by Design

The proposed requirement for safety impact assessments overlaps with DSA systemic risk assessment and mitigation obligations and would undermine the harmonised DSA approach to the risk assessment process.

Online Safety Supports

The proposed obligation to notify local authorities on risk to life conflicts with Article 18 DSA and has no basis in AVMSD.

Lastly, with the DSA, the EU legislature has chosen a tiered system of responsibilities, imposing more responsibility and more stringent obligations on very large online platforms (including VSPs of a certain size). As not all VSPs designated under the Act will also be VLOPs under DSA, the Code should not cut across this system by imposing more detailed or stricter measures on smaller VSPs outside of what is envisaged for online platforms by DSA, unless expressly provided for by Article 28b(3) AVMSD.

Jurisdiction

We are concerned that the jurisdictional remit of the Code remains unclear. For example, the Code seeks to define illegal content by reference to Irish law offences. We assume the obligations in relation to such content are not intended to have EU wide effect, as the DSA recognises that Member States have the freedom to determine what is illegal under national law.

In more detail, the Code suggests that it is intended to apply to "*video-sharing platform service providers under the jurisdiction of the State, in respect of the services they provide throughout the EEA*".⁵ However, certain provisions of the Code appear to imply that the Code (or aspects of the Code) would not apply throughout the EEA. In particular, and most obviously, the Code defines "*illegal content harmful to children*" and "*illegal content harmful to the general public*" in whole or in part by reference to specific Irish criminal statutes.⁶ We assume that it cannot be CnaM's intention that content would be regulated on VSPs in jurisdictions other than Ireland, solely because the content is unlawful as a matter of Irish law.

We would welcome clarification as to whether CnaM intends certain provisions of the Code to apply only in Ireland, and other provisions (AVMS provisions) to apply throughout the EEA. If such a delineation is envisaged, we would also welcome clarification if other elements of the Code which go beyond the requirements of, or have no basis in, the AVMSD will also only apply in Ireland, and to such an extent that they are not pre-empted by the DSA.

We query why the Code attempts to impose obligations on VSPs to address content that is illegal by reference to Irish legislation. This approach risks adding unnecessary complexity for VSPs. Firstly, pursuant to Article 9 of the DSA, VSPs have a pre-existing obligation to address notified content which is illegal as a matter of EU law or national Member State law. Accordingly, we are of the view that this complexity could be resolved by confining the meaning of "illegal content" in the Code to the EU-wide illegal content referenced in Article 28b(1)(c) of the AVMSD, as these are the only categories of illegal content that are required to be addressed by the Code for the purpose of giving effect to the AVMSD.

Systemic nature of the Code

While the Code is intended to address those specific mechanisms and systems which VSPs must have in place to protect users from harmful content, it is not intended that the Code address specific and prescriptive items of

⁵ See Sections 2, 4.8, 4.9, and 4.10 of the Code.

⁶ S. 10 of the Code.

content. An acknowledgement to this effect within the Code would be a welcome clarification, for our members and their users alike.

Outcomes-Focus and Flexibility for Code Compliance

Outcomes-Focus

We advocate for CnaM to enable greater flexibility for VSPs to engage with it to demonstrate they are achieving the required safety outcomes and mitigating identified risks, without necessarily needing to implement inappropriately prescriptive measures.

Many of the designated VSPs operate at scale, globally and each has various different means of addressing illegal and harmful content on their platforms, which is constantly evolving in response to new and emerging risks. It is essential, therefore, that the Code not be so prescriptive so as to make it impractical for compliance. To do so would disproportionately constrain VSPs in their approaches to online safety, also failing to future-proof the Code to take account of quickly developing platform technologies and the evolving risk landscape. Further, not all measures under the Code will be appropriate for all VSPs and flexibility will as such remain critical.

Our view is that the Code should focus on outcomes and that it should permit appropriate flexibility between different providers, underpinned by systems and processes to achieve this. Accordingly, we would advocate for a principles-based Code which is prescriptive as to its objectives (but not as to the means by which those objectives are met) and which sets out the method for CnaM to confirm that those objectives are being met by VSPs. This outcomes-focused- approach is consistent with the concept of co-regulation.

As drafted, the Code requires VSPs to include specific elements in their terms and conditions of service by reference to complex definitions set out in the Code. This goes beyond the '*appropriate measures*' envisaged by AVMSD and fails to take account of broader reach of terms and conditions and the need for them to take account of the evolving nature of risks, more particularly where many of these harms will already be covered in one form or another in most designated VSPs terms and conditions in any event. The requirements appear to oblige all VSPs to develop a content rating system for users, establish parental controls, and to verify the age of their users. These requirements may not be proportionate or appropriate for all in-scope services, depending on the nature of the content they host and their assessed risks.

The Code is too prescriptive

As currently framed, the Code proposes to introduce unduly prescriptive requirements in order to meet its objectives. The Code does not provide any explanation as to why those prescriptive requirements are proportionate to the Code's objectives, nor does the Code take into account mechanisms that VSPs already have in place to meet the Code's objectives. These requirements may not be proportionate or appropriate for all in-scope services, depending on the nature of the content on their service and their assessed risks. Examples of overly prescriptive requirements in the Code include:

Crowd-sourced content rating: in order to achieve the AVMSD objective of protecting minors from content "*which may impair their physical, mental or moral development*", the Code requires VSPs to establish a content rating mechanism which "*shall enable users to suggest the age(s) of children for whom the content is appropriate,*

or inappropriate".⁷ Permitting users (as opposed to content creators) to age rate content would be an ineffective mechanism to protect children from inappropriate content, given the significant differences users might have about what is and is not appropriate for children. Such systems can be unreliable in circumstances where users might not use them as intended and where it is open to users to inappropriately or incorrectly age rate content.

Under-age account termination: the requirement to terminate the accounts of under-age users,⁸ with the aim of protecting minors' physical, mental or moral development from impairment (as required by AVMSD) is disproportionate: the purpose of the Code should be to require VSPs to protect minors from viewing inappropriate content, but not to deny them access to services entirely, in circumstances where VSPs can use mechanisms to provide the service in a way that is appropriate for minors.

Prescribed content for terms & conditions: this includes the prohibition on the uploading or sharing of regulated content harmful to children⁹, a provision which goes beyond the appropriate measures envisaged in AVMSD.

Others: several other requirements which create compliance-inflexibility and disproportionate compliance burdens (the more particular details of which are addressed elsewhere in this response), including: the extension of obligations under the Code to cover ancillary content; the requirement to set targets as to timelines for responding to flags / reports (and reporting requirements in relation to same); the requirement for certain features of a service to be switched off by default under parental control provisions;

If, notwithstanding our comments above, CnaM pursues a binding Code containing requirements that are very prescriptive, we suggest that such a Code should also include a "comply or explain" provision. This is a provision which would allow VSPs to meet their requirements under the Code by means which are different, but equally effective as those prescriptive means explicitly set out in the Code. By way of example, we note that Section 49(5) of the UK Online Safety Act has a similar provision to the one envisaged above, which allows providers to meet objectives by alternative means than the ones set out in online safety codes:

Transition period for application of Code

The Code does not indicate that there will be a transition period for compliance with it. Due to the prescriptive and detailed requirements of the Code and the way in which it overlaps with other regulatory regimes, a lengthy transition period should apply. This would allow VSPs to adapt their systems, controls and processes accordingly. Providers are only just now becoming aware of obligations under the Code and will continue to monitor these as the Code is finalised. As such a transitional period will be required. We note that the DSA provided for a minimum 15-month transition period for most providers.

D.KEY ISSUES

⁷ S. 11.22 of the Code.

⁸ S. 11.16 of the Code.

⁹ S. 11.2 of the Code

Age assurance

Technology Ireland notes the reference to ‘age verification’ throughout the Code and consultation document. Age verification refers to a specific *type* of age-checking measure using a hard identifier (e.g. passport) and is just one of a number of potential age-checking measures. With that in mind, we would suggest that ‘age assurance’ - an umbrella term covering different age-checking measures - is a more appropriate term to use in this context, to ensure consistency of terms in use across the industry. This is also consistent with the language in use as regards the European Strategy for a Better Internet for Kids for the development of an EU Age-Appropriate Design Code (**AADC**), which will build on the DSA’s regulatory framework.

The Code includes a combination of measures for checking a user’s age (including self-declaration, hard (physical) identifiers or other technical measures) which leaves scope for industry to continue developing good practices in this regard. We welcome this flexibility and note its importance in circumstances where the EU is actively working on the abovementioned EU AADC which will build on the DSA, and where the contents of that code are yet to be published.

Technology Ireland supports the aim of the draft Statutory Guidance requiring VSPs to take measures to restrict the promotion to children and easy access to harmful content, out-linked to content on a third-party site. However, the guidance as drafted contains impractical requirements. As drafted, VSPs must monitor and will be effectively held liable for content hosted on third party sites. Moreover, the draft Statutory Guidance outlines that such age assurance techniques are required to be effective in ensuring that are not normally able to access services or sections devoted to adult content or view adult content on other services. It places a disproportionate burden on VSPs, to require that age assurance or estimation techniques must apply any time a user clicks on a third-party link, effectively obliging VSPs to monitor third party sites.

As previously noted, the Code requires the detection and closure of under-age accounts by VSPs. This does not appear to have any basis in the AVMSD. As outlined above, the AVMSD aims to protect minors from viewing inappropriate content, but not to deny them access to services entirely. Therefore, it should be open to VSPs to engage their own technical and proportionate measures to ensure minors are accessing content which is age-appropriate and, where they identify or are made aware of underage users, to take steps to seek parental consent to apply parental controls or terminate accounts as appropriate.

Parental controls

Section 11.24 of the Code, as currently drafted, conflicts with Sections 11.1 and 11.2 of the Code. To explain, Section 11.24 states: “*Video-sharing platform service providers shall provide for parental control systems that are under the control of the end-user **with respect to illegal content harmful to children and regulated content harmful to children***” (our emphasis). This language is very similar to the example measure outlined at Article 28(b)(3)(h) of the AVMSD: “*providing for parental control systems that are under the control of the end-user **with respect to content which may impair the physical, mental or moral development of minors***” (our emphasis).

However, Sections 11.1 and 11.2 of the Code require a VSPs to prohibit illegal content harmful to children and regulated content harmful to children from being uploaded to the service (save for exceptions set out at sections

11.3 - 11.8). If such material is not permitted on the service, a VSPs cannot have parental controls determining whether minors can view such content.

This difficulty would not arise if the Code simply required appropriate measures for age gating regulated content harmful to children in Section 11.2 of the Code (as opposed to being prohibited). In such circumstances, the requirement to have parental controls in respect of such content would make sense. Further, given the structure and wording of the AVMSD (and in particular Article 28(b)(3)(h)), such an approach is likely what was envisaged by the AVMSD.

In addition, it is unnecessary for there to be parental controls in respect of illegal content, as illegal content is not permitted on intermediary services. Accordingly, to the extent a VSPs systems identify illegal content, or illegal content is notified to it, it will be removed from the service (and as such, parents will not have the option to allow/disallow their child to view such content).

The suggestion that parental controls should apply without exception up until the age of 18 is concerning. It has been established under GDPR that the age of digital consent ranges from 13 to 16 across Member States. Finding the right balance in offering appropriate parental oversight, while respecting the age of digital consent as set by each Member State and the child's own right to privacy (from third parties, and also from their own parents) is a delicate one. Parental supervision tools on platforms are often predicated on this age of digital consent. To mandate that children must obtain parental consent and submit to parental supervision up to the age of 18 would contradict this position. Children above the age of digital consent have a right to privacy, including from their own parents, particularly as they explore their interests and identity in the digital world.

Downgrading of services provided to Minors: Restrictions on the Rights of the Child: Freedom of Information and Expression

It is essential that any parental controls imposed on children on foot of the Code balance child protection with a child's right to privacy, including from their parents. To the extent that parental controls are excessive, it risks children (particularly older minors) seeking out methods of circumventing them. Our observations in this regard are as follows:

- **No downgrading of child user experience:** we refer to the Irish [DPC's guidance note on "Fundamentals for a Child Orientated Approach to Data Processing"](#) which states that child protection measures should not shut out or downgrade a child's experience on a service. Where an inferior level of service is provided to a child, it risks contravening the United Nations Convention on the Rights of the Child. **Conflict - digital age of consent:** in the Code, child is defined as a person under the age of 18.¹⁰, whereas under the GDPR, the digital age of consent in Ireland is 16 ;
- **Impact on older teens:** It is a disproportionate interference with older teens' rights to privacy, freedom of expression and information to require that their use be subject to parental controls. However, we understand the necessity for those rights to be weighed against the risks of older minors being able to view content that is still inappropriate for their age. We are of the view that, in line with the digital age of consent, parental controls should cease at 16 years of age (unless the minor consents to continued use).

¹⁰ Section 10 of the Code.

Any content which is inappropriate for children should continue to be subject to appropriate age-gating measures until the minor turns 18, this measure will ensure that older minors will continue to be protected in a way appropriate to their age, even when they turn 16;

- **Live-streaming restrictions:** there is no basis in the AVMSD for the prohibition on minors being able to carry out, or view, live-streams, regardless of whether that live-stream actually may contain illegal or harmful content. This disproportionately encroaches on the minor's rights to freedom of expression and to information. Instead, VSPs should be obliged under the Code to have in place appropriate and effective measures to protect minors from inappropriate content during live-streams as with video on demand;
- **Termination of under-age accounts:** the requirement to terminate the accounts of under-age users,¹¹ again for the purposes of achieving the objective of protecting minors' physical, mental or moral development from impairment, is too prescriptive a measure, the ultimate result being the denial of a child's access to services. The outcome is disproportionate in circumstances where the objective of the Code should be to protect minors from accessing specific inappropriate content, not to prevent minors from accessing services in general. For example, depending on what tools, policies and processes it has in place, it may be appropriate for a VSP to seek parental consent for an underage user to continue to access its service under parental supervision, rather than automatically terminating the account.

Regulated Content Harmful to Children

New category of harmful content

The definition of "*regulated content harmful to children*" is confusing as it is not a term that is defined under the AVMSD and therefore goes further than what is envisaged by the AVMSD. In this definition, the Code seeks to introduce a new category of content, namely 'dangerous challenges', without providing an explanation or basis for its inclusion in the definition. There is in our view no explicit basis for the inclusion of a category relating to "dangerous challenges" in this definition. We note that dangerous challenge content is not a category of content within the definition of "harmful online content" under the Act which sets out (at s.139B) a specific legislative procedure that must be followed in order to designate new types of content as "harmful online content". Further, pornography and realistic representations of violence (which are included under this definition) are types of content defined as "*age-inappropriate online content*" under the Act in respect of which guidance materials may be issued, rather than being dealt with under the Code.

Impact of the prohibition

Section 11.2 of the Code requires that VSPs terms and conditions include a prohibition on the uploading or sharing of 'regulated content harmful to children'. This provision would effectively require VSPs to prohibit the availability of legal, but harmful, content to all users (save for the exceptions made for content which contains

¹¹ S. 11.16 of the Code.

pornography or realistic representations of gratuitous violence in Sections 11.3 - 11.8). Such a blanket prohibition has no basis in the AVMSD or in the Act:

Article 28b of the AVMSD requires VSPs to “*take appropriate measures to protect*” minors; and

Sections 139K(2)(a) and (b) of the Act envisage requiring service providers to take “*appropriate measures*” to minimise the availability of harmful content, or to protect users from harmful content.

Neither of these provisions provide a basis for imposing the most extreme measure of an outright prohibition on harmful content from a service entirely. Accordingly, Section 11.2 introduces a requirement which is unduly prescriptive and which represents a disproportionate interference with adult users’ rights to freedom of expression and to information. This is compounded by the obligations of a VSPs to suspend/terminate the account of a user who repeatedly uploads lawful content which falls within the definition of “*regulated content harmful to children*”.

To the extent that such interference is asserted to be justified in order to protect children from harmful content, that assertion ignores the fact that there are likely to be less burdensome mechanisms that VSPs can employ to achieve the child protection objective. At the very least, where a VSPs is capable of effectively achieving the objective of protecting minors from harmful content through less restrictive means than those proposed in Section 11.2, they should be permitted to employ those measures instead. In line with an outcome-focused Code, VSPs should have freedom to determine what ‘appropriate measures’ they use to protect minors from harmful content.

Offence specific categories

The AVMS Directive requires children to be protected from harm to their physical, mental or moral development. Technology Ireland appreciates CnaM’s goal of providing a more specific definition of content that is harmful to children. Stakeholders will have greater clarity about the scope of protection that the Code gives and VSPs will have greater certainty about the scope of their legally binding obligations by defining what is “illegal content harmful to children” and “regulated content harmful to children” (subject to concerns below).

Notwithstanding the fact that the offences listed at Table A of the Annex of the Code are Irish-specific (as outlined in more detail above), Technology Ireland is also of the opinion that further clarity is needed regarding the offence-specific categories of harmful online content listed in Table A-2 of the Annex to the draft Code, which qualify such content as illegal and harmful to children if the victim of the relevant offence is a child or the content is viewed, or likely to be viewed by a child. For instance, this could mean that a video of a person pushing another person, which on its own would not be illegal, could be within scope of this definition, if it is seen or likely to be seen by a child. In Technology Ireland’s opinion, such a definition is too broad and unworkable in practice: (i) on one hand, it is unclear when the offence-specific categories of harmful online content listed in Table A-2 of the Annex to the draft Code would be considered to be “likely to be viewed by a child”, which qualifies the illegality of the content and ii) on the other hand, to the extent that a specific piece of content subsequently qualifies as ‘illegal content harmful to children’ on the basis that it ‘is viewed by a child’, Technology Ireland fails to understand how VSPs could enforce some of the draft Code requirements which apply to that content without unduly interfering with adult users’ rights with respect to such content. By way of example, the requirement to prohibit users, in the terms of service, from uploading such content is particularly problematic in this regard, given that when uploading such content it would not inherently be illegal. Instead, VSPs should be obliged under the Code to have in place appropriate measures to effectively protect minors from such content. Indeed, when uploading such content, the same will not yet be considered illegal and harmful to children under the definition, because it has not yet been

seen by children and may only become illegal if it is effectively seen by children. In other words, it will not be possible to have such a requirement.

Ambiguity

The definition of “regulated content harmful to children” raises concerns around its broadness and ambiguity. Such definition covers a range of content that will be within scope if it gives rise to (a) any risk to a child’s life or (b) a risk of significant harm to a child’s physical or mental health, where the harm is reasonably foreseeable. The use of undefined terms such as “gives rise to risk”, “significant harm”, “reasonably foreseeable”, which are broad and ambiguous, not only make it difficult to understand for different types of users but also makes it difficult to implement and enforce for VSPs. Accordingly, CnaM should provide workable definitions of these undefined terms that are focused on the type and nature of the underlying content rather than the potential impact that a given piece of content could have on a particular user.

Transparency reporting and required reporting frequency

Frequency and feasibility of reporting

The Code includes reporting requirements for VSPs regarding content moderation timelines and accuracy,¹² age verification mechanisms,¹³ and complaints handling.¹⁴ This reporting is sought by CnaM on a quarterly basis.

We are concerned about the likely burden imposed by the frequency of quarterly reporting. No reason is given by CnaM as to why quarterly reporting is necessary or proportionate. While we recognise that Section 139K(6) of the Act provides for quarterly reporting in respect of complaints handling, we remain concerned about the proportionality of that provision, as well as its compatibility with Article 15 of the DSA.

We are of the view that the Code should allow for a more considered evaluation of the above processes by extending the periods of required reporting. Any additional reporting under the Code should focus on obligations applicable to VSPs under the AVMSD and avoid additional national requirements relating to matters which fall under the scope of the DSA and its Transparency Reporting obligations. Reporting every three months, as proposed in the Code, will be onerous for both CnaM and VSPs. Progress will be challenging to demonstrate at such regular intervals. Many of the designated VSPs are already subject to other regulatory regimes, including the reporting periods of the DSA which require providers of VLOPs to publish on a six-monthly basis a comprehensive report on content moderation and related practice. Given the aforementioned overlap between the scope of the Code and the DSA, it is unrealistic and overly onerous to require providers to report every three months on the Code. Any reporting under the Code should focus on obligations applicable to VSPs under the AVMSD and avoid additional national requirements relating to matters which fall under the scope of the DSA.

It is difficult to fully assess the proportionality of such requirements in the absence of further guidance as to what specific detail would be required in such reporting. Accordingly we would welcome clarification of specifics as to what information such reports would need to include.

¹² Section 11.15 of the Code.

¹³ Section 11.21 of the Code.

¹⁴ Section 13.4 of the Code.

Reporting and Flagging

Sections 11.12 and 11.13 of the Code require VSPs to establish mechanisms to explain to users what effect has been given to the reporting and flagging of: (i) illegal content harmful to the general public; (ii) regulated content harmful to the general public; (iii) illegal content harmful to children; and (iv) regulated content harmful to children. The proposed reporting obligations go beyond the DSA and will add unnecessary and disproportionate cost and burdens, in particular for smaller VSPs.

The Code at Section 11.15 requires VSPs to publish a report on the VSPs performance against turnaround time targets and content moderation accuracy targets. There is no basis in the AVMSD for obliging VSPs to set such targets. Furthermore, reporting on median turnaround times and the accuracy of decisions made in response to flags/reporting is clearly harmonised by the requirements of Article 15 of the DSA.

Because this reporting is harmonised under the DSA, and because CnaM should be able to access information in those published reports, there should be no reason to include the reporting requirements set out at Section 11.15 of the Code.

Age assurance

Subject to clarification about the nature and scope of the mechanisms in respect of which a VSPs must report on the accuracy and effectiveness, and to clarification as to the detail required, we do not take issue with reporting on age assurance mechanisms as suggested at Section 11.21 of the Code, but this should be annual reporting obligation in accordance with DSA reporting requirements. However, as set out above, we are concerned about the necessity and proportionality of requiring quarterly reporting.

Complaints handling

Section 11.29 of the Code requires the establishment by VSPs of procedures for the handling and resolution of user complaints regarding the implementation of obligations relating to reporting and flagging, age verification, content rating and parental controls. AVMSD does not envisage the handling of complaints related to the reporting and removal of specific content and this is exhaustively harmonised under DSA - this should be clarified in the text of the Code.

Section 13.4 of the Code is justified by reference to Section 139K(6) of the Act, which provides for reporting on a designated service provider's handling of communications from users raising complaints or other matters. There is no basis in the AVMSD for a requirement to report on a VSPs handling of communications from users. The AVMSD requirement is confined to a VSPs demonstrating that it has appropriate measures in place for handling user complaints. VSPs can demonstrate the appropriateness of their measures without specific reporting on the handling of complaints. Accordingly, Section 13.4 should be considered as being a measure outside of the scope of the AVMSD, and as such, is in conflict with Article 15(1)(d) of the DSA, which harmonises the reporting requirements for complaints handling for intermediary services.

In circumstances in which VSPs already have obligations to report on complaints handling under the DSA, it is unnecessary and disproportionately onerous to require similar, Irish-specific, reporting under the Code.

Targets for the Removal of Content

Section 11.14 of the Code requires VSPs to set targets for timelines in responding to flags/reports, however there is no basis in the AVMSD for requiring target turnaround times for content moderation. Prescribing target response times for intermediary service providers to remove illegal and harmful content are clearly pre-empted by the DSA, which does not impose a specific timeframe but requires that hosting providers ‘act expeditiously’ after they become aware of illegal content to remove or disable access to the content. The DSA therefore leaves turnaround times to the discretion of intermediary service providers, recognising that response times are context specific and should not therefore be mandated in light of competing fundamental rights of users.¹⁵ Accordingly, as a matter of principle, the Code should not include a requirement for VSPs to set target turnaround times.

While we acknowledge the importance of ensuring that turnaround times for content moderation are not excessive, we note that turnaround times are not necessarily the best measurement for establishing a VSPs effectiveness at reducing users’ exposure to illegal or harmful content. Laws that force companies to prioritize speed of removal where decisions require careful consideration can have concerning implications for free speech.

Accordingly, we encourage CnaM to avoid introducing prescriptive requirements which are not the most effective means of measuring the impact of violative content on users.

Obligations in the draft Code that relate to what VSPs must include in its terms and conditions

VSPs should retain flexibility as to how obligations are incorporated into their terms and conditions. In more detail:

Requirement to prohibit certain content

The AVMSD does not require a provider’s terms and conditions to prohibit the uploading of illegal or harmful content. Rather, the provider is required to take “*appropriate measures*” in its terms and conditions to protect against the categories of content outlined in Article 28b(1) of the AVMSD. As outlined above in relation to jurisdictional concerns, Technology Ireland would encourage CnaM not to include overly granular categorisations of “illegal” content, by reference to Irish criminal law offences, in the definition of the content in respect of which the draft Code intends VSPs to prohibit in their terms of service.

For example, a company that has its headquarters in Ireland, will not be in a position to effectively resolve a complaint by a French citizen by reference to certain illegal content posted in France but which does not meet the precise definitions laid down in the Code. In such cases the French user will only be able to avail of the DSA remedies.

Such an approach would not be effective or practicable. In fact, most if not all the VSPs to which the draft Code is proposed to apply provide their services in multiple countries. For this reason, their content policies are often global in nature (noting that content which is illegal in one jurisdiction may not be illegal in another). They have standard rules for what content is and is not allowed and those rules apply uniformly to content worldwide. This allows them to better scale their content moderation tools, processes and technologies. While some of their policy

¹⁵ Recital 52 DSA, more particularly: Providers of hosting services should act upon notices in a timely manner, in particular by taking into account the type of illegal content being notified and the urgency of taking action.

areas do in practice overlap with issues of illegality e.g. terrorist content, CSAM, sale of regulated goods, they are global in nature and therefore cannot and do not map to particular local law.

VSPs should be able to implement their own content moderation practices and graduated responses to the upload of content that breaches their terms and conditions. In addition, some matters may be more appropriately dealt with by location-specific removals (e.g. removals which are only effective in Ireland because the content is illegal as a matter of Irish law).

Further, such an approach is not user-friendly. An overly granular approach, requiring VSPs to reflect in the terms and conditions the specific types of “illegal content harmful to the general public”, “regulated content harmful to the general public”, “illegal content harmful to children” and “regulated content harmful to children”, as they have been defined, would negatively impact their readability and clarity and, thus, would not be user-friendly.

The AVMSD provides that the strictest access control measures detailed in Article 28b(3) are to apply to “*the most harmful*” content to protect minors. Accordingly, the AVMSD envisages a graduated approach depending on the severity of the harmful content. In addition, we are concerned that the prohibition on upload of certain content, and in particular the prohibition of “*regulated content harmful to children*” rather than requiring that such content be appropriately age-gated, is disproportionate which is prohibited by Article 28b (3) of the AVMSD.

Accordingly, VSPs should retain flexibility to determine how to best incorporate the prohibitions included in section 11.1 and 11.2 of the draft Code in their terms and policies.

Requirement to suspend or terminate accounts

The same flexibility should be given to VSPs with regard to the requirement to provide in their terms and conditions that service providers shall suspend or terminate accounts which they have determined to have repeatedly infringed terms and conditions of the service. We believe this requirement is a disproportionate interference with adult users’ rights to freedom of expression and information. VSPs providers should be able to choose the level of detail included in the terms and conditions for this purpose as it is necessary to strike a delicate balance between transparency and ensuring that such systems are effective against circumvention measures.

In addition, there is no provision under the AVMSD which explicitly requires VSPs to include provisions in their terms and conditions which relate to the suspension or termination of accounts where there have been repeated infringements by a user. This requirement should be limited to instances of infringement relating to illegal content only. Potential overlap with the Code and Article 23(1) of the DSA should also be borne in mind in this regard (as it applies to content that is manifestly illegal).

Ancillary Content

The definition of Content in the Code encompasses “*user-generated content comprising any text, symbol, or caption accompanying any user-generated video, provided such text, symbol, or caption is **indissociable** from the user-generated video*”. Our concerns in relation to this are as follows:

The AVMSD does not require Member States to ensure VSPs take appropriate measures in respect of ancillary content. Instead, it specifies that the “appropriate measures” VSPs should take to protect users apply to “programmes, user-generated videos and audiovisual commercial communications”¹⁶, as opposed to purely ancillary features, such as comments. In this regard, the Code arguably seeks to regulate a broader category of content than that intended under the AVMSD.

To the extent that the Code covers ancillary, non-video content (such as comments) there should be clarity as to the separate obligations applying to video content on one hand, and ancillary content on the other hand. It is burdensome to apply significant obligations on VSPs in relation to content that is only minor, ancillary content to the videos themselves, such as requiring mechanisms to rate comments, to feed back to users on comment reports/flags and to have a complaints mechanism for comments. .

Ancillary features such as comments are typically viewed significantly less than the video content, meaning that there is a lower risk of exposure to the general public and in turn a lower risk of general harm.

The requirement to apply age-gating in respect of ancillary content such as comments (as distinct from video content) is a disproportionate requirement in the protection of children from harmful content. Further, the offering of y ADR mechanisms to individual user complaints about ancillary features would be disproportionate, place an unnecessary resourcing burden on platforms, and would extend beyond the intended remit of the AVMSD. In addition, this risks going against the harmonised approach required by the DSA.

User Content rating

Section 11.22 of the Code requires VSPs to have mechanisms to allow users (as opposed to content creators) (a) to rate content as to whether it is suitable for children, and (b) to suggest the ages of children for whom the content would be appropriate. We note that there is no basis in the AVMSD for the requirement to allow users to suggest the ages of children for whom the content would be appropriate. There is no clear link between such a requirement and the other requirements of the Code: the Code either prohibits certain content which is deemed harmful to children,¹⁷ or it requires that the content that is not suitable for children not normally be viewable by them.¹⁸ Accordingly, from the Code’s perspective, content is either appropriate for being normally viewable by users under 18 or it is not, and it is not clear what the benefit of granular age rating would be.

Content rating requirements may not be proportionate or appropriate for all in-scope services, depending on the nature of the content on the service they host and their assessed risks. As outlined above, crowd-sourced rating is an ineffective and unreliable method of content rating, which could disproportionately impact users’ rights to information/expression. It is more appropriate, proportionate and effective to only allow those users who are the uploaders of content to rate that content;

There are well-established issues with the reliability of users to use such mechanisms as intended. As outlined above, permitting users to age rate content would be an ineffective mechanism to protect children from inappropriate content, given the significant differences users might have about what is and is not appropriate for children.

¹⁶ AVMSD Directive Article 28b(1)(a)-(c) AVMSD

¹⁷ Sections 11.1 and 11.2.

¹⁸ Section 11.17.

We note the considerable risk of inaccuracy surrounding user content rating. It is a system which is open to abuse or inaccurate ratings or flags.

The development and monitoring of a granular age rating system would also require significant amounts of human resources to review such ratings, as crowd-sourced signals are unreliable.

For these reasons, while flags can be useful in helping detect violative content, “crowd-sourced” ratings would not be effective in helping to accurately rate more mature material and protect minors from inappropriate content.

Alternative dispute resolution (ADR)

Any mediation requirements under the Code should align with requirements in the DSA to minimise friction and avoid duplication. In particular, any ADR options for complaints about individual content moderation decisions should fall within the remit of the DSA.

It is overly burdensome to oblige VSPs to set up new complaints handling processes in circumstances where VSPs already have in place effective processes for handling complaints in respect of relevant aspects of their service (i.e. reporting and flagging, age assurance, content rating and parental controls).

We also consider it disproportionate, and beyond what is required by the AVMSD that requirements in relation to complaints would extend to ancillary content (i.e. comments).

Audit

Section 14.4 of the Code refers to CnaM’s power, pursuant to Section 139P of the Act, to appoint a person to carry out an audit.

Audits are an expensive and time-consuming process that redirect resources from implementing safety measures to responding to the audit. It is not clear that the audits proposed carry any meaningful benefit in the space. An audit should only be required in specific circumstances, such as where there has been a finding of non-compliance.

Further, as CnaM is aware, VLOPs have separate annual audit requirements pursuant to Article 37 of the DSA. The audit report resulting from those audits must be shared with CnaM, once it is appointed as Ireland’s Digital Services Coordinator. In such circumstances the imposition of this requirement is disproportionate to aims to be achieved. In addition as these requirements are outside the scope of AVMSD and overlap with requirements set out in DSA they are pre-empted by the DSA.

Audiovisual Commercial Communications

We are of the view that applying a two-tiered approach to regulation of audiovisual commercial communications depending on whether or not they are “*marketed, sold or arranged*” by the VSPs makes sense in the context of paid promotions within organic videos.

Technology Ireland supports the Code’s requirements set out in Sections 12.1 to 12.4. However, we are concerned about the requirement in Section 12.5 to terminate or suspend accounts which repeatedly infringe the relevant terms and conditions. Such a requirement has no basis in the AVMSD and appears to be pre-empted

by Article 14 of the DSA, which harmonises the rules around intermediary service's terms and conditions. In addition, Article 23 of the DSA harmonises the rules around repeat offenders and it confines an online platform's obligation to suspending the repeat offenders who repeatedly post manifestly illegal content.

We are also supportive of Sections 12.6 to 12.8 of the Code. This is provided that those provisions are read in conjunction with Section 5.3 of the Code (i.e. that VSPs who sell advertising space on their platform are not required to engage in general monitoring of such content, in line with Article 15 of the eCommerce Directive or Article 8 of the DSA). In the case of audiovisual commercial communications which are marketed, sold or arranged by the VSPs, the VSPs generally plays no active role in either marketing, selling or arranging a paid promotion between a brand advertiser and a creator. Where the VSPs does play some intermediary role, then the VSPs has the ability to ensure such paid promotion complies with the rules set out in Article 9(1) of AVMSD. However, the Code fails to clarify that the VSPs cannot be expected to ensure that paid ads appearing on the platform comply with such rules, even where they play some intermediary role in "arranging" such ads, through automated means or otherwise. To require VSPs to do so would equate to a general monitoring obligation. A VSPs will not be in breach of Sections 12.6 to 12.8 of the Code unless e it has actual knowledge of specific advertisements which contravene those Sections, and fails to remove those advertisements from the service.

Section 12.9 of the Code is excessively-prescriptive. Section 12.9.1 contains a requirement for users to "rate" alcohol advertisements as "adult content". However, the requirement in the AVMSD is more flexible, stating that advertisements "for alcoholic beverages shall not be aimed specifically at minors".¹⁹ The AVMSD wording is consistent with the industry practice of allowing content creators to use parameters (rather than specific age-rating) to target their advertising campaigns. VSPs are likely to already have advertising policies in place which prohibit alcohol advertising targeted at children. To reflect this industry practice, we suggest that Section 12.9.1 is amended to require VSPs to prohibit alcohol advertising targeted at children in their terms and conditions of service with content creators.

Section 12.9.2 of the Code requires VSPs to have mechanisms in place for users to flag content that has been incorrectly "rated". These requirements are too prescriptive and (because advertisements are not "rated"), are not consistent with industry practice.

The draft Code does not define what is an audiovisual commercial communication not marketed, sold or arranged by a VSPs, as opposed to an audiovisual commercial communication marketed, sold or arranged by a VSPs provider.

Technology Ireland understands audiovisual "commercial communications not marketed, sold, or arranged by a VSPs" to be those which the VSPs is not involved in making available on the platform i.e., which appear on the service without any engagement between the brand and the service (for instance, influencer marketing) and, therefore, there is "limited control exercised by those video-sharing platforms over those audiovisual commercial communications" (Article 28b(2) of the AVMSD). By contrast, in Technology Ireland's understanding, "commercial communications marketed, sold, or arranged by a VSPs" are whereby the VSPs is involved in making the advertising available on the platform, e.g. sold advertising.

In order to avoid any uncertainty as to which requirements should apply to each type of commercial communication, Technology Ireland suggests that the final version of the Code clarifies such definitions.

¹⁹ Article 9(1)(e) of the AVMSD.

Additionally, we understand that the definitions of 'audiovisual commercial communications harmful to the general public' and 'audiovisual commercial communications harmful to children' follow AVMSD closely, however we believe that VSPs would still benefit from further guidance in circumstances where these definitions can in our view prove to be too vague and give rise to ambiguity. For example, these definitions - will likely not be easily understandable to the end-user and as such may be, difficult for VSPs to follow or enforce. We would welcome further clarity as to what is meant by the following: "encourage children to persuade" "exploit the trust children place" "which or reasonably show children in dangerous situations".

Applicability of the Code to other services that may be designated under the Act

CnaM invites comments including on the applicability of the draft Code to other services that may be designated under the Act. As drafted, the Code is narrowly focused on actions a provider might take to protect users' safety in a service comprising (UGC) hosted by the provider, which may also be commonly used by children. Under the Act, however, other types of 'online services' could be designated under Section 139E and Section 139H, and these services may have very different features and user base and may not involve hosted content or UGC. While the Code may be flexible enough to apply to certain services with similar features to VSPs, our members believe it would be unsuitable or unworkable for services with different features. CnaM should therefore not assume that the Code is broadly applicable to the full range of designated online services and be ready to develop bespoke codes where services are sufficiently different to merit a different approach. CnaM could consult on this during the designation process for each service or group of services, having previously identified the online safety concerns underpinning the proposed designation.

Conclusion:

Technology Ireland looks forward to engaging further with CnaM on our consultation response and the development of the draft online safety Code.

E. DRAFT SUPPLEMENTARY MEASURES

Technology Ireland notes that the draft supplemental measures at Appendix 3 are not intended to be included in the first version of the Code but, given some of the problematic suggestions included in these measures, and the considerable overlap with the DSA, appreciates the opportunity to respond to them at this stage.

Recommender systems

Recommender systems play an important role in ensuring a safe, predictable and trusted online environment by ensuring that users are connected to relevant and high quality information.

AVMSD does not provide for the regulation of recommender systems. As outlined above, the proposed regulation of recommender systems by CnaM also conflicts with the DSA's provisions dealing with recommender systems for VLOPs and non-VLOPs, particularly the proposed requirement to 'ensure that recommender algorithms based on profiling are turned off by default'. While we acknowledge that Article 28b(6) of the AVMSD allows Member States to bring in "*measures that are more detailed or stricter*" than those set out in the AVMSD., that provision should not be used to undermine the harmonisation brought about by the DSA in this regard.

In addition, the 'measures' envisaged by Article 28b(6) of the AVMSD are only permitted to be put in place in respect of specific content as set out at Article 28b(1) (programmes, user-generated videos and audiovisual commercial communications), and no other purpose. The measures permitted by Article 28b(6) are not captured by CnaM's proposed regulation of recommender systems (which relates to the operation of recommender systems and not to content).

VSPs who are VLOPs under DSA should not be obliged to extract and publish sections of their DSA systemic risk assessments CnaM will as Ireland's Digital Services Coordinator, already have a copy of the DSA risk assessments made available by VSPs who are VLOPs under DSA. Therefore it would place a disproportionate and unwarranted burden on these providers to require a re-submission of the same information to CnaM in a different format.

Safety by design requirements

CnaM's proposed safety by design measures do not have a basis in the AVMSD. Similar to the views outlined above in relation to recommender systems, this proposal seeks to impose measures to assess the operation of VSPs, as opposed to specific content as permitted by Article 28b(1) AVMSD.

As noted by CnaM, this matter is harmonised under the risk assessment and mitigation requirements of the DSA. It would be disproportionate and unnecessary to oblige VSPs who are VLOPs to repurpose the work carried out in compliance with the DSA (particularly in circumstances in which CnaM will as Ireland's Digital Services Coordinator, have access to the same information in the context of this role).

Online safety supports

These requirements do not have a basis in the AVMSD. Similar to the views outlined above in relation to recommender systems and safety by design, this proposal seeks to impose measures to assess the operation of VSPs, as opposed to specific content as permitted by Article 28b(1) AVMSD. We would suggest that the supports detailed in this section be included in non-binding guidance for VSPs.

The suggestion that a VSPs should contact local authorities - where it considers there may be an imminent and serious risk to the life or health of a user - is a requirement which is already harmonised by the DSA under Article 18 and would therefore be pre-empted from applying under the Code.

TikTok Technology Limited

Online Safety Code Consultation Submissions

TikTok is committed to online safety and welcomes the opportunity to make submissions in response to Coimisiún na Meán's (**An Coimisiún**) public consultation on the draft Online Safety Code (the **draft Code**) under the Broadcasting Act 2009 as amended (the **2009 Act**) to assist An Coimisiún in its task of producing Ireland's binding online safety code.

TikTok is focused on providing our community with a platform that offers a joyful, creative, and above all, safe experience. We know that people are the most creative on TikTok when they feel safe and secure on our platform. We take our responsibility to protect our community incredibly seriously. It is the most important work we do, and we will continue to innovate to keep our community safe. There is no finish line when it comes to protecting the TikTok community. We continue to work each day to learn, adapt, and strengthen our policies and practices to keep our community safe.

Our response to the consultation is structured as follows: (i) an executive summary of our submissions, (ii) **Appendix 1**, which consists of our comments on specific elements of the draft Code and statutory guidance and (iii) **Appendix 2**, which outlines our comments on the Draft Supplementary Measures and Guidance. Our consultation response here builds on TikTok's previous [submission](#) on 6 September 2023 in response to An Coimisiún's Call for Inputs on the Online Safety Code.

Given the inherent complexities of online safety, we would be pleased to continue to engage with An Coimisiún on the draft Code, particularly where our feedback raises any questions for An Coimisiún's consideration. We would also welcome hearing from An Coimisiún about how it will proceed with finalising its consultation (required under Section 139L(4)(a) of the Broadcasting Act 2009 as amended).

Executive Summary of TikTok's submissions

Below are the key overarching themes arising from TikTok's review of the draft Code and guidelines which we would strongly encourage An Coimisiún to take into account in its further work to produce finalised versions. In making these submissions, we also note Articles 4a(1) and 28b(4) of AVMSD encourages the use of co-regulation through the use of codes of conduct that are "*broadly accepted by the main stakeholders*".

1. **The Code and related materials go significantly beyond AVMSD and overlaps and conflicts with DSA**

As outlined in TikTok's submission to An Coimisiún's Call for Inputs, TikTok believes the draft Code should be limited to the obligations applicable to video sharing platform services (**VSPS**) in the revised AVMSD (the **AVMSD**) and should not contain additional requirements which would be deemed out of scope. Focusing the draft Code on the requirements of the AVMSD is consistent with the approach taken to the transposition of the AVMSD in a significant number of EU Member States. The European Audiovisual Observatory's [publication](#) conducted a comparison mapping exercise of national rules applicable to VSPSs and found other jurisdictions' implementations of AVMSD "*very much correspond to the provisions of the revised AVMSD itself*".

We highlight elements of the draft Code where TikTok believes that An Coimisiún has gone beyond the scope of the AVMSD and we have sought to highlight for An Coimisiún the legal issues arising from that, as well as the difficulties and issues which that extension may create for VSPSs. For example, and importantly, we are concerned that the broadly drafted core definition of "content" (specifically capturing content indissociable from user-generated videos), together with its deployment through other definitions and throughout the draft Code's obligations, goes significantly beyond the position allowed for under the transposition of the AVMSD. There is no clear basis in

the AVMSD transposition for this extension and it risks being unworkable, potentially undermining An Coimisiún's stated goals of practicability and proportionality. For example, given that the draft Code will need to be complied with by VSPs under the jurisdiction of Ireland, VSPs will likely find the application of certain elements of the draft Code, e.g. the definition of "content" and related terms, difficult to apply in practice across all member states (which might not be the case were the draft Code to only apply to Ireland). Any element of the finalised Code which went beyond the powers granted to An Coimisiún under the 2009 Act's implementation of AVMSD would, of course, also raise the risk that the same is *ultra vires*.

TikTok believes a core impact of the additional national requirements proposed is that such additional requirements clearly overlap with, conflict or go beyond matters falling within the scope of the Digital Services Act (the **DSA**). To create overlap or conflict between the two regimes would be contrary to the harmonised approach mandated and required by the DSA.¹ For example, we note that An Coimisiún has raised the clear possibility in the potential supplementary measures of providing guidance on the use of recommender systems which goes significantly further than, and is in conflict with, the DSA approach on recommender systems.

2. The continued need for proportionality and flexibility and a less prescriptive approach

TikTok welcomes An Coimisiún setting out its statutory objectives in the draft Code (Section 4), in particular the intention to adopt a principles based approach. TikTok agrees with An Coimisiún on the need to have regard to the principles of proportionality (particularly, to the risk of harm arising), practicability and fairness and to user's fundamental rights in the exercise of An Coimisiún's statutory functions related to the draft Code. In contrast to An Coimisiún's stated principles and objectives, TikTok is concerned that in some notable areas of the draft Code and guidance (e.g. on age assurance), An Coimisiún has adopted a significantly more prescriptive approach, and one which appears to us not to have been adopted by any other European regulator or regulatory framework on online content. Not all of the measures prescribed will be appropriate for all VSPs and there remains the resulting risk that a prescriptive Code risks unduly constraining VSPs in their approach to online safety and may fail to take account of developing/changing platform technologies and/or restrict provider freedom to innovate to enhance online safety.

TikTok welcomes in other instances (e.g. media literacy) where An Coimisiún allows the VSP a degree of flexibility to put in place measures which are appropriate to the nature and extent of their services and associated risk to individuals arising from the content on such services. TikTok is also concerned that the approach of An Coimisiún indicates a desire to regulate activities and practices (via the draft Code and guidance) at a very granular level, as opposed to at the systemic or strategic level and that such an approach may not be proportionate or practicable given the volume of content on any VSP of significant size. TikTok thus encourages An Coimisiún to adopt its stated principles-based approach throughout the draft Code and guidance, and move away from the approach in certain instances of being overly prescriptive.

We hope that these submissions will assist An Coimisiún to continue to develop and finalise Code which is fit for purpose, clear, workable and legally robust and we emphasise that we would be happy to engage further with An Coimisiún on any aspect of our consultation response or otherwise.

¹ Recital 9 to the DSA: "Member States should not adopt or maintain additional national requirements relating to the matters falling within the scope of this Regulation, unless explicitly provided for in this Regulation, since this would affect the direct and uniform application of the fully harmonised rules applicable to providers of intermediary services in accordance with the objectives of this Regulation."

Appendix 1 - Comments on the draft Code

1. Definitions

Having regard to the approach taken in other EU jurisdictions that have transposed the AVMSD and to avoid the inconsistent or unclear transposition of the AVMSD by way of the draft Code, TikTok submits that the definitions contained in the draft Code should align with the corresponding AVMSD definitions and the material scope of the AVMSD.

Expanding the concept of Content beyond AVMSD

One key concern is the broad definition of "content", which the draft Code extends beyond audio visual content itself to "user-generated content comprising any text, symbol, or caption accompanying any user-generated video, provided such text, symbol, or caption is indissociable from the user-generated video" (**Indissociable Content**).

Article 28b AVMSD is limited to user-generated videos and does not make any references to capturing user-generated content that is indissociable from videos. An Coimisiún's proposed approach thus would go significantly beyond AVMSD by capturing content beyond audiovisual content. It would undermine the effectiveness of the draft Code, which requires that the measures taken under it are practicable and proportionate and take into account e.g. the rights and legitimate interests at stake, including those of the VSPs, users and the general public. TikTok remains of the view that alignment and consistency with the AVMSD and its material scope is important in order to recognise the need for harmonised interpretation of the operative provisions of the AVMSD which the draft Code seeks to give further effect to in Ireland.

Deviation from the AVMSD also increases the risk of the draft Code regulating matters that fall within the scope of other laws and/or conflicting with other regulatory regimes, importantly the DSA. The regulation of online content not consisting of audiovisual content is within scope of the DSA rather than the AVMSD and as such, the inclusion of such content in the scope of this Code will create fragmentation and overlapping rules in an area where maximum harmonisation is required to increase legal certainty and achieve EU goals.²

Impact of Indissociable Content on compliance with the Code

The proposed broad definition of content would lead to draft Code obligations extending to the Indissociable Content and making it practically challenging to comply with them and risks being disproportionate to the risk of the potential harm. A clear example of this is the content rating obligations under the draft Code. It follows that the content rating system which it is proposed a VSP should be required to operate would arguably need to cover associated text, such as captions or comments on user-generated videos. TikTok also queries whether An Coimisiún's intention is that users will be able separately to rate individual comments or symbols which might appear under or in association with a video. This could in theory result in various differing, and conflicting, ratings being made in respect of the same linked pieces of content e.g. the video is rated as appropriate for all users but one of the thousands of comments linked to the video may be rated as only suitable for a more mature audience.

Distinction between "illegal content harmful to the general public" and "illegal content harmful to children"

² Recital 9 to the DSA: "This Regulation fully harmonises the rules applicable to intermediary services in the internal market with the objective of ensuring a safe, predictable and trusted online environment, addressing the dissemination of illegal content online and the societal risks that the dissemination of disinformation or other content may generate, and within which fundamental rights enshrined in the Charter are effectively protected and innovation is facilitated. Accordingly, Member States should not adopt or maintain additional national requirements relating to the matters falling within the scope of this Regulation, unless explicitly provided for in this Regulation, since this would affect the direct and uniform application of the fully harmonised rules applicable to providers of intermediary services in accordance with the objectives of this Regulation.."

The draft Code draws a distinction between “*illegal content harmful to the general public*” and “*illegal content harmful to children*”, which is not required by either AVMSD nor the 2009 Act.

First, all illegal content is harmful to all users (whether it is the general public or minors). TikTok questions whether the draft Code’s introduction of a “harm” threshold for illegal content is necessary, particularly if such a harm threshold may not be reflected in the specific offences. This distinction risks making content moderation more challenging and less workable in practice. Second, the rationale, or benefit, of drawing a distinction between minors and the general public in terms of illegal content is unclear and contradictory. The definition of illegal content harmful to children refers to illegal threats or harassment, either of which are offences which can be committed against an adult or a child. The primary lens ought to be the illegality of the content (generally) rather than viewing it through the lens a subset of such content might cause to a particular type of user (child/adult). TikTok believes that the definition of the illegal content should be aligned with Article 28b(1)(c) AVMSD and that no distinction between these two definitions should be made.

2. Terms and Conditions

TikTok notes that An Coimisiún intends that the draft Code will require VSPSs to prohibit by way of their terms and conditions the uploading by users of the content categories included within the draft Code. As An Coimisiún may be aware, TikTok’s terms and conditions require that users comply with our Community Guidelines and do not post any content in breach of them. Our Community Guidelines apply to everyone and to all content on the TikTok platform (available [here](#)).

Article 28b(1) AVMSD requires Member States to ensure VSPSs “*take appropriate measures to protect*” minors from harmful video content which may impair their physical, mental or moral development. This is an intentionally general obligation to allow for flexibility in implementation. Notably, AVMSD does not require Member States to ensure that VSPSs “ban” any particular content. As per Article 28b(3) AVMSD, such “*appropriate measures*” must be practical and proportionate, taking account of the rights and legitimate interests at stake, and risk arising, and must not lead to *ex ante* control measures. The overall tenor and language of the AVMSD is focused on ensuring that certain minimum levels of content moderation systems are in place.

TikTok has a concern that the approach in the draft Code of requiring VSPSs to include in their terms and conditions (the **T&Cs**), a complete prohibition of certain categories of lawful content identified by An Coimisiún (i.e. “*regulated content harmful to children*” and “*regulated content harmful to the general public*”) may operate contrary to the original intention of the AVMSD. We note that, for practical reasons, T&Cs of a VSPS generally apply across multiple jurisdictions. Accordingly imposing an obligation to outright prohibit a certain category of content in a VSPS’s T&Cs has the practical effect of banning such content across multiple jurisdictions both inside and outside the EEA.

3. Suspension and Termination

The provisions of Section 11.10 of the draft Code propose to require a VSPS to suspend or terminate accounts which the provider has determined to have repeatedly infringed the draft Code-mandated terms and conditions.

As a responsible provider and in line with its obligations under the DSA (see e.g. suspension and termination of accounts under Article 23), and its own internal policies, TikTok has a detailed system in place in respect of how accounts may be suspended/terminated. TikTok takes all forms of online harms seriously and works continuously to ensure a safe community for its users and we adopt the most stringent action in relation to illegal content. Our Community Guidelines make clear to our users that we remove this content and in certain circumstances, the below violations would result in an immediate account ban on our platform.

- Post, promote, or facilitate youth exploitation or child sexual abuse material.
- Promote or threaten violence.
- Post or promote content that depicts non-consensual sex acts such as rape or molestation.
- Post content that facilitates human trafficking.
- Post content that depicts real-world torture.

Article 28b(3) AVMSD provides a list of "*appropriate measures*" which Member States may require a VSPS to take to address harmful content. That list however does not reference national authorities imposing an obligation for VSPSs to suspend or terminate accounts which repeatedly infringe a provider's T&Cs. Once again the DSA has considered and established obligations for online platforms specifically for user account suspensions (again, Article 23 DSA). TikTok submits that obligations in respect of account suspensions should continue to be dictated solely by the DSA regulatory framework.

TikTok would also like to highlight its concern that Section 11.10 refers to **all** categories of content in a blanket and uniform way. Article 28b(3) AVMSD specifically envisages a graduated and proportionate approach depending on the severity of the online content. TikTok is concerned that Section 11.10 appears intended to require equal application by VSPSs to all forms of regulated content and illegal content.

4. Reporting Obligations

The Code proposes to require VSPSs to provide reports to An Coimisiún every three months on:

- (i) the timelines and accuracy of the provider's reporting and flagging mechanisms;³
- (ii) the accuracy and effectiveness of its age estimation, age verification or other technical measures;⁴ and
- (iii) the provider's handling of communications from users raising complaints or other matters.⁵

While TikTok recognises that An Coimisiún is responsible under the 2009 Act for establishing "*the necessary mechanisms to assess the appropriateness of*" the measures put in place by VSPSs to meet their AVMSD 28b(3) requirements,⁶ and that codes must provide for "*regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at*",⁷ we believe that the nature of

³ Section 11.15 of the draft Code: "Video-sharing platform service providers shall evaluate and report to the Commission every three months from 1 January each year on their performance against the targets established in section 11.14, in the manner specified by the Commission from time to time, and shall publish a report annually on the website of the service."

⁴ Section 11.21 of the draft Code: "Video-sharing platform service providers shall provide a report on the accuracy and effectiveness of age estimation mechanisms, age verification mechanisms or other technical measures arising from the evaluation undertaken under sections 11.18 and 11.20 to the Commission every three months from 1 January each year, in the manner specified by the Commission from time to time."

⁵ Section 13.4 of the draft Code: "Pursuant to section 139K(6) of the Act, each video-sharing platform service provider shall provide a report to the Commission, in the manner specified by the Commission from time to time, on the provider's handling of communications from users raising complaints or other matters every three months from 1 January each year."

⁶ Article 28b(5).

⁷ Article 4a(c).

certain of these regulatory reporting requirements, and the frequency with which they must be made, are onerous and disproportionate to the aims of the AVMSD and also do not take account of the fact that providers also subject to the DSA will already be producing reports covering at least some elements of these matters.

Frequency of reports

Regarding the VSPS's requirements to report to An Coimisiún on how it manages user complaints, the 2009 Act provides that the frequency should be "*of not more than 3 months*". VSPSs cannot be mandated to report more frequently than this, clearly emphasising that An Coimisiún has flexibility to set what it considers the appropriate frequency for VSPSs to report by. No further guidance is provided for the other reporting requirements.

As An Coimisiún will appreciate, and as is recognised under the DSA, the Code of Practice on Disinformation (the **COPD**) and other laws where regulatory or user reporting is mandated, platforms require time, outside of the reporting period, to validate the metrics and ensure they are robust before disclosing. We suggest a reasonable turnaround time (noting that without information about the expected *contents* of such reports, it is difficult to suggest accurately what would be reasonable) would be to align with the turnaround time provided under the DSA and COPD of at least 2 months. The draft Code's obligation to provide certain metrics "*every three months*" leaves uncertainty around the expected reporting period and turnaround time, risking VSPSs taking diverging approaches and thus undermining the transparency intent. In addition, mandating such a reporting cadence without building in an adequate turnaround time would be onerous and disproportionate on VSPSs, particularly when compared to the requirements set under other comparable laws.

We propose that there is an opportunity for An Coimisiún to align the cadence of any reporting ultimately required under the draft Code with the DSA. Platforms already publish comprehensive reports on content moderation and related practices, either every 6 months if designated as VLOPs or if they are signatories to the COPD, or every 12 months in other cases.

Content of reports

The draft Code does not provide clarity on the expected *contents* of such reports. Instead, An Coimisiún reserves to itself the flexibility to specify the requirements "*from time-to-time*".⁸ Depending on the requirements, building the necessary technical and operational processes to report on those requirements may take time. We believe VSPSs should be given an opportunity to highlight where compliance with particular reporting requirements is not technically feasible, or where it would involve a disproportionate burden on VSPSs to track and record data in the manner requested and instead propose a more appropriate alternative. The opportunity to provide feedback should extend to any proposed changes to the reporting requirements over time, to ensure VSPSs have the ability to provide additional context to An Coimisiún about the impact of any proposed changes. We note that the European Commission sought stakeholder feedback on the DSA transparency regime by way of public consultation, so a similar approach here would likely be of benefit to industry and other stakeholders.

Requirement to set Targets

The Code imposes an obligation on VSPSs to set targets with respect to the following matters:

- (i) timeliness and accuracy of content reporting and flagging mechanisms;⁹ and

⁸ Sections 11.15, 11.21, and 13.4 of the draft Code.

⁹ Section 11.14 of the draft Code.

- (ii) the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the VSPS's age verification mechanism.¹⁰

An Coimisiún outlined in the Consultation that in response to the Call for Inputs "*industry respondents argued that the time to make a moderation decision should not be rigidly prescribed because it depended on many factors such as the completeness of the information provided by the person reporting the content, the complexity of the case, the language of the content, and whether third parties needed to be consulted.*" TikTok shares these concerns. While we welcome An Coimisiún's decision not to mandate rigid targets for timeliness and accuracy of decision-making following user reports, we note that An Coimisiún proposes to oblige VSPSs to set and publish such targets, and to measure and report their performance against those targets. In our view, this approach does not sufficiently address these concerns and in fact, VSPSs will face the same issues when self-imposing the targets described above.

First, the introduction of targets in the manner envisaged by the draft Code is not a core obligation of Article 28b AVMSD and it will be possible for An Coimisiún to fully implement the letter and spirit of the obligations in the AVMSD without introducing such targets.

Second, the draft Code seems to create an obligation which goes beyond even the current requirements of the DSA. The text of the DSA does not impose any specific deadlines to respond to user reports (Article 16 DSA) or complaints/appeals (Article 20 DSA), but imposes, as an aid to accountability and transparency, obligations to respond in a "*timely*" manner to both illegal content reports and appeals of provider decisions. In addition, in the DSA's hosting defence context, that is maintained where the provider acts expeditiously. These approaches were adopted in part due to an acknowledgement that the complexity of these matters can vary depending on the context, and accordingly it would be inappropriate to impose any form of specific or rigid response times. TikTok submits that An Coimisiún should consider adopting the approach taken in the DSA i.e. to require VSPSs to respond in a timely manner, as opposed to obliging VSPSs to self-impose targets for dealing with user complaints.

Aside from concerns in relation to overlap with the DSA, there also appears to be an inherent flaw in relation to the requirement to set targets with regard to the number of children who are *wrongly* identified as adults through an age verification mechanism. It is unclear to us how we would in practice set that target or what mechanism could be introduced in order to satisfy this requirement operationally (or indeed what the point of such a mechanism would be). The setting of targets in these areas also risks the creation of unintended incentives. For example, if An Coimisiún's intention is for a VSPS to ensure that it stays below a certain target of underage users identified, VSPSs may be discouraged to utilise measures to uncover such accounts.

5. Public Transparency Reporting and Media Literacy

Annual Transparency Reporting

The draft Code proposes to require VSPSs to publish the following documents annually:

- (i) a report on the VSPS's performance against the targets it sets with respect to the timeliness and accuracy of reporting and flagging mechanisms;¹¹ and
- (ii) an action plan specifying the measures the VSPS has taken to promote media literacy.¹²

¹⁰ Section 11.18 of the draft Code.

¹¹ Section 11.15 of the draft Code.

¹² Section 13.2 of the draft Code.

Reporting and Flagging

The DSA already requires all online platforms to make publicly available a comprehensive report on content moderation, disputes and related practices including detailed underlying metrics on an annual basis (Article 15 and Article 24 DSA). For VLOPs (such as TikTok), Article 42 DSA requires that such reports must be made every 6 months. These reports must include, *inter alia*, the number of notices submitted through the notice and action mechanism, actions taken pursuant to the notices and the median time needed for taking the actions.

The AVMSD does not explicitly require VSPSs to publish regular reports.¹³ TikTok submits that An Coimisiún should refrain from introducing any additional reporting requirements beyond the comprehensive reporting requirements already contained in the DSA, as it is not necessary in order to fully transpose the AVMSD. Alternatively, VSPSs that are subject to the relevant DSA transparency reporting obligations should be permitted to submit their DSA reports as a valid response to this obligation.

Action Plan on Promotion of Media Literacy

The Code imposes an obligation on VSPSs to provide effective media literacy measures and tools, and to take steps to raise users' awareness of those measures and tools.¹⁴ TikTok welcomes that An Coimisiún does not aim to be prescriptive and that the draft Statutory Guidance includes commentary on what VSPSs could consider when implementing requirements relating to media literacy and tools. VSPSs are instead to be required to publish an action plan specifying the measures it will take to promote media literacy, and report to An Coimisiún on the impact of any measures taken "*in a manner specified by the Commission.*"¹⁵ TikTok already reports extensively under the COPD on efforts to raise user awareness around disinformation. From our experience of publishing that six-monthly report, it would be difficult and impractical to provide a detailed "advanced" statement about the initiatives for the upcoming year given the number of dependencies involved including the availability of external partners to collaborate with on the initiatives and the likelihood that a crisis or event may arise that needs to be prioritised for user awareness e.g., an international conflict. TikTok believes it may be more effective and appropriate for VSPSs instead to be required to concretely report on what they have actually undertaken (as opposed to actions VSPSs intend to take).

7. Age verification

TikTok welcomes An Coimisiún's statement that its objective in the draft Code is to ensure the implementation of effective measures regarding age verification, rather than setting prescriptive technical requirements. While TikTok welcomes this emphasis on the effectiveness of measures, some aspects of the draft Code, and its statutory guidance, risk being overly prescriptive and thus overlook the dynamism and potential for on-going innovation required for effective and proportionate age assurance measures. TikTok also notes that the DSA has set out a harmonised framework for assessing and responding (i.e. mitigating measures) to risks arising on online platforms by means of the DSA's requirements for risk management under Article 35, age assurance being one potential measure in that response.

TikTok has designed a range of strategies and tools that help us keep the platform a place for people who are 13 and older. Some of the examples include:

- TikTok app has a 12+ rating in the App Store and is listed as "Parental Guidance Recommended" in Google Play Store, which enables parents to use device-level controls to block their teens from downloading TikTok.

¹³ Article 4a(1)(c) and Article 28b(5) of the AVMSD.

¹⁴ Section 13.1 of the draft Code.

¹⁵ Section 13.2 of the draft Code.

- TikTok has a neutral, industry-standard age-gate that requires people to fill in their complete birth date when signing up for TikTok. If someone creates their account using another platform, they will also be asked to provide their birth date to us directly. If someone tries to create an account but does not meet our minimum age requirement, we suspend their ability to attempt to create another account using a different date of birth.
- TikTok takes a number of additional approaches to identify and remove suspected underage account holders. We train our safety moderation team to be alert to signs that an account may be used by a child under the age of 13. We also use other information as provided by our users, such as keywords and in-app [reports from our community](#), to help surface potential underage accounts. When our safety team believes that an account may belong to an underage person, the account will be banned and allowed to appeal.

There is no one-size-fits-all age assurance solution and this is particularly clear given the advancements in the guidance from various regulators on this issue. We would urge An Coimisiún to look to the positions adopted by peer regulators such as the Information Commissioner's Office (the **ICO**) in their [Opinion](#) on age assurance for the Children's Code and the Irish Data Protection Commission (the **IDPC**) in the [Fundamentals](#) for a Child-Oriented Approach to Data Processing (the **Fundamentals**). We note that the IDPC states that "[t]here is no one-size-fits-all solution to the issue of age verification. Appropriate age verification mechanisms are likely to vary from context to context, depending on, for example, factors such as the service being provided and the sensitivity of the personal data being processed. In any event, such measures should be proportionate and grounded on a risk-based approach."

An example of how regulatory guidance has evolved over time is the movement towards the overarching concept of "age assurance", with "age verification" (meaning verifying with certainty what a person's precise age is) being only one approach to age assurance. In contrast, the draft Code's use of the term "age verification" places the issue in a very narrow frame. We encourage An Coimisiún to be open to a standard based on age *assurance* rather than only focusing on verification.

An Coimisiún's statutory guidance includes a list of specific age verification techniques and is prescriptive on which techniques are favoured over others. Document-based verification and verification through AI and biometric-based systems are favoured over other types of age verification as more robust. Self-declaration of age by users is deemed not to be an effective measure and self-declaration, together with age estimation, may also not be seen as effective in certain circumstances. It is notable that neither the IDPC or the ICO went so far as to rule out self-declaration or any other measure for being ineffective.

- The ICO observes for example that self-declaration can be less intrusive from a data protection perspective as it does not require a service to collect and store large amounts of personal data. In our view, further data collection would run the clear risk that VSPs would need to collect and process new and sensitive forms of data, e.g., ID cards, that they would not otherwise collect. As well as data protection rights, there are important trade-offs with other user rights (e.g. in our view, user freedom or autonomy, particularly as age increases through teenage years).
- Verification solutions based on "hard identifiers" could also exclude people who lack the necessary documents or information, such as credit history or passports - in our view posing social and moral difficulties. Hard identifiers also pose challenges for minors, who are less likely to have many of the hard identifiers used in these solutions.
- The ICO proposes to balance these various risks by having the service offer a choice of age assurance methods, appropriate to the needs of the service and users.

TikTok is concerned that An Coimisiún has not taken express account of the potential data protection issues which specifically arise in the context of age verification. For example, TikTok notes the IDPC's submission to the Call for Inputs that the issue of data minimisation is very relevant to any age verification solution or measure and an organisation must only collect the "*data necessary in order to be able to*

achieve the requisite degree of certainty about the age of its users i.e. that which is proportionate to the level of risk arising from the processing of personal data".

TikTok would encourage An Coimisiún to reflect its overarching intention to implement a principles-based approach and outline the principles it wishes to achieve in order to allow VSPS practices to iterate and evolve in line with technology. Given the varying sizes and nature of VSPSs, TikTok believes the focus should be on the draft Code's stated objective of ensuring effective systems are implemented, rather than being more prescriptive including ruling out any measure(s) which could be a component of an effective solution. Flexibility on this issue would also reflect the principle of proportionality, i.e. to the risk posed.

The draft Code purports to introduce requirements for VSPSs (Section 11.18) to establish a mechanism to achieve certain tasks, such as a description of age verification measures, the setting of targets for wrongly identified accounts, evaluating the accuracy and effectiveness of age related measures, and using surveys to estimate the number of child users. It is not clear what could constitute an appropriate "mechanism" and it is presumed that the intention is that this information is made public for user transparency given Section 11.21 requires the information to be provided to An Coimisiún.

- On transparency concerning the techniques VSPSs use for assurance, while TikTok supports the principle (and indeed already provides such transparency to our users), we would welcome clarification from An Coimisiún that VSPSs have flexibility in how to achieve this and are not required to provide such detail that could facilitate circumvention of those measures.
- In respect of the requirement to set targets with regard to the number of children who are *wrongly* identified as adults through an age verification mechanism, we reiterate our concerns above.
- The level of detail, and actions envisaged in particular for the evaluation requirements, are disproportionate to achieving the goal of transparency on the effectiveness of age verification techniques and arguably inappropriate for user transparency. The requirements to conduct user surveys to estimate the number of child users (especially given surveys also pose inaccuracy risks), and the extensive description and evaluation obligations are onerous and likely raise data protection issues.

Statutory Guidance

TikTok strictly prohibits content depicting sexual activity or services including pornography. If such content is identified on our platform, we immediately take action on that content. The draft Statutory Guidance outlines that VSPSs must take measures through age verification, estimation or otherwise to restrict the promotion to children and easy access of harmful content, including pornography which could be out-linked from a video to content on sites outside of the platform. It goes on to outline that the requirement for age verification techniques to be effective consists of ensuring children are not able to view adult content *on other services*. While we are in favour of the aims of these requirements, this imposes an unfair and disproportionate burden on VSPSs, effectively requiring them to monitor content on third party sites (and in effect holding them liable for such content) in a manner which would be contrary to the DSA's intermediary liability defence.

8. Content rating

TikTok notes that the draft Code is intending to require VSPSs to *"...establish and operate easy-to-use content rating systems allowing users of video-sharing platforms to rate content on their services"* (Sections 11.22 to 11.23). As An Coimisiún may be aware, TikTok operates what we refer to as "Content Levels" which are used to organise content on TikTok based on thematic maturity. Content is assigned a "maturity score" by TikTok, and that which is detected to contain overtly mature themes will be prevented from reaching users under the age of 18. While all content, whether tagged as audience controlled or not, must adhere to our Community Guidelines and go through our content moderation process, "Audience Controls"

feature on TikTok allows uploading users to tag their videos containing themes that they would prefer are not recommended to those under the age of 18.

As outlined in our previous submissions, content classification is a highly complex area, which necessitates the adoption of a principles-based approach. Whether a particular approach is *effective* depends on the context of the relevant VSPS, given the differences between the providers who are in scope of the draft Code. There are specific elements of the draft Code which do not fully or adequately account for this complexity.

Section 11.23 of the draft Code requires that the content rating system be *objective* but specifies that the rating system needs to be user-led (Section 11.24), enabling users to rate whether content is appropriate for children and to suggest the ages of children for whom the content is appropriate. The nature of user-led rating of content however means that there is necessarily an element of subjectivity as it will depend on the view point of that user. In addition, in order to determine the age of children for whom the content is appropriate, uploaders would need to understand and take into account different cognitive abilities of children of different age groups, and be able to assess the risks of the content to each age group and make comparisons across content. Users of VSPSs are unlikely to have this specialised knowledge, and therefore their ratings would not ensure effective protection of children from inappropriate content.

In its guidance, An Coimisiún also advises that VSPSs facilitate users rating content based on the national ratings system in effect locally such as IFCO in Ireland and NICAM in the Netherlands. IFCO and NICAM are specialised rating bodies that classify films, television programmes and video games rather than user-generated videos. This distinction is important for rating as what is acceptable e.g. in a fictional context may not always be acceptable in content created by users. This is why, while our content levels approach draws closely on the kinds of standards already in use around the world, including IFCO and NICAM, we have further developed content levels policies to take into account content bespoke to TikTok.

We note the guidance suggests an effective content rating mechanism is one that takes a consistent approach and that An Coimisiún may consider at a future date whether to introduce one such system to be used by providers. First, the "user-led" approach favoured in the draft Code inherently lacks the key focus of the guidelines which is consistency. Second, we also have concerns that the guidance risks An Coimisiún moving away from its principles-based approach on this topic, replacing it with not just a prescriptive approach but seemingly a prescriptive system. This would go against An Coimisiún's principle of "practicability" given the complexity of content rating and the uniqueness of each VSPS, and "proportionality" if a VSPS is required to overhaul a system that is already in place. Instead, we believe consistency can be ensured through the use of principles.

9. Parental Controls

As noted in our submissions in response to the Call for Inputs and as mentioned above, TikTok has already implemented effective and robust parental tools called "Family Pairing". We have developed tools which allow safety settings to be customised based on individual needs, including setting daily screen time limits, muting push notifications, limiting videos that may be inappropriate for teens by turning on "Restricted Mode", selecting keywords or hashtags to exclude content from the For You or Following feeds, turning off the search functionality, direct messages, and comments. In particular the features let caregivers link their TikTok account to their teen's to manage a variety of content, privacy, and well-being settings.

The draft Code (Sections 11.24-11.28) proposes a principles-based approach to the introduction of parental controls but in certain instances, and together with the guidance, is in our view overly prescriptive and runs the risk of being unworkable.

- **Application of parental controls to illegal content would be inappropriate.** Article 28b(3)(h) AVMSD requires parental controls be applicable to content "*which may impair the physical, mental or moral development of minors*". The draft Code goes further and seems to indicate parental controls should be used to prevent a minor's access to illegal content. As is legally required,

TikTok has strict prohibitions against illegal content on our platform for all users and when such content is identified, action is promptly taken through automated or human moderation, either by restricting it in the country where it is illegal or, in some cases, across the EEA region or by removing the content from the platform entirely. Parental controls would be inappropriate, and importantly ineffective, for protecting users including minors against such content, not least because of the nature of those tools e.g. limiting screen time and the application of the tools would seemingly be dependent on the caregiver taking action as opposed to the VSPSs' systems and processes. The reference to using parental controls in relation to illegal content appears particularly inappropriate when viewed in light of the following suggested feature in the guidance: "*allowing for the blocking or re-enabling of access to categories of content in accordance with the service's content rating scheme*". TikTok recommends that parental controls are an appropriate tool regarding regulated content harmful to minors only.

- **Overly prescriptive controls with blanket application.** The guidance on parental controls in the draft Statutory Guidance advises that parental controls may include various features, including a feature that can restrict the child from distributing video content, including video content they have recorded. In light of the definition of child in the 2009 Act and the draft Code, this guidance recommends that caregivers should be able to limit the ability to upload content for all users under the age of 18. TikTok believes that this "blanket" approach may not be appropriate on the basis that it is disproportionate to the risk arising. In particular, it is disproportionate from a privacy perspective as it implies that the caregiver should have access to, and be able to exercise control over, content that the minor posts and / or perhaps even records. In determining the appropriate levels of controls which should be prescribed under the draft Code's framework, TikTok would encourage An Coimisiún to have further regard to the IDPC's Fundamentals. In particular TikTok notes the IDPC's comments in Section 5.4 (Age Verification and child user experience) in which the IDPC warns that implementing an overly restrictive two-tier system, whereby the service and features provided to under-18s is very different to over-18s, may actually create greater risk, by driving minors "underground" and encouraging greater efforts to circumvent age verification processes.¹⁶ A less prescriptive approach to the controls would balance the objectives of the AVMSD with the principles of proportionality, effectiveness and practicability of the affected data subjects, together with the autonomy that children have on VSPSs.
- **Specific requirements around user awareness.** VSPSs are required to raise awareness of users about controls (Section 11.27) and specifically make them available to new users on registration (Section 11.28). TikTok submits that these aspects of the draft Code would be more appropriate to be contained in the non-binding guidance accompanying the draft Code, rather than in the draft Code's binding legal obligations. This approach, as adopted by other Member States, is also appropriate as it takes account of the inherent technical challenge in legally identifying a parent/guardian on registration and also that caregivers may not be on the app and raising awareness in off-app campaigns may be more effective.

Finally, as noted above in relation to age verification, the DSA has already harmonised the regime for online platforms to respond to the risk of content by requiring risks to be formally assessed and risk mitigation measures be put in place (Article 35 DSA), parental controls being one such potential risk mitigation measure.

10. Complaints

TikTok currently operates easy to use functionalities and procedures to raise, address and resolve complaints and related issues from users (see e.g. TikTok's help centre [articles](#)).

TikTok notes that in Sections 11.29 to 11.31 of the draft Code, An Coimisiún is intending to require VSPSs to handle and resolve user complaints "*in relation to the implementation of obligations relating to reporting*

¹⁶ Page 45 of *Fundamentals for a Child-Oriented Approach to Data Processing*

and flagging, age verification, content rating and parental controls". We propose that where effective complaints flows are in place in respect of relevant aspects of their service, it would be disproportionate to require providers to establish new parallel complaints handling processes. Where the requirement under the draft Code to user mediation overlaps with the requirements for out-of-court dispute resolution under the DSA (Article 21), these requirements should be aligned to minimise friction and duplication. In particular, any out-of-court redress for complaints about individual content moderation decisions should fall within the remit of the DSA.

Similarly, the precise nature and extent of the three monthly user complaints reporting to An Coimisiún in Section 13.4 is unclear. See our comments above in our section entitled **Reporting Obligations**.

11. Transition period for application of Code

An Coimisiún is required to give notice of the application of an online safety code to VSPs under the 2009 Act. While the relevant provisions (Section 139L of the 2009 Act) only refer to the taking effect of a *notice* that an online safety code applies to a designated service, nothing in the text of the 2009 Act or of the AVMSD *prevents* the Commission from incorporating into the final Code an appropriate transition period before it becomes applicable to VSPs. We note that An Coimisiún specifically requested in the Call for Inputs input on an approach to implementing a transition period.

TikTok notes that the draft Code is silent as to any transition period. We reiterate our suggestion that it would be beneficial for the draft Code to have a transition period, particularly because of its binding nature and of the proposed prescriptive and detailed requirements of the draft Code and the way in which the draft Code overlaps with other regulatory regimes (in particular, the DSA).

Based on the information set out in the draft Code, TikTok would suggest a minimum transition period of at least 12 months would be necessary for VSPs to adapt their systems, controls and processes to address the requirements of the draft Code. We note that the DSA allowed a minimum 15 month transition period (after the DSA text itself was finalised) for providers.

Appendix 2 - Comments on the Draft Supplementary Measures

Draft Supplementary Measures for potential inclusion in later versions of the draft Code

An Coimisiún has identified three areas which it is considering for inclusion in future iterations of the draft Code. Below are some initial views and should An Coimisiún decide to proceed further, we welcome the opportunity for further engagement and consultation on these matters.

We agree with An Coimisiún's comments that any additional measures being considered should be limited to those which concern the subject matter of Article 28b AVMSD. Despite that, we have a concern that in reality the measures under further consideration appear to go beyond AVMSD and additionally run the risk of overlapping with the DSA's harmonised regime.

Safety by Design Obligations

This An Coimisiún proposal considers the introduction of the new concept of online safety impact assessments (**OSIAs**) and provides that all VSPs be obliged to:

- a. conduct OSIAs on all existing "*functions*" relating to user-generated videos and on any new "*function*" relating to user-generated videos prior to its introduction; and
- b. publish their methodology for conducting OSIAs.

TikTok is not clear on the basis under the AVMSD which supports the potential introduction of such obligations, particularly where these requirements use the concept of "*functions*" "*relating to*" user-generated videos, which is in our view a potentially very broad scope i.e. one which goes beyond such audio-visual content itself.

In addition, such provisions, if introduced, would clearly overlap with the existing obligations under Article 34 and 35 DSA which require VLOPs (but notably not smaller intermediary service providers (**ISPs**)) to engage in risk assessment and risk mitigation measures. Indeed the consultation notes this overlap by acknowledging that VLOPs may have "*already complied*" with the proposed obligations through their required risk assessment obligations under the DSA. In fact, An Coimisiún's requirement to prepare and publish methodologies for conducting OSIAs that are effective e.g. in identifying and mitigating issues relating to fundamental rights and protection of minors overlap with the DSA's requirement that such risks be assessed as part of a VLOP's systemic risk assessment requirements (under Article 34(1)(b) and (d) DSA). As a result of such overlap, the proposal would contravene the important overarching goals of the DSA; the principle of conferral under EU law and the explicit goal of the DSA to establish a single, harmonised set of rules to regulate the operation of ISPs and measures relating to content in the EU.

This requirement also runs counter to the position taken under the DSA as between VLOP and non-VLOP providers. The proposal appears to extend to non-VLOP providers the obligation to conduct what, in practice, would seem intended to be Article 34/35 DSA risk assessments.

As such, this proposal risks creating a confusing system of parallel regulation of very similar obligations, with obvious difficulties if the EU Commission and An Coimisiún were to arrive at different conclusions in respect of the adequacy or sufficiency of the OSIA/risk assessments under the respective regulatory regimes. In this regard, it is difficult to see how this proposal could be workable or effective. It is also contrary to An Coimisiún's stated goals of proportionality and practicability.

Provision of Online Safety Supports

This An Coimisiún proposal, if introduced, would create an obligation on VSPs to prepare and publish an online safety support plan containing appropriate and effective measures to support the welfare of users. As An Coimisiún may be aware, TikTok already engages in a number of extensive measures to safeguard the

welfare of our users including e.g. providing support resource information on self-harm and digital well-being resources and continually works to assess and where appropriate enhance those measures. TikTok also works collaboratively with various safety partners and experts to assist in our work to provide advice and support resources for users and their family.

While limited guidance is provided in respect of the extent of obligations proposed by An Coimisiún, TikTok notes that certain of the measures may overlap with other draft Code obligations on media literacy. TikTok would again encourage An Coimisiún to follow their principles-based approach and avoid providing prescriptive measures to allow providers flexibility to put in place effective, bespoke measures as appropriate to their users and service.

Furthermore, some of the proposed supports include measures which do not seem to have a clear basis for inclusion under the AVMSD and appear to fall within the scope of the DSA regulatory framework e.g. providing for VSPSs to contact local authorities in circumstances where there may be an imminent and serious risk to a user. As noted above, the draft Code should seek to avoid overlap and conflict with the DSA's regulatory framework.

Recommender System Obligations

This An Coimisiún proposal, if introduced, would create new obligations for VSPSs specific to their recommender systems, requiring providers to:

- a. prepare, publish and implement a recommender system safety plan, to mitigate risks that recommender systems may cause harm; and
- b. provide a report on actions taken in respect of recommender feeds to An Coimisiún annually, or at other intervals determined by An Coimisiún.

Many of the concerns arising in respect of the *Safety by Design Obligation* proposal above also apply in respect of this proposal, for example:

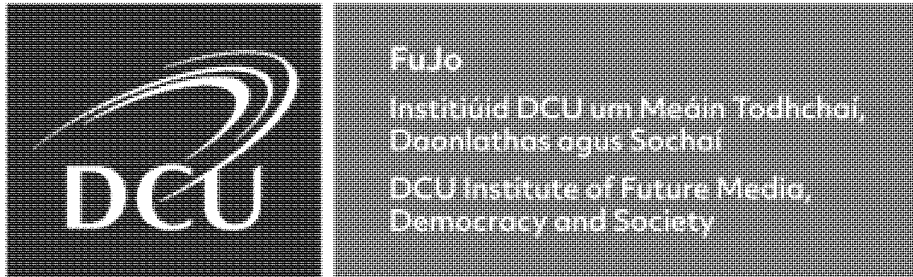
- there is clear overlap and/or conflict with the DSA framework, which considered recommender systems and determined appropriate obligations in respect of such functionality;
- the AVMSD does not make any express reference to the regulation of such functionality, or the processes for how videos are suggested to VSPS-users and accordingly it is unclear to TikTok the basis on which the draft Code is seeking to regulate the use of recommender systems; and
- the proposal runs the clear risk of creating inconsistent, parallel regulation of very similar subject matter.

The addition of an obligation to provide a *further* regular report to An Coimisiún (point "b" above) is disproportionate in a context where much reporting will already be shared with regulators under the DSA framework and under the draft Code itself.

In setting out the proposed minimum measures for what should be considered as part of the "recommender system safety plan", An Coimisiún proposal identifies a number of measures which raise concern. In particular, TikTok would be concerned that a number of the measures which An Coimisiún proposes that VSPSs would consider appear to run the risk of conflict with the harmonised DSA regime (e.g. providing an option for users to turn off personalisation) or otherwise appear highly prescriptive, may not respect user's fundamental rights (e.g. freedom of expression) and may not be workable in practice.

Finally the accompanying guidance suggests that VLOPs could meet their obligation to publish a recommender system safety plan by publishing relevant sections related to recommender system risks from the systemic risk assessment required under Article 34 DSA. Accordingly the proposal seems to envisage

an extension of obligations beyond where they have been set under the DSA framework. Notably under the DSA, VLOPs are not under an obligation to publish their Article 34 DSA risk assessments. Under Article 42 DSA, VLOPs are obliged to publish a report of the results of a risk assessment, and the audit report required under Article 37(4) DSA, but this is not equivalent to the risk assessment itself. Therefore, the proposal would, in practice, impose such obligations on both VLOPs and non-VLOPs which are designated as VSPSs.



Submission to Coimisiún na Meán's draft online safety code from the Institute of Future Media, Democracy and Society

31st Jan 2024

1. Do you have any comments on sections 1 - 9 of the draft Code?

FuJo welcomes the development of the draft online safety code and its aspiration to transition “from an era of self-regulation to one of effective regulation”. As we highlighted in our joint submission on the OSMR Bill¹, Ireland has a particular obligation to enact robust regulation as many technology companies maintain their European headquarters in here and we are pleased that the Code takes seriously the responsibility of prioritising safety across some of the largest VSPS operating in the EU. We believe that a collaborative effort involving policymakers, industry stakeholders, researchers, and civil society is essential to effectively tackle the complex challenges of online safety.

As a research institute dedicated to focusing on online pathologies such as disinformation and online hate, we have a strong understanding of the various types of harm online which threaten the wellbeing and safety of all, particularly vulnerable users² as well as the ways in which responses like media literacy³ can help to protect against these harms. We are encouraged to see that the Code considers relevant research and makes concrete proposals to make the online world safer for all, particularly children.

9. What is your view on the requirements in the draft Code in relation to age verification?

¹ https://fujomedia.eu/wp-content/uploads/2021/03/OSMR_Submission_DCUCU_FUJO_ABC-1.pdf

² [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743341/IPOL_STU\(2023\)743341_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743341/IPOL_STU(2023)743341_EN.pdf), <https://fujomedia.eu/new-study-reveals-the-hostilities-faced-by-female-journalists-in-ireland/>, <https://fujomedia.eu/sexual-and-gender-based-abuse-among-youth-report-examines-the-rise-of-abuse-during-the-covid-19-pandemic/>

³ https://fujomedia.eu/wp-content/uploads/2023/06/DML-short-course-FuJo-EDMO-submission_EC.pdf

Decision-making regarding the regulation of VSPS must encompass a holistic understanding of their role within the broader internet landscape, while also considering potential unintended consequences that regulatory actions may yield. It is within this context that we caution against encouraging “document-based age verification at sign up and selfie or live likeness-based age verification on a per video or per session viewing basis” as part of robust age verification measures.

Alterations to social media policies or community standards can trigger a cascade effect, prompting user backlash and subsequent migration to less regulated platforms. This phenomenon has become evident in recent years with the intensifying focus on deplatforming extremist or harmful content creators from mainstream platforms, giving rise to alternative technology (Alt-Tech) platforms that are characterised by lax content moderation rules.

While such measures may enhance online safety for the average user of mainstream platforms, extrapolating this scenario to the goal of safeguarding children raises concerns. The migration of users towards less regulated platforms which are not under Irish jurisdiction could paradoxically exacerbate the risks faced by children online rather than affording them protection.

Moreover, implementing service-side, ID or selfie-based restrictions to limit access to harmful content may prove inherently limited and therefore not a proportionate response when contrasted with the ability to access unrestricted services devoid of identification requirements. In a scenario where a young teenager seeks to access pornography and has internet access with no parental controls, adult supervision, or ISP restrictions, the efficacy of robust age verification in curbing access remains questionable due to the abundance of alternative websites outside the jurisdiction of the state and technological workarounds readily available.

While the above is not an argument for avoiding stricter regulation, it does highlight the need to consider the wider implications and unintended consequences that may hinder the efficacy of the measures themselves.

In addition, while it is fair to ask platforms to incorporate more stringent age verification measures and to provide evidence of the efficacy of these measures, we would caution against encouraging ID or selfie-based solution for the following reasons:

1. Online privacy and safety risks associated with providing ID or selfies.

For both adults and children, there are considerable privacy and safety risks associated with uploading ID to a third-party company, particularly if there is any risk that a user’s ID could be linked with the type of content they have chosen to view.

2. Online privacy and safety risks associated with children attempting to circumvent the restrictions

The use of technologies like VPNs could be used to circumvent the restrictions, allowing an underage user to access the non-European version of a website which likely would not incorporate the same standards for age verification. While such tools are readily available, the

process of searching for and implementing them could easily expose young users to unsafe content and websites.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

Section 13 of the draft Code “requires VSPS providers to provide effective media literacy measures and tools, raise awareness of those tools, publish an action plan, and report regularly on the impact of these measures”. We welcome the promotion of media literacy and recognise the need to provide flexibility to VSPS providers. However, we also note that the call for effective measures implies an assessment of whether or not the measures are effective whereas reporting on the impact of measures may be much more limited. For example, the latter could simply be engagement metrics, which say nothing about effectiveness. To avoid largely superficial measures, we recommend that VSPS providers adopt proven measures or demonstrate the effectiveness of their measures.

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Regarding recommender safety, we note that turning off recommender algorithms based on profiling by default is compatible with a safety by design approach. It does not prohibit their use, but simply requires a conscious effort on the part of users to select recommendations.

Message

From: Michele Neylon - Blacknight [REDACTED]
Sent: 31/01/2024 19:24:30
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Draft Online Safety Code

You don't often get email from [REDACTED]. [Learn why this is important.](#)

Dear Sir / Madam

First off I would like to thank you for the opportunity to provide feedback and input on what I know is an important set of proposals.

I am providing this submission in my personal capacity, as founder and CEO of a technology company based in Ireland, and also as somebody who has spent the better part of two decades working in the realm of Internet policy both nationally and globally.

The Internet has blossomed over the past 20 years both in Ireland and globally. The lines between “online” and “offline” have become increasingly blurred.

Ireland, for a variety of reasons, is in quite a unique position when drafting legislation or other policies that impact online platforms. It’s not simply a matter of what impacts our own citizens and residents, but also resonates and impacts users across Europe and further afield, due to so much of the tech industry being legally domiciled in Ireland.

We must, therefore, take a cautious approach with respect to any regulation.

The Internet as we know it and so much of the technology that we all use in both our personal and professional lives has only come into being due to the concept of “permissionless innovation”. While it would be incredibly naïve of me or anyone else to suggest that there should be no rules or guard rails in place online, any regulation needs to be as light touch as possible.

With respect to your specific consultation questions:

5. Do you have any comments on any other definitions provided in the draft Code?

The text refers to “pornography” multiple times, however it does not appear to be clearly defined. Without definitions platform operators might overcompensate and, for example, apply overly restrictive filters on content. There should be a clear demarcation between content that is either artistic or educational versus other types of content.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

This seems reasonable.

9. What is your view on the requirements in the draft Code in relation to age verification?

Age verification is fraught with issues. In the context of the UK's online safety bill others have explored in depth this issue:

<https://www.openrightsgroup.org/publications/uk-online-safety-bill-will-mandate-dangerous-age-verification-for-much-of-the-web/>

While France's privacy watchdog did an analysis of the various techniques that could be employed:

<https://www.enil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>

Their conclusions highlight the concerns that I and others would have.

Privacy and security cannot be ignored and while imposing age restrictions for access to content might be required, verifying users' age without the platform or a 3rd party acquiring vast amounts of sensitive data is far from easy.

Regards

Michele

--

Mr Michele Neylon
Blacknight Solutions
Hosting, Colocation & Domains

<https://www.blacknight.com/>

<https://blacknight.blog/>

Blacknight Internet Solutions Ltd, Unit 12A,Barrowside Business Park,Sleaty Road,Graigecullen,Carlow,R93
X265,Ireland Company No.: 370845

I have sent this email at a time that is convenient for me. I do not expect you to respond to it outside of your usual working hours.

Message

From: Colin Williams [REDACTED]
Sent: 31/01/2024 20:22:00
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Rosemarie Buxton [REDACTED]
Sent: 31/01/2024 20:22:31
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Response to Coimisiún na Meán's Consultation Document: Online Safety Code

Responses

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

VSPS providers must ensure that the Terms & Conditions are written in a manner children as young as 7 and 8 years of age can understand.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Established timelines, prescribed by CNAM, are vital in terms of reporting and flagging content. It is essential that these timelines are prescriptive to ensure that the VSPS adhere to them.

Self-regulation does not work. This fact was the embryo upon which the OSMR Act was born. To proceed on the basis that VSPS can determine their own timelines in terms of take down and content flagging, serves to dilute the legislation. The ability to sanction VSPS rests entirely on the Online Safety Code (OSC).

Therefore, it is absolutely imperative that the legislation is sufficiently robust to bring about real change in this area. Tackling harms to children is key and I strongly believe that to address this issue effectively requires the OSC to be prescriptive regarding timelines for content review and take down. Failing to do so could risk the implementation of codes that serve to leave the legislation as lacking enforceability.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

I truly believe it is inappropriate for VSPS to collect or process, for commercial purposes, the data outside of what is necessary for purposes of age verification and parental controls.

Furthermore, I do not believe that VSPS should be able to market to, profile or to target advertising to children under the age of 18.

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

It is vital that WhatsApp be considered a VSPS. Groups can be large, as large as 800 members, and video content is circulated freely.



D. Delaney

Message

From: lo reddy [REDACTED]
Sent: 31/01/2024 21:12:51
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject:Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear commissioner I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards
Dr Lomalan Reddy

[REDACTED]

Message

From: Kirsty McKay [REDACTED]
Sent: 31/01/2024 21:47:29
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

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Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

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Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Kirsty McKay

Response to Coimisiún na Meán's Consultation Document: Online Safety Code

Responses

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It is vital that WhatsApp be considered a VSPS. Groups can be large, as large as 800 members, and video content is circulated freely.

Kerry Ryan



Response to Coimisiún na Meán's consultation on the development of Ireland's Online Safety Code for Video-Sharing Platform Services

31 January 2024

EXECUTIVE SUMMARY

Google welcomes Ireland's step towards full transposition of the AVMSD.

Overall, the Code provides a clear and helpful framework for keeping online users (and particularly children) safe from illegal and harmful content.

Notwithstanding the Code's generally positive contribution to online safety, Google encourages CnaM to ensure that the Code:

- Does not go over and above the requirements of the AVMSD in such a manner as would introduce obligations in respect of matters which are fully harmonised by the DSA. Failure to adhere closely to the requirements of the AVMSD, and the introduction of obligations which cut across matters harmonised by the DSA, risks distortion of the internal market, legal uncertainty, and ultimately could create a confusing regulatory environment that would negatively impact upon the goal of ensuring a safe, predictable and trusted online environment;
- Allows VSPs to comply with the objectives of the Code and the AVMSD by means other than those set out in the Code, in order to reflect the flexibility that VSPs should be afforded in a fast evolving environment, and to draw on, where appropriate, the work that VSPs have already done to comply with the AVMSD, and VSPs' experience in combating illegal and harmful content at scale across the globe;
- In seeking to protect children from unsuitable content, does not disproportionately impact the fundamental rights of children (particularly older teenagers). There are proportionate means by which children (including older teenagers) can be protected from exposure to unsuitable material, without the need for blanket parental consent/supervision;
- Does not require VSPs to introduce terms and conditions which prohibit content which is legal but which is said to be harmful, or require that users be suspended or terminated for the sharing of such content. As recognised in the legislative process of DSA, the regulation of legal but potentially harmful content is a delicate area with severe implications for the protection of freedom of expression and as such should not be subject to removal obligations. Some jurisdictions will leverage Ireland's prohibition of such legal content to support much more far reaching prohibitions, further eroding rights of VSP users.

A: INTRODUCTION

1. Google welcomes the opportunity to respond to Coimisiún na Meán's (**CnaM**) Online Safety consultation document published on 8 December 2023, which sets out Ireland's proposed binding Online Safety Code (**Code**) for Video-Sharing Platform Services (**VSPS**).
2. Working to keep harmful and illegal content off our services is core to the work of many different teams across Google. When it comes to the information and content on our services, we take our responsibility to safeguard the people using our services seriously, and to do so with clear, transparent policies and processes.
3. Accordingly, we welcome the publication of the Code, and with it, Ireland's next step towards full transposition of the Revised Audiovisual Media Services Directive (the **AVMSD**). Since the AVMSD's enactment in 2018, Google has proactively developed and adopted measures responsive to the requirements of the AVMSD, in advance of Member State requirements to do so.
4. We see the Code as being a very positive step for both users and VSPSs. In particular, we are very supportive of the approach of publishing a single VSPS code, which captures all of the content regulation measures applicable under the AVMSD in one place. In our view, this will help to ensure the clarity and accessibility of the Code for both industry and for users.
5. We welcome the aspects of the Code which directly transpose the AVMSD requirements into Irish law (for example, the requirements regarding audiovisual commercial communications that are not marketed, sold, or arranged by a VSPS, and the requirements around media literacy tools).
6. We also support the aspects of the Code where an appropriate level of discretion has been left to industry to achieve the Code's aims. For example, with respect to age assurance, the emphasis on employing a combination of measures (including self-declaration, age assurance, hard, physical age-verification or other technical measures) leaves scope for industry to leverage its experience as to how the legislative objectives can be effectively achieved, without stifling the continued development of good practices in response to changes in technology or the use of technology, and new and emerging abuse types. Such flexibility is particularly important in circumstances where the EU is actively considering an EU-wide code on age assurance, but the specific requirements of that code are not yet known.
7. Notwithstanding the overall positive contribution of the Code towards protecting users from illegal and harmful online content and providing VSPSs with a level of certainty, Google welcomes the opportunity to share a number of key concerns about the Code with CnaM (set out in detail in Section B), in advance of the Code being finalised, including that:
 - Certain obligations imposed by the Code are **not required by the AVMSD and relate to matters harmonised by the DSA** (e.g. the requirement to prohibit certain illegal and harmful content within terms and conditions, the requirement to terminate or suspend users for infringing terms and conditions in relation to harmful content, and the requirements in respect of age assurance, turnaround times, transparency reporting, and live-streaming). Such divergence risks fragmentation of the Digital Single Market in the EU, gives rise to legal uncertainty, will cause confusion for users and undermines important goals of the DSA;

- Certain aspects of the Code are **overly prescriptive** as to how legislative objectives are to be achieved (e.g. requirements in respect of crowd-sourced content rating and prescriptive reporting/flagging mechanisms). Such an approach risks stifling the flexibility that VSPSs need to adapt in a fast moving environment, and also potentially imposes unnecessary and disproportionate measures in circumstances in which VSPSs can achieve the legislative objectives using different means; and
 - Certain requirements in respect of parental controls, while well-intentioned, are at odds with Ireland's (and indeed the rest of the EU's) digital age of consent, and could constitute a **significant intrusion on the rights of young people**, in particular for older teenagers.
8. We deal with each of these key concerns in Section B of this submission, before giving more detailed feedback on the specific consultation queries raised by CnaM in Section C below. However, at the outset, we note that **a number of our concerns could be addressed by including those requirements which go over and above AVMSD, or which are prescriptive in nature, in non-binding guidance**. Such an approach would be in line with the co-regulation approach suggested in Article 28b(4) of the AVMSD, and it would also give VSPSs the flexibility to achieve the legislative objectives by alternative means.
 9. In addition to the above concerns, Google welcomes the opportunity to seek clarity on the intended geographic scope of the Code. In particular, while the Code appears to be intended to apply throughout the EEA for VSPSs which are under the jurisdiction of Ireland (see paragraphs 4.8, 4.9, and 4.10 of the Code), this appears to be contradicted by the definition of illegal content which makes reference to Irish criminal statutes.
 10. Further, we note that CnaM is seeking responses in respect of "*supplementary measures*" which are not intended to form part of the initial Code, but which may do so in the future. While Google welcomes CnaM's early engagement on these measures, we are concerned about the suggestion that a future iteration of the Code might seek to regulate VSPS recommender systems. As this falls outside the scope of the AVMSD, the rules in respect of recommender systems for online platforms are comprehensively harmonised under Article 27 and 38 of the DSA. We would encourage CnaM to avoid introducing measures which would distort the market harmonisation achieved by the DSA and which would give rise to legal uncertainty.
 11. To assist with CnaM's consideration of the next iteration of the Code, we also include an appendix which includes commercially sensitive, confidential information as to how Google already complies with certain AVMSD requirements.

B: KEY CONCERNS

12. **Obligations not required by the AVMSD, harmonised by the DSA**
 - 12.1. At the outset, and against the backdrop that the AVMSD was enacted in November 2018, and was due to be in force by 19 September 2020, Google has been mindful of the AVMSD in this time and has actively made changes and improvements to mechanisms on YouTube, to ensure that it is achieving the objectives of the AVMSD, and as part of ongoing changes we are always making to respond to emerging trends and threats.

12.2. For example, a core objective of the AVMSD is to ensure that VSPs put in place appropriate measures to protect minors from content which might “*impair their physical, mental or moral development*”. We use a range of methods designed to protect the mental and physical well being of our minor and adult users:

- we use a combination of people and machine learning to detect problematic content at scale, so machine learning classifiers are run across all content to identify content which may violate YouTube’s Community Guidelines. YouTube’s Community Guidelines are developed in partnership with a wide range of external industry and policy experts, as well as YouTube creators, and we systematically review our policies to make sure that they are current to respond to emerging trends and threats;
- our Intelligence Desk monitors the news, social media and user reports to detect new trends surrounding inappropriate content, and works to make sure that our teams are prepared to address them before they can become a larger issue;
- we work to ensure that we provide young people with safer, age-appropriate experiences that allow them to learn, grow, explore and create at any age. We do this in partnership with our Youth and Families Advisory Committee¹. The Advisory Committee informs our ongoing work to make sure YouTube’s Community Guidelines respond to emerging threats and trends, as well as our recent work to develop content recommendations to meet the unique needs of teens and tweens, and our work to create quality content principles that help creators nurture kids’ creativity and curiosity;
- we age-restrict content that may be inappropriate for viewers under 18. We use machine learning tools to detect and flag such content. Our human reviewers may age-restrict it, and we also provide an option for users who upload content to age-restrict their own videos. These videos (and the related comments) are not viewable to users who are under 18 years of age or signed out, and cannot be watched on most third-party websites;
- we also apply protections for children such as restricting live features and disabling comments.

12.3. Accordingly, having made substantial efforts to address the AVMSD’s requirements over the last number of years, we think that we have achieved effective compliance and we would welcome the opportunity to discuss this matter further with CnaM.

12.4. It follows that Google is very concerned about the fairness, necessity and proportionality of CnaM introducing obligations which go over and above AVMSD requirements, in particular where this cuts across Google’s DSA compliance efforts. In this regard we note that, while the Code is said to give effect to Article 28b of the AVMSD,² the Code is also said to have a number of purposes, only two of which relate to the transposition of AVMSD requirements.³

12.5. As such, we would encourage CnaM to consult directly with the designated named-VSPs on any obligations which go over and above AVMSD requirements to open a dialogue on the necessity and proportionality of such measures, given the existing measures that Google (and no doubt other VSPs) have put in place to meet their AVMSD requirements.

¹ <https://www.youtube.com/howyoutubeworks/our-commitments/fostering-child-safety/advisory-committee/>.

² Section 2.1 of the Code.

³ Section 3.1 of the Code.

- 12.6. By way of an alternative approach, we would invite CnaM to consider whether such proposals which go over and above AVMSD might be better dealt with in non-binding guidance.
- 12.7. More generally, measures which go over and above the requirements of the AVMSD disrupt the harmonisation that could otherwise be achieved and risks generating confusing and differing experiences for users throughout the EU - since VSPs not under Ireland's jurisdiction will not have to comply with the Code, but will still be entitled to provide their services into Ireland and the rest of the EU. This problem may be further exacerbated as new entrants to the market may be encouraged to establish themselves outside of Ireland in order to avoid stricter content controls and related regulatory burdens. A more straightforward transposition of the AVMSD would help to avoid this scenario.
- 12.8. In addition to the above concerns, in our view, measures which go over and above AVMSD requirements or have no explicit basis in the AVMSD also, in effect, disrupt the harmonisation envisaged under the DSA given that intermediary service content regulation is fully harmonised by the DSA (unless specifically noted otherwise in the DSA or other EU legislation).⁴
- 12.9. The DSA expressly warns Member States against adopting additional national laws on the matters covered by the DSA, given that "*diverging national laws negatively affect the internal market*", and emphasises the importance of the uniform application of its harmonised rules, so as to "*put an end to fragmentation of the internal market*" and "*ensure legal certainty*".⁵ Indeed, an important driver of the need for the EU to adopt legislation such as the DSA was a recognition that the digital service market was being fragmented by individual Member State "*procedural obligations for online platforms to address illegal information and activities conducted by their users*",⁶ and that a "*patchwork of national measures would not effectively protect citizens, given the cross-border and international dimension of the issues*".⁷ The DSA cannot achieve its objective of ending fragmentation and protecting citizens if individual Member States adopt measures which effectively trespass on the DSA's attempt to harmonise the rules in this market.
- 12.10. Google appreciates that the AVMSD forms a *lex specialis* to the DSA, meaning that the AVMSD rules (as implemented into national law) take precedence over the rules of the DSA. However, provisions which are not required by the AVMSD, or more restrictive measures which CnaM seeks to introduce on the basis of Article 28b(6) of the AVMSD, must be assessed from a DSA perspective, so that CnaM ensures that it is not introducing measures that are addressed under harmonised DSA rules.
- 12.11. To assist CnaM's consideration of this issue, we set out below some examples of provisions/obligations which appear to go over and above the requirements of the AVMSD, and to fall within the scope of fully harmonised DSA rules.
- (i) Age verification to detect underage users
- 12.12. Notwithstanding our support for the Code's general approach to age assurance, we note that the Code requires VSPs to detect underage users and close their accounts.⁸ This measure appears to go over and above the requirements of the AVMSD. In our view, the AVMSD is aimed

⁴ See Recital 9 and Article 1 of the DSA.

⁵ Recital 2, 4 and 9 of the DSA.

⁶ [DSA Impact Assessment](#), paragraph 93.

⁷ DSA Impact Assessment, paragraph 143.

⁸ Section 11.16 of the Code.

at protecting minors from accessing unsuitable content, not preventing minors from accessing services.

12.13. We are concerned that as these measures appear to exceed requirements of AVMSD, the obligation would cut across measures platforms must take to protect minors online under Article 28 DSA and require Google to process a minor's personal data in circumstances contrary to Article 28b(3) of the DSA. Further, such a measure interferes with the rights given to VSPSs under Article 14 of the DSA to determine their own terms and conditions.

12.14. Google already applies rules similar to those envisaged by the Code. YouTube uses machine learning to identify underage users, and when detected, we take steps to ensure that they are in an age-appropriate experience. We will require them to obtain approval from a parent/guardian in order to continue using the service in a supervised state (whereby the parent can select the appropriate content setting up to and excluding age-restricted content) until they are above the digital age of consent. If they do not obtain such consent, we will terminate their account. Other VSPS services may have different such processes in place, and as such, it is important that the Code retains the flexibility envisioned by the "appropriate measures" outlined in the AVMSD.

(ii) Live-streaming

12.15. The Code prohibits users under 18 from either live-streaming content, or viewing live-streamed content (regardless of whether the live-stream contains potentially harmful content), unless permitted to do so by their parent/guardian.⁹

12.16. Neither obligation is required by the AVMSD and neither are a necessary, proportionate measure to achieve the underlying aims of AVMSD. VSPSs under the jurisdiction of other Member States will not have to comply with this requirement in Ireland or elsewhere in the EU. Not only does such an approach fragment the internal market, we are concerned that it would leave parents/guardians in a confusing position - for example, some may assume that their child will not be able to live-stream on a particular VSPS, whereas such restrictions may not apply due to the VSPS not being under the jurisdiction of Ireland.

12.17. Further, in our view, such protections are exhaustively harmonised by Article 28(1) of the DSA. We discuss the issue of parental controls further below.

12.18. Under AVMSD, VSPSs are required to put in place appropriate measures to effectively protect minors from content which is unsuitable for children during live-streams. We address this question further in paragraph 14 below.

(iii) Turnaround times

12.19. Section 11.14 of the Code requires VSPSs to set targets as to timelines for responding to flags/reports. However, the AVMSD does not require target turnaround times for content moderation.

⁹ Sections 11.25 and 11.26 of the Code.

- 12.20. Further, it is significant that the DSA left turnaround times to the discretion of intermediary services,¹⁰ instead disapplying the safe harbour provisions where an intermediary has actual knowledge of illegal content and does not act “*expeditiously*” to remove it (although excessive turnaround time delays could be seen as a systemic risk under Article 34 of the DSA, and would need to be addressed accordingly, pursuant to Article 35 of the DSA). Transparency reporting on the median time needed to respond to flags/reports is fully harmonised by virtue of Article 15 of the DSA.
- 12.21. Accordingly, in our view, the Code cannot create a requirement for VSPSs to set target turnaround times, and require VSPS to report against them, without fragmenting the AVMSD regime and imposing obligations in respect of matters which are fully harmonised under the DSA.
- 12.22. In any event, while turnaround times are not unimportant, from our experience in protecting our users from illegal and harmful content, it is clear that turnaround time statistics do not capture the actual impact of violative content on viewers. For instance, two videos could be removed from YouTube within 24 hours, but one may have 100 views while the other has 1 million views. This is a 100% takedown rate within 24 hours, but that metric obscures the most important information.
- 12.23. In response to the shortcomings of turnaround times as a metric, YouTube has developed a metric called Violative View Rate (**VVR**), which has been publicly available since 2021¹¹. This metric, updated and made publicly available quarterly, estimates the percentage of total views on YouTube that are of violative videos (i.e., videos that are violative of YouTube’s Community Guidelines). VVR data gives critical insight into how well we are protecting our YouTube community and we believe it is a better measure than turnaround times because it tells us how widely violative videos have been disseminated before being taken down. We include greater background on VVR in the appendix.

(iv) Legal but Harmful Content

- 12.24. The Code requires that a VSPS prohibit the availability of legal but potentially harmful content that falls within the definition of “*regulated content harmful to children*” (save for the exceptions made for content which contains pornography or realistic representations of gratuitous violence in Sections 11.3 - 11.8).
- 12.25. Such an obligation goes over and above the requirements of the AVMSD. As these provisions go beyond requirements of AVMSD, these provisions are preempted by the DSA which exhaustively regulates what a VSPS is required to do in relation to legal but harmful content via the systemic risk assessment and risk mitigation regime (Articles 34-35 DSA), what an VSPS is required to include in its T&Cs (Article 14 DSA), and what measures platforms must take to protect minors online (Article 28 DSA).
- 12.26. In particular, the requirement for a VSPS to prohibit legal but potentially harmful content in its terms and conditions and to terminate or suspend users for a violation of these terms and conditions raises concerns as this is a delicate area. This is especially the case given that the classification of content falling within the definition of “*regulated content harmful to children*” is

¹⁰ See for example, Articles 16(4), 16(5), and 16(6) of the DSA which specifically do not set out mandatory turnaround times for the removal of illegal content. Rather the obligation imposed is to act in a timely and diligent manner, and to notify users of decisions without undue delay.

¹¹<https://transparencyreport.google.com/youtube-policy/views>.

viewpoint-based and highly subjective in nature. As such, it is not appropriate that VSPSs would be required to determine that a user would be denied access to its services based on its assessment of whether particular items of content could be classified as falling under the definition of “*regulated content harmful to children*”. This point was expressly recognised in the legislative process of DSA where it was recognised that legal but harmful content should not be defined or subject to removal obligations, as this is a delicate area with severe implications for the protection of freedom of expression. Further, given that these obligations extend beyond AVMSD, should an individual Member State wish for content to be subject to removal obligations, they should proscribe it through their legislative process.

- 12.27. More broadly, we are concerned about the precedent of jurisdictions imposing legal obligations on online platforms to prohibit legal content in their terms and conditions, particularly in circumstances where the jurisdiction itself is unwilling to proscribe the relevant content as being illegal in national legislation. This mechanism of effectively banning certain types of lawful speech will be used and abused by jurisdictions seeking to curtail more speech online. In circumstances in which Ireland is a thought-leader in content regulation, we think there is an opportunity for CnaM to avoid setting such a precedent and creating a model for online censorship elsewhere around the globe¹².

(iv) Transparency reporting

- 12.28. The Code includes a number of reporting requirements for VSPSs in respect of content moderation timelines and accuracy,¹³ age assurance mechanisms,¹⁴ and complaints handling.¹⁵ All such reporting is required on a quarterly basis.
- 12.29. These reporting requirements do not appear to be envisaged by the AVMSD. CnaM will appreciate that such reporting requirements at the envisaged frequency will impose not insignificant regulatory costs on VSPSs. Such costs will not have to be borne by VSPSs under the jurisdiction of other Member States, whose services will also be lawfully available in Ireland. Accordingly, this measure will impact the internal market.
- 12.30. In addition, aspects of the envisaged reporting relate to harmonised DSA requirements. For instance, as referenced above, reporting on median turnaround times and the accuracy of decisions made in response to flags/reporting is harmonised by the requirements of Article 15 of the DSA. Similarly, Article 15(1)(d) of the DSA harmonises the reporting requirements for complaints handling for intermediary services. With the European Commission in the process of creating standardised reporting templates for bi-annual transparency reports, we are concerned about the harmonisation of both categorisation of information presented and reporting periods. The AVMSD does not require such reporting, and accordingly, in our view, the matter falls within the DSA’s harmonised rules.¹⁶
- 12.31. Accordingly, the Code should not introduce the requirements envisaged by Section 11.15. Further, CnaM will have access to the relevant information through the reports developed and published pursuant to the DSA once it is established as Ireland’s Digital Services Coordinator.

¹² Civil society organisations have pointed to the ways governments with limited due process & rule of law leverage content regulation in Europe for censorship.

¹³ Section 11.15 of the Code.

¹⁴ Section 11.21 of the Code.

¹⁵ Section 13.4 of the Code.

¹⁶ We note that this provision of the Code reflects Section 139K(6) of the 2009 Act. Nonetheless, in our view, this is a matter harmonised by Article 15 of the DSA.

12.32. In any event, the transparency report requirements must also acknowledge the need for affording flexibility by allowing services to report in a manner that aligns with DSA (in terms of substantive requirements, frequency and timing) and to allow for reporting of decisions made in response to flags/reporting to align with categories of restricted content as per a service's terms and conditions.

13. **Obligations which are overly prescriptive**

13.1. Google is concerned that a number of the Code's proposed obligations are overly prescriptive as to how the legislative objectives must be met. As explained above, in circumstances where Google has already taken substantial steps to comply with the objectives of the AVMSD since its enactment, we do not consider it to be proportionate, or in the best interests of users, to be required to divert resources to introduce changes to our systems to meet prescriptive requirements in circumstances where we can demonstrate that our systems effectively address the legislative objectives.

13.2. In our view, the Code should be principles-based, giving VSPSPs flexibility as to how they adhere to those principles. Accordingly, we think the Code should set out clear objectives that must be met and mechanisms by which CnaM can validate that those objectives are being met. Such a principles-based approach would be in line with the model of co-regulation which is explicitly encouraged by the AVMSD.¹⁷ It is also the model of regulation envisaged by the DSA for the regulation of all forms of legal but potentially harmful content on intermediary services (Article 45 of the DSA).

13.3. Such an approach also allows Google, and other VSPSPs, to leverage their experience of protecting their users from illegal and harmful content at scale across the globe and taking heed of potential risks and functionalities specific to the particular service. Bringing that perspective to how legislative objectives can be effectively achieved will be more beneficial to users and will lead to more effective regulation.

13.4. If the final Code were to contain prescriptive rules, we would encourage CnaM to introduce a "comply or explain" provision, specifically permitting VSPSPs to achieve the objectives of the Code by equally effective means. For example, once commenced, Section 49(5) of the UK's Online Safety Act will specifically permit providers to comply with online safety objectives by means other than those set out in online safety codes.

13.5. While we welcome CnaM's commitment at Section 9 of the Code to assess whether the application of the Code to a VSPSP is practicable or proportionate considering the size and nature of the VSPSP, in our view this section of the Code should also specifically provide for a "comply or explain" provision as set out above.

(i) Content-rating

13.6. By way of example of overly prescriptive provisions, in order to achieve the AVMSD objective of protecting minors from content "*which may impair their physical, mental or moral development*", the Code requires VSPSPs to establish content rating mechanism which "*shall enable users to suggest the age(s) of children for whom the content is appropriate, or inappropriate*".¹⁸

¹⁷ Article 28b(4) of the AVMSD.

¹⁸ Section 11.22 of the Code.

- 13.7. Google is concerned that the requirement to offer viewing-users (as opposed to creator users) the ability to suggest a content rating would be unreliable, disproportionate, risk abuse from bad actors and divert resources away from the key task of identifying potentially violative content.
- 13.8. Permitting viewing-users to age rate content would be an ineffective mechanism to protect children from inappropriate content, given the significant differences between what users might consider to be appropriate or not appropriate for minors (e.g. there may well be sections of society that would rate any LGBT+ content as being inappropriate for minors, regardless of the substance of the content). Furthermore, one user's idea of what is appropriate for a 15 year old may be entirely different to another person's view.
- 13.9. In our experience, user flagging of content can be very subjective and users often report content simply because they do not like a video rather than because it violates a policy. For instance, between July and September 2023, there were 22,956,787 user flags on YouTube. Upon review, this resulted in 363,005 videos being removed on the basis that they breached YouTube's Community Guidelines, i.e. a 1.6% accuracy rate (or a 98.4% error rate).¹⁹
- 13.10. That said, where users flag videos on YouTube which they believe violate our Community Guidelines, a review of this flag may lead to an age restriction being placed on the video. We are concerned that the inaccuracy and subjectivity associated with user flagging is very likely to apply equally, if not more so, to content ratings. We are also concerned that such a rating mechanism could be another means by which bad actors could try to abuse our systems, and divert our resources away from other areas, by deliberately inputting notices on inaccurate ratings and/or flags for content, simply to clog up review processes and impede the review of actually violative and potentially egregious content that warrants removal or the application of an age restriction.
- 13.11. For these reasons, while flags can be useful in helping us detect violative content, "crowd-sourced" ratings would not be effective in helping to protect under 18s from inappropriate content.
- 13.12. As described above, YouTube already has truly effective measures in place to prevent users who are under 18 years of age from viewing videos that are not appropriate for minors. We use machine learning tools to detect and flag such content. Our human reviewers may age-restrict it, and we also provide an option for users who upload content to age-restrict their own videos. In addition, age-restricted videos are not viewable to users who are under 18 years of age or signed out, and cannot be watched on most third-party websites.

(ii) Reporting/Flagging Mechanisms

- 13.13. It is unclear whether Section 11.11 of the Code would require a VSPS to give users the ability to report content by reference to the specific categories of violative content set out at Section 11.11 (i.e. illegal content harmful to the general public, regulated content harmful to the general public, illegal content harmful to children, and regulated content harmful to children).
- 13.14. In our view, such an overly prescriptive approach of requiring content to be categorised by reference to such terminology would be confusing for users (particularly users based in EEA jurisdictions outside of Ireland). In addition, such an approach would be inconsistent with

¹⁹ [YouTube Community Guidelines enforcement – Google Transparency Report](https://transparencyreport.google.com/youtube-policy/removals), available at <https://transparencyreport.google.com/youtube-policy/removals>.

Article 16(2) of the DSA which contains a set of mandatory elements to be found in a hosting service's legal notice mechanism, but does not require providers to define or categorise content. It would be even more confusing to require categorisation by reference to the underlying definitions of those categories, many of which refer to Irish-specific criminal legislation. Accordingly, we trust that it is sufficient for users to be able to flag content as violative or not.

13.15. YouTube facilitates user reporting/flagging by reference to YouTube's Community Guidelines, and its Article 15 DSA transparency report also reports by reference to those guidelines. Accordingly, we would be concerned about the proportionality or necessity of reporting against Irish-specific illegal/harmful content categories.

14. **Parental controls and fundamental rights**

14.1. We know that every family has a different approach to how they use technology, explore online, and set digital ground rules. So we set strong default settings and provide tools that give families flexibility to manage their unique relationships with technology. For example:

- On YouTube, default protections include turning on "take a break" and bedtime reminders by default, turning off autoplay by default, making the default upload setting on the most private setting available, and blocking access to mature content.
- Across our services, we prohibit personalised advertising based on the age, gender, or interests of people under 18.
- YouTube also offers robust parental controls for YouTube Kids, our stand-alone app built from the ground up to serve as a safer and simpler experience for children under 13, and supervised experiences on YouTube, for children up to the digital age of consent whose parents decide their child is ready to explore some of YouTube's broader universe of content. For example, on the YouTube Kids app, parents can choose a preferred content setting for ages four and under, 5-8, or 9-12; limit videos to parent approved content only (on YouTube, parents can select the appropriate content setting up to and excluding age-restricted content); disallow searching; pause watch or search history; and control autoplay.
- We also continue to explore a range of solutions across our service and policies to keep up with the quickly evolving online habits of teenagers.

14.2. Researchers and advocates have cautioned that increased parental oversight might lead to a loss of independence, ownership, and feelings of responsibility for teens, leaving them unprepared for adulthood. CnaM should be mindful of research in this area, such as:

- (a) A [study of teenagers in Europe](#)²⁰ found that teens who were under parental surveillance were more secretive and less likely to ask for help; and
- (b) LGBTQ+ advocates [have long stressed](#)²¹ that increased parental surveillance can do more harm than good for vulnerable teens' mental health and safety.

14.3. The Code requires VSPs to put in place parental controls in respect of a child's use of the service, and in particular requires parental control in respect of both live-streaming content²² and viewing live-streamed content.²³

²⁰ <https://nautil.us/parents-shouldnt-spy-on-their-kids-235888/>.

²¹ <https://www.lgbttech.org/post/legislative-parental-consent-requirement>.

²² Section 11.25 of the Code.

²³ Section 11.26 of the Code.

- 14.4. In this context, a child is defined as a user under the age of 18.²⁴ This approach contrasts to the approach taken under the GDPR, where the digital age of consent has been set at 16 (although Member States can reduce it down as far as 13). In this regard, we note the Irish DPC's guidance note on "Fundamentals for a Child Orientated Approach to Data Processing". That guidance specifically highlights that child protection measures should not downgrade a child user's experience.
- 14.5. It further notes that a two-tiered approach in the provision of an online service risks depriving children of their full rights under the United Nations Convention on the Rights of the Child. This is on the basis that an inferior level of central services and features are offered to children, while adult users are offered a more superior service. In particular, such an approach:
- risks interfering with the child's right to express their views fully, their right to freedom of expression and to seek, review and impart information and ideas of all kinds, amongst others; and
 - risks driving children to lie about their age in order to attempt to access - what they perceive to be - a more fulsome "adult" service.
- 14.6. Having regard to these risks, the extent of the child protection measures envisaged by the Code could be counter-productive, particularly if the result is that children try to find alternative methods of circumventing age verification measures.
- 14.7. This risk is particularly acute in respect of older minors (16 and 17 years olds), who may consider it problematic that their parent can effectively control their use of YouTube. Accordingly, there is a significant risk that young people will simply circumvent these rules by using VSPSs that are established elsewhere in the EU, or are otherwise under the jurisdiction of another Member State, where such parental controls do not apply.
- 14.8. We are deeply concerned about the proportionality of the interference with a 16 or 17 year old's rights to privacy and to freedom of expression and information that would be caused by subjecting their use of a VSPS to parental controls. That said, we are also of the view that those rights must be balanced against the risk of exposing older minors to content which is still unsuitable for them to view. Accordingly, while parental controls should cease at 16 years of age, content which is unsuitable for children should continue to be age-gated until the user turns 18.
- 14.9. Further, and in any event, a blanket ban on children viewing live-streams, regardless of whether that live-stream actually contains illegal or harmful content, seems to go over and above the requirements of the AVMSD and would be a significant, unnecessary, and disproportionate interference with the child's right to freedom of expression and to information. Rather, VSPSs should be required to put in place appropriate measures to effectively protect minors from content which is unsuitable for children during live-streams or indeed any other audiovisual content (as is YouTube's current practice).
15. **Draft Supplementary Measures**
- 15.1. While noting that the measures in Appendix 3 are still under consideration and would in any event be subject to separate consultation, Google is concerned by the suggestion that future iterations of the Code could include obligations for VSPSs which, in a number of respects, exceed the requirements of AVMSD, cutting across areas that are exhaustively regulated by

²⁴ Section 10 of the Code.

DSA. Google is concerned that the introduction of such measures would undermine the legislative intent of DSA and ultimately lead to a fragmented approach that would fail to effectively protect users, given the cross-border and international dimension of the issues.

- 15.2. While Google appreciates that Article 28b(6) of the AVMSD does permit Member States to introduce “*measures that are more detailed or stricter*” than those specifically outlined in the AVMSD, that provision should not be used so as to disrupt the harmonisation brought about by the DSA and cannot have been intended to permit Member States to render large portions of the DSA’s harmonisation redundant.
- 15.3. In addition, Article 28b(6) of the AVMSD only permits additional “*measures*” to be introduced in respect of the subject matter outlined in Article 28b(1) – i.e. content in “*programmes, user-generated videos and audiovisual commercial communications*”. It does not permit Member States to introduce additional measures for any other purpose. CnaM’s proposed measures in respect of recommender systems, safety by design, and online safety supports are measures relating to how VSPS systems work and what supports are available; they are not measures in respect of content on VSPSs. Accordingly, Article 28b(6) does not provide a justification for encroaching on the DSA’s harmonisation of these rules.

Recommender Systems

- 15.4. By way of example, not only do we not see any basis in the AVMSD for the regulation of recommender systems, the regulation of such systems is fully harmonised by Articles 27 and 38 of the DSA. Google has carried out significant work in this area in the context of its DSA compliance efforts:
- Under Article 38 of the DSA, providers of VLOPs that use recommender systems must provide at least one option for their recommender systems which is not based on profiling. Users have several options available to them on YouTube that are not based on profiling. We also provide information to users about how they can manage their recommendations.
 - YouTube is already transparent in explaining how recommendations work. In particular, we have also updated *How YouTube Works*²⁵ with information about the signals, or main parameters, used to recommend content and how users can amend their controls through settings.
 - Article 34 is clear that VLOPs, including YouTube, must take into account “*the design of their recommender systems and any other relevant algorithmic system*”. Where relevant to the systemic risks set out in the DSA, Google has considered the potential for recommender systems on YouTube to contribute to these risks and, in some instances, where recommender systems also play a role in mitigating harm to users.
- 15.5. Google is also concerned to stress the need to avoid conflating harm caused by illegal or harmful content with the function of recommender systems. In this respect, it should be noted that recommendations help to maintain a responsible platform. They connect users to relevant, timely and high-quality information and at the same time complement the work done by YouTube’s Community Guidelines, which define what is not allowed on YouTube. We take the additional step of recommending authoritative videos to viewers on topics such as news, politics and medical and scientific information. We rely on human evaluators, trained using publicly available guidelines, who assess the quality of information in each channel and video.

²⁵ [How YouTube works – product features, responsibility and impact](https://www.youtube.com/intl/ALL_ie/howyoutubeworks/) at https://www.youtube.com/intl/ALL_ie/howyoutubeworks/.

To decide if a video is authoritative, evaluators look at factors like the expertise and reputation of the speaker or channel, the main topic of the video, and whether the content delivers on its promise or achieves its goal. The more authoritative a video, the more it is promoted in recommendations.

Safety by Design

- 15.6. In our view, it is both unnecessary and disproportionate to require VLOP VSPSs to extract portions of their DSA risk assessments to meet additional Irish requirements. It is unnecessary because CnaM will already have a copy of the VLOP VSPS's DSA risk assessment, as Ireland's Digital Service Coordinator. In that context, it would be disproportionate to require VLOP VSPSs to re-submit the same information to CnaM in a different format.

C: CONSULTATION RESPONSES

1. Do you have any comments on sections 1 - 9 of the draft Code?

- 1.1. Google would welcome clarification on the proposed jurisdictional scope of the Code as set out in Sections 2, 4.8, 4.9 and 4.10 of the Code. In particular, we think the Code should confirm whether certain provisions of the Code are intended to apply only in Ireland, and other provisions to apply throughout the EEA.

- 1.2. In our view, references to specific Irish criminal legislation should be removed from the definitions of *"illegal content harmful to children"* and *"illegal content harmful to the general public"*.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

- 2.1. The AVMSD specifies that the *"appropriate measures"* VSPS should take to protect users apply to *"programmes, user-generated videos and audiovisual commercial communications"*²⁶.

- 2.2. We are concerned about the Code's intention to introduce obligations in respect of non-video content (such as comments). To the extent that the Code does so, a clear distinction should be made between the obligations which apply to video content and non-video content. It is disproportionate to impose extensive obligations on VSPSs in respect of non-video content (which is merely ancillary to the videos themselves), such as requiring mechanisms to rate comments, to feed back to users on comment reports/flags, and to have a complaints mechanism for comments. The extension of obligations to cover non-video content is an example of the overly prescriptive nature of the Code. While it is reasonable to expect platforms to protect children from comments that may constitute illegal or regulated harmful content, the proposal that each of the obligations set out in the Code would also apply to comments is disproportionate in this respect.

- 2.3. In our experience, comments and connected ancillary content generated by other users are typically viewed to a much lesser degree than video content, and therefore pose a lower risk of exposure to the general public and a lower risk of general harm.

²⁶ AVMSD Directive Article 28b(1)(a)-(c) AVMSD

- 2.4. Measures to protect users - Nonetheless, YouTube's existing policies and processes - including reporting tools and removals - extend to comments and other features connected to a video, such as the thumbnail or a link in the video description. YouTube also offers creators the ability to turn off or to moderate comments on their videos. We would note that YouTube takes issues with content connected to video content seriously. For example, between July and September 2023, YouTube removed over 840 million comments, detected through a mix of automated and human flagging, of which over 85% of actioned comments were removed because they were spam (i.e. deceptive, high-volume commercial content that harms the user's experience).
- 2.5. Age-restrictions - We already have in place mechanisms allowing for the age-gating of video content which prevent a child from accessing any comment attached to that age-gated video. We also remove comments which breach YouTube's Community Guidelines, and provide functionality for users to flag comments. Google is concerned that the requirement to apply age-gating at a more granular comment-level would not be a proportionate means to achieve the overriding obligation to protect children from illegal or inappropriate content.
- 2.6. Complaints handling - We are very concerned that extending any complaints handling mechanisms to individual user complaints about such ancillary features would be disproportionate, place an unnecessary burden on platforms, and would extend beyond the intended remit of the AVMSD. Such an obligation would also interfere with the harmonised approach required by the DSA.
- 3. What is your view on the definitions of "illegal content harmful to children" and "regulated content harmful to children"?**
- 3.1. The definition of "*illegal content harmful to children*" goes beyond what is explicitly provided for by Article 28b(1)(a) and (c) of the AVMSD as it lists activities that are Irish criminal offences, which are specifically harmful to children. As it is envisaged that a VSPS would be regulated by one Member State across the EU, it is both confusing and problematic to include Irish-specific offences in the Code. Indeed, the AVMSD only requires specific EU-wide criminal content to be regulated by the Code.
- 3.2. We believe that obligations in respect of national "illegal" content in the Code that extend beyond AVMSD are unnecessary, as that issue is addressed, harmonised and regulated under the DSA.
- 3.3. Please also see comments above in relation to the regulation of legal but potentially harmful content at paragraphs 12.24 to 12.27.
- 4. What is your view on the other definitions of illegal content and regulated content?**
- 4.1. As above, the definition of "*illegal content harmful to the general public*" goes beyond what is provided for by Article 28b(1)(c) of the AVMSD as it lists Irish-specific offences. The AVMSD only requires specific EU-wide criminal content to be regulated by the Code. Further, obligations in respect of national "*illegal*" content are arguably unnecessary, as this category is addressed and harmonised under the DSA.
- 4.2. Please also see comments above in relation to the regulation of legal but potentially harmful content at paragraphs 12.24 to 12.27.
- 5. Do you have any comments on any other definitions in the draft Code?**
- 5.1. Google is concerned that the definition of "*child*" is inconsistent with the digital age of consent in Ireland and disproportionately impacts older teenager's rights to freedom of information and expression.

5.2. The definition should be amended to refer to the relevant GDPR digital age of consent (which will differ across Member States).

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

6.1. We note that the AVMSD does not require a provider's terms and conditions to prohibit the uploading of illegal or harmful content on a VSPS (noting in particular that a platform's terms and conditions tend to be global and content which is illegal in one country is not necessarily illegal in another). Rather, the provider is required to take "*appropriate measures*" in its terms and conditions to protect against the categories of content outlined in Article 28b(1) of the AVMSD. The AVMSD provides that the strictest access control measures detailed in Article 28b(3) are to apply to "*the most harmful*" content to protect minors. Accordingly, the AVMSD envisages a graduated approach depending on the severity of the harmful content.

6.2. In addition, we are concerned that the prohibition on upload of certain content, and in particular the prohibition of "*regulated content harmful to children*", rather than requiring that appropriate measures be taken to protect children from such content (including as appropriate age restrictions and age-verification), is a disproportionate Member State *ex ante* control (prohibited by Article 28b(3) of the AVMSD).

6.3. Further, VSPSs should have flexibility as to how obligations are incorporated into its terms and conditions (e.g. YouTube's more granular content rules are contained in its Community Guidelines, which are incorporated by reference in the YouTube Terms of Service). VSPSs should be able to implement their own content moderation practices and graduated responses to the upload of content that breaches their terms and conditions in line with objectives to be achieved. In addition, some matters may be more appropriately dealt with by location-specific removals (i.e. removals which are only effective in Ireland because the content is illegal as a matter of Irish law).

6.4. Please also see comments above at paragraphs 12.24 to 12.27.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

7.1. We believe that this requirement constitutes a disproportionate interference with adult users' freedom of expression/access to information. There is no provision under the AVMSD that explicitly requires VSPS providers to include provisions in their terms and conditions relating to the suspension or termination of accounts where there have been repeated infringements by a user or to action that.

7.2. We are particularly concerned that, if it were to remain in the Code, this requirement should be limited to instances of sustained cases of infringement relating to manifestly illegal content only, aligned to requirements of the DSA. We do not believe it would be appropriate that a VSPS be legislatively required by a Member State to terminate a user account on the basis that the user repeatedly uploaded legal content. To the extent that such a requirement could apply in relation to illegal content, that matter is harmonised by Article 23 of the DSA, in respect of repeated uploads of "*manifestly illegal content*".

7.3. Please also see comments above at paragraphs 12.24 to 12.27.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

8.1. Reporting/flagging requirements should be confined to whether the content violates a provider's terms and conditions or not. Google is concerned that it would be disproportionate to introduce granular reporting/flagging requirements as to the specific categories of violative content.

8.2. We have particular concerns with the requirement to offer flagging in respect of appropriate age-rating of any content due to the subjective nature of age-rating, as addressed in our response at 10 below.

9. What is your view on the requirements in the draft Code in relation to age verification?

9.1. Google is supportive of the Code's general approach to age assurance, which gives flexibility to VSPSs as to how they achieve the objectives of the Code.

9.2. However, we are concerned that the requirement for VSPSs to detect underage users and close their accounts does not appear to have any basis in the AVMSD. In our view, the AVMSD should not prevent minors from accessing services, but rather should protect them from accessing "mature" content.

9.3. Please also see comments above at paragraphs 12.12 to 12.14.

10. What is your view on the requirements in the draft Code in relation to content rating?

10.1. We believe that "crowd-sourced" ratings would not be effective in helping to rate harmful material and protect under 18s from inappropriate content. Additionally, any such system could be subject to abuse by bad actors seeking to divert resources from important content moderation to protect our users. We already allow users to report or flag content which they believe to be in violation of YouTube's terms and conditions/Community Guidelines or the law. We also give content creators the option to rate their videos as '18+' when uploading. In our view, it is disproportionate to require increased granularity in this respect, and it should be sufficient to rate content as 18+/mature and to provide age appropriate experiences for users below the age of consent. These measures are effective and proportionate in protecting minors against mature content and content that may not be suitable for younger users.

10.2. Furthermore, content rating is entirely subjective. One user's view of what is appropriate for a 15 year old may be entirely different to another user's view. For these reasons, while flags can be a helpful signal in detecting violative content, "crowd-sourced" ratings and an age-gating flag would not be effective in helping to rate harmful material and protect users under the age of 18 from inappropriate content, and could disproportionately impact users' rights to information/of expression.

10.3. As mentioned in our response at 2 above, it is disproportionate to apply age-rating requirements to non-video content, such as comments on YouTube videos.

11. What is your view on the requirements in the draft Code in relation to parental controls?

11.1. Please see our response in Section B above on these obligations.

11.2. Section 11.24 of the Code appears to be incongruous with other aspects of the Code in that it seeks to require parental control systems in respect of specific categories of content which are subject to a complete ban elsewhere in the Code.

11.3. In order to resolve this inconsistency, we believe that the Code should simply require measures be put in place to provide for regulated content harmful to children to be age-gated (as opposed to being prohibited). This would mean that the requirement to have parental controls in place would be appropriate.

11.4. Parental controls should not apply in respect of illegal content which is not permitted in any case and will be removed from the service if notified or detected.

11.5. In our view, It would be a disproportionate interference with a 16 or 17 year old's rights to privacy and to freedom of expression and information to subject their use of a VSPS to parental controls. On that basis, parental controls should cease at 16 years of age (or the

relevant age of digital consent). However, in order to ensure that the rights of users are balanced against the risk of exposing older teenagers to content which is still unsuitable for them to view, content which is unsuitable for children should continue to be age-gated until the user turns 18. VSPSs should also be required to put in place appropriate measures to effectively protect minors from content which is unsuitable for children during live-streams (as is YouTube's current practice), rather than being required to impose a blanket ban on children viewing live-streams without parental consent, regardless of its content.

11.6. Please also see comments above at paragraphs 14.1 to 14.9.

12. What is your view on the requirements in the draft Code in relation to complaints?

12.1. To the extent that there is overlap between the encouragement under the Code of VSPS providers to use mediation to resolve any disputes arising from user complaints with a provider's obligations in respect of out-of-court dispute resolution under the DSA, requirements under the Code should align with requirements in the DSA to minimise friction and avoid unnecessary duplication. In particular, any out-of-court redress for complaints about individual content moderation decisions should fall within the remit of the DSA.

12.2. AVMSD does not envisage the handling of complaints related to the reporting and removal of specific content but rather complaints with respect to the AVMSD measures themselves; however, it is unclear whether it is intended that the requirements set out in the Code would be limited in this way and this should be clarified in the text. To the extent that VSPS providers already have effective complaints flows in place in respect of relevant aspects of their service (i.e. reporting and flagging, age verification, content rating and parental controls), it is disproportionate to require providers to establish new parallel complaints handling processes more particularly as this is exhaustively harmonised under DSA.

12.3. It is in our view disproportionate to apply requirements in relation to complaints to non-video content such as comments on YouTube videos. Extending these requirements to ancillary features would place unnecessary burdens on providers and goes beyond what is required by the AVMSD.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

13.1. The Code requires VSPSs to provide quarterly reports in respect of timelines and accuracy of report and flagging mechanisms and age verification measures (Sections 11.15 and 11.21). These obligations are described in quite broad terms such that the extent and proportionality of the obligation (in terms of the contents of such reports etc.) is unclear. That said, as set out in Section B above, we are concerned that quarterly reporting on such matters would be disproportionately burdensome, and no explanation is furnished as to why such frequent reporting would be necessary to achieve the legislative objectives.

13.2. These obligations should be aligned with the DSA reporting requirements, and should offer VSPSs significant flexibility as to the manner in which any such reports are made

13.3. See also our response in relation to reporting requirements relating to user complaints (Section 13.4 of the Code) at 20 below.

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

14.1. Google supports the requirements in respect of audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

- 15.1. Google supports Sections 12.6 to 12.8 of the Code, on the assumption that those sections must be read in the context of Section 5.3 of the Code. Accordingly, to the extent that ads which appear on YouTube through the Google Ads platform could be considered to be ads “*marketed, sold or arranged*” by Google Ireland Limited, such ads are user-generated content hosted on the Google Ads platform and Google is therefore not obligated to conduct general monitoring of every advertisement uploaded to the platform. As such, Sections 12.6 to 12.8 of the Code should be amended to make it clear that VSPs can only be held in breach of these provisions in circumstances where their notice and action mechanisms for illegal advertisements hosted by them are demonstrated to be insufficient for the purpose of addressing specific notified advertisements that are illegal and prohibited by the Code.
- 15.2. Notwithstanding the above comments, for the avoidance of doubt, we use both machine learning, and human reviewers, to enforce our advertising policies, which results in the vast majority of paid ads which are found to be violative of our policies being removed before ever appearing on YouTube.
- 15.3. Google is also concerned about the formulation of Section 12.9 of the Code: its overly-prescriptive measures do not align with the AVMSD requirements or industry standards. Section 12.9.1 requires users to “*rate*” alcohol advertisements as “*adult content*”. However, the AVMSD requires that advertisements “*for alcoholic beverages shall not be aimed specifically at minors*”.²⁷
- 15.4. The AVMSD requirement aligns with industry practices of permitting users to use parameters to target their advertising campaigns (as opposed to age-rating advertising). For example, for paid advertisements which appear on YouTube through Google Ads, advertisers have the following targeting controls:
- Demographic controls: advertisers can choose to disable targeting of users whose age is unknown and target only users who fall into one of the available age categories: 18 - 24, 25 - 34, 35 - 44, 45 - 54, 55 - 64, 65+.
 - Interests: advertisers can exclude users with defined interests or intentions (as estimated by Google) from the audience of their ads.
 - Content: advertisers can specify which websites, apps, YouTube channels, YouTube videos and app categories they want to avoid.
 - Keywords and topics: advertisers can list keywords and topics they want to avoid.
 - Advertisers can identify their ads as ineligible to show alongside “*Made for Kids*” content.
- 15.5. In addition, it is in breach of our advertising policies to target children in certain circumstances, including in respect of alcohol advertising.
- 15.6. Accordingly, in our view, in order to align with industry norms, Section 12.9.1 should be amended so that VSPs be required to include a prohibition in their terms and conditions to target children with alcohol advertisements.
- 15.7. The requirements of Section 12.9.2 of the Code flow from Section 12.9.1 insofar as it requires that users have the ability to flag content as having been incorrectly “*rated*”. As advertisements

²⁷ Article 9(1)(e) of the AVMSD.

are not “rated”, once again the prescriptive nature of these requirements does not align with the industry’s practices. YouTube has a functionality by which users can report advertisements for various reasons, including that the advertisement “*promotes a restricted product or service (Alcohol, tobacco, gambling, addiction services, healthcare, political, financial)*”. Such a mechanism, in addition to our machine learning and human review content moderation, is an effective way of helping to ensure that children are not targeted with alcohol advertising.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

16.1. We support the Code’s requirements regarding user declarations in respect of content which contains an audiovisual commercial communication. YouTube has put in place tools, requiring creators to disclose the inclusion of paid promotions, sponsorships or endorsements within a video²⁸.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

17.1. We do not have anything further to add on in response to this question.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

18.1. Google is very supportive of the need to ensure effective media literacy measures and tools are provided and effectively communicated to users. Further we agree with the approach that has been adopted in the Code in respect of this obligation - the Code sets out the objectives to be achieved, but leaves it to the VSPSs to devise their own means for achieving those objectives.

18.2. Google uses measures and tools both on- and off-platform in order to increase media literacy. For example, on-platform, we have invested significant resources, from our systems to our teams, to develop what we believe is an industry-leading approach, ensuring that recommendations we make on our services point people to the highest quality, most authoritative information available.

18.3. Off-platform, Google collaborates with academics, policymakers, publishers, and civil society in order to increase media literacy. For example, In March 2021, we contributed €25 million to help launch the ‘European Media and Information Fund’ to strengthen media literacy skills, fight misinformation and support fact checking.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

19.1. Google agrees with, and supports, the prohibition on processing a minor’s personal data for commercial purposes, where such data were collected for age verification or parental controls purposes.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

20.1. Further to the comments in Section B and in response to Question 13 above, the requirement for a VSPS provider to provide quarterly reports in relation to its handling of user complaints is described in quite broad, general terms such that the extent of the obligation (e.g. in terms of the contents of such reports) is unclear. The Code provides that such reports must be prepared in “*the manner specified by the Commission from time to time*”. In this regard, clearer guidance is required in order to understand what is envisaged.

²⁸ <https://support.google.com/youtube/answer/154235?hl=en-GB>.

- 20.2. Without prejudice to the above, Google is concerned that the Code introduces disproportionately onerous reporting requirements, which are not explicitly provided for in the AVMSD and overlap with existing transparency reporting requirements in the DSA. Further, in our view, the requirement to provide reports quarterly is excessive and should align with the relevant time periods for DSA transparency reporting.
- 20.3. Please see our response to question 12 also.
- 21. Do you have any other comments on the requirements in section 13 of the draft Code?**
- 21.1. We do not have any comments in response to this question.
- 22. Do you have any comments on this section of the Draft Code?**
- 22.1. In our view, the audit provisions set out in the section should only be required in specific circumstances, such as where there has been a finding of non-compliance with the Code, and should be fully aligned to take account of annual audit requirements pursuant to Article 37 of the DSA given the potential overlap. More particularly, audits should not be required unless this is deemed necessary with respect to specific matters that are not already covered by audit requirements set in Article 37 DSA, where applicable.
- 23. Do you have any comments on the Annex?**
- 23.1. We have addressed our comments on the Annex above in relation to jurisdictional scope of the Code, insofar as the Annex informs the definition of illegal content which will be regulated across the EEA.
- 24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters Coimisiún na Meán is required to consider in developing an online safety code?**
- 24.1. We do not have any comments in response to this question.
- 25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?**
- 25.1. We do not have any comments in response to this question.
- 26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?**
- 26.1. We do not have any comments in response to this question.
- 27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?**
- 27.1. We do not have any comments in response to this question.
- 28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?**
- 28.1. While noting that the measures in Appendix 3 are still under consideration and would in any event be subject to separate consultation, Google is concerned that in a number of respects, the measures proposed in Appendix 3 exceed the requirements of AVMSD cutting across areas that are exhaustively regulated by DSA. More particularly, Google is concerned that the introduction of such measures would undermine the legislative intent of DSA and ultimately lead to a fragmented approach that would fail to effectively protect users, given the cross-border and international dimension of the issues.

(i) Recommender Systems

- 28.2. We have dealt with this issue in further detail in Section B above, at paragraphs 15.4 - 15.5. In summary, we are concerned about the suggestion that CnaM would seek to introduce measures regarding this matter, in circumstances in which the requirements in respect of recommender systems are fully harmonised under the DSA.
- 28.3. Furthermore, there is no basis in the AVMSD to introduce such requirements, and we do not believe that Article 28b(6) of the AVMSD can, or was intended to, permit Member States to render large portions of the DSA's harmonisation efforts redundant. In any event, Article 28b(6) of the AVMSD only permits the introduction of stricter or more detailed measures in respect of content available on a VSPS, not in respect of systems used by VSPSs.

(ii) Safety by design

- 28.4. Our concerns in respect of the proposed "Safety by Design" requirements are also addressed in Section B above, at paragraph 15.6. The proposal has no basis in the AVMSD and it appears to relate to introducing measures to assess certain VSPS mechanisms/functions. As such, this is not a measure about content on a VSPS.
- 28.5. Further, as the consultation paper acknowledges, from a VLOP perspective this matter is harmonised under Articles 34 and 35 of the DSA. It is neither necessary nor proportionate to require VLOPs to repurpose work carried out in compliance with the DSA, in order to comply with Irish rules covering the same, harmonised, subject matter (particularly in circumstances in which CnaM will have access to the same information in the context of its role as Ireland's Digital Services Coordinator).

(iii) Notification of law enforcement

- 28.6. We are again concerned that these proposals have no basis in the AVMSD and they do not relate to regulating content on VSPSs (and therefore cannot be considered additional measures within the meaning of Article 28b(6) of the AVMSD).
- 28.7. Further, to the extent that there is a proposal in respect of "*contacting local authorities in circumstances where the provider considers there may be an imminent and serious risk to the life or health of a user*", such an obligation is preempted by the DSA. Article 18 of the DSA harmonises hosting services' notification obligations, confining such obligations to scenarios where hosting service providers are aware of "*information giving rise to a suspicion that a criminal offence involving a threat to the life or safety of a person*".
- 28.8. In our view, the online safety support suggested in the consultation paper would be more appropriately addressed in non-binding guidance.

Response to the CNAM on the Online Safety Code

31/Jan/2024

The following response is related to the 'Age verification' content of the consultation. The section numbers are:

- Chapter 3.4.3, page 17,
- Chapter 11.16 – 11.28 of Appendix 1, page 52-54 and
- 'Guidance: Age Verification (Sections 11.16-11.21 of the Code)', of Appendix 2, page 67-68.

Argumentation requires references to the Principles in Chapter 4.15 – 4.22 of Appendix 1, page 41-42.

Summary

In this paper I'd like to share some thoughts. It has to be noted that most likely the CNAM have considered the option I will be stating below.

In parallel to the draft Code, the system below should be operated for Irish citizens.

Proposal

The main objective of avoiding under-age usage is achievable without personal data provision to several VSPS providers.

An 'Allowed / Not allowed' signal is what is needed by the VSPS providers. An online platform, operated by a credible third party e.g. a Government institution, which is available both to the users and VSPS providers can do all the necessary functions.

On the user side: an email registration on this platform combined with PPS number can generate and provide an 'Allowed / Not allowed' signal to VSPS in each case of usage for adults.

On the third party side: age verification does not need any sort of estimation in this case assuming that the date of birth data is searchable through the PPS. There are known technical solutions from the One Time Password up to the permanent permissions. The function comprises database and platform maintenance together with giving 'Allowed / Not allowed' signals.

On the VSPS side: send the user's registered email address to the platform and read the platform's response signal.

This would allow Irish citizens who do not want to upload their personal documents to have the option to use video services.

In cases where an email address is not provided the solutions mentioned in the draft Online Safety Code is applicable.

Other considerations

- The proposal above complies with the principles outlined in 4.16 - 4.22. In some cases it suits better than the general solution provided in the draft Online Safety Code.

- As it is mentioned in the draft Online Safety Code there is not a perfect solution for all cases. There are limitations in the option above. Deliberate misconduct with email swapping (between an adult and a child) is a clear breaking of the rule. Foreigners, tourists in Ireland, anyone without an Irish PPS number would be required to use the options mentioned in the draft Online Safety Code. VSPS that do not require email registration would also be required to use the draft Code.

- The draft Code grants a wide range of freedom of decision to VSPS providers. The draft Code positively allows VSPS providers to use 'other technical measures' with an ex post control of the Authority. A list of supported methods should be enforced by the CNAM. It would give a clear, controllable outline as to what is allowed to be used and what is not. It does not prevent technological improvements.

- In the draft Online Safety Code the upload of personal documents and selfies could happen without service provision in exchange: VSPS provider may refuse access to the content (rightfully) e.g. after receiving under-age data. It may support cyber criminals.

- The value of the amount of personal data provided to a VSPS (usually) exceeds the (usually short) videos' value. It

- The draft Code and its explanatory notes describe possible solutions of provision of heavy personal data. Official documents like a copy of passport data sheet, accompanied by a live selfie or age estimation based on service usage patterns are part of the draft Code. These data sets consist a significant amount of valuable data which are usually kept by many users.

- In general terms: in the draft Code further usage of the data is out of the users' control.

- Malicious or fraudulent intent of some content provision, in certain cases, can generate criminal activities e.g. identity theft. Compare with the given data, viewing a video does not seem to be proportional.

Personal note

In my personal view users as data owners should manage, control, sell their own data. This may be a longer term issue, this step could be a move towards the end users' control.

Thank you for the opportunity.

Tibor Toth



January 2023

Response to Consultation: Online Safety Code

Introduction

The 5Rights Foundation welcomes the opportunity to comment on Ireland's First Binding Online Safety Code for Video-Sharing Platform Services (VSPS). Children's rights, as recognised by the UN Convention on the Rights of the Child and elaborated in its General comment No. 25 as regards the digital environment, must be a key element underpinning legislation in this space, both at EU and national level. In view of the special consideration of children's rights in the Digital Services Act (EU Regulation 2022/2065) and the Audiovisual Media Services Directive (EU Directive 2010/13/EU), as well as the Irish Data Protection Commission's Fundamentals for a Child-Oriented Approach to Data Processing, 5Rights believes that the Online Safety Code is an opportunity to foster the synergies between the foregoing legislative and voluntary measures, thus improving their effectiveness and ultimately advancing the protection of children's rights online.

This document outlines 5Rights' key considerations and input on how the Online Safety Code can protect and promote children's rights in the digital environment. 5Rights develops policy, creates innovative frameworks, develops technical standards, publishes research, challenges received narratives and ensure that children's rights and needs are recognised and prioritised in the digital world. While 5Rights works exclusively on behalf of and with children and young people under 18, our solutions and strategies are relevant to many other communities. Our focus is on implementable change and our work is cited and used widely around the world. We work with governments, inter-governmental institutions, professional associations, academics, businesses, and children, so that digital products and services can impact positively on the experiences of young people.

Consultation on the Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

Under Section 3 on Purpose:

- we suggest mentioning the need to "minimise the availability of *and exposure to* harmful online content" in both parts of the sentence. It may not be necessary to limit the reference to exposure only with regards to risks, as risks and harms – notably for children – are indeed not only linked to the existence and availability of content *per se*, but to how this is then diffused and promoted by recommender systems and thus its visibility made more prominent, including within specific groups. This clearly recognises the different kinds of impact that such content may have (immediate and cumulative, acute and mild, direct and indirect) and in turn the variation of risks they represent. At this regards, it is also positive to see that levels of risks are mentioned under 3.2.
- we recommend adding a reference to children to the sentence "take any other measures that are appropriate to protect users of their services from harmful online content, *in particular children*". Because of their additional rights, needs and vulnerabilities, children may require additional measures to ensure that they are protected. An explicit mention of children highlighting their additional need would complement and be in line with the narrower last point of section 3 on "measures in

relation to commercial communications on their services that are appropriate to project the interests of users of their services, and in particular the interests of children”.

- We respectfully point-out the typo under “take any measures in relation to commercial communications on their services that are appropriate to *protect* (instead of *project*) the interests of users of their services.”

Under Section 4:

- we welcome the mention of the Charter and the ECHR, however we would also recommend the explicit specification that the Commission must act in accordance with international human rights law, including the UN Convention on the Rights of the Child as elaborated in its General comment No. 25.
- Under 4.3, and as provided in the Irish Constitution under article 42A, we would support a mention of the rights of the child together with their “best interests”. Children’s rights are clearly defined in the UNCRC while children’s interests appear vaguer as a term and may indeed be confused with the principle of the best interests of the child under article 3 of the UNCRC.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

User-generated content that is indissociable from user-generated videos should be covered by the Code. While the content itself may be non-egregious in nature, the associated user-generated content may be harmful and should be accounted for. Further, high engagement with user-generated videos such as likes and comments can have a cumulative harmful impact on children and may further normalise the problematic content in the first place. It is therefore important to include user-generated content in the definition of “content” under section 10.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

With regards to all definitions and obligations related to illegal content, we strongly recommend that the Commission bears in mind the need to maintain consistency and avoid contradictions with implementing measures and actions under the DSA, which may also overlap with some covered by the Code and therefore risk creating confusion in the application of both norms and make compliance more difficult, which would be especially damaging for vulnerable groups such as children.

4. What is your view on the other definitions of illegal content and regulated content?

Idem

5. Do you have any comments on any other definitions provided in the draft Code?

We welcome the definition of ‘child’ as a person under the age of 18 years in line with the UNCRC.

We would equally welcome adding as last point to the definition of “audiovisual commercial communications harmful to children” a residual category of “audiovisual commercial communications that otherwise exploit children’s specific vulnerabilities,

notably with techniques that lead children into making unintended, unwilling and potentially harmful decisions”.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Terms and conditions shall not only include certain prohibitions but should also make clear how flagging and reporting tools can be used in case of illegal or regulated content. Many children are indeed unaware of how to use such tools.¹ Terms and conditions should also clearly specify the rights of the user, especially in terms of data protection. In addition to their content, the format should also be prescribed and should follow the requirements of the DSA: concise, prominent and written in clear language suited to the age of children. As further detailed in our first answer to the call for inputs, to make published terms age-appropriate, providers should consider language, length, format, navigability, timing, and accessibility. Providers should also obtain meaningful consent of their terms and conditions and uphold its published terms.²

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

Procedures to suspend or terminate accounts should not only follow fair but also appropriate procedures. The terms and conditions should explicitly set out under which conditions accounts will be suspended or terminated and set out redress mechanisms. The information should be provided in an age-appropriate language and the procedures should be accessible to children.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

While we welcome the prescription of transparent and user-friendly mechanisms for reporting and flagging, we believe that those mechanisms should in addition be age appropriate. This should be specified as the standard of ‘user-friendly’ mechanism may look very different to an adult and a child considering their developmental stages. In addition, streamlining reporting tools between VSPs would be extremely helpful as children struggle with widely different and complex reporting processes.³

We also welcome the fact that providers should explain the effect that has been given to the reporting and flagging. Indeed, children may refrain from using such tools as they feel that they have no actual impact and follow-up.⁴ Information on the ongoing process should be provided in a timely and age-appropriate manner. Response time should be appropriate to the issue and information should be provided on the actions being taken.

Regarding 11.14, we would suggest the inclusion of a mechanism to assess whether the targets set by companies for reporting and flagging content are ambitious and reflect at least existing best practices and minimum standards at industry level, as well as to update and raise such targets dynamically, without conditioning this possibility to the need to update the code in the future.

¹ OFCOM (2023) [Children and Parents: media use and attitudes report 2023](#)

² 5Rights Foundation (2021) [Tick to Agree](#)

³ Thorn (2023) [Responding to Online Threats: Minors' Perspectives on Disclosing, Reporting, and Blocking in 2021](#), and on the complexities of reporting systems see ARCOM (2023) [Combating the dissemination of hate content online: an assessment of the resources implemented by online platforms in 2022 and outlook images](#)

⁴ OFCOM (2023) [Children and Parents: media use and attitudes report 2023](#)

9. What is your view on the requirements in the draft Code in relation to age verification?

We welcome the broader focus on the effectiveness of age verification rather than on specific techniques that should be used. The best approach to age assurance will be dependent upon the nature of the service being provided, the users that access the service, the type of content and activity on the service and the way that policies and terms and conditions are set out. Companies should thus be free and encouraged to innovate and provide for solutions insofar as those are effective, privacy-preserving and proportionate, notably in view of the level of risk and other mitigation measures that might be in place or more effective. It should be noted that technical standards on age verification are being developed by the Institute of Electrical and Electronics Engineers (IEEE) and International Standardisation Organisation, and guidance is being developed at EU level, which should set out a framework for the design, specification, evaluation and deployment of age verification systems. In terms of privacy, the guidance states that 'effective age estimation should meet any industry standards adopted and report on quality parameters achieved as well as complying with data protection and privacy requirements'. Privacy should indeed be understood as a necessary requirement for any age verification techniques to be considered 'effective'. They must be operated in accordance with standards of data minimisation and purpose limitation. Once that age or age range is established, the data used in the process should be stored or discarded transparently and securely.

More specifically, we would welcome references to existing guidance on the matter, such as the CEN-CENELEC Workshop Agreement 18016 on 'Age appropriate digital services framework' sets out minimum standards that any age assurance system should meet when the appropriate tools/approach to establish the age/capacity of users, based on the nature of the service is determined:⁵

- i) Protect the privacy of users in accordance with applicable laws, including data protection laws and obligations and human rights laws, in particular only process the data strictly necessary for the given purpose of age assurance
- ii) Be proportionate to the risks arising from the product or service and to the purpose of the age assurance system.
- iii) Offer functionality appropriate to the capacity and age of a child who might use the service
- iv) Be secure and prevent unauthorised disclosure or security breaches, and not use data processed for the purposes of the age assurance system for any other purpose
- v) Provide appropriate mechanisms and remedies for users to challenge or change decisions if their age is wrongly identified
- vi) Be accessible and inclusive to users, particularly also to users with protected characteristics
- vii) Not unduly restrict access of children to services to which they should reasonably have access, for example, news, health and education services
- viii) Provide sufficient and meaningful information for a user to understand its operation, in a format and language that they can be reasonably expected to understand, including if they are a child
- ix) Be effective in assuring the minimum age or age range of a user as legally required
- x) Not rely solely on information provided by the user when age verification is legally required or the context raises risks for children

⁵ CEN-CENELEC CWA 18016 'Age appropriate digital services framework': https://www.cencenelec.eu/media/CEN-CENELEC/CWAs/ICT/cwa18016_2023.pdf

In addition, we thus would suggest an emphasis on the proportionality of age verification measures, based on risk. Children must not be gated out of online environments that they have a right to access and participate in. Therefore, measures to restrict a child's access to a service or a part of a service should be necessary when a service is not designed in a safe and age-appropriate way and thus is considered to pose risks to children, but not preferred to other measures that would allow children access in a safe and age-appropriate way. For instance, we support the possibility under the Code to provide for such measures only with regards to access to certain parts of their services rather than blocking the entire service, to discourage over-reliance on age-verification at the expenses of safety by design measures and approaches. We would note, at this regard, that the Code should specify that the level of assurance should be calibrated to the nature and level of risk presented by a product or service. For instance, if a VSP is compliant with relevant data protection regulations for children, and is appropriate for children of any age, there may be no need for age assurance.

Transparency is also crucial, not only for the regulator to be able to assess the appropriateness of the measure taken by the provider but also for the users to know the kind of mechanism that is used and its rationale. As recognised by the Guidance, no age verification technique is 100% effective. It is therefore imperative to provide routes for challenges and redress in case of wrongful determination. Such mechanisms should be user-friendly, age appropriate and easy to access. Finally, we would emphasise that while age assurance is a useful tool for serving children age-appropriate experiences, age assurance alone is not sufficient for making a service age-appropriate for children.

10. What is your view on the requirements in the draft Code in relation to content rating?

As stated by the Code, it is important that age ratings take into account the evolving capacities of children and therefore provide for different ratings depending on age. The content rating system should be easy-to-use, taking into consideration the needs of children, and should therefore be age appropriate. In general, it should be noted that content rating by users is not *per se* an effective mean to ensure the safety of users, in particular children, on VSPs. It should only be considered as a complementary measure to other safety by design measures. In addition, the content rating system proposed by the Commission seems to be shifting the responsibility of content moderation onto users whilst this responsibility should lie with the providers. In relation to flagging and reporting harmful content, children have already stated that they felt that this was not their responsibility.⁶ Although it is good to provide means for users to identify harmful content or content that should be regulated for children, this should only be complementary to providers taking appropriate measures to ensure safety on their service.

11. What is your view on the requirements in the draft Code in relation to parental controls?

Parental control should be respectful of the privacy of children and this should be clearly mentioned in the Code. Persistent parental monitoring will severely impact a child's private sphere which in turn may affect their sense of identity. For example, LGBTQI children may be particularly vulnerable to such monitoring tools.⁷ If parental controls are provided, children must be given age-appropriate information about this so that it is clear to the children that they are being monitored and to enable children to fully understand how such systems operate. Accessible and clear information must be given to children

⁶ OFCOM (2022) [Children and Parents: media use and attitudes report 2022](#)

⁷ Kristina Bravo (2022) [Parents want to keep their kids safe online. But are parental controls the answer?](#)

about the data and activities that are being shared. If a parent, carer or educator is allowed to monitor a child's online activity or track location, an obvious sign must be given to the child, for instance a lit-up icon which lets them know when monitoring or tracking is active. Furthermore, parents should be provided with information about the child's right to privacy under the UNCRC and resources to support age appropriate discussion with children.

In general, we note that while parental controls can be used to complement a safety and privacy by design approach, they are only a component for the protection of children's rights online.⁸ Whereas some children may not have parents or carers in condition to exercise such control and protection, parents might themselves simply lack the required digital skills or have problematic roles when it comes to respecting children's privacy.⁹ Further, parental controls may create a sense of distrust between a parent and the child.¹⁰ It is therefore essential to provide information about the right to privacy of children while providing clear and concise explanation on parental controls.

12. What is your view on the requirements in the draft Code in relation to complaints?

We welcome the requirement to establish and operate "transparent, easy-to-use and effective procedures". We would however further and more explicitly specify that such procedures should be age-appropriate, as indeed an 'easy-to-use' procedure may look different to a child and to an adult. To ensure that children are aware of such procedures and their use, they should be highlighted during the induction process.

In addition to reporting and flagging, age verification, content rating and parental controls, complaints and redress should also address suspension and termination of accounts as well as data concerns and reflect children's data rights. Such mechanisms should provide children and parents with opportunities to correct a child's digital profile/footprint.

Furthermore, we welcome the fact that complaints should be handled in a 'diligent, timely, non-discriminatory, and effective manner'. We would detail that the response times should be appropriate and proportionate to the seriousness of the report. Throughout the process, information should be provided on the status of the handling of the complaint and the actions taken by the provider. This information should be provided in a clear and age-appropriate manner.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

Section 11 sets out the content of the different obligations of video-sharing platform services. While it outlines many useful measures to ensure the minimisation of availability and risks of exposure to harmful content, we would strongly support the addition of an obligation of safety by design within that section. As recognised by the draft guidance materials to support the proposed Supplementary measures under 2.1, safety by design is a well-established approach ensuring the development of safe products or services. The draft guidance further acknowledges that the 'effective implementation will be

⁸ On their effectiveness see University of Central Florida (2018) [Apps to Keep Children Safe Online may be Counterproductive](#); Alexis Hiniker et al. (2018) [Coco's Videos: an Empirical Investigation of Video-Player Design Features and Children's Media Use](#).

⁹ Security.org Team (2021) [Parents Social Media Habits](#); Committee on the Rights of the Child (2021) [General comment No. 25 on children's rights in relation to the digital environment](#), §81; Pengfei Zhao et al. (2023) [Digital parenting divides: the role of parental capital and digital parenting readiness in parental digital mediation](#).

¹⁰ University of Central Florida (2018) [Apps to Keep Children Safe Online may be Counterproductive](#).

achieved and best informed [...] by taking a Safety by Design approach'. Indeed, a safety by design approach underpins the measures proposed under section 11 aiming at the protection of users, in particular children. By including safety by design in section 11, it would recognise the central role of this approach and further enshrines a risks-based approach to online safety. As also noted by the draft guidance itself, this would further be in line with the risk assessment and mitigation requirements under the DSA. In view of this it should not be incompatible or in contradiction with safety assessment requirements already established under the DSA that some VSPs may be subject to.

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider? N/A

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider? N/A

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication? N/A

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

We welcome requirements like the prohibition of commercial communications harmful to the general public and harmful to children, as well as on surreptitious and subliminal techniques and the need for these communications to be readily recognisable as such. At this regards, we would support a further recognition that children may be particularly vulnerable to surreptitious and subliminal techniques, and thus the assessment of such techniques as well as criteria/standards to evaluate what commercial communications are "readily recognisable as such" should consider the specific vulnerabilities and needs of children, as well as their evolving capacities.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

We welcome the non-prescriptive approach of the Commission regarding media literacy. We would emphasize that media literacy measures should be adapted to children and take into account their evolving capacities. Specific measures should also be targeted at parents, guardians and/or educators themselves, to ensure that they can skillfully accompany their children. In addition, we stress that media literacy should only be seen as a complementarity measure to ensure the safety of children on VSPs and should not reduce or limit the responsibility of providers with regards to the safety of their services.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

In general, children should not be subjected to commercial exploitation.¹¹ As recognized by the GDPR, children merit additional protection with regards to the use and collection of their personal data.¹² They shall not be subject to decision-making based on profiling.¹³

¹¹ UNCRC General comment No.25, §103.

¹² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), recital 38.

¹³ GDPR, recital 71.

The DSA further provides that children cannot be subjected to targeted advertising based on profiling of their personal data.¹⁴ In light of that provisions, the wording of 13.3 appears misleading as it seems to imply that the personal data of children cannot be processed for commercial purposes only when it is generated or collected in relation to age verification and parental controls obligations. Considering the GDPR and the DSA, it appears that this obligation to not process children's data for commercial purposes should be broader and cover all children's data. It should further be in line with the requirement of data minimisation which provides that only the minimum amount of personal data needed for the functioning of the service should be collected and retained.¹⁵ With regards to age verification specifically, the DSA also specifies that providers should not maintain, acquire or process more personal data than it already has to assess whether the user is a child, which is a requirement we would include as well.¹⁶

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

In order to ease compliance for providers and to avoid duplication, reporting frequency and requirements should be aligned, or at least avoid major inconsistencies, with the procedures established under the DSA. The reports should be publicly available. From the current text, the scope of the report remains unclear. Under the DSA, transparency reports include measures taken in regard to content moderation, use of automate means, orders regarding illegal content and complaints.¹⁷ Further, the rationale for having a report every 3 months rather than every year as provided by the DSA is also not explicit.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

As outlined in our response to question 13 of this consultation, and in line with our support for the Commission's approach to safety by design and view that "it is important that all VSPS providers take a safety by design approach", we would welcome the inclusion of a general obligation on VSPS related to the adoption of such safety by design approaches, as detailed in the draft guidance and supplementary measures provisions.

22. Do you have any comments on this section of the Draft Code?

To ensure the effective supervision and enforcement of this Code, all relevant parties should be involved and heard by the Commission. Currently, only the concerned providers may make submission to the Commission (see 14.7 and 14.8). However, other interested parties should also have the opportunity to be heard. Such opportunities should consider the limited legal capacity of children and take appropriate measures to ensure the respect of their right to be heard, as well as provide due consideration of their limited personal and legal autonomy and capacity.

23. Do you have any comments on the Annex? N/A

**24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?
N/A**

¹⁴ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), Art.28(2).

¹⁵ GDPR, art.5(1)(c).

¹⁶ DSA, recital 71.

¹⁷ DSA, art.15 – additional requirements for VLOPs under Art.41, frequency also increased to every 6 months.

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

General guidance: we would explicitly mention under 'easy-to-use' that children's needs should be considered. Online safety mechanisms should be age appropriate and accessible for children. Under 'prominent' and 'transparent', we would also specify 'users, including children'. This would ensure that children's specific needs are not forgotten but duly taken into account for each of those requirements.

Guidance for parental controls: we would like to emphasize that many of the features advised by the Commission should not be as such under the purview of parental control but rather should be provided to every child as a possible safety by design and/or mitigation measure, i.e. requiring VPSS to set them as default settings for children and/or providing the children with the ability to decide about and use such measures where appropriate. In the list provided, those notably include: default privacy settings turned on for a child, default to geolocation settings being turned off for a child, auto-play functions turned off by default and default to private sharing. In addition, we would also recommend an explicit mention of the General comment No. 25 on children's rights in the digital environment as it elaborates on the UN Convention on the Rights of the Child and provides for more specific guidance. Furthermore, we would also give more details as provided in the response to question 11 in terms of children being aware of parental controls tools being used.

Guidance for media literacy: as noted in question 18, media literacy measures should consider children and be age appropriate. Some of those measures should also directly aim at parents and give explanations as to the right of children to privacy to ensure notably a rightful use of parental control mechanisms. One additional aim should be to ensure users, including children, are aware and know how to use reporting and flagging mechanisms. Furthermore, they should aim at ensuring that users know their rights, in particular their data protection rights.

Consultation on the application of the Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services? N/A
27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services? N/A

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Safety by design: we welcome safety by design as a potential supplementary measure for inclusion in the Online Safety Code and we strongly encourage the Commission to prescribe this approach, taking in due consideration the need to avoid inconsistencies

with the implementation of the DSA. Safety by design is crucial to ensure that providers design and put on the market safe services. It is a central pillar to ensure safety for children online, while other measures currently prescribed by the Commission appear to be rather complementary such as content rating and media literacy measures.

We are glad to see the specific mention of the safety of children. In that regard, we would like to note that the 4Cs framework should be used as a starting point when considering the risks that children face online and could be explicitly mentioned.¹⁸ In terms of safety assessment, we would like to draw the Commission's attention to Child Rights Impact Assessment (CRIA). CRIA appear to be a broader tool compared to safety impact assessments as they are based on children's rights as enshrined in the UNCRC.¹⁹

While recognizing the goal of the Commission to ensure that safety by design is adaptable to different providers, the Commission could point to certain measures to be taken under safety by design, similarly to what the Commission is proposing regarding recommender system safety. Such features could include, for instance, geolocation, nudge techniques, dark patterns and persuasive design techniques. As to the latter, it should be noted that the European Parliament recently adopted a report on addictive design which recognises the pervasiveness of the practices and their particularly problematic impact on children. It calls on the European Commission to consider necessary policy, legal initiatives and to promote safety by design.²⁰

Furthermore, we concur in understanding safety by design within the context of the DSA, to address some of the systemic risks to children rights. Indeed, following a safety by design approach will require identifying the risks and addressing them at design level.

Recommender system safety: we support the measures proposed by the Commission with regards to turning recommender systems based on profiling off by default. Under the DSA, such systems operating on profiling should already be optional,²¹ and their default deactivation could become a mitigation measure under article 35. We would like to specify that such measures should be strengthened in particular with regards to children, in view of their additional rights and specific vulnerabilities. Following a safety by design approach, many of such measures should be off by default for children. We believe transparency around the design and operation of recommender systems is key to addressing the risks they create and therefore welcome the reporting measure prescribed.

* * *

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¹⁸ Sonia Livingstone and Mariya Stoilova (2021) [The 4Cs: Classifying Online Risk to Children](#).

¹⁹ Digital Future Commission (2021) [Child Right Impact Assessment. A tool to realise children's rights in the digital environment](#).

²⁰ European Parliament resolution of 12 December 2023 [on addictive design of online services and consumer protection in the EU single market](#).

²¹ DSA, art.38.



MPIL RESPONSE TO THE CONSULTATION ON THE DRAFT ONLINE SAFETY CODE

31 January 2024

FAO: Caroline Keville (By email: vspsregulation@cnam.ie)

Dear Caroline,

Meta Platforms Ireland Limited (**MPIL**)¹ welcomes the opportunity to make a submission in response to Coimisiún na Meán's (the **Commission**) consultation on the four topics put forward in the consultation document; a Draft Online Safety Code (**Code**); Draft Statutory Guidance Materials (**Statutory Guidance**); the application of the Online Safety Code to video-sharing platform services and providers ("VSPS" and "VSPS providers"); and proposed supplementary measures for consideration in a future iteration of the Online Safety Code and Guidance Materials (**Supplementary Measures**).

At the outset, MPIL reiterates and builds on two of the most important points from its response to the Commission's Call for Inputs.

First, the Commission's main priorities and objectives for the Online Safety Code should be clarity, proportionality and the avoidance of duplicative regulatory requirements in the regulation of VSPS.

As the Commission is aware, some VSPS will also be required to implement various measures in relation to illegal content, transparency and content moderation under the EU Digital Services Act (the **DSA**) and some VSPS will be subject to the additional requirements applicable to very large online platforms (**VLOPs**), including both Facebook and Instagram. In developing the Online Safety Code, the Commission should therefore prioritise consistency with existing and future regulatory requirements applicable to VSPS and acknowledge that where there is overlap, DSA compliance measures are sufficient. MPIL appreciates that the Commission is aware of the importance of this point - however MPIL has stressed further areas in the detailed response where this should be made more explicit.

Second, MPIL emphasises that many VSPS, including those provided by MPIL, already have policies and practices in place to tackle harmful and illegal online content and are actively implementing online safety measures to ensure that users have as safe and as enjoyable an experience as possible on their services.

The draft Code should be amended to recognise and take account of the existing efforts of VSPS in relation to online safety, and the fact that these will assist VSPS in achieving the objectives of the Online

¹ The present response is submitted on behalf of MPIL, who is the VSPS provider of Facebook and Instagram established in Ireland for the purposes of Online Safety and Media Regulation Act (Act). Notwithstanding, in this response MPIL sometimes refers to Meta when referring to measures that the group which MPIL belongs to deploys globally.

Safety Code. The draft Code should further be amended to recognise that VSPS should be able to develop and innovate additional or alternative solutions which are outside the list provided in the draft Code, in particular where the efficacy of these solutions is beyond the measures contained in the draft Code.

MPIL recommends that the Commission should prioritise establishing a “baseline” of measures in the Online Safety Code, which VSPS providers commonly have in place and which form part of industry best practice and existing regulatory requirements. Instead, the approach in the draft Code requires all VSPS providers to implement a particular set of measures - with no evidence provided as to how these measures (Content Rating in particular) will assist VSPS in meeting the objectives of the Code.

MPIL discusses in detail below in each section what the issues are with the approach proposed by the Commission. MPIL recognises that the Commission can require VSPS to implement specific measures to meet the Online Safety Code’s objectives, however without any evidence to support how each specific measure will achieve this - it fails to see how the draft code meets the Commission’s own tests of proportionality, effectiveness and practicability.

The approach which MPIL recommended was that the Commission could build on the “baseline” measures in a code where it considered - following a process of understanding and measuring the effectiveness of each VSPS’ existing measures and their effectiveness - that these are not sufficient to meet the objectives sought to be achieved by the Code. Where additional measures are to be required, the Commission should be able to provide evidence of how these additional measures will practically improve each individual VSPS’ ability to meet the Code’s objectives.

Crucially, the code should also contain sufficient flexibility so that in the event that the Commission considers the measures an individual VSPS has in place to be insufficient, the VSPS provider can bring forward solutions - based on evidence - that are not contained in the list of measures listed in the current draft code.

This would also align with the regime envisaged under the Audiovisual Media Services Directive (**AVMSD**), which was intended to be an iterative and evolving regulatory framework, rather than a regime which could be captured in a single code.

Additionally, given that not all VSPS are the same and the Commission’s intention is to adopt one code (at least initially) that will apply to all VSPS, flexibility will be crucial to ensuring that the measures VSPS are required to implement can be applied effectively for each service. MPIL believes that the most appropriate way to achieve flexibility under the Code is to adopt a principles-based approach.

The Code should operate with guiding principles, as is customary under other codes of practice, like the CPOSH². This will allow for flexibility in compliance solutions and the ability to iterate compliance measures as new developments occur and in light of relevant factors, e.g. nature of service, user base, existing measures in place, etc. Such an approach aligns with the principles-based approach to harmful online content taken in the AVMSD and is critical to ensuring that measures imposed are “practicable and proportionate” as required by the AVMSD (see, for instance, Article 28b(3), which recognises that a range of complex factors need to be taken into account in determining whether measures are appropriate³).

This approach is also consistent with previous statements by the Broadcasting Authority of Ireland (BAI) and in the General Scheme of the OSMR. For example, in its Submission to the Department of Communications, Climate Action & Environment Public Consultation on the Regulation of Harmful Content on Online Platforms and the Implementation of the Revised Audiovisual Media Service Directive (**BAI Submission**), the BAI noted that the revised AVMSD advocated for “a principles-based approach to protection” whereby “high level rules and principles” would be drawn up and VSPS would be “obliged to follow a principles-based common code”⁴.

As noted in the General Scheme: “in overall terms, it’s important to note that the Media Commission would develop, in the first instance, high level principle based codes governing standards and practices. Designated online services are then required to develop measures to meet the principles set out in the high level codes that apply to them..... This approach provides for the Media Commission, through learned experience, to develop more detailed and tailored codes in certain discrete areas as standardised best practices emerge. It also provides for a quasi-continuous process of improving measures taken by online services to meet the requirements of the high-level codes through ongoing engagement and assessment by the Media Commission”.

The intention was clearly that the regulation of VSPS would allow for an iterative and evolving regulatory framework, taking a principles-based approach rather than a prescriptive approach seeking to apply rigid criteria to dynamic platforms in a one-size-fits-all manner. This recognises that not all service providers are the same - flexibility is critical in terms of optionality in mitigations and tools.

² The CPOSH commits signatories to a set of guiding principles, commitments, outcomes and measures that are focused on seven safety and harmful content themes - 1) child sexual exploitation and abuse; 2) bullying or harassment; 3) hate speech; 4) incitement of violence; 5) violent or graphic content; 6) misinformation; and 7) disinformation - which Netsafe and the Signatories believe are of great concern for Aotearoa New Zealand internet users. This makes the Code much broader than other existing industry codes, and commits signatories to provide transparency about their policies, processes and systems (see p. 2 here: <https://netsafe.org.nz/wp-content/uploads/2021/12/Aotearoa-New-Zealand-Code-of-Practice-for-Online-Safety-and-Harms-public-feedback-draft.pdf>).

³ Article 28b(3) AVMSD recognises that a range of complex factors need to be taken into account in determining whether measures are appropriate, including: a) the size and nature of the video-sharing platform service; b) the nature of the material in question; c) the harm the material in question may cause; d) the characteristics of the category of persons to be protected (for example, under-18s); e) the rights and legitimate interests at stake, including those of the person providing the video-sharing platform service and the persons having created or uploaded the material, as well as the general public interest.

⁴ Available here: <https://www.bai.ie/en/bai-publishes-submission-on-regulation-of-harmful-online-content-implementation-of-new-audiovisual-media-services-directive/>

Indeed in the UK, with 2+ years' experience, Ofcom recognises that the risks posed by content "is highly contextual and dependent on a range of factors, including the age and demographic of users" (paragraph 2.8 of Ofcom's 2023 User Policies Report).

To ensure the Code's requirements are workable and effective, they should be evidence-based and rooted in research. While MPIL recognises that the Commission has commissioned desk-based research into the harm environment, it is not aware of any research or evidence that the individual measures being proposed by the Commission will be effective for each individual VSPS.

MPIL is aware that a principles-based approach to regulation has been highly effective in other jurisdictions and is of the opinion that aligning the regulation of VSPS in Ireland with other jurisdictions would result in a more effective regulatory regime overall where best practice standards can emerge and common solutions can benefit the most users.

MPIL thanks the Commission for the opportunity to provide comments on the consultation, and hopes that its comments will assist the Commission in finalising the Code and carrying out its regulatory functions. Given the comments contained in this response, MPIL requests early and frequent engagement with the Commission in advance of the finalisation of the Code.

Yours sincerely,

Meta Platforms Ireland Limited

Consultation on Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

General comment

MPIL is committed to protecting its users' voices and helping them connect and share safely and wants Facebook and Instagram to be safe and enjoyable places for its users to engage and connect with people and interests that are important to them. In order to achieve this, MPIL has invested significant resources - both human and technology - to ensure that its platforms are as safe as possible.

MPIL has been calling for the implementation of the revised AVMSD since it became EU law in 2018 and welcomes the fact that significant progress is now being made in that regard. MPIL believes that the Directive's implementation should contribute to the development of a harmonised approach to harmful and/or illegal online content in the European Union, complementing the DSA and other existing and planned Union law. A common EU approach is in the interest of all stakeholders, but particularly users.

To this end, MPIL welcomes and shares the draft Code's goals and aims to make the internet safer, by ensuring that VSPS providers take appropriate and effective measures to protect children from harmful content, including certain illegal content and age-inappropriate content, as well as protecting the general public from content which amounts to incitement to violence or hatred, provocation to commit a terrorist offence, dissemination of child sex abuse material, offences concerning racism or xenophobia as well as certain commercial communications, as outlined in sections 1 – 9 of the draft Code.

Implementation period

In the Call for Inputs, the Commission asked (Question 23) for views on whether there should be a transition period for implementation of the Code and noted that it anticipated including one in the Code (para 5.3.8). The majority of respondents to the Call for Inputs also supported or at least acknowledged that there should be some form of transition period. However, the draft Code does not provide for any implementation period for the measures it prescribes. As with any legislation, in particular one that requires VSPS providers to implement a variety of complex technical solutions, the final Online Safety Code should have a sensible and proportionate implementation period which will allow providers to effectively implement the relevant measures.

Whilst the specific timeframe for implementation will ultimately depend on the final version of the Online Safety Code and the specific measures prescribed therein, in light of the measures currently included in the draft Code, MPIL believes that the Online Safety Code should prescribe an overall minimum period of 18 months for implementation. Alternatively, consideration may be given to a staggered approach so that certain measures could be rolled out earlier, where those measures may not be as challenging to implement. MPIL refers to specific implementation periods with respect to each measure below.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

As stated in its Section 2.1., the draft Code's intended goal is to give effect to Article 28b of the AVMSD. However, extending the AVMSD's scope, the draft Code's proposed definition of "content" includes both user-generated videos and other user-generated content that is "indissociable" from user-generated videos (e.g., descriptions of a video, or comments on it from the uploader or other users). As such, the draft Code requires VSPS providers to take measures that protect against harm caused by user-generated content that is indissociable from user-generated videos, as well as against harm directly caused by user-generated videos themselves.

MPIL understands the rationale behind the Commission's proposal and, to the extent that harm caused by a user-generated video includes harm caused by other user-generated content that is indissociable from the video, it should be addressed. However, the approach adopted by the draft Code is disproportionate, goes beyond the intended scope of AVMSD and risks cutting across the harmonised approach required by the DSA. Indeed, those comments or posts associated with the user-generated video would always be addressed, either through VSPS's Terms and Conditions or through the DSA (if it constitutes illegal content), resulting in potential takedown of the content, depending on the violation in question, regardless of the AVMSD (and, therefore, the extended scope of the Code). Given that user-generated videos and associated content (e.g. comments and accompanying text.) would in any case be subject to evaluation through VSPS's Terms and Conditions or applicable DSA requirements, MPIL has concerns about the practicability and proportionality of the inclusion of user-generated content that is indissociable from the video in the definition of "content" with respect to certain requirements and consideration needs to be given to how this content should be treated under the Code (as compared with the originating video content).

In particular, MPIL believes that extending certain requirements, such as the proposed content rating system requirement (about which MPIL outlines its strong views in detail in response to the relevant question), to comments posted by users on audiovisual content would be disproportionate and unfeasible. User-generated videos may have hundreds or thousands of comments and it simply wouldn't be practicable for each comment to have a different rating, which could quickly become very confusing to users and therefore potentially lose its originally intended value. Also, such comments are by their very nature indissociable from the original video content and so distinct ratings on each comment would not make sense as the same such comments should be read in the context of the video to which they are attached. Comments and connected "indissociable" content generated by other users are typically viewed to a lesser degree than the video content they pertain to, and therefore pose a lower risk of exposure to the general public and a lower risk of general harm. Where the risk of harm is significantly lower, it would be disproportionate for the draft Code to indifferently require that the same measures be applied simultaneously to user-generated video content and "indissociable" content. Likewise, reporting obligations that require VSPS providers to provide metrics specifically related to "indissociable" content will be difficult to implement.

In this context, as the Commission is aware, on one hand, the AVMSD was not designed with non-audiovisual content in mind⁵ and, on the other hand, the DSA applies to all types of content and, therefore, what is considered to be user-generated content that is indissociable from user-generated video is already regulated under such EU regulation (e.g. descriptions and comments on user-generated videos). The recitals to the DSA clearly provide that it is intended to fully harmonise online safety rules applicable to intermediary services in the EU save to the extent other Union laws regulate other aspects of intermediary services, including AVMSD. It follows that while AVMSD should govern user-generated video sharing elements of intermediary services, all content of those services, including the non-video content aspects of those services will be subject to the requirements of the DSA. Accordingly, MPIL cautions the Commission against including definitions and requirements in the Code that conflict with the direct and uniform application of the fully harmonised rules applicable to providers of intermediary services in accordance with the objectives of the DSA (see Recital 9).

In light of the above, MPIL respectfully suggests that the Commission should revise its definition of “content” to exclude other user-generated content that is “indissociable” from user-generated videos or, at the very least, careful consideration should be given as to which requirements set out in the draft Code should apply to the indissociable content.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

One of the AVMSD’s main goals with regards to VSPS providers is to ensure that children are protected from harm to their physical, mental or moral development. All of the appropriate measures which may be required from VSPS providers under the AVMSD stem from this goal (and critically the Directive itself envisages that providers should also have flexibility to develop other measures outside of that list). MPIL appreciates the Commission’s goal of providing specific definitions with the view of giving stakeholders greater clarity about the scope of protection that the Code gives and VSPS providers greater certainty about the scope of their legally binding obligations by defining what is “illegal content harmful to children” and “regulated content harmful to children”. Notwithstanding, given the extreme relevance of such definitions for the scope of the requirements under the draft Code, MPIL is of the opinion that further clarity is needed regarding such definitions.

First, MPIL understands “illegal content harmful to children” to mean content that is not in and of itself necessarily illegal, but is on its own considered harmful as defined by section 139A(1)(a) and Schedule 3 of the OSMR Act (see s. 139A(1)(a) and Schedule 3 of the Act at points 15, 18, 32 and 33 listed in Table A–1 of the Annex). On the other hand, such definition also includes content, representing certain illegal activities or behaviours, which become harmful to children by virtue of the fact that the victim of the

⁵ Article 28b of the AVMSD clearly specifies that the “appropriate measures” VSPS should take to protect users apply to “programmes, user-generated videos and audiovisual commercial communications”, the definitions for which do not include any other type of content, such as comments from other users, even if it is “indissociable”. Recital 4 of the 2018 AVMSD makes this clear when setting the scene for the need for VSPS regulation: “Video-sharing platform services provide **audiovisual content** which is increasingly accessed by the general public, in particular by young people” (emphasis added).

offence is a child or the content is viewed or likely to be viewed by a child (see s. 139A(1)(a) and Schedule 3 of the Act at points 11, 11A, 12, 23, 35, 36, 38, 39, 40, listed in Table A–2 of the Annex). As a consequence of content being considered “illegal content harmful to children”, certain measures under the Code would apply to such content (see, for instance, sections 11.1, 11.2, 11.9, 11.10, 11.11, 11.24 of the draft Code). To the extent that this understanding is correct and, in either case, the underlying content is not in and of itself illegal, it appears improper to label such content as “illegal content harmful to children”. Indeed, there is a difference between an illegal act and illegal content, and uploading a video of an illegal act or activity does not necessarily make such content illegal (e.g., whilst the act of a person pushing or striking another person might be illegal, a video of such an act does not necessarily constitute illegal content, it might for example, be news reporting content). Attempting to categorise such content as prohibited in the Terms and Conditions of a VSPS is also challenging given that the posting user would not necessarily be in a position to know if their video content is likely to be viewed by a child. This would mean that the Terms in such cases, would be far from clear to most users and yet Terms must equally be easy to understand. In this scenario, to the extent that this type of content was present on MPIL’s services and contained graphic violence, it would be age-gated for minors, showing a warning screen. Accordingly, such labelling as “illegal” is misleading and inaccurate and can give rise to uncertainty to VSPS providers when implementing the relevant requirements, as well as to users when posting or reporting content.

Second, MPIL is of the opinion that further clarity is needed regarding the offence-specific categories of harmful online content listed in Table A-2 of the Annex to the draft Code in order for the relevant requirements in the Code to be practicable. Under the draft Code, videos of such offence-specific categories of harmful online content will fall within the scope of “illegal content harmful to children”, and thus, VSPS providers will be required to implement requirements such as those related to Terms and Conditions, reporting and flagging and parental controls, if the victim of the relevant offence is a child or the content is viewed, or likely to be viewed by a child. In MPIL’s opinion, such a definition is too broad and subjective, which makes the referred to requirements impracticable:

(i) on one hand, it is unclear when the offence-specific categories of harmful online content listed in Table A-2 of the Annex to the draft Code would be considered to be “likely to be viewed by a child”, which qualifies the harmfulness of the content.

(ii) on the other hand, to the extent that a specific piece of content falls within the scope of illegal content harmful to children on the basis that it has been viewed or likely to be viewed by a child, MPIL fails to see the practical ways and means that such content can be effectively enforced against.

In this context, to enforce the Facebook Community Standards and Instagram Community Guidelines a combination of technology and human review is used. The process begins with the artificial intelligence teams, who build machine learning models that can perform tasks, such as recognising what's in a photo or understanding text. Then, the integrity teams – who are responsible for scaling the detection and enforcement of the policies – build upon these models to create more specific models that make predictions about people and content. These predictions help Meta to enforce its policies. For example, an AI model predicts whether a piece of content is hate speech or violent and graphic content. A

separate system – the enforcement technology – determines whether to take an action, such as deleting, demoting or sending the content to a human review team for further review. In instances where the technology misses something or needs more input, Meta relies on thousands of reviewers around the world to enforce the Community Standards and Community Guidelines. In order to do their job, review teams undergo extensive training to ensure that they have a strong grasp on the policies, the rationale behind such policies and how to apply them accurately. Review teams base their decisions on the detailed policies set out in the Facebook Community Standards and Instagram Community Guidelines. In theory, two reviewers reviewing the same posts would always make the same decision, but judgements can also vary if policies are ambiguous or subjective. This is why Meta strives to make its policies as clear and comprehensive as possible. As such, it is in general easier for VSPS to develop policies, tools and features related to a particular type of harmful content e.g. graphic violence content, than based on whether a piece of seemingly benign and lawful content may in fact be viewed by a single child.

In short, in practice, it will be very challenging for both human and automated content moderators to make accurate decisions on whether content is harmful, and therefore violating, by virtue of whether it has been seen or is likely to be seen by a child.

Third, given that the draft Code is intended to give effect to the AVMSD provisions, and such provisions are to take EU-wide effect, MPIL would caution the Commission against including content defined by reference to Irish criminal law offences, as such an approach could undermine the harmonised approach required by the Directive. Likewise, MPIL would caution the Commission against including overly granular categorisations, as what is “illegal” varies from country to country. This is particularly relevant to bear in mind given that many VSPS providers who have their EU establishment in Ireland, provide their services across the EU and the various mechanisms of the Code will also apply to those non-Irish residents, EU users of the service. Accordingly, the Commission should define such content with reference to categories of types of content that would fall under such definitions, rather than with reference to specific provisions (e.g., CSAM, CEI, graphic content, etc.).

Fourth, the definition of “regulated content harmful to children” raises the same broadness and ambiguity concerns. Such definition covers a range of content that will be within scope if it gives rise to (a) any risk to a child’s life or (b) a risk of significant harm to a child’s physical or mental health, where the harm is reasonably foreseeable. The use of undefined terms such as “gives rise to risk”, “significant harm”, “reasonably foreseeable”, which are too broad and ambiguous, not only make it difficult to understand for different types of users, but it also makes it challenging to implement and enforce for VSPS providers. Furthermore, such undefined terms may also lead to potentially unforeseen impacts on certain fundamental rights, including the right to freedom of expression.

In this context, MPIL further notes that the Commission has included “dangerous challenges that give rise to life or risk of significant harm to physical health or safety of a child” in the definition of regulated content harmful to children, but “dangerous challenges” do not appear to be defined or confined to acts involving children. Moreover, although the test mirrors the “risk test” for other legal-but-harmful content, it omits the “reasonably foreseeable” qualification included in other categories. Given that such a category has been included in the definition of “regulated content harmful to children”, MPIL fails to

see a reason for the same to not be confined to acts involving children and subject to the “reasonably foreseeable” test. As such, the Commission should clarify this definition.

In light of the foregoing, MPIL urges the Commission to:

- Rename the term “illegal content harmful to children” to something more appropriate to the content in scope, which, as mentioned, MPIL understands to not be illegal.
- Review the definition of “illegal content harmful to children” to include categories of types of content rather than reference offence-specific categories under Irish law or behaviours or who is likely to view the content.
- Provide workable definitions of the undefined terms included in the definitions of “illegal content harmful to children” and “regulated content harmful to children”
- Clarifies the definition of “dangerous challenges” and aligns it to other categories included in the definition of “regulated content harmful to children”.

4. What is your view on the other definitions of illegal content and regulated content?

The comments above in response to Question 3 are equally applicable to the other definitions of illegal content and regulated content.

5. Do you have any comments on any other definitions provided in the draft Code?

Audiovisual commercial communications

MPIL looks forward to receiving guidance on the various terms used in the definitions included for audiovisual commercial communication. While MPIL appreciates that there is guidance in existing broadcasting codes, it would hope that said guidance would be tailored to VSPS which have different characteristics to traditional broadcasting services.

Without prejudice to the above, MPIL notes that, following the AVMSD, the draft Code does not define what is *an audiovisual commercial communication not marketed, sold or arranged by a VSPS provider*, as opposed to *an audiovisual commercial communication marketed, sold or arranged by a VSPS provider*.

MPIL understands “audiovisual commercial communications not marketed, sold, or arranged by a VSPS” to be those which the VSPS provider is not involved in making available on their services i.e., which appear on the service without any engagement between the brand and the service provider (for instance, influencer marketing) and, therefore, there’s “limited control exercised by those video-sharing platforms over those audiovisual commercial communications” (see Article 28b(2) of the AVMSD). By contrast, in Meta’s understanding, “commercial communications marketed, sold, or arranged by a VSPS” are those in which the VSPS provider is involved in making the advertising available on the platform, e.g. sold advertising.

In order to avoid any uncertainty as to which requirements should apply to each type of commercial communication, MPIL suggests that the final version of the Code clarifies such definitions.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Meta aims to create safe and trusted platforms, where people can feel free to express themselves. Meta is clear that it does not allow certain types of content or behaviour on its platforms. In order to achieve the balance between freedom of expression, safety and privacy, Meta takes a multi-faceted approach to addressing potentially harmful content or activity on its platforms, starting with its applicable policies or standards.

Meta maintains a set of globally applicable standards – Facebook’s Community Standards⁶ and Instagram’s Community Guidelines⁷ – that define what is and isn’t allowed on its services. These standards apply to content worldwide and are integral to protecting expression, privacy and personal safety on Facebook and Instagram. Facebook’s Community Standards and Instagram’s Community Guidelines prohibit a wide range of objectionable or harmful content that is, or is likely to be, in scope of the draft Code’s definitions of “illegal content harmful to the general public”, “regulated content harmful to the general public”, “illegal content harmful to children” and “regulated content harmful to children” – for example, see the sections of Facebook’s Community Standards on “Violence and Incitement”, “Hate Speech”, “Adult nudity and sexual activity”, “Violent and graphic content”, “Bullying and harassment”, “Suicide, Self-Injury and Eating Disorders”⁸.

In this context, please see MPIL’s response to Question 3 with regards to the definitions of “illegal content harmful to children” and “regulated content harmful to children” which VSPS providers are required to prohibit in their Terms under this requirement of the draft Code. As mentioned therein, in order for the Terms and Conditions requirements to be practicable and enforceable, the Commission should refrain from including overly granular categorisations of “harmful” content and should provide workable definitions of the undefined terms included in the relevant definitions. As mentioned, MPIL would strongly encourage the Commission to provide explanations in layman’s terms to the benefit of both platforms and users alike and to the extent that existing Terms and Conditions cover the relevant categories of the Code, this should be sufficient (noting also the requirements of Article 14 DSA in this regard).

In particular, MPIL reiterates that defining certain content as harmful by reference to Irish criminal offences is not effective or practicable in a global context. Not only will the draft Code apply EU-wide for

⁶ <https://transparency.fb.com/policies/community-standards/>

⁷ <https://www.facebook.com/help/instagram/477434105621119/>

⁸ <https://transparency.fb.com/en-gb/policies/community-standards/hate-speech/>;

<https://transparency.fb.com/en-gb/policies/community-standards/violence-incitement/?source=https%3A%2F%2Fwww.facebook.com%2Fcommunitystandards%2Fcredible-violence/>; <https://transparency.fb.com/en-gb/policies/community-standards/adult-nudity-sexual-activity/>;

<https://transparency.fb.com/en-gb/policies/community-standards/violent-graphic-content/>;

<https://transparency.fb.com/en-gb/policies/community-standards/bullying-harassment/>;

<https://transparency.fb.com/en-gb/policies/community-standards/suicide-self-injury/>.

VSPS with an establishment in Ireland, but also VSPS providers to which the draft Code is proposed to apply provide their services in multiple countries. For this reason, Meta's content policies are global in nature, which allows Meta to better scale its content moderation tools, processes and technologies. While some of Meta's policy areas may in practice overlap with issues of illegality e.g. terrorist content, CSAM, sale of regulated goods, they are global in nature and therefore cannot and do not map to particular local law. Meta's content moderators are trained on its policies and not on local laws. The same is true of how Meta's classifiers are trained. If Meta was required to track its policies to local law in all countries it would not be able to operate a global model effectively, and the net result would be much slower, patchwork and less accurate enforcement.

In addition, such an approach is not user-friendly. Meta's policies and Terms of Service are designed to be accessible – both through the relevant apps and websites –, user-friendly and carefully drafted to be easy to follow whilst providing users with an appropriate level of detail, and are made available in a range of languages, to make them easy to understand for different types of users. An overly granular approach, requiring VSPS providers to reflect in the Terms and Conditions the specific types of “illegal content harmful to the general public”, “regulated content harmful to the general public”, “illegal content harmful to children” and “regulated content harmful to children”, as they have been defined, would negatively impact the Terms and Conditions's readability and clarity and, thus, would not be user-friendly.

Accordingly, VSPS providers should retain flexibility to determine how to best incorporate the prohibitions included in section 11.1 and 11.2 of the draft Code in their Terms and Conditions. In this proposal.

The same flexibility should be given to VSPS providers with regard to the requirement to provide in their Terms and Conditions that service providers shall suspend or terminate accounts which they have determined to have repeatedly infringed Terms and Conditions of the service. As mentioned in further detail in response to Question 7 below, Meta already has a system in place for this purpose and provides users with information regarding such a system. However, MPIL believes that VSPS providers should have the flexibility to choose the level of detail included in the Terms and Conditions for this purpose as it is necessary to strike a delicate balance between transparency and ensuring that such systems are effective against potential abuse and circumvention measures.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

MPIL agrees that effective enforcement of Terms and Conditions helps to ensure adherence to such rules and can serve as a valuable education opportunity for users. As mentioned, Meta aims to create safe and trusted platforms, where people can feel free to express themselves. This requires Meta to not only have clear Terms and Conditions that explain what users can and cannot do on its platforms, but to also enforce such Terms and Conditions effectively. To this end, MPIL supports the general requirement in the

draft Code for VSPS providers to suspend or terminate an account which they have determined to have repeatedly infringed Terms and Conditions.

Indeed, Meta already has systems in place whereby, when content violates its Community Standards or Community Guidelines, MPIL removes the content and generally assign a “strike” to the user’s account and/or the Page/Group if it’s been posted there by an admin. Accounts that receive multiple strikes or post severe violations will have certain restrictions placed on their accounts based on the frequency and/or severity of those violations. These restrictions may include read-only feature limits or specific product restrictions (e.g., users may be prevented from posting/commenting in Groups, creating new Groups, and inviting users to Groups for several days), as well as account removal in severe cases⁹. For most violations, if a user continues to post content that goes against the Facebook Community Standards or Instagram Community Guidelines after repeated warnings and restrictions, Meta will disable their account. MPIL notifies the user when their content is removed or restrictions are added to their account, Page or group and the user can see their history of violations, some restrictions that their account might have and how long they’ll last in their Account Status on Facebook and Instagram.

Meta knows that mistakes can happen, so users whose content has been removed or who have had restrictions applied to their accounts can ask us to review those decisions. If MPIL finds that their content did follow the Community Standards or Community Guidelines, it will put the content back on Facebook or Instagram and will remove the strike and restriction so that it won't count against them in the future.

Meta’s analysis has found that nearly 80% of users with a low number of strikes do not go on to violate the policies again in the next 60 days. This means that most people respond well to a warning and explanation since they don’t want to violate Meta’s policies. But at the same time, some people are determined to post violating content regardless of the policies. However, this approach might not prove effective for all platforms. MPIL therefore recommends maintaining a high-level approach to this requirement, giving VSPS providers the flexibility to structure their systems considering the specific types and severity of different harms that may be available on their platforms.

It’s also worth bearing in mind that this requirement has some overlap with Article 23 of the DSA in relation to sharing of manifestly illegal content. Such overlapping regulatory requirement should be borne in mind in order to ensure coherence and clarity¹⁰.

⁹ <https://transparency.fb.com/en-gb/enforcement/taking-action/counting-strikes/>
<https://transparency.fb.com/en-gb/enforcement/taking-action/restricting-accounts/>

¹⁰ <https://transparency.fb.com/en-gb/enforcement/taking-action/misuse-policy/>

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Requirement to implement reporting and flagging mechanisms

As a general note, MPIL acknowledges that reporting and flagging mechanisms are an important tool for enabling users of video-sharing platform services to highlight potential instances of illegal or harmful content and/or harmful audiovisual commercial communications on a service. That's why Facebook and Instagram have had easy to use reporting and flagging mechanisms in place for content or accounts which violate their policies for many years. Their design and layout have been carefully designed and tested so as to ensure that they're user-friendly and easy to understand. In addition, to comply with Article 16 of the DSA, MPIL further developed such flagging mechanisms for illegal content. While it was already possible to report content as unlawful on both Facebook and Instagram, MPIL has made this reporting option even more user-friendly. Accordingly, prescriptive guidance would not be appropriate in this regard.

In light of the Commission's Statutory Guidance regarding this requirement, MPIL understands that the Commission's intention is not for VSPS providers to implement reporting and flagging mechanisms for users to report illegal content, but rather to report content which otherwise violates the VSPS providers Terms and Conditions. However, section 11.11 specifically mentions reporting and flagging of "illegal content harmful to the general public" and "illegal content harmful to children".

As mentioned in response to Question 3, MPIL's understanding is that the content in scope of such definitions is not illegal, but rather harmful. However, to the extent that such understanding isn't correct, and the draft Code also requires VSPS providers to implement reporting and flagging mechanisms for illegal content, there will be a clear overlap between the draft Code's requirement and Article 16 of the DSA, as illegal content could in theory be reported under both mechanisms. This would be inefficient and give rise to legal uncertainty for VSPS providers and significant confusion for users as to which mechanism to use and which category to report under. To ensure the effective implementation of the AVMSD and to avoid duplication of regulatory requirements, confusing and divergent processes for users, and additional burdens and costs on businesses, it is crucial that the Code does not conflict in any manner with the DSA. To this end, the Commission should clarify that VSPS providers can comply with this requirement in relation to illegal categories of content by complying with Article 16 of the DSA.

Moreover, as the Commission acknowledges in the relevant Statutory Guidance, certain moderation decisions made on foot of flags about breaches of Terms and Conditions required by the Code may be, and in fact are, covered by relevant DSA provisions relating to moderation decisions taken on foot of Terms and Conditions, in particular Articles 17, 20 and 21 of the DSA. Accordingly, MPIL notes that nothing in the Statutory Guidance, notably, the guidance with respect to content moderation decisions being objective, accurate, fair, reasoned and timely, should conflict with those provisions.

Without prejudice to the foregoing, MPIL would appreciate further clarity with regard to the Commission's accompanying Statutory Guidance regarding the features it considers such reporting and flagging mechanisms should have, notably, on how the Commission envisions the tailored notification

(e.g., tailor their notification appropriately for different forms of harmful or illegal content and/or harmful audiovisual commercial communications) and default options (e.g. include a range of default options for different kinds of harmful or illegal content and/or harmful audiovisual commercial communications on the service in question) features to be implemented. It appears there may be an overlap between these two features, as the requirement to allow users to customise their notification for different harmful/illegal content could be met by offering a range of reporting options for the different kinds of harmful/illegal content (which is something that MPIL already offers to users via the existing flagging mechanisms).

Requirement to set and publish timelines and accuracy targets

The draft Code requires VSPS providers to set and publish targets with respect to timelines and accuracy of reporting and flagging mechanisms, as well as to evaluate and report their performance on such targets to the Commission every three months.

As noted in MPIL's response to the Call for Inputs, turnaround times for illegal content is already harmonised by the DSA, which does not prescribe specific turnaround times for the removal of illegal content and instead provides that notices should be processed in a "timely" way. The same applies to the AVMSD, which does not prescribe such a requirement. Whilst MPIL appreciates the Commission's approach to not prescribe specific performance targets, it maintains that setting specific response times, even if just in target form, does not account for the necessary nuance in assessing cases with differing levels of complexity, as well as the need for a balancing assessment regarding the rights of affected individuals with respect to each removal or disabling of content as specifically required under the DSA (e.g. balancing freedom of expression, privacy rights and safety). Indeed, even in a given "violation" category, no two violations are the same, so it's not practicable to set a single target turnaround time for a given category, let alone a single turnaround time for a reporting and flagging mechanism as a whole.

Requiring VSPS providers to set and comply with turnaround times has a real potential to create unintended consequences and/or incentives and reduce the efficacy of report/flagging handling. In particular, it may serve to disincentive VSPSs providers from properly considering the more complex issues that could be raised and it may lead to underenforcement or overenforcement, with negative impact to free speech.

To this end, MPIL strongly advises against including this requirement in the draft Code and, to the extent that any such requirement should be included in the Code, the Commission should consider allowing VSPS providers to establish more flexible or tiered target turnaround times for a percentage of total actions e.g. "X%" of total takedowns in a given category/violation area.

Moreover, it is unclear what is intended by setting targets with respect to accuracy of reporting, i.e., does accuracy of reporting and flagging mechanisms refer to how often VSPS providers action a user report, meaning, how accurate user reports are or is it intended to mean how accurate VSPS's action of a user report is? In the latter case, it is also unclear how VSPS providers are expected to evaluate accuracy of their content moderation decisions. For instance, would a decision be considered accurate if it's not appealed? Would it be considered accurate if it's appealed and the content is restored? Accordingly, to

the extent that the Commission decides to maintain this requirement, further guidance should be given and should note that data in relation to content appeals and restorations is already required under the DSA and so this requirement appears to be superfluous to some degree, and is instead addressed suitably via the existing requirements under Article 15 of the DSA.

Requirement to evaluate and report on performance against such targets

Under section 11.15 of the draft Code, VSPS providers are required to evaluate and report to the Commission, every three months, on their performance against timelines and accuracy of reporting and flagging mechanisms.

Without prejudice to the comments above regarding the requirement to set such targets, the Code should take into account the requirements under Articles 15, 24 and 42 of the DSA which include extensive transparency reporting requirements on different types of reports and actions taken by relevant services. In particular, Article 15(1)(c) and (d) DSA already requires providers to report on the decisions taken in respect of complaints and the median time needed to take certain action on content. As such, there is a clear overlap between the draft Code's requirements and what is already required by the DSA and the Commission should avoid duplication of regulatory requirements.

In addition, MPIL notes that a requirement to report such metrics every three months is extremely burdensome, especially for services that are required to report relevant metrics for multiple regulations. Indeed, between them, both MPIL and Meta Platforms Inc. have over 60 global transparency reporting obligations per year. Such short intervals will also make it difficult for VSPS providers to demonstrate progress. By contrast, DSA limits such reporting obligations to a six month cadence for VLOPs and yearly for other intermediary services. There is also no rationale provided as to why quarterly reporting of targets is necessary or proportionate or why it is more appropriate than the periods provided for under DSA. Therefore, to the extent that this requirement is included in the Code, and notwithstanding MPIL's concerns expressed above, it should follow the DSA approach.

9. What is your view on the requirements in the draft Code in relation to age verification?

Requirement to implement age verification measures¹¹

Meta is committed to ensuring that teens have safe, age-appropriate experiences. This is why Meta has developed more than 30 tools and resources to support teens and their parents, and we've spent over a decade developing policies and technology to address content that breaks Meta's rules or could be seen as sensitive.¹² Meta also knows that understanding user age is key to all these efforts and has invested in a combination of technologies and tools that are more equitable, provide more options to verify age, and that protect peoples' privacy. Age assurance solutions should be proportionate and risk-based, considering the potential impact of getting it wrong. Age assurance solutions must also be equitable, and

¹¹ For ease of reference, MPIL will refer here to age verification measures, but note that the relevant requirement is for VSPS providers to implement age estimation, or age verification, as appropriate, or by other technical measures.

¹² <https://www.meta.com/en-gb/help/policies/safety/tools-support-teens-parents/>

knowing there is not a one-size fits all solution, ideally offers a range of options, so that users have accessible tools that best meet their needs and preferences. For example, MPIL knows that not everyone has access to formal identity documentation.

MPIL welcomes the Commission's willingness to give "VSPS providers some flexibility to design techniques that are appropriate for their particular service, and to change them as technology develops" (as noted in section 3.4.3 of the consultation). However, this is a complex and unsettled issue and it is imperative that the Code acknowledges and takes into account the variety of important and ongoing developments in this area at the EU level.

Article 28(1) of the DSA requires online platforms accessible to minors to put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service. This requirement is notably quiet on specific measures. Article 35(1) of the DSA requires VLOPs to take measures to protect the rights of the child in response to certain systemic risks that they identify on their service in their systemic risk assessment. A VSPS provider may also be a VLOP under the DSA (as is the case with MPIL's Facebook and Instagram services). Such mitigation measures may include age verification (but this is not required or mandated). In light of the lack of EU level agreement or standards on what this should require in practice, it is worth noting the European Commission's European strategy for a better internet for kids (BIK+) which is explicitly called out in the recital underpinning Article 28 of the DSA (recital 71); the upcoming EU Code of conduct on age-appropriate design, which is explicitly intended to be developed in line with the AVMSD; the proposal for a European Digital Identity framework (eID) and the European Commission's proposal to issue a standardisation request for a European standard on online age assurance / age verification in the context of the eID proposal.

In light of these many ongoing age verification initiatives, MPIL would appeal to the Commission that to the extent possible, its efforts should be focused on the harmonisation of approaches across the EU. In that regard, it is helpful that the Commission has clarified that effective age estimation should meet any industry standards adopted as well as complying with data protection and privacy. However, in light of the above developments, MPIL believes it is premature for the Commission to seek to regulate age verification measures in any prescriptive way. For these reasons, MPIL would very much welcome on-going engagement between the Commission and industry to develop an optimal position that will work EU-wide and across relevant services.

Without prejudice to the above, MPIL welcomes the opportunity to explain to the Commission the measures MPIL already employs in this regard. MPIL considers that a combination of different measures, such as neutral age registration, reporting, alerts and verification (where appropriate) and age appropriate experiences to be best practice to (i) detect and remove under age users (section 11.16 of the draft Code) and (ii) ensure that minors who use MPIL's services have age appropriate experiences on MPIL's services (section 11.17 of the draft Code):

(i) **Neutral registration screen.** At the stage of registration, the date of birth screen is presented neutrally, without a pre-populated date of birth to ensure that people are not encouraged to circumvent an appropriate minimum age policy.

(ii) **Automated tools to prevent registration.** If the prospective user enters a date of birth which would result in an age of between 5 and 12 years old (by way of example for Facebook and Instagram in Ireland), a screen serves a generic error message informing them that they cannot create an account. Prospective users are given a second attempt to correct their date of birth, and after two consecutive attempts, the user will be prevented from creating an account and locked out of the registration process.

(iii) **Reporting underage users.** MPIL has found that encouraging and facilitating processes for easy reporting of underage users is a proportionate measure, since MPIL can then proceed to further verification checks before such users can continue to use the service. This avoids the need to disproportionately ask for identification from all users. Reporting tools include dedicated under-age reporting forms, which are available to anyone (not just to users), to report a user who they believe to be under-age. Relevant Help Centre pages are also available. If it can be reasonably ascertained that the user's age is under the relevant age, that user account will be disabled and placed in a "checkpoint" to verify age. Once a user is checkpointed, they must provide sufficient proof through documentation that they are old enough to continue using Instagram or Facebook. If the account holder provides identification indicating they are under-age (or if the user refuses to engage with the checkpoint verification requirements, e.g. by refusing to respond or provide the requested documentation), the account holder will no longer have access to the service using that account.

(iv) **User self-reporting.** MPIL may learn that a user is under-age directly from the user, if the user attempts to change the date of birth on their account to a date that would make them under-age or if they attempt to change their age from under 18 to over 18. In such cases, the user will be automatically placed in an age checkpoint and must verify their age through either (i) video selfie or (ii) ID verification¹³.

(v) **Disabling violating linked accounts.** For platforms with multiple services, MPIL also considers it best practice to enable simultaneous disabling across services where a user has been flagged as under age.

(vi) **Predictive technology.** MPIL uses age assurance technology such as age modelling – i.e. a combination of predictive technology and human review – to estimate the age of users, such as whether someone is above or below 18 years to help them receive an age-appropriate experience. Predictive technology is trained and evaluated using multiple signals, such as people wishing the user happy birthday and the age written in those messages (e.g., "Happy 21st Bday!"), the average stated age of a user's friends, posts a user has liked, and accounts the user follows.

(vii) **Default privacy settings:** extensive obligations already apply to VSPS through the Fundamentals. As above, all accounts on Facebook and Instagram go through various age assurance steps both pre and post account opening. New teen accounts are then subject to various privacy content default settings which impact interactions with others as well as the content which may be displayed.

¹³ <https://about.fb.com/news/2022/06/new-ways-to-verify-age-on-instagram/>

(viii) **Age gating:** in addition to removing content that violates its policies, Meta also aims to make it harder for teens to see age-inappropriate content, i.e., content that may be more sensitive to teens due to their developmental differences from adults. For this purpose, Meta employs age-gating measures to help ensure that potentially age-inappropriate content is a) not recommended to minors, b) not visible through accounts they are following, and c) not available through Facebook and Instagram search or explore surfaces. This includes, but is not limited to, content related to restricted goods and services, dangerous cosmetic procedures, discussion of suicide, self-harm and eating disorders, and depictions of violence and sexually explicit/ suggestive content.

(ix) **Other age appropriate experiences:** Meta also makes potentially sensitive content (content that is allowed, but might be considered sensitive, e.g., related to admission or recovery) harder to find. For instance¹⁴:

- While Meta allows people to share content discussing their own struggles with suicide, self-harm and eating disorders, its policy is not to recommend this content and Meta has been focused on ways to make it harder to find. Now, Meta has started hiding related results when people search for terms related to suicide, self-harm and eating disorders, and to direct them to expert resources for help.
- Meta also aims to remove that potentially age-inappropriate content from teens' experiences on Instagram and Facebook. For example, Meta aims not to recommend this type of content to teens in places like Reels and Explore, and will no longer show it to teens in Feed and Stories, even if it's shared by someone they follow.
- Meta is automatically placing all teens into the most restrictive content control setting on Instagram and Facebook. The controls make it more difficult for teens to come across potentially sensitive content or accounts in places like Search and Explore.
- Meta also adds warning screens on sensitive content on Facebook and Instagram. People value the ability to discuss important and often difficult issues online, but they also have different sensitivities to certain kinds of content. For this reason, Meta includes a warning screen over potentially sensitive content.

MPIL considers this multi-layered approach combining the different measures set out above to be best practice as it allows MPIL to detect and remove under-age users and provide minors on our services with age appropriate experiences, whilst preserving user's privacy. MPIL further considers that a focus on wholesale age verification or for specific content types (which are already subject to moderation) would either be privacy invasive or not be truly effective as it would require training sets that VSPS providers likely won't have access to and may be more easily circumvented or subject to fraud which could be more harmful for users.

Furthermore, as discussed below in further detail in response to Question 10, MPIL believes that, in order to help effectively ensure that minors have age-appropriate experiences on VSPS, the appropriate/inappropriate nature of the content cannot solely be determined by the users who upload

¹⁴ <https://about.fb.com/news/2024/01/teen-protections-age-appropriate-experiences-on-our-apps/>
<https://transparency.fb.com/en-gb/enforcement/taking-action/context-on-sensitive-misleading-content/>

it. For this purpose, MPIL would strongly encourage the Commission to call on VSPS providers to develop common and consistent age-appropriate content standards across the apps teens use and which can be reviewed by the Commission. For this reason also, MPIL would very much welcome on-going engagement between the Commission and industry.

Without prejudice to the above, MPIL notes that, to the extent that this requirement is included in the Code, the Commission should bear in mind, when establishing an implementation period for compliance, that this particular measure will require VSPS providers to build, test and train systems to make sure that the implemented measure is effective, practicable and scalable. To the extent that the Code includes an age verification measure, it should provide VSPS providers with a minimum of 18 months to implement the same.

In short, in light of the unsettled nature of this issue, ongoing developments at the EU level and concerns as to how to best balance an effective measure that is practicable, scalable and privacy protective, MPIL believes it is premature for the Commission to seek to regulate age verification measures in any prescriptive way.

Requirement to set targets and evaluate accuracy and other transparency requirements

Section 11.18 of the draft Code requires VSPS providers to establish a mechanism to (i) describe the age verification, age estimation or other technical measures used; (ii) describe the way in which the measures are used to restrict access to the service(s); (iii) set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider's age verification, age estimation or other technical measures; (iv) evaluate the accuracy and the effectiveness of their age estimation systems, age verification systems, or other technical measures, including whether the mechanisms used have enabled the service provider to reach the targets set under (iii); and (v) using surveys or other means, estimate the number of users who are children using their service.

Whilst MPIL supports the Commission's overall goal of ensuring transparency and accountability, it has a number of concerns with the proposed requirement.

First, whilst Meta already makes a lot of the information identified in (i) and (ii) above available on its Help Center pages and Newsroom¹⁵, it is necessary to strike a delicate balance between transparency and ensuring that such systems are effective against circumvention measures. Therefore, the Code should explicitly acknowledge that VSPS providers are best placed to determine the level of detail that should be made public.

Second, section 11.18 of the draft Code requires VSPS providers to set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider's age verification, age estimation or other technical measures ((iii) above). Further clarity would be appreciated with regard to what is intended by this requirement. In MPIL's view,

¹⁵ See, for instance, <https://about.fb.com/news/2022/06/new-ways-to-verify-age-on-instagram/> and <https://about.fb.com/news/2021/07/age-verification/>

it is not appropriate for VSPS providers to set targets for wrongly identified users. The aim of the age verification measures is to detect and close accounts of users under the minimum age of the service. Moreover, it is unclear how the Commission expects VSPS providers to determine that users have been wrongly identified as adults by their age verification systems. At most, VSPS providers should be required to report on the number of under-age users they detected within a specific time period.

Furthermore, as already noted above with regard to similar requirements, MPIL fails to understand the rationale behind the requirement for such targets and accuracy to be published. None of the objectives and goals of the AVMSD or the draft Code require such a measure. In addition, and in light of the concerns mentioned above, publishing such targets could give rise to unfounded expectations and expose VSPS providers to enforcement and penalties.

Third, MPIL is seriously concerned with the practicality of the measure identified in (iv) above as it will necessarily encourage, and may indeed require, excessive processing of the personal data of minors that would not otherwise take place. Whilst on paper it looks like a laudable objective, it is simply not possible for VSPS to measure the effectiveness of age verification measures with any reasonable accuracy without undertaking significant additional processing of the personal data of users, and in particular minors. This is not something that is provided for in the AVMSD and questions will arise in respect of the GDPR. MPIL therefore strongly encourages the Commission to explicitly provide in the Code that compliance with these obligations shall not oblige VSPS providers to process additional personal data in order to assess whether the recipient of the service is a minor. Indeed, this point should apply generally across all of the Code's obligations. This would also align the Code with the general approach taken in the DSA¹⁶.

Furthermore, MPIL notes that the DSA already introduces an important accountability framework for intermediary services. Certain VSPS, which have been designated as VLOPs under the DSA, are required to conduct annual systemic risk assessments and to adopt appropriate and effective mitigation measures in light of the findings of the risk assessment (Articles 34 and 35 of the DSA). Such risk assessments must include the following risks: any actual or foreseeable negative effect in relation to minors and serious negative consequences to the person's physical and mental well-being (see Article 34(1)(b) and (d) of the DSA). As such, in accordance with Recital 10 DSA, any such measure under the Code should be framed in a wholly consistent way with the DSA and, to the extent necessary, the Code should mirror the DSA provisions.

Fourth, it is not clear what the purpose is of the requirement to use surveys and other means to estimate the number of users who are children using their service (see (v) above). Notwithstanding, MPIL has a number of concerns.

On one hand, surveys are by their very nature unreliable in terms of specificity and accuracy and can be undertaken using a wide array of competing methodologies with diverging results and margins of error. Accurate results are also heavily reliant on the understanding and honesty of participants. This all means that the proposed approach is subject to inherent uncertainty. In that light, MPIL would have strong

¹⁶ See Recitals 71 and 77 and Article 28(3) of the DSA.

concerns with the use of surveys as a means to assess compliance with the Code, not least given the significant potential penalties for non-compliance.

On the other hand, the Code suggests that “other means” could also be used. However, as noted above, “other measures” would necessarily require the excessive processing of the personal data of minors that would not otherwise take place. As such, this obligation raises serious questions in terms of practicality and proportionality and would create uncertainties for VSPS providers in terms of exposure to enforcement and penalties.

MPIL therefore strongly encourages the Commission to reconsider this proposal or at least to explicitly acknowledge in the Code that accurately estimating the number of minors on a platform is inherently uncertain and that the Commission will take this into account when assessing compliance with this obligation. MPIL would also welcome guidance from the Commission on this requirement in due course.

Requirement to evaluate and report accuracy and effectiveness

Under section 11.21 of the draft Code, VSPS providers are required to evaluate and report to the Commission, every three months, on the accuracy and effectiveness of age estimation mechanisms, age verification mechanisms or other technical measures, in the manner to be specified by the Commission.

Respectfully, such a proposal should not be put forward without understanding what is required to identify and report on the effectiveness of age verification or estimation measures. For example, such work requires extensive manual labelling and there are currently no aligned set of metrics at member state or industry level which would demonstrate this. This would mean that VSPS would likely all take differing approaches meaning that comparison is not possible.

Without prejudice to the comments above with regard to the requirement to evaluate accuracy and effectiveness of such mechanisms, MPIL reiterates that a requirement to report metrics every three months is extremely burdensome. Please see the response to Question 8 for further detail. Accordingly, to the extent that this requirement is included in the Code, it should follow the DSA approach.

10. What is your view on the requirements in the draft Code in relation to content rating?

MPIL welcomes the Commission’s goal of ensuring that VSPS providers implement effective measures to ensure that age-inappropriate content isn’t shown to teens. However, MPIL has several concerns about the proposed measure for VSPS providers to establish content rating systems enabling users to rate whether content is appropriate for children and fears it isn’t an effective or proportionate measure to the intended goal. Moreover, in MPIL’s view, there are other measures that can be implemented by VSPS providers to ensure that children do not see harmful content on their platforms. As such, a content rating system should not be mandatory for VSPS, including for those who have alternative, effective solutions available to restrict age-inappropriate content.

First, MPIL notes that section 11.22 of the draft Code appears to go beyond the AVMSD. Whilst, article 28(b)(3)(g) requires VSPS providers to implement a system that allows users to rate content which may

impair children’s physical, mental or moral development, section 11.22 of the draft Code appears to extend such scope and uses the undefined term “content appropriate for children”. However, under the AVMSD and the draft Code, content which may impair children’s physical, mental or moral development should either (a) be prohibited under the VSPS’s Terms and Conditions or (b) not be visible to children (in the case of pornography and realistic representations of violence (see section 11.2 of the draft Code). As such, to the extent that VSPS providers are already required to prohibit such content under their Terms, requiring a content rating system should be unnecessary, as Terms and Conditions and reporting and flagging tools should, in any case, sufficiently guard minors against such content. At most, this should be a supplemental measure that VSPS providers may implement but would not be obligated to do so in every case.

Second, a user-led content rating system is unlikely to be an effective measure to ensure that age-inappropriate content is not shown to minors. In fact, previous experiences with content rating solutions, including those designed by NICAM (Netherlands Institute for Classifying Audio-Visual Media) and the BBFC (British Board of Film Classification) during the development phase of You Rate It - a simple rating tool developed to inform parents and children on the content of user-generated videos, through six questions about the content of the video on: drugs, horror/fear, language, sex and violence -, demonstrate the lack of efficacy of such measures. Notwithstanding having been created in 2014, its adoption has been limited and there have been significant concerns about its scalability.

Indeed, requiring users to rate their own content will invariably result in inconsistent, abusive and potentially misleading ratings with varying outcomes for users. The Commission’s proposal relies on the assumption that all such ratings will be objective and reliable. However, based on MPIL’s experience with user reporting, that is not always the case. Relying on users to rate their own content is highly unreliable and subject to abuse. For example, users who want their content to reach the largest number of users possible are unlikely to rate it as inappropriate for minors, which could potentially expose VSPS providers to legal and compliance risks where such ratings are false or misleading.

In practice, MPIL believes that VSPS providers are better placed to determine what type of content is and isn’t appropriate for children in line with their policies, than users. Meta, for example, has developed an extensive process of regular consultation with experts, not only to design and review its Community Standards, but also, in the case of age-appropriate content, to consult with experts, parents, and teens to develop features that let young people control their experiences on MPIL’s apps, help them be more mindful of how they’re using social media in the moment, and build healthy habits. This includes Meta’s Safety Advisory Council which comprises leading, independent internet safety organisations from around the world. Meta consults with these organisations on issues related to online safety. Board members provide expertise, perspective and insights that inform Meta’s approach to safety. In 2017, Meta also convened a global Youth Advisors consultation group, comprised of experts in the fields of online safety, child development and children’s media. These experts shared their expertise, research and guidance, which helped shape Meta’s work by providing feedback on the development of new products and policies for young people.

Third, MPIL understands the content rating system requirement set out under section 11.22 to only require users who upload content and not all users, including those who just see or interact with the content, to rate the content. A requirement for such a system to enable users who view the content to rate it would be highly impracticable and unreliable and unworkable at scale. Such a requirement would fundamentally misunderstand the way that social media reporting systems are used and misused. Allowing users to rate and re-rate other users' content would become a proxy battle for diverging opinions and subject to abuse.

Fourth, as mentioned in response to Question 2, it is not feasible to establish a content rating system that would apply to "indissociable content". As mentioned therein, user-generated videos may have hundreds or even thousands of comments and it simply wouldn't be practicable for each comment to have a different rating and for VSPS providers to make or not make such comments visible to minors depending on their different ratings. In this context, the Commission could, instead, require VSPS providers to have systems in place to remove comments that violate their terms or policies.

Fifth, the content rating system required under the draft Code is highly impracticable. Under section 11.22, the draft Code requires such content rating system to enable users to rate whether the content is appropriate for children as well as suggest the age(s) of children for whom the content is appropriate, or inappropriate, as the case may be. Whilst there is a level of consistency around the level at which content is rated 18+ across different platforms and territories, more granular age ratings are likely to be highly subjective (and culture dependent), with different viewers (and legal guardians) holding very different views on whether a piece of content is appropriate for a 13 year-old or a 15 year-old, for instance. Regarding the overall system of classification of content, VSPS providers should only be required to age-restrict content at 18+. Offering age ratings (and age-gating) with greater levels of granularity is not feasible at the scale required for user-generated content uploaded to VSPS, nor would it be necessarily helpful to users watching content originating from multiple territories (from within and outside the EU). The varying ages of digital consent adopted in different Member States must also be taken into account. In this context, the Statutory Guidance accompanying the Code suggests that local ratings systems be used but this is wholly impractical as it could result in the same piece of content being rated in different ways across 27 Member States. This would be confusing and burdensome for platforms and users alike.

Sixth, whilst Meta appreciates the intention of this proposal and knows that there is a concern to ensure age appropriate experience for different age cohorts, there are other more practicable and effective measures that can be implemented by VSPS providers to ensure that children do not see harmful content on their platforms. As described in response to Question 9, in addition to removing content that violates its policies, Meta employs age-gating measures to ensure that age-inappropriate content is a) not recommended to them, b) not visible through accounts they are following, and c) not available through Facebook and Instagram search or explore surfaces. This process is similar to the one described in response to Question 3 to enforce the Facebook Community Standards and Instagram Community Guidelines, which uses a combination of technology and human review. First Meta's artificial intelligence teams build machine learning models that can perform tasks, such as recognising what's in a photo or understanding text; then, the integrity teams build upon these models to create more specific models

that make predictions about people and content, using several different signals. For example, an AI model predicts whether a piece of content is representing graphic violence and the enforcement technology determines whether to take an action, such as make the content invisible to users under a certain age. This allows for a consistent approach to age inappropriate content.

In this context, MPIL would encourage the Commission to bring the industry together to define and build an agreed upon age appropriate industry standard. This would give the relevant stakeholders, i.e. parents, users and VSPS providers, a clear and consistent set of age appropriate content guidance from which to develop more consistent age appropriate experiences. In addition, through such a forum, VSPS such as Facebook or Instagram could also help to bring this to users' attention and otherwise explore ways to better engage and empower users in this process.

In short, to the extent that VSPS providers can implement other more effective and less burdensome measures to prevent minors from seeing age-inappropriate content, the Code should not include a requirement to implement a content rating system and, at most, should set it out as a supplementary but not mandatory requirement, addressing the concerns mentioned above. In any case, any content rating system should (i) only apply with respect to 18+ content, (ii) not rely on a local content rating system and instead consider agreed upon industry-wide standards, (iii) be strictly limited to user-generated video content (i.e., not include "indissociable" content), (iv) should only be available to users uploading videos.

Without prejudice to the above, MPIL notes that, to the extent that this requirement is included in the Code, the Commission should bear in mind, when establishing an implementation period for compliance, that this particular measure will require VSPS providers to build, test and train systems to make sure that the implemented measure is effective, practicable and scalable. Given the nature of the proposed measure, the Code should provide VSPS providers with a minimum of 24 months to implement such a measure.

11. What is your view on the requirements in the draft Code in relation to parental controls?

General requirements

MPIL supports the Commission's goal of ensuring teens have a safer, more supporting, and age-appropriate experience online. Meta has spent a decade working on these issues and hiring and partnering with people who have dedicated their careers to keeping young people safe and supported online. Meta also wants to make it simple for parents to shape their teens' online experiences. Meta provides tools and resources to help them set boundaries with their teens, and has protections to keep teens safe and away from harmful content and unwanted contact.

Meta constantly seeks to innovate in this area, and the changes it makes to features and tools on Facebook and Instagram are informed through a collaborative process involving a variety of internal and external stakeholders. Where necessary and appropriate, Meta has implemented further safeguards for

young people, aiming to strike a balance between protecting young people and facilitating their connection and development in the digital environment. As the way Meta operates online continues to evolve, it is ensuring that its measures are reviewed and updated periodically. Through its parental supervision tools, Meta continues to develop features to enhance the user experience. While Meta has involved young people, parents and experts in its product design process for a long time, it always looks for more ways to incorporate their feedback directly. One way Meta is doing this is through the Trust, Transparency and Control (TTC) Labs and the global co-design program — a multidisciplinary research program that engages and empowers young people, parents, guardians and experts to collaborate with Meta in the product design process. Meta used insights from this program to inform how supervision tools were built, and will continue to do so as more features for families are introduced over time.

Given the core commitment of Meta's Best Interest of the Child Framework, Meta chose not to follow a mandatory 'parental control' approach and to promote youth autonomy while considering the rights, roles and responsibilities of parents/guardians. This is informed by regulation and guidance such as the UK Age Appropriate Design Code, the Irish Data Protection Authority's Children's Fundamentals and the French CNIL Recommendations, that are underpinned by the United Nations Convention on the Rights of Child (UNCRC), which has recognised that children have participation rights, including a right to have a say in matters affecting their own lives. MPIL believes that any requirements in this regard should take into consideration the need to balance such participation rights with the challenges presented by introducing parental controls, such as, the need to verify parents/guardians and for the parents/guardians themselves to operate responsibly (e.g by ensuring that their child only sees age-appropriate content) and the Commission should bear in mind the regulatory developments in this area.

MPIL therefore welcomes the flexibility in the draft Code regarding such safety measures and urges the Commission to maintain a high-level approach to such requirements.

Without prejudice, MPIL has the following comments to the proposed measure:

First, MPIL understands parental controls "under the control of the end-user" to mean that such tools will be under the control of the teen user, meaning that any such tools will require teens to opt-in. This is how Meta's parental tools work, and is what is compatible with teen's rights. For the avoidance of doubt, guidance would be appreciated in this regard.

Second, guidance should also be given on what the Commission understands by parental control "with respect to illegal content harmful to children and regulated content harmful to children". Under the draft Code, such content should either (a) be prohibited under the VSPS's Terms and Conditions or (b) not be visible to children (in the case of pornography and realistic representations of violence (see section 11.2 of the draft Code). To this end, it would be inappropriate for VSPS providers to implement a parental control system allowing parents and guardians to take certain actions with respect to content which is in any event prohibited. As such, the scope and purpose of this requirement is not clear to MPIL. Given the challenges previously raised in response to Question 3 above in relation to the workability of such definitions, MPIL respectfully submits that further coherence is required between those definitions and

the practical solutions that should flow from the same and that must be feasible to implement. It should also be borne in mind that the intermediary liability regime of the eCommerce Directive, the DSA and the Commission's eCommerce Strategy needs to be carefully considered in light of a proposal to allow users to have such controls over newly labelled types of "illegal content" and the potential liability concerns that this could raise for providers.

Moreover, to the extent that the scope of such measures is limited to "illegal content harmful to children and regulated content harmful to children", the Commission's Statutory Guidance appears to go beyond such scope. For instance, the Guidance suggests that such parental controls include features allowing the limiting of a child's aggregate screen time per day or turning off autoplay, but it's not clear how such features achieve the goal of preventing minors from seeing "illegal content harmful to children and regulated content harmful to children" (which, in any case, should not be on the platform). While MPIL agrees that certain parental controls or supervision tools such as those suggested can be useful available options to managing online experiences, the scope and purpose of said measures needs to be explained and clarified for the purposes of the Code.

Third, the Statutory Guidance includes several undefined and vague terms. For example, the Guidance suggests that the relevant parental controls facilitate disabling access to functions on the service where the child "may be exposed to videos" that may "may impair their physical, mental or moral development". This is vague and classifying features in this way creates further regulatory confusion for VSPS.

Live-streaming feature

The AVMSD provides parental controls as an example of a measure that might be required of VSPS providers (as appropriate), but does not, in itself, mandate such a measure be implemented and, in any case, does not specify such a measure with regard to live-streaming content. The need to expressly safeguard against live-streaming videos was not mentioned in the Call for Inputs and there were no requests for this functionality in the responses to the Call for Inputs. MPIL would therefore welcome clarity around the origin of this initiative and an understanding of why the Commission believes it would be effective, practicable and proportionate. This is particularly relevant considering that there are multiple live-streaming services that are not within the scope of the Code (e.g., Skype, Zoom, Apple Facetime, etc.) and, thus, will not have to comply with such a requirement, which will create an inconsistent experience across apps and incentives to create a market elsewhere that is unregulated.

Notwithstanding, at present, Meta already has several measures in place to ensure that violating live-streamed content is not present on its platforms. For example, Meta has a team of human reviewers who review live streamed content in real-time and are able to take action if they identify any violations of its community standards and guidelines. This can include removing the video or stream, suspending or banning the account, or reporting the content to law enforcement. In addition to human reviewers, Meta also uses AI to help identify and flag potential violations in real-time. This can include using machine learning algorithms to detect and flag specific keywords or phrases that may indicate a violation, as well as using computer vision technology to analyse the content of the video or stream.

Accordingly, at most, such a measure should only be required if VSPS providers don't already have other effective measures to ensure that minors don't see violating content.

Without prejudice to the above, when establishing an implementation period for compliance with the measures set out in the Code, the Commission should bear in mind that this particular measure will require VSPS providers to build, test and train systems to make sure that the implemented measure is effective, practicable and scalable. Given the nature of the proposed measure, the Code should provide VSPS providers with a minimum of 18 months to implement such measure.

12. What is your view on the requirements in the draft Code in relation to complaints?

Under section 11.29 of the draft Code, VSPS providers are required to establish and operate transparent, easy-to-use and effective procedures for the handling and resolution, in a diligent, timely, nondiscriminatory, and effective manner, of complaints made by users to the VSPS provider in relation to the implementation of obligations relating to reporting and flagging, age verification, content rating and parental controls. MPIL generally supports providing users with mechanisms to submit complaints and already allow users to contact Facebook and Instagram at any time using in-app reporting functionalities as well as through the respective Help Centers and contact forms.

However, in order for complaints handling systems to be effective, they have to be clear, useful and scalable. For this purpose, MPIL considers that the scope of this obligation needs to be clarified. Although provided for in the AVMSD, it is not clear what is intended to be a complaint in "*relation to the implementation of obligations relating to reporting and flagging, age verification, content rating and parental controls*". It leaves open a number of questions, including its interaction with the DSA (Article 12) and would certainly benefit from further guidance as to precise scope.

On one hand, it is not clear to MPIL if this complaints mechanism pertains to the way in which VSPS providers have decided to implement the Code's requirements relating to reporting and flagging, age verification, content rating and parental controls. In this scenario, the obligation would appear to be extremely broad and impracticable from a technical perspective. For instance, without further guidance, it is hard to envision how VSPS providers can implement effective and scalable complaints mechanisms covering such a broad scope. If a particular user or individual has concerns with the compatibility of MPIL's implemented solutions to the Code, then the best placed recipient for such a complaint would be the Commission. MPIL fully appreciates that when it comes to decisions around individual content moderation, then that is something that a user ought to be able to raise directly with the VSPS (noting also that where a VSPS is also in scope of the DSA), many of these procedures are already provided for.

As written, it is not clear if the requirement pertains to decisions taken by VSPS providers under the obligations relating to reporting and flagging, age verification, content rating and parental controls. Although this understanding does not seem to be in line with the wording of the AVMSD, it does seem to align with the accompanying Statutory Guidance, where the Commission advises VSPS providers to reasonably prioritise notifications they receive about harmful content addressed by the Code from

nominated bodies and trusted flaggers provided for in the Act and the DSA. In this scenario, it would seem that the Commission envisions a complaints handling procedure like the one specified in the DSA, which relates to decisions made by providers that affect users, in which case, the relevant measure would have to be aligned with Article 21 of the DSA to avoid duplication of regulatory requirements and uncertainty.

Furthermore, in this scenario, it is unclear to MPIL what type of decisions taken by VSPS providers with regards to the parental controls requirements would even fall under the complaints mechanism.

In short, MPIL considers that the scope and intent of this requirement in the draft Code in relation to complaints is not clear and would appreciate clarity and guidance on the same.

13. Do you have any other comments on the requirements in section 11 of the draft Code?

Under Section 11.21 of the draft Code, VSPS providers and users are encouraged to use mediation by an independent mediator to resolve any disputes arising from user complaints about a VSPS provider taking or not taking any action in response to the Code, guidance materials published or advisory notices issued under Section 139Z.

MPIL notes that Section 11.21 of the draft Code does not prescribe any obligation on VSPS providers, but it's rather an encouragement to VSPS and users, pursuant to Section 139ZD of the Act. Such encouragement does not fall within the scope of the provisions which may be included in online safety codes pursuant to Section 139K of the Act. Accordingly, the inclusion of such "encouragement" in the draft Code seems inappropriate and MPIL would suggest that it just be included in the Statutory Guidance.

Without prejudice to the above, MPIL notes that the scope of such "encouragement" appears to be overly broad and vague. It's not clear what should be interpreted as a dispute arising from user complaints about a VSPS provider taking or not taking any action in response to the Code.

In any case, to the extent that such encouragement to use mediation is intended to address complaints about individual content moderation decisions, the Commission should encourage users to refer to the DSA out-of-court dispute settlement process under Article 21 of the DSA (where a VSPS is also either an online platform or a very large online platform for the purposes of the DSA). Such a process is far-reaching and MPIL would caution the Commission against seeking to set up parallel and competing processes for users to challenge the decisions of VSPS providers, pursuant to the AVMSD, in matters regulated by the DSA, which would lead to legal uncertainty.

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

Please see MPIL's response to Question 5.

15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Under sections 12.7, 12.8 and 12.9 of the draft Code, VSPS providers shall not sell market, sell or arrange audiovisual commercial communications that: (i) are surreptitious or that use subliminal techniques, (ii) are harmful to the general public or (iii) are harmful to children.

As mentioned in response to Question 5, MPIL understands "commercial communications marketed, sold, or arranged by a VSPS" to be those in which the VSPS provider is involved in making the advertising available on the platform, e.g. sold advertising.

In assessing compliance with the requirements under sections 12.7, 12.8 and 12.9 of the draft Code, the Commission should be mindful to not construe the requirements in such a way that, in practice, it imposes ex ante control measures or upload-filtering of content which does not comply with the provisions of Article 15 of the eCommerce Directive and Article 8 of the DSA and should remember that, even when such audiovisual commercial communications not marketed, sold, or arranged by a VSPS provider, there's "limited control exercised by those video-sharing platforms over those audiovisual commercial communications" (see Article 28b(2) of the AVMSD).

As such, in assessing compliance, consideration should be given to how these requirements are reflected in the VSPS provider's terms of service and how the same are enforced. For this purpose, the Code should be amended to ensure that VSPS prohibit such types of advertising on its service and that it takes proportionate steps to enforce those standards. By way of example, Meta has strict advertising policies for advertising to all users, which impose high standards on paid advertising and, among other things, strictly prohibit ads promoting the sale or use of certain types of products for all users, such as tobacco and related products, drugs and drug-related products, and adult content. To enforce these policies, Meta's ad review process starts automatically before ads begin running, and is typically completed within 24 hours, although it may take longer in some cases. If a violation is found at any point in the review process, the ad will be rejected. Meta uses automated and, in some instances, manual review to enforce its policies and, beyond reviewing individual ads, also reviews and investigates advertiser behaviour, and may restrict advertiser accounts that don't follow its advertising policies, Community Standards or other Meta policies and terms.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

As mentioned in MPIL's response to the Call for Inputs, Article 26(2) of the DSA already requires online platforms to provide users with the ability to declare whether the content they provide is or contains commercial communications. To ensure alignment with the DSA, per recital 10 DSA, MPIL suggests that the Commission acknowledges in the accompanying Statutory Guidance that mechanisms which comply with Article 26 DSA also comply with the requirement set for in sections 12.1 and 12.6 of the draft Code.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

No further comments.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

Meta is committed to digital safety and empowerment. That's why it has several tools and education resources available to users and parents. By way of example:

- **The Meta Safety Center**, safety.meta.com, houses information about Meta's approach to safety across Facebook and Instagram. The Meta Safety Center is available in over 60 languages, and includes helpful information, resources and news about online safety, as well as digital literacy.
- **Educational resources for parents**. Meta also offers additional dedicated resources for parents, guardians, and other caregivers about the Facebook and Instagram services. These include a Parents Portal (<https://www.facebook.com/safety/parents>), Parent Centre (<https://about.instagram.com/community/parents>), and Parent's Guide (<https://about.instagram.com/community/parents/guide>), with information about the privacy and safety tools available to their teens on the Facebook and Instagram services, top questions from parents, and advice for talking to their kids about staying safe.
- **Family Centre**. Family Centre (<https://familycenter.instagram.com/>) is a place for parents and guardians (with their teens' permission) to oversee their teens' accounts on Instagram, set up and use supervision tools (discussed above), and access resources from leading experts. Meta has worked closely with experts, parents, guardians and teens to develop the Family Centre. Meta's vision for the Family Centre is to allow parents and guardians to help their teens manage experiences across Meta's services, all from one central place.
- **Education Hub**. The Family Centre also includes an Education Hub (<https://familycenter.instagram.com/education/>) where parents and guardians can access resources from experts and review helpful articles, videos and tips on topics like how to talk to their teens about safe use of social media, which are available to access at any time. Parents can

also watch video tutorials on how to use the supervision tools available to them. Meta worked closely with groups like Connect Safely and Net Family News to develop these resources, and will continue to update the Family Centre’s Education Hub with new information.

- **Educational resources for teens.** Meta provides education for teens about its privacy features in the Youth Portal (<https://www.facebook.com/safety/youth>) (e.g. reviewing their timeline and tags, accessing their information, how ads work, and how to customise their privacy settings, including information on how to choose the audience for posts and how to take a privacy check-up). The Youth Portal also provides tailored and engaging information to help teens understand Meta’s privacy policy. For Instagram users, Meta also offers a guide specifically aimed at teens, dedicated to staying safe online and creating a positive experience.¹⁷ Meta also developed the Community Safety Centre (<https://about.instagram.com/community/safety>), which contains step-by-step instructions to guide them through using the privacy tools and features available on the Instagram service, links to additional resources, and programs to help them have a safe and positive experience.
- **Get Digital.** Meta collaborated with experts to launch Get Digital which blends ready-to-use lessons, tips and resources for each of Meta’s five content pillars — digital foundations, digital wellness, digital engagement, digital empowerment and digital opportunities. The goal of the program is to help children stay safe online, but also to empower them to positively influence the communities around them - both online and in person. There are resources specifically for youth, caregivers and educators.
- **European Youth initiatives.** Meta’s European Youth Education Campaign underway since 2022 aims at promoting youth-specific features within Instagram, that reached 89 million European young citizens in its first 9 months. In 2023, Meta, in partnership with ThinkYoung and its European Youth Network, as well as experts, gave voice and connected young people through [Our Feed Our Future](#) campaign, around digital literacy themes.

In this context, MPIL supports a high-level requirement that emphasises effective media literacy, such as the requirement under section 13.1 of the draft Code. Without prejudice, the Commission should bear in mind that, as is recognised by recital 59 of the AMVSD, VSPS are part of a broader ecosystem of stakeholders responsible for promoting the development of media literacy in all sections of society¹⁸. Moreover, the Commission should bear in mind that any action plan would need to factor in existing and long-standing EU-wide digital literacy and safety initiatives already in place, as well as any new plan as proposed with the EU Age Appropriate Design Code.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Along with all other online platforms, Facebook and Instagram are already required, under Article 28(2)

¹⁷ <https://www.instagram.com/instagram/guide/take-charge-create-a-positive-instagram-experience/17865134450117820/>

¹⁸ Recital 59 of the AMVSD: “video-sharing platforms providers, in cooperation with all relevant stakeholders, promote the development of media literacy in all sections of society, for citizens of all ages, and for all media and that progress in that regard is followed closely”

of the DSA, to not present advertisements based on profiling using personal data of the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor. Accordingly, MPIL does not have any comments on this requirement so long as the scope is aligned with other existing regulatory requirements.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

As explained in response to Question 12, the scope of the requirement in the draft Code in relation to complaints should be clarified. Without prejudice to such clarification, the reporting obligation in relation to complaints set out in section 13.4 of the draft Code raises several concerns.

First, MPIL is of the view that the scope of the reporting obligation in relation to complaints is overly broad. Under such requirement, the scope of the relevant reporting obligation covers the provider's handling of communications from users "raising complaints" or "other matters". It is not clear what should fall under the scope of "other matters", but in any case seems extremely broad and difficult to comply with.

It is also not clear if by "communications from users raising complaints", the scope of the reporting obligation is limited to complaints raised under the complaints mechanism set out under section 11.29 (i.e., in relation to the implementation of obligations relating to reporting and flagging, age verification, content rating and parental controls), or if it encompasses any complaint made by any user.

In any case, the Commission should bear in mind that reporting on internal complaints handling systems is already required under the DSA, so it should avoid setting out competing duplicate requirements (see Article 15(1)(c) of the DSA).

Second, as already mentioned above regarding other reporting obligations, a requirement to report metrics every three months is excessive for VSPS providers and does not seem necessary or proportionate, especially considering that DSA limits such reporting obligations to a six month cadence for VLOPs and yearly for other intermediary services. Therefore, MPIL suggests that this requirement follows the DSA approach.

21. Do you have any other comments on the requirements in section 13 of the draft Code?

Without prejudice to the responses to Questions 8, 9 and 20 in respect of each reporting requirement and respective overlaps with DSA requirements, and in addition to the suggestions that the reporting cadence follow the same approach as the DSA (i.e., every six months for VLOPs and on a yearly basis for other intermediary services), MPIL suggests that all reporting requirements be included in one single provision and that all be satisfied by one single report. MPIL would be happy to engage constructively in the establishment and clarification of clear reporting standards that meet the goals of the Commission

while also being feasible to address (in light of all of the other relevant reporting requirements of the in-scope services)

22. Do you have any comments on this section of the Draft Code?

MPIL understands section 14 of the draft Code to contain a summary of the enforcement procedure in respect of the Code, which is not intended to replace, limit or vary any provision of the Act, nor to act as guidance or rules with respect to the operation of any investigation. Accordingly, MPIL does not have any substantive comments on this section.

Notwithstanding, MPIL looks forward to receiving guidance on the audit procedure set forth in section 139P of the Act and referred to in section 14.4 of the draft Code.

23. Do you have any comments on the Annex?

Please see MPIL's response to Question 3 which is equally applicable to the Annex.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

Without prejudice to MPIL's comments in response to Questions 9, 10 and 11, MPIL acknowledges and commends the Commission on having generally taken a high-level approach to setting out the draft Code's requirements, abstaining from being overly prescriptive. Unfortunately, however, the draft Code fails to provide VSPS providers with flexibility with regard to the specific measures that should, in practice, be implemented, in light of their proportionality and appropriateness to their services.

Indeed, in its current form, the draft Code requires all VSPS providers to implement all the measures proposed therein, failing to recognise that not all may be proportionate or appropriate for all in-scope services depending on the nature of the content they host and their assessed risks, as is required by Article 28b(3) of the AVMSD and section 139M of the Act.

Article 28b(3) AVMSD, which the draft Code is intended to give effect, recognises that a range of complex factors need to be taken into account in determining whether measures are appropriate, including: a) the size and nature of the video-sharing platform service; b) the nature of the material in question; c) the harm the material in question may cause; d) the characteristics of the category of persons to be protected (for example, under-18s); e) the rights and legitimate interests at stake, including those of the person providing the video-sharing platform service and the persons having created or uploaded the material, as well as the general public interest.

Likewise, section 139M of the Act requires the Commission to have regard in particular to the following when preparing an online safety code (see section 139M(c)-(g) of the Act): c) the need for any provision to be proportionate having regard to the nature and scale of services; d) the levels of availability of harmful online content on designated online services; e) the level risk of exposure to harmful online content; f) the levels of risk or harm, and in particular harm to children, from the availability of harmful online content or exposure to it; and g) The rights of providers of designated online services and of users of those services.

To date the Commission has designated ten different services as VSPS, some of which on the basis of principal purpose criterion and others on the basis of the essential functionality criterion, as is the case of Facebook and Instagram. However, the draft Code and the measures prescribed therein do not take into account the different nature of the services, the different types of harms that there may be available on the services, the different criteria upon which a service has been designated, etc., all of which raises issues of substantive fairness and proportionality. By way of example, a service whose principal purpose is to provide audiovisual content is much more likely to have higher levels of risk of exposure or higher levels of risk or harmful online audiovisual content (e.g., the type of content to which the AVMSD applies to). Likewise, a service directed at children will require stricter child safety measures than services that typically do not have children on their platform. This is particularly the case for the proposed requirements with regard to age verification, parental controls and content rating systems, all of which, as mentioned above, would manifestly benefit from further discussion and engagement with the regulator in order for VSPS providers to demonstrate how their already existing measures may achieve the same underlying goals, without the need to implement additional and burdensome measures. Accordingly, flexibility for already designated VSPS providers, as well as future designated VSPS providers to implement the proposed measures “as appropriate”, as required by Article 28b(3) of the AVMSD and section 139M of the Act, is still needed.

Notwithstanding, the Commission seems to have taken a one-size-fits-all approach which is simply incompatible with the AVMSD and the Act and is further inconsistent with statements made by the Department in its Regulatory Impact Assessment underpinning the General Scheme of the Online Safety and Media Regulation Bill (page 218):

“This is not a prescriptive list of measures to be taken by all VSPS. Rather, the revised Directive states that “the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the general public interest”. The revised Directive further emphasises that “measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. Those measures shall not lead to any ex-ante control measures or upload-filtering of content which do not comply with Article 15 of [the eCommerce Directive]”. When examined in the context of the revised Directive’s encouragement that Member States use co-regulation in respect of the “appropriate measures” it is clear that the revised Directive intends that the relevant regulatory authority in each Member State determine on a case by case

basis in respect of individual or categories of VSPS which of these measures is necessary to achieve compliance”.

As highlighted in MPIL’s response to the Call for Inputs, the AVMSD’s and the Act’s goal of ensuring that providers take appropriate measures to protect children from harmful content, including illegal content and age-inappropriate content, as well as to protect the general public from certain types of content (as outlined in sections 1 – 9 of the draft Code) would be better achieved by requiring all VSPS providers to have effective systems in place with the view of ensuring the Code’s goals are met, with baseline measures, such as those set out with regard to Terms and Conditions and related obligations, ensuring that content not suitable for children cannot be generally seen by them and reporting and flagging. The remaining measures included in the draft Code would then be supplemental measures that VSPS could implement but would not be obligated to do so in every case. This would enable each VSPS to mitigate harms more effectively, as they would be able to adopt different mitigation measures in accordance with those factors mentioned above. This would also be consistent with the risk-based approach to regulation adopted under the DSA and set out in Article 28b(3) of the AVMSD and section 139M of the Act.

MPIL therefore urges the Commission to amend the Code to include a provision acknowledging that not all measures under the Code may be proportionate or appropriate for all VSPS providers, allowing providers to engage with the regulator to demonstrate they are achieving the required safety outcomes and mitigating identified risks without necessarily needing to implement inappropriate prescriptive measures.

The draft Code as written also fails to acknowledge many of the existing measures required to be taken by VSPS who are also regulated under the DSA. Therefore, where there are relevant measures proposed by the Code for VSPS, it should be borne in mind that certain VSPS will already have a similar or related obligation under the DSA which should mean that a supplementary measure in the Code, should not also apply (unless it is clearly serving a distinct purpose in light of the goals and objectives of Art 28(b) AVMSD and is not otherwise addressed under the DSA).

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

The following is without prejudice to, and should be read in conjunction with, the comments made on the Commission's Statutory Guidance in the responses to the questions above with regard to each specific requirement of the draft Code (see in particular MPIL's responses to Questions 8, 10, 11, 12, 13 and 16).

As a general note, MPIL welcomes the Commission's intent to provide VSPS providers with non-binding guidance as to how it conceives certain requirements in the Code to work in practice and suggestions of certain features that providers may take into account.

Whilst MPIL understands that such guidance is non-binding and, thus, failure to follow relevant aspects of the guidance is not in itself a contravention within the meaning of Section 139Q of the Act, as noted in the "Introduction" section of the draft Statutory Guidance Materials, such failure may be taken into account, to the extent the Commission considers it appropriate, when deciding whether to open an investigation and/or whether or not there has been a contravention. As such, MPIL would caution the Commission against including guidance and suggestions that go beyond the requirements of Article 28b of the AVMSD, which the Code to which such guidance applies to intends to transpose. Under section 139ZA of the Act, in preparing any guidance materials, the Commission must have regard in particular to, inter alia, Article 28b of the AVMSD.

In this context, MPIL notes that the following guidance provided for in the draft Statutory Guidance Materials appears to go beyond the legal remit of Article 28b of the AVMSD:

(i) Requirement regarding Terms and Conditions

Under Article 28b(3)(a) of the AVMSD, VSPS providers are required to include and apply in their Terms and Conditions certain requirements, notably, prohibition of certain types of content. The Statutory Guidance on Sections 11.1-11.9 of the draft Code which implement such requirement appears to go beyond Article 28b(3)(a) of the AVMSD and advises VSPS providers to:

(a) direct users via their Terms and Conditions or other avenues, in particular users who upload content, to Irish and European best practice guidelines on how to avoid causing harm or the dissemination of harmful content when uploading or sharing content regulated by the Online Safety Code. Ideally, information in this respect will be prominent in the Terms and Conditions.

(b) assist users to identify content that falls within the scope of the Code e.g. content that poses a risk to the physical, mental or moral development of minors such as pornography, extreme or gratuitous violence, cyber-bullying, content that promotes eating or feeding disorders, content that promotes or makes available knowledge or information methods of self-harm or suicide, incitement

to violence or hatred, and illegal content such as child sex abuse material, terrorism, racism and xenophobia.

(c) take measures to reduce the risk that may arise from the uploading of content that could reasonably be expected to encourage a child to engage in behaviour dangerous to their physical safety such as certain challenges.

Such guidance appears to go beyond Article 28b(a) of the AVMSD and no longer pertains to the requirement for VSPS providers to prohibit certain types of content in their Terms and Conditions. Furthermore, the point in (c) above extends beyond guidance on any requirement included in the draft Code, and instead purports to impose an additional obligation on VSPS providers.

(ii) Requirement regarding parental controls

Article 28b(3)(h) of the AVMSD includes providing parental control systems that are under control of the end-user with respect to content which may impair the physical, mental or moral development of minors as an appropriate measure for the purpose of that provision.

Once again, the Statutory Guidance on Sections 11.24-11.28 of draft Code which implement such requirement appears to go beyond Article 28b(3)(h) of the AVMSD and advises VSPS providers to:

(a) take reasonable, proportionate and effective measures to reduce the risk of the dissemination by users of harmful or illegal content and/or harmful audiovisual commercial communications through the live-streaming functionality on their service as a whole.

(b) take reasonable and proportionate steps to verify users have an appropriate relationship (that of parent or guardian) with the child before enabling access to this feature.

MPIL fails to understand how requiring VSPS providers to take measures to reduce the risk of the dissemination by users of harmful or illegal content and/or harmful audiovisual commercial communications through live-streaming functionalities on their service as a whole constitutes guidance on parental controls. The above guidance is no longer a parental control point and, as such, does not constitute actual guidance on a Code provision and actually imposes an additional obligation on VSPS providers.

(iii) Requirement regarding complaints

Article 28b(3)(i) of the AVMSD includes establishing and operating transparent, easy-to-use and effective procedures for the handling and resolution of users' complaints to the video-sharing platform provider in relation to the implementation of the measures referred to in points (d) to (h), i.e., reporting and flagging, age verification, content rating and parental controls as an appropriate measure for the purpose of that provision.

In the Statutory Guidance on Sections 11.29-11.31 of draft Code, which implement such requirement, the Commission advises VSPS providers to reasonably prioritise the notifications they receive about

harmful content addressed by the Code from nominated bodies and trusted flaggers provided for in the Act and the DSA. However, as highlighted in response to Question 12 above, the Act does not provide for a special category of entities, such like the DSA trusted flaggers, to report and flag content to VSPS providers. Under the Act, the Commission must make a scheme under which bodies are nominated by it for the purpose of notifying the Commission of matters relevant to its functions under the online safety regime (section 139ZC of the Act). However, the Act only provides for such notification to the Commission and not to VSPS providers.

The Commission should clarify what is intended with such guidance, given that it refers to nominated bodies, seeming to equate them to trusted flaggers under the DSA, which is not provided for under the Act or, indeed, the draft Code. In any case, such guidance cannot be taken into account, to the extent the Commission considers it appropriate, when deciding whether to open an investigation and/or whether or not there has been a contravention.

In addition, the relevant guidance refers to mechanisms established for reporting/flagging content and advises VSPS providers to integrate them with mechanisms provided for notifying content that is otherwise in breach of the Terms and Conditions of the service, and the mechanism for notifying content which is illegal under the DSA. MPIL assumes that this was an error and that it should have instead been included under the reporting and flagging section and, as such, should also be clarified by the Commission in the Code.

In conclusion, where the Statutory Guidance goes beyond Article 28b of the AVMSD and the requirements of the draft Code – as is the case of the examples above –, it should be entirely voluntary and should not be taken into account, to the extent the Commission considers it appropriate, when deciding whether to open an investigation and/or whether or not there has been a contravention.

Consultation on the application of the Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

Please see the comments elsewhere in this submission and, in particular, in response to Question 24 above.

In principle, MPIL does not oppose the proposed application of the draft Code to the category of VSPS. However, as mentioned in further detail in response to Question 24, in doing so, the Commission seems to have taken a one-size-fits-all approach which is manifestly incompatible with the AVMSD and the Act. Accordingly, in order to ensure a proportionate and practicable application of the draft Code to the category of VSPS as a whole, flexibility for VSPS to determine and implement the proposed measures “as appropriate”, pursuant to Article 28b(3) of the AVMSD and section 139M of the Act, needs to be ensured in the draft Code. Please see MPIL’s response to Question 24 for further detail.

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

Please see the comments above in response to Questions 24 and 26.

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

As an overarching point, it should be noted that the AVMSD is silent on the additional requirements the Commission is proposing to include in a future iteration of the Code. As such, any requirement built into the Code should be based on assumptions which are backed by evidence and rooted in the AVMSD.

In addition, in envisaging any additional requirements, not included in the AVMSD, the Commission should keep in mind the importance of the uniform application of the DSA's harmonised rules to "*put an end to fragmentation of the internal market*" and "*ensure legal certainty*" (see Recital 4 DSA) and that Member States not adopt national measures dealing with requirements addressing the dissemination of illegal content online, as this is expressly recognised as an area which should be "*fully*" harmonised under the DSA (see Recital 9 DSA). Accordingly, the rules of the DSA should apply in respect of issues that are not addressed or not fully addressed by other Union legal acts as well as issues on which those other legal acts leave Member States the possibility of adopting certain measures at national level (see Recital 10 DSA).

In other words, when deciding additional measures not prescribed for in the AVMSD, but which are addressed by the DSA, which, as detailed below, is the case of in particular, Articles 34(2)(a), 35(1)(a) and (d) and 38, which all apply to VLOPs, no additional obligation should be placed on VLOPs in this regard. For all other VSPS, the Commission should take into account that the EU legislature chose to exempt non-VLOPs from those obligations.

Safety by design

Under section 1.1 of the Draft Supplementary Measures, the Commission proposes to include in a future iteration of the Code a requirement for VSPS providers to (i) prepare and publish their methodology for conducting safety impact assessments, (ii) prior to the introduction of a new function relating to user-generated videos or prior to introducing substantial modifications to an existing function for user-generated videos, undertake an online safety impact assessment and (iii) complete safety impact assessments for existing services and functions within one year of the adoption of the Code, to identify and mitigate safety issues relating to the physical, mental and moral development of minors, the protection of minors from sexual abuse, and the protection of the general public from racism, xenophobia and incitement to hatred or violence on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation.

In MPIL's view, not only is it highly premature for the Commission to seek to impose safety by design measures in any prescriptive way, it is also manifestly unnecessary. As the Commission is aware, the DSA already introduces an important accountability framework for intermediary services. Certain VSPS providers, which have been designated as VLOPs under the DSA, are required to conduct annual systemic risk assessments and adopt appropriate and effective mitigation measures in light of the findings of the risk assessment (Articles 34 and 35 of the DSA). Article 34 of the DSA also requires VLOPs to conduct a risk assessment prior to deploying functionalities that are likely to have a critical impact on the risks identified pursuant to that provision.

Such risk assessments must include the following risks: (a) any actual or foreseeable negative effects for the exercise of fundamental rights, in particular the fundamental right to non-discrimination enshrined in Article 21 of the Charter, (b) any actual or foreseeable negative effect in relation to minors and serious negative consequences to the person's physical and mental well-being (see Article 34(1)(b) and (d) of the DSA). In other words, the risk assessments under the DSA encompass the same "safety issues" included in the draft Code's safety by design assessment, which the Commission appears to acknowledge.

Furthermore, VLOPs are required to provide reports on the risk assessments to relevant supervisory authorities, in MPIL's case, to the EC and the Commission (as Meta's Digital Services Coordinator). Such reports will also be made publicly available (albeit at a later date) (see article 42(4)a of the DSA).

The risk assessment requirements under the DSA are significant and extensive and therefore, as already called out in MPIL's response to the Call for Inputs, in accordance with Recital 10 DSA, any risk assessment and mitigation requirements under the Code should be framed in a wholly consistent way with the DSA and, to the extent necessary, the Code should mirror the DSA provisions.

To this end, the Code should take full account of the risk assessment obligations under the DSA and, at most, only require VSPS which are also designated as VLOPs to assess risks which would not already be covered by the DSA risk assessment obligations. However, in the case at hand, there is a clear overlap between the DSA and the Supplementary Measure requirement. Indeed, the "safety issues" referred to by the Commission in the first paragraph of section 1.1. already include the systemic risks referred to in Article 34(1)(b) and (d) of the DSA. As such, as it stands, the Commission's proposal to include a "safety by design" obligation seems highly unnecessary in light of the risk assessment obligations under DSA.

In addition, the obligation included in the supplementary measures is extremely broad and burdensome, requiring an assessment to be made prior to the introduction of **any** new function. By contrast, the DSA only requires such an assessment prior to deploying functionalities that are likely to have a critical impact on the risks identified. There is no rationale as to why a safety assessment of any new function is necessary and proportionate or why it is more appropriate than the "critical impact" criteria under DSA. So much so that such a requirement has a substantial risk of curtailing innovation and improvement of systems.

In short, in light of DSA, such a requirement is neither permitted nor necessary.

Online Safety supports

Under section 1.2 of the Draft Supplementary Measures, the Commission proposes to include in a future iteration of the Code a requirement for VSPS providers to publish an online safety support plan containing appropriate and effective measures to support the welfare of users impacted by content covered by this Code.

Meta takes the issues of safety and well-being on its services very seriously, especially for minors who use its services. Meta employs social psychologists, social scientists and sociologists to help ensure that its policies properly account for the presence of young people on its services and, as part of that, has dedicated health and well-being experts in its safety policy team. Meta has also consulted a range of external groups in the development of children’s well-being policies, as well as to build programmes that focus on helping young people with everything from bullying to providing parents with the tools to have conversations with the young people in their lives.

By way of example, Meta has created and made available to its users the Meta Safety Center, safety.meta.com, which houses information about Meta’s approach to safety across Facebook and Instagram. The Meta Safety Center is available in over 60 languages, and includes helpful information, resources and news about online safety.

In the Safety Center, users will find information about Meta’s general safety work including its approaches to safety for young people, women, LGBTQ+ people, and others. Meta also provides information that is useful for helping educate about and address bullying and harassment, suicide and self-harm, the sharing of non-consensual intimate imagery, and sextortion and other issues. Finally, as finding the right localised help for online issues can be challenging, the Safety Center includes a [directory of crisis resources](#) around the world, including across Europe.

Meta works with global experts to include the most up-to-date information on an array of different topics. This is found throughout the Safety Center as well as in the linked resources at the bottom of each community or topic page. Meta’s Safety Center is kept updated with the latest information.

In addition, together with more than 50 non-governmental organisation partners around the world, in December 2021, Meta supported the UK Revenge Porn Helpline to launch StopNCII.org (see Women’s Safety section) to help stop the non-consensual sharing of intimate images (NCII) on the internet. The tool, which is for adults over 18 years old, features hash-generating technology that assigns a unique hash value (a numerical code) to an image, creating a secure digital fingerprint. Tech companies participating in StopNCII.org receive the hash and can use that hash to detect if someone has shared or is trying to share those images on their platforms. This feature prevents further circulation of that NCII content and keeps those images securely in the possession of the owner.

Meta also worked with National Center for Missing & Exploited Children (NCMEC) to build Take IT Down, a tool similar to StopNCII.org, but that is for minors. Take IT Down assigns a unique hash value — a numerical code — to their image or video privately and directly from their own device. Once they submit

the hash to NCMEC, companies like ours can use those hashes to find any copies of the image, take them down and prevent the content from being posted on Meta's apps in the future.

On another note, at a member state level and now funded by the Irish Department of Education, since 2019, MPIL has funded and supported [FUSE](#), a nationwide anti-bullying and online safety programme for primary and post-primary schools in Ireland, aimed at both students and teachers. FUSE is the first research-based Anti-Bullying and Online Safety Programme designed to comply with UNESCO's Whole Education Approach to tackling bullying and online issues in schools. FUSE consists of a suite of student-led workshops and resources delivered by teachers in classroom settings. The aim is to build capacity in schools to tackle bullying and online safety issues and to empower children and adolescents to understand their own behaviour, be able to recognise bullying and online safety risks and be confident in how to report and seek support when they need it. The FUSE programme has now been rolled out in every post-primary school in Ireland.

Our Education Resources for Parents, Family Center, Education Hub and Educational resources for teens also have various information and links to additional resources, and programs to help them have a safe and positive experience (see response to Question 18 for further detail).

In short, MPIL already makes available several tools and resources to support the welfare of its users and welcomes such measure. However, MPIL would caution the Commission against imposing prescriptive obligations in this regard, as it is unclear how the Commission would even supervise and enforce such an obligation. As such, MPIL would suggest that the Commission solely include a high-level requirement for VSPS providers to have online safety supports in place.

Recommender System Safety

Under section 1.3 of the Draft Supplementary Measures, the Commission proposes to include in a future iteration of the Code a requirement for VSPS providers to implement a recommender system safety plan that includes effective measures to mitigate risks that their recommender systems may cause harm.

As anticipated above, the AVMSD is silent on such a measure, but it is addressed in the DSA (see, in particular, Articles 34(2)(a), 35(1)(a) and (d) and 38 which all apply to VLOPs). As the Commission acknowledges, under such requirements, Facebook and Instagram, as VLOPs are required to assess and mitigate systemic risks stemming from the design or functioning of their service and its related systems, including algorithmic systems, which naturally includes recommender systems.

Furthermore, recommender systems standards are already harmonised by the DSA (see Articles 27 and 38 of the DSA). As such, and once again, this supplementary measure is not necessary in MPIL's view and it is unclear what this additional proposal seeks to achieve. To this end, MPIL suggests that, to the extent that VSPS are also VLOPs under the DSA, the Commission considers the measures undertaken under the DSA to be sufficient compliance measures. Any enhancement to such measures should be done exclusively through the lens of the DSA rather than through Supplementary Measures in the Code.

Without prejudice to the above, MPIL would caution the Commission against adopting recommendations or requiring VSPS providers to consider, in their recommender system safety plan, measures which are disconnected from legal requirements. For instance, there is no legal requirement for providers to provide a non-profiling option by default. This was expressly addressed by Article 38 of the DSA, which does not require VLOPs to offer a non-profiling option by default but rather is a choice the user can make.

In any case, the comments above with regard to the safety by design requirement are equally applicable here. In short, in light of the DSA, no additional obligation in this regard should be placed on VLOPs. For all other VSPS, the Commission should take into account that the EU legislature chose to exempt non-VLOPs from those obligations.



Coimisiún na Meán:

This response relates to the consultation on the proposed Online Safety Code (“**the Code**”) under the Broadcasting and other Media Regulation Acts 2009 and 2022 (“**the Act**”). Thank you for the opportunity to provide input on the draft Online Safety Code.

Our response to the draft Online Safety Code is in relation to Tumblr, a microblogging platform that allows users to share small elements of content and connect primarily around common interests. As we shared in our responses to the Information Notice, Tumblr is a small platform, and video represents a small portion of user content. Globally, Tumblr’s monthly active users are, for example, less than 1% of Facebook’s or YouTube’s billions of monthly active users. In the EU specifically, under 1% of Tumblr’s EU monthly active users post videos, and videos make up less than 4% of Tumblr posts in the EU. Our resources are proportional to our size: our revenue is a similarly small fraction of that of nearly all other platforms designated as a VSPS, and while other platforms designated as VSPSs have tens of thousands of employees, Tumblr has fewer than 200 employees worldwide. Please see our confidential responses to the Information Notice for additional information on revenue, resources, platform usage, and volume of video content.

We share this information to give context to the need for proportional application and enforcement of the Code: obligations that are sensible and proportionate for larger platforms may be unreasonably burdensome or inappropriate for smaller platforms and may have negative impacts on users as a result.

Given the vast span of sizes and differing amounts of video on platforms designated as VSPSs, taking a one-size-fits-all approach to the application of these requirements would clearly be disproportionate.

Indeed, applying the Code proportionally is required by Article 28(b)(3) of the AVMS Directive and the Act, specifically s.139L(3), which mandates that CnaM have regard to “the nature and the scale of the service” and the “levels of availability of harmful online content on the service.” We assume that CnaM will take a case-by-case approach and properly take into account the factors set out in s.139L(3) of the Act when making its determination under s.139L(1), following consultation with each designated VSPS in relation to each designated VSPS in relation to the Code’s application to them. It is clear from s.139L(1) that CnaM could decide to disapply the Code in its entirety to a given VSPS, and it is possible that this may be the most appropriate determination in circumstances where, particularly in regard to the presence of video content, the size and scale of a service and levels of harmful content are more limited.

Even if CnaM does not disapply the Code in its entirety, we ask that CnaM confirm that it will not take an all-or-nothing approach to the application of the Code but instead apply only necessary and appropriate provisions of the Code to each VSPS and require compliance with those



provisions in a proportionate manner reflective of the size and resources of each VSPS. Doing so would be in line with the principle of proportionality with which CnaM must comply under the AVMS Directive, under the Act and under Irish and EU law more generally.

In our response, we highlight specific requirements in the draft Code which, if applied as they are currently drafted, would not simply be an increased burden but in fact could be so disproportionately difficult and inappropriate for smaller platforms as to force them to cease offering video services to EU consumers. Such a result would ultimately harm EU consumers. We provide these comments from our perspective as a smaller platform, with the hope that our distinct viewpoint on issues such as proportionality, scope, and feasibility will inform the finalization of the Code in a manner that promotes appropriate safety measures and allows competition to flourish with a variety of online platforms offering their services to Irish and European consumers.

In the following response, we address only the consultation questions for which we believe we have the most helpful input at this stage. This consultation response is not intended to be comprehensive, and we expect to have additional comments as we engage in consultation with the Commission regarding the application of the Code specifically to Tumblr.

Please see our responses to selected consultation questions below. This response is without prejudice to our position that Tumblr is not a VSPS.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

The Code is intended to transpose the revised AVMS Directive into Irish law. The AVMS Directive, and in particular the definition of VSPS, is clear that it only applies to audiovisual content. The concept of “indissociable” content is not provided for in the AVMS Directive. Accordingly, such content is outside the scope of the AVMS Directive and is instead within the scope of the Digital Services Act. As the Digital Services Act fully harmonizes the rules applicable to such content, it appears that this proposal is contrary to EU law.

Without prejudice to the above view, the definition of user-generated content indissociable from user-generated videos (“user-generated content comprising any text, symbol, or caption accompanying any user-generated video, provided such text, symbol, or caption is indissociable from the user-generated video”) is too vague and would result in the misapplication of Code requirements to non-video content. For example, while some platforms designated as VSPSs have post format requirements that are specific to video (e.g. a requirement to post a video and video description), Tumblr is a platform that encourages creativity and offers users flexibility to post mixed-media content in a single blog post. In a long post blogging about a user’s experience at a fan convention, a single video about one presentation the user attended should not cause unrelated text descriptions about the rest of their experience to be regulated as video content.



On a platform like Tumblr that isn't focused on video content, a video may not be the centerpiece of a post. Therefore, content that's additional to or different from a video but happens to be in the same post should not be considered indissociable from the video. The current phrasing of the draft Code could imply that such non-video content would be considered "indissociable" from the video and regulated according to rules created for video content. This would result in an over-broad application of ill-fitting rules and create a confusing experience for users attempting to understand why seemingly unrelated content would have been removed from their post.

In summary, the proposal to include "indissociable" content would appear to be contrary to EU law and is, in any event, probably unworkable for many platforms.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

We appreciate that the requirements in the draft Code in relation to reporting and flagging of content are broadly compatible with the obligations imposed by the Digital Services Act. As a smaller platform, harmony across regulations makes it more feasible for us to offer our services in multiple markets around the world because we do not have the resources that larger platforms might to customize our procedures for each jurisdiction.

In relation to this section of the draft Code, we would recommend adding more flexibility to the requirements to set targets for timelines and accuracy and report on performance against these targets. First, the draft Code does not explicitly limit these obligations to reports about video content, as would be appropriate for the scope of the regulation. Second, reports about video content vary widely in urgency; volumes and types of reports received are unpredictable and can change suddenly in response to real-world events that cannot be forecast. Setting strict target times to respond would not allow platforms to respond dynamically to the most urgent user reports they receive in order to keep their platforms and users safe, and would unfairly penalize smaller platforms who are unable to over-staff to create extra capacity in case of a sudden influx of an unanticipated type of user report.

In summary, flexibility for platforms is key here and the Code needs to explicitly account for the size, risk profile and resources of each VSPS.

9. What is your view on the requirements in the draft Code in relation to age verification?

While we support measures to keep <18 users safe online, we caution against mandating technology that creates collateral risks to users or requires excessive costs that are disproportionate to the effectiveness of the technology in promoting online safety.

tumblr

While Tumblr has age checks built into our platform, we believe that more invasive age verification technologies (such as identity document verification or facial scanning) would imperil user privacy and unnecessarily burden smaller platforms, platforms with low incidence of video, or platforms that don't generally appeal to underage users.

Importantly, age verification technologies are still nascent: Australia's eSafety regulator,¹ France's data protection authority,² and the United States' Congressional Research Service³ all reported that age verification technologies are not yet mature enough to be mandated and present real risks to privacy and security. This has been borne out by real-world examples. Police in South Wales ran a facial recognition pilot which yielded a 91% false positive rate⁴ – an improvement on the New York City transport authority's pilot with a 100% error rate.⁵ Studies have also shown facial recognition technology struggles when identifying people of color.⁶ Identity document verification carries its own risks by forcing companies or vendors to collect sensitive data, creating security risks – for example, data breaches exposed drivers' licenses and other sensitive information in Ireland⁷ and Louisiana.⁸

The impact of imposing unproven and risky age verification technologies would be particularly acute for Tumblr and our user base. A very small percentage of Tumblr users are under 18 (and users must be 16 or older in the EU) and video is a very small proportion of content shared or viewed on Tumblr. Any age verification requirements would therefore be intended to address the extremely small proportion of Tumblr users who are between 16-17 years old and watch the small number of videos on Tumblr. This would intrude on their privacy along with the privacy of the overwhelming majority of Tumblr users who are adults, even if those adults watch few if any videos (as is typical on Tumblr).

What is more, an imposition of this technology would represent an expensive and burdensome undertaking across the platform that is disproportionate to the incidence of video viewership. Implementing an age verification system would be extremely burdensome and costly for smaller, non-video focused platforms like Tumblr, particularly in light of the de minimis revenue it (allegedly) indirectly derives from video content. This is so, whether that implementation is through attempting to engineer a custom system or purchasing services from a third-party provider who sets their prices with companies many times our size in mind.

In summary, only the lightest age verification obligations should apply to smaller platforms like Tumblr with low incidence of video and which don't generally appeal to underage users.

¹ <https://www.esafety.gov.au/about-us/consultation-cooperation/age-verification>

² <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>

³ <https://crsreports.congress.gov/product/pdf/IN/IN12055>

⁴ <https://www.lawfaremedia.org/article/facial-recognition-has-its-eye-uk>

⁵ <https://www.wsj.com/articles/mtas-initial-foray-into-facial-recognition-at-high-speed-is-a-bust-11554642000>

⁶ <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>

⁷ <https://www.independent.ie/irish-news/thousands-of-drivers-have-sensitive-data-exposed-to-hackers-in-major-it-breach/a1379036136.html>

⁸ <https://www.theguardian.com/us-news/2023/jun/16/louisiana-drivers-license-hack-cyber-attack>



10. What is your view on the requirements in the draft Code in relation to content rating?

We believe that user-led content rating systems can enable online communities to keep themselves and each other safe. In this case, we believe that the requirements in the Draft code in relation to content rating do not account for the variety of online platforms and the most effective ways to categorize content on each platform.

For example, the requirement to build a feature to allow users to suggest an appropriate age for a given video would not make sense on a platform like Tumblr that is 16+, because there is not a discernible difference in the content appropriate for a 16 versus a 17 year old individual. Instead, Tumblr has approached this challenge with other tools that better suit its platform, including by building a content rating system that automatically blocks content labeled as mature for 16-17 year olds and allows adult users to tailor their experience by hiding mature content.⁹ It would also be unnecessary and disproportionate to require a platform which is 16+ to rate content as suitable for users under 16 years of age, e.g. 13+.

The draft Guidance also suggests that platforms should use national rating systems until a consistent system is developed. However, the application of 27 different content rating systems would amount to a huge and disproportionate burden for smaller platforms and potentially lead to 27 different ratings for a specific piece of content. Such an obligation would be disproportionate as well as being confusing and unworkable for platforms and users alike.

In summary, requiring the application of national content rating systems would be unworkable, ineffective and disproportionate and platforms should be able to build systems that best reflect and serve the needs of their users.

11. What is your view on the requirements in the draft Code in relation to parental controls?

The draft Code proposes that all platforms should implement parental control systems with respect to illegal content harmful to children and regulated content harmful to children. This one-size-fits-all approach does not take into account the varied sizes, risk levels, user demographics, or prevalence of video on different platforms. It also does not take into consideration the potential harms that parental controls may have on vulnerable teenagers.

Requirements for parental controls should consider how many minor users are on the platform and if parental controls are appropriate for the kind of platform it is, the proportion of video content on the platform, and the age of the minors on the platform. Parental control systems may be appropriate for the youngest users, but are not a fitting requirement for older teenagers above 16 years of age using platforms that have little video content. Indeed, as noted by Webwise.ie, the digital age of consent in the EU is 16 by default but Member States have the

⁹ <https://help.tumblr.com/hc/en-us/articles/5436241401239-Community-Labels>

tumblr

option of adopting a lower age.¹⁰ This, in our view, recognises the fact that parental controls are not necessary or appropriate for 16+ users.

Further, providing parental controls must be balanced with the potential impact to older teenagers who belong to marginalized communities and are seeking vital community and support online that they may not be able to access in-person. Online communities like Tumblr give older teenagers a space to explore their identities and learn from others before they are ready or in a safe place to share their identity in the real world (for example, documented in the 2022 research article “How Tumblr Acts as a Crucial Resource for Online Queer Communities”¹¹). Parental controls may, for example, “out” a teenager who identifies as part of the LGBTQIA+ community, and therefore make it impossible for that teenager to seek important resources and community online out of fear of being ostracized at home (or kicked out of their home – a critical risk for LGBTQIA+ young adults¹²). This potential real world harm is of particular concern to Tumblr because Tumblr has long been a safe haven for LGBTQIA+ individuals – a role that we take very seriously. Please see the footnote for relevant articles addressing the unique role Tumblr has played in supporting marginalized groups.¹³

Developing appropriate parental controls would also be a challenging and burdensome process for smaller platforms. Platforms would have to devise and implement systems to identify the parent or guardian who should have account controls and develop processes to manage disputes in cases where two parents disagree on account access and controls. Similar to age verification, this would be a highly burdensome and intrusive requirement that would apply to only a small percentage of users due to a small percentage of content they may potentially see – it is an overbroad application of the Act. The cost of building such a system could easily outstrip the revenue of smaller platforms like ours, and the requirement to do so presents an existential question of whether it’s possible to continue to offer services in Europe.

In summary, a parental control obligation would be inappropriate and disproportionate for a small platform like Tumblr which only permits 16+ users.

¹⁰ <https://www.webwise.ie/parents/gdpr-digital-age-consent/>

¹¹ <https://networkconference.netstudies.org/2022/csm/1191/how-tumblr-acts-as-a-crucial-resource-for-online-queer-communities/>

¹² https://www.focusireland.ie/wp-content/uploads/2021/09/LGBTQI-Youth-Homelessness-Report_FINAL-VERSION.pdf

¹³ “On Tumblr, where users are twice as likely to be lesbian, gay or another sexuality, these connections proved vital to navigating and surviving the mental health struggles that nearly three-fourths of LGBTQ Generation Z users reported in a recent survey.” (<https://thehill.com/changing-america/well-being/mental-health/555547-facing-stigma-in-their-own-homes-lgbtq-gen-zers/>).

“[Tumblr is] tremendously important as a space of self-expression especially for marginalized/devalued groups who feel community, support and validation there.” (<https://www.cnet.com/culture/internet/tumblrs-a-rare-safe-haven-amid-all-of-the-internets-ugliness/>)



18. What is your view on the requirements in the draft Code in relation to media literacy measures?

This measure is not proportionate for smaller service providers. While publishing and implementing an annual action plan to promote media literacy may not be overly burdensome for larger platforms, smaller platforms must carefully allocate their resources to the efforts that are most meaningful and impactful on their particular platforms. Smaller platforms would be forced to make tradeoffs between content moderation efforts and media literacy efforts that would not appropriately address the harms on their platforms. This imbalance would be especially problematic for platforms on which users spend a much smaller amount of time consuming content and particularly video content. Please see our confidential responses to the Commission for details on the average amount of time users in the EU spend on Tumblr and spend consuming video content on Tumblr.

Additionally, promoting media literacy, while it is a worthy goal, is not particular to video content harms. The measure proposed in the draft Code is not appropriately specific to the scope of the Code.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

While we appreciate that the Commission is required under the Act to mandate quarterly reporting, it does have discretion around the granularity required for such reporting. It's difficult to give meaningful feedback without more specificity about what such reports might be required to contain, but based on the information provided in the draft Code this measure appears to unnecessarily overlap with requirements that already exist in the Digital Services Act. Such requirements would be unnecessarily burdensome for smaller platforms, for whom reporting processes are already labor-intensive and necessitate taking time away from critical content moderation work several times a year in order to produce reports about it.

We respectfully suggest that the Commission could review the reports produced in compliance with the Digital Services Act to see if the information provided meets its needs. If a particular need is identified, more narrowly tailored reporting requirements could be proposed as a future supplementary measure.

In summary, the Commission should:

- first assess what, if any, gaps exist with regards to the information provided in Digital Services Act reports; and
- then apply this reporting requirement in a proportionate manner such that smaller platforms are only required to provide information which the Commission deems absolutely necessary to carry out its functions.



A one-size-fits-all requirement would undoubtedly be a disproportionate burden for smaller platforms.

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

It appears that the proposed supplementary measures would significantly expand the scope of the codes and do not appropriately account for the resources and risk profiles of smaller platforms.

The draft Code explicitly acknowledges that two of the proposed supplemental measures (safety impact assessments and recommender system safety plans) are equivalent to requirements the Digital Services Act reserves only for Very Large Online Platforms (VLOPs). Applying these requirements to non-VLOPs unfairly requires them to try to keep up with such large platforms and misapplies requirements that EU law has determined, via the Digital Services Act, should only apply to the largest platforms.

Whilst Member States have discretion under Article 28b(6) AVMS Directive to impose more detailed or stricter measures, Recital 10 of the Digital Services Act (which is subsequent to and supersedes the revised AVMSD) notes that: *“to the extent that those Union legal acts pursue the same objectives as those laid down in this Regulation, the rules of this Regulation should apply in respect of issues that are not addressed or not fully addressed by those other legal acts as well as issues on which those other legal acts leave Member States the possibility of adopting certain measures at national level”*. It is clear that Article 28b(6) measures fall within the scope of this statement and that the Digital Services Act rules should therefore apply, i.e., the above two supplemental measures should only apply to VLOPs.

Additionally, recommender system safety plans would not be a reasonable measure for platforms with low incidences of video content. For instance, video is a small proportion of the content on Tumblr and Tumblr does not have a recommender system specifically for video content. This means that obligations for its recommender system would primarily affect non-video content, which is not within the scope of the Code and is separately governed by the Digital Services Act.

Message

From: Noel Cahill [REDACTED]
Sent: 31/01/2024 23:05:28
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online safety consultation
Flag: Follow up

You don't often get email from [REDACTED]. [Learn why this is important](#)

I have an observation in regard to Section 12, Obligations of Video-sharing Platform Services - Content. I notice that there is nothing about obligations of platforms in regard to the protection of those who may be depicted in harmful images online as against the users. While it may be obvious in most cases what is required this may not always be the case. I was once disturbed by an image I came across of a baby smoking. If an image like this is reported to a platform they may take it down but that doesn't protect the baby. In this case I didn't report the image to the Gardai as it could have been anywhere in the world so I didn't think they would act on it. But a platform would be able to establish where it was hosted and report it to local police. I suggest the inclusion of something in the code on obligations of platforms to act in regard to those at risk in images shown where appropriate.

In regard to the definition of "regulated content harmful to children" I suggest the addition of: images of consumption by young children of age-inappropriate products (such as tobacco, alcohol, drugs).

Yours faithfully,

Noel Cahill,
[REDACTED]

Submission to Coimisiún na Meán

Consultation on Online Safety Code

Submitted by:

Aida Whooley

Well-Aware Campaign - www.wellaware.ie

Date: 31st Jan 2024

Introduction

In my career to date I have worked in a range of roles directly with children and young people (as a youth arts & project worker, activities leader, music tutor, special needs assistant & substitute primary school teacher) and I currently work in youth community music education.

These direct experiences working with children, together with conversations regarding online safety with colleagues in similar settings, and my personal perspective of being a parent are all factors which have influenced the development of my responses to the consultation on the draft online safety code.

In addition to my responses to the consultation, I also strongly feel the following areas need to be addressed / considered:

- That legislation should require the development of new age-appropriate devices to replace mobile phones for children under 16 (with features parents want – e.g. location tracker & parental calling/SMS functionality, and without features which place children at higher risk of harm – e.g. video sharing platform services, cameras, group chat functionality). A prototype should be developed and piloted.
- That for children under 16, online video sharing platform services should only be accessible on either fixed location or larger devices (e.g. laptops , TVs) which would reduce the privacy of access and increase the likelihood of the adults around them being aware of their activity online and be more able to monitor it and support them.
 - Note: Videos on smaller / portable devices (e.g. iPads/tablets) if required could be downloaded via parent/guardian access and watched offline by children (rather than providing children themselves with direct access to online video sharing platform services).
- That Artificial Intelligence be named and included in a clear way as an area of focus within the online safety code (I have provided suggestions as to where in my responses below) including measures addressing ‘deep fake’ content
- Regarding Artificial Intelligence, I also strongly feel that access to AI and the use of it to create content (online or otherwise) should require a licence, garda vetting and possibly specialised training, and be treated by law under a similar category to other items which have the potential to cause harm to the general public if not used in a safe manner (e.g. weapons, medicine, drugs etc). If not regulated in this way, I believe the lines between what is real and fake (online and in broadcasting etc) will become heavily blurred over time, and the risks to the mental wellbeing of the general public and the healthy mental development of children may be impacted negatively.
- That online gaming be named and included in a clear way as an area of focus within the online safety code
- To consider that it may not only be the content on video-sharing platform services which can be potentially harmful to child development, but the way in which content is delivered.

- For example, it may be worth exploring whether over-exposure to short-form videos with quick edits, highly emotive or sped up speech patterns or other methods of making content highly stimulating, particularly to children, could also potentially cause those videos to come under the category of ‘regulated content harmful to children’ regardless of their content. I would suggest that Coimisiún na Meán conduct research in this area, and that a public awareness campaign around screen-time be developed should an adverse effect be found.
-

Consultation on Online Safety Code

1. Do you have any comments on sections 1 - 9 of the draft Code?

Yes as follows:

4.10 (Objective 3)

To further support the point that content which may be harmful to children would only be made available “in such a way as to ensure that children will not normally see or hear them”, I would strongly suggest that any content which “may impair the physical, mental or moral development of children” (whether included in the categories of regulated or illegal content harmful to children or whether considered to be a contribution to educational/civil discourse – e.g. war/abuse news coverage etc) should not be permitted to be featured in recommender system feeds on VSPS until post-watershed hours (i.e. only between 9pm and 5.30am)

To apply this change would be beneficial for the mental health of the general public as well as minimising risk of children viewing the content, as it would reduce the amount of anxiety-inducing content that can be intrusively imposed on VSPS users (through recommender systems or via promoted content paid by broadcasters) which can result in excessive passive-consumption of anxiety-inducing/negative content. If adults wish to consume news / current affairs content during daytime hours, they can choose to actively search for it, as opposed to being passively exposed to it via feed results.

4.14 – Re. The Right to Privacy

The definition of the “right to privacy” should be extended to encompass a child’s right to privacy in childhood and the right to not have their image or personal information shared online on a frequent basis (regardless of parental consent status).

In particular, this right should be addressed with regard to online influencers who either monetise the sharing of their child’s image & information through paid commercial content creation, or whose over-exposure of their child acts (whether intentionally or not) as an indirect method of increasing numbers of followers, which in turn increases the amount of money the influencer can charge for creating paid posts/commercial partnerships.

This could come under the third statement defining “audiovisual commercial communications harmful to children” under section 10 (definitions) which addresses exploitation of the “special trust children place in parents, teachers or other persons”

Many schools and youth projects also often regularly share content publicly online of children in their programmes, but this may compromise the child’s right to privacy (regardless of whether parental consent is provided) and/or put unspoken pressure on parents/guardians to grant consent.

The permanent / long-term and widely sharable nature of online content means the breach of the right to privacy is greater online than via print or other media. Also, frequent sharing of a child’s personal information and image online may also carry a greater safety risk than other media, with the child potentially becoming known to strangers without their knowledge.

My opinion is that the sharing of a child’s image and/or personal information (age under 16) should only be permitted on private VSPS accounts, and/or only on an infrequent basis (e.g. no more than e.g. once a month for example).

Exceptions might be if a child is participating in e.g. a large scale production or is portraying a character in a professionally produced film etc (since this would not be a public exposure of the child’s personal information or home life).

I would suggest that research be conducted (which may already be happening) into the long term impact of whether over-sharing of a child’s image or personal information in childhood (by themselves or a caregiver) later leads to adverse mental health in adolescent or adult years.

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Yes I think that “user-generated content that is indissociable from user-generated videos” should be included in the definition of content to be covered by the Code.

3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

My view is that two further points should be added to the definition of ‘regulated content harmful to children’ indicating:

- “ ‘Deep fake’ content or any realistic content created using artificial intelligence or CGI” which may impair the mental or moral development of children by compromising their ability to trust that the voices or images in a video are a true portrayal of real situations and people (this would also be harmful to the general public, but even moreso to young children – particularly if the ‘deep-fake’ content uses a likeness of a person known to the child in real life)
- “content which mimics (via AI, CGI, animation or other) or features human/animal-like characteristics, and places them in violent, disturbing or deranged scenarios which may cause trauma to the developing mind of a child.” (e.g. there are some CGI animations online (e.g. on Youtube) which, whilst not featuring illegal or age censored content, are highly inappropriate and often unsettling for children, and yet are shared widely among children)

4. What is your view on the other definitions of illegal content and regulated content?

5. Do you have any comments on any other definitions provided in the draft Code?

Yes re. section 10. Definitions:

- ‘Audiovisual commercial communications harmful to children’ – see point 4.14 above (re. the right to privacy)
- ‘Risk test’ (b) – could the definition of ‘reasonably foreseeable’ be expanded upon? E.g. would trauma in childhood, the effects of which may not manifest until adulthood, be considered reasonably foreseeable? I believe in this context it should be, given that there is extensive published research on the long term impact of adverse childhood experiences.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Re. 11.3 & 11.4 – Pornography and Violence:

An additional point should be added in both categories stating that VSPS providers should be required to “prohibit the uploading or sharing” of pornographic or violent content which contains or appears likely to contain (until proven otherwise) ‘deep-fake’ likenesses of real people generated by artificial intelligence or CGI.

Also a further point to be added to minimise potential access by children (in line with my note under 4.10 above) is that this type of content should not be promoted via

recommender systems (or otherwise) until post-watershed hours (i.e. only permitted in those feeds between 9pm and 5.30am).

AI Content Online

An additional point should be factored in to the Online Safety Code specifically with regard to Artificial Intelligence.

Any content (pornographic or not) shared via VSPS providers which is suspected as having been created using AI-generated or realistic CGI likenesses of real people or situations should be flagged to viewers in a clear way by the VSPS providers with a notification displaying text such as “this content may have been created using AI or CGI” and “has not been verified”. Verification systems should potentially be developed by VSPS providers.

I also believe a licence should be required in order to create and distribute AI generated content – see further notes on this in the introduction.

Licensing AI would limit how much ‘deep fake’ content is created, and therefore would require less screening measures and flagging by providers. It would also reduce the potential for harm to the mental wellbeing of the general public, and particularly to children, when it comes to the ability to identify what content is real and trustworthy or not.

It is worth considering that even if a person is able to consciously identify the difference between real and AI generated material, the body’s emotional/physical response to consuming violent or pornographic material is likely to be the same as the response to witnessing real content, and so the level of potential harm may be the same.

11.6 AND 11.7

If the principal purpose of a VSPS provider does not involve providing access to adults to violent or pornographic content, then I would question whether these should be made available via that same platform at all. Perhaps the code should state that this type of content should only be made available via dedicated platforms which clearly identify this as their principal purpose. If this were the case, it would be a much more effective way of limiting the risk of children accessing this type of material.

VSPS providers could create new separate websites/apps solely for this content, so that the existing platforms can be made safer.

11.8 Further to my notes re. points 4.10 and 11.3/4, I believe that violent/distressing content (whether as a contribution to civil discourse / public interest or not) should only be permitted in recommender systems, promoted advertising or national broadcasting during post-watershed hours (9pm – 5.30am). This includes the promotion of adverts (e.g. featuring famine / abuse / war imagery) and news broadcasting etc.

11.9, 11.10, 11.11 and 11.12:

In addition to the 4 categories stated, a fifth item should be added:

- “AI or computer generated ‘deep fake’ content using a person’s likeness without their consent, or which is in any way harmful to the general public or children”

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

Yes I agree that this should be included in the Code.

8. What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

An additional item should be added to section 11 ‘Reporting & Flagging’ whereby VSPS providers should clearly notify to users in a continuous way when their online activity/behaviour is being tracked or analysed by any systems in particular through the VSPS use of AI. The notification should only no longer appear when the tracking or analysis is not happening. There should be a simple quick way for the user to opt out of AI analysis or any other forms of tracking etc. AI-functionality should not be integrated into VSPS services or devices in such a way that users cannot choose to opt out of those features.

9. What is your view on the requirements in the draft Code in relation to age verification?

11.17 – See notes on point 11.8 above.

11.19 For VSPS providers whose principal purpose is to provide access to violent/pornographic content, I would suggest that the code should only state option ‘(ii) on each occasion such content is accessed’ as the requirement for age verification. This would be a far more effective way than option (i) of ensuring children don’t access the content.

If the user only has to verify their age at sign up, there is a significant risk that children could access that adult’s device without their knowledge. Whilst enforcing this measure may slightly inconvenience adult users and VSPS providers, it would significantly increase safety for children, which in this instance should be the priority.

10. What is your view on the requirements in the draft Code in relation to content rating?

11. What is your view on the requirements in the draft Code in relation to parental controls?

12. What is your view on the requirements in the draft Code in relation to complaints?

13. Do you have any other comments on the requirements in section 11 of the draft Code?

14. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

And 15. What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Answer to questions 14 & 15:

Add another line item to section 12 referring to my point highlighted above under 11.8 re. watershed hours.

16. What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

Yes I agree that this requirement should be included in the Code.

17. Do you have any other comments on the requirements in section 12 of the draft Code in relation to audiovisual commercial communications?

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

13 Add another line item to section 13 stating how VSPS providers should clearly flag to users when content they are viewing was generated using AI / CGI , or whether it appears likely that it may have been created using AI / CGI (to help combat deep fakes, fraud, scamming etc).

Also, VSPS users should be required to declare when they are uploading content created using AI or realistic CGI.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Yes my view is that these requirements should be included in the Code.

20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

21. Do you have any other comments on the requirements in section 13 of the draft Code?

22. Do you have any comments on this section of the Draft Code?

23. Do you have any comments on the Annex?

Yes as follows:

Table A

Add to points 38 and 39 that “an intimate image” can also include CGI or AI-generated “deep-fake pornographic images, audio or video” or any realistic likeness of a person without their consent.

Table B

14 - The code should define ‘child pornography’ as also including ‘deep fake’ or realistic CG or AI-generated content.

24. Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters the Commission is required to consider in developing an online safety code?

Consultation on Statutory Guidance

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

Yes as follows:

Appendix 2 – Draft Statutory Guidance Materials

Guidance: Content Rating (sections 11.22 – 11.23 of the code)

With reference to content rating being distinguished either as material posted ‘as a contribution to civic discourse or for educational purposes as opposed to material that is intended to entertain, disgust or shock’ – it should be noted that for children, both categories may cause the same intensity of emotional response and internal distress, regardless of the purpose of why they were exposed to the content – e.g. coverage of wars, abuse, violence etc (adults may be more desensitised due to life experiences and the frequency of exposure to negative news broadcasting etc)

Guidance Parental Controls (sections 11.24-11.28 of the code)

Potentially add the parent/guardian as a recipient of notifications in the last line: “Raise notifications to the provider and parent/guardian about prohibited user behaviour on the child’s behalf”.

Declaration of audiovisual commercial communications (sections 12.10 – 12.11 of the code)

This is an excellent idea about specifying a labelling system to be used across video sharing platform services coming within the scope of the code. It would be very beneficial and helpful to users.

Consultation on the application of the Code to the category of video-sharing platform services

26. Do you have any comments on the proposed application of this draft Code to the category of video-sharing platform services?

27. Do you have any comments on the proposed application of this draft Code to named individual video-sharing platform services?

Proposed Supplementary Measures and Related Guidance

28. Is there anything you consider the Commission needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

It may be worth considering that with regard to recommender system safety and feeds (1.3 and 2.3), toxic feeds of mainstream news broadcasting and current affairs journalism can be common too (in addition to those listed) and may be leading to a rise in anxiety levels across people of all ages accessing VSPS services. This category should also be considered as an area that is potentially harmful in aggregate, and addressed accordingly in system safety measures.

Under section 2.1, I would suggest that the Code should expand on guidelines for how VSPS providers should perform their safety impact assessments, and how to ensure these are as robust as possible. A pilot period working with a sample group of children, and conducting research alongside the pilot, should potentially be considered as a mandatory requirement for any new function, device or programme aimed specifically at children or which children may have direct access to. The research should then be presented to Coimisiún na Meán for approval, and in order to be approved for general rollout, the new function/device/programme should be found definitively to not have an adverse effect on child development or wellbeing.



UCD Centre for Digital Policy
Ionad um Bheartaí Digiteach UCD

Consultation response: Draft Online Safety Code
From: Dr. Tijana Milosevic,
Visiting Research Fellow, UCD Centre for Digital Policy;
Dr. Brian Davis,
Assistant Professor, DCU School of Computing & ADAPT SFI;
Mr. Kanishk Verma,
DCU School of Computing & ADAPT SFI.

31 January, 2024

By email: VSPSregulation@cnam.ie

To Media Commission/*Coimisiún na Meán*,
Online Safety Commissioner, Ms. Niamh Hodnett; Digital Services Commissioner, Dr. John Evans

We would like to thank the Commission for the opportunity to provide feedback on the Draft Online Safety Code. As contributors on an earlier submission, we have already provided inputs on the consultation document in preparation for the Draft Online Safety Code.¹ Therefore, in this very brief submission, we only address a handful of questions in order to underscore certain points or provide further evidence and suggestions. Moreover, we highlight those proposed measures in the Draft Online Safety Code that we believe might benefit from further debate and evidence as to their possible implications. Thank you again for the opportunity to provide feedback.

Question 2: What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Response: In our view, it is essential that user-generated content that is indissociable from user-generated videos be included in the definition of content to be covered by the Code. As

¹ Feijóo, S., O'Higgins Norman, J., **Milosevic, T.**, Reynolds, M., **Verma, K.**, Laffan, D., McCashin, D. (2023). *Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services*. Retrieved from: <https://www.cnam.ie/publications/>

we described in detail in the submission that we contributed to earlier,² harmful online content, such as cyberbullying, is often multi-modal in nature. For example, a video could seemingly be benign or even positive, yet accompanied by a caption or comment that contextualises its true intention and message, which could be hurtful and bullying in character.³ If the code were to cover user-generated videos only, it could risk failing to address the issue effectively.

Question 3: What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

With the caveat that we are social and computational and not legal scholars, we find the designation of "regulated content harmful to children" to be helpful in distinguishing between the offence-specific categories and categories of harmful online content under 139A of the Online Safety and Media Regulation Bill. Nonetheless, we would like to draw attention to issues that might arise when attempting to classify individual incidents in practice. For example, threatening a teen with publication of a nude image or publishing a nude image of a teen without their consent, would, in my understanding of the Code, constitute an example of "illegal content harmful to children." At the same time, such an act and content could be merely one component of a larger bullying incident ("regulated content harmful to children"). In as much as the code stipulates different measures that platforms must adhere to in case of regulated vs. illegal content, classification of such incidents could pose additional challenges for code enforcement.

Question 5: Do you have any other comments on any other definitions in the Draft Code?

Harmful Audio-visual Commercial Communications: We understand that the definition provided is derived from the wording in the AVMS Directive and that the word "dignity" is referred to in the text of the Directive, for instance Article 9(c,i): "audio-visual commercial communications shall not prejudice respect for human dignity."⁴ Nonetheless, we would like to point to the fact that human dignity is a term that is frequently referred to in legislation without provision of an explicit, specific and pre-defined meaning⁵, which could potentially pose difficulties for enforcement when such regulation is applied to audio-visual communications and audio-visual commercial communications.

Media literacy: With respect to definition of media literacy provided on pages 47 and 73 of the consultation document: It would be helpful if the Commission could possibly cite the source of the definition provided in the document for public guidance. We could also recommend considering broadening the scope of the definition of media literacy as currently presented in the consultation document. Placing a stronger emphasis on the digital

² Feijóo et al., 2023.

³ See e.g. Milosevic, T., Verma, K., Carter, M., Vigil, S., Laffan, D., Davis, B., & O'Higgins Norman, J. (2023). Effectiveness of Artificial Intelligence-Based Cyberbullying Interventions From Youth Perspective. *Social Media+ Society*, 9(1), 20563051221147325.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0013-20181218>

⁵ See for instance, Milosevic, T., Collier, A., & Norman, J. O. H. (2023). Leveraging dignity theory to understand bullying, cyberbullying, and children's rights. *International journal of bullying prevention*, 5(2), 108-120.

component of media literacy definition (also referred to as digital media literacy,⁶ which is a broader concept than digital skills⁷). Specifically, in our view it is important that such education includes an understanding of commercial interests of (especially large) online platforms and the implications that these have on safety, privacy, inequality, discrimination, disinformation, freedom of expression and democracy. These topics are sometimes covered under digital citizenship⁸ education which could also be considered as a component of media literacy education.⁹ Furthermore, rapidly developing technologies such as generative Artificial Intelligence and the role of large platforms in funding their development is an increasingly important component of media literacy education.¹⁰ While one could argue that these topics might fall under the scope of other pieces of legislation such as the EU AI Act¹¹, we would nonetheless like to suggest that these topics are inextricably linked to the concept of media literacy and the remit of the Media Commission.

We acknowledge that platforms may not be realistically expected to teach/provide educational materials with such a broader definition of media literacy that we propose here; nonetheless, we find it important that the Commission facilitates such education, if at all possible.

Question 8: What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

With respect to reporting and flagging provisions (11.11 and 11.12), we wonder if user-friendly needs to be further specified as child-friendly and adapted to the age of the child (as further specified in the supplementary Statutory Guidance Material).

Question 9: What is your view on the requirements in the draft Code in relation to age verification?

Underage use of social media platforms is widespread and it presents a challenge for ensuring children's safety and privacy¹². If platforms deny actual presence of underage users on their

⁶ See e.g. De Abreu, B. S., Mihailidis, P., Lee, A. Y., Melki, J., & McDougall, J. (Eds.). (2017). *International handbook of media literacy education*. Taylor & Francis

⁷ Livingstone, S., Mascheroni, G., & Stoilova, M. (2023). The outcomes of gaining digital skills for young people's lives and wellbeing: A systematic evidence review. *New media & society*, 25(5), 1176-1202.

⁸ Jones, L. M., & Mitchell, K. J. (2016). Defining and measuring youth digital citizenship. *New media & society*, 18(9), 2063-2079.

⁹ Mihailidis, P., & Thevenin, B. (2013). Media literacy as a core competency for engaged citizenship in participatory democracy. *American Behavioral Scientist*, 57(11), 1611-1622.

¹⁰ Widder, D. G., West, S., & Whittaker, M. (2023). Open (for Business): big tech, concentrated power, and the political economy of open AI. *Concentrated Power, and the Political Economy of Open AI (August 17, 2023)*.

¹¹ <https://www.europarl.europa.eu/news/en/press-room/20231206IPR15699/artificial-intelligence-act-deal-on-comprehensive-rules-for-trustworthy-ai>

¹² Montgomery, K. C., Chester, J., & Milosevic, T. (2017). Children's privacy in the big data era: Research opportunities. *Pediatrics*, 140(Supplement_2), S117-S121.

platforms, then such underage users are rendered invisible for policy and innovation purposes.¹³

We welcome the Commission's requirement in the Draft Online Safety Code for platforms to disclose the age-verification and age-assurance mechanisms that they rely on; and to provide evidence of their effectiveness (11.16-11.18). In light of widespread underage use,¹⁴ greater clarity is needed in terms of effectiveness of companies' age assurance procedures; and also in terms of compliance with Article 8 of the General Data Protection Regulation. At the same time, certain age verification and age assurance techniques themselves can have serious consequences for privacy and freedom of expression of both children and adults.¹⁵ Therefore, while we support the Commission's decision *not* to prescribe or mandate specific age-verification measures, we are also concerned about possible implications of setting a precedent in terms of having a regulatory body that recommends measures such as document-based age-verification.¹⁶

While we do not have a specific recommendation as to how to mitigate this risk, we wonder if a more robust public debate is necessary as to how these measures should be implemented; if specific technologies are considered to be an industry standard in terms of age assurance¹⁷ and whether document-based verification needs to be re-visited as a possible or recommended approach.

Question 11: What is your view on the requirements in the draft Code in relation to parental controls?

We would just like to underscore the rights of underprivileged children who may not have sufficient parental or caregiver support and who might therefore use social media to find emotional and social support that they are not able to find at home. Such children might be adversely affected when their parents/caregivers use parental controls to restrict their access to social media and their participation rights are curtailed.¹⁸ While we do not have a recommendation as to how to resolve this, an acknowledgement of this issue might be appropriate; such considerations could be contemplated when companies undertake Child Rights Impact Assessments when developing parental controls technologies for their products.

¹³ boyd, d. (2015, December 18). What if social media becomes 16-plus? New battles concerning age of consent emerge in Europe. *The Medium*. Retrieved from <https://medium.com/bright/what-if-social-media-becomes-16-plus-866557878f7#skvnifxhd>;

¹⁴ Department of Tourism, C., Arts, Gaeltacht, Sport and Media. (n.d.). *National Advisory Council for Online Safety (NACOS): Report of a National Survey of Children, Their Parents and Adults Regarding Online Safety*. Retrieved from: <https://www.gov.ie/en/publication/ebe58-national-advisory-council-for-online-safety-nacos/>

¹⁵ EDRI. (2023, October 4). Online Age Verification and Children's Rights: Position Paper. Retrieved from: <https://edri.org/wp-content/uploads/2023/10/Online-age-verification-and-childrens-rights-EDRI-position-paper.pdf>; see also with respect to setting a precedent for authoritarian regimes which could abuse such measures: DeNardis, L. (2014). *The global war for internet governance*. Yale University Press.

¹⁶ [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/739350/EPRS_ATA\(2023\)739350_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/739350/EPRS_ATA(2023)739350_EN.pdf)

¹⁷ <https://www.yoti.com/blog/post-office-yoti-lead-the-way-in-accessible-identity-checks/>;
<https://euconsent.eu/>; <https://iabeurope.eu/transparency-consent-framework/>

¹⁸ Livingstone, S., & Third, A. (2017). Children and young people's rights in the digital age: An emerging agenda. *New media & society*, 19(5), 657-670.

Question 18: What is your view on the requirements in the draft Code in relation to media literacy measures?

It is not entirely clear to us from the wording of Section 13 whether the media literacy provisions refer to companies providing educational materials that explain how users can protect themselves on their platforms (such as Safety/Help/Wellbeing Centres that some companies already have). This point is made more clear to us only in the Supplementary Statutory Guidance material. In our view, it would be important to ensure that such provisions are implemented in a meaningful manner by companies, ensuring that the process does not become a box-ticking exercise.¹⁹ Furthermore, in the Guidance materials, The Commission suggests collaboration with key stakeholders who can provide expertise and evaluation. If external stakeholders should provide evaluation, it would be important that the relationship between the advisory body and the industry partner is transparent, to be able to assess the advisory body's independence from the industry partner and ability to provide objective assessment and to voice critical feedback. Media Commission's review/analysis of companies' activities and targets should be helpful in this regard; we also believe that the Commission could take an active role in convening media literacy educational activities, especially with respect to critical media literacy that we refer to above.

Question 19: What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Specifying in the Code itself that such child data is not to be shared with Third Parties, might be advisable here as well as the Data Protection Commission's Fundamentals for a Child-Oriented Approach to Data Processing,²⁰ which are referred to only later on, in the Statutory Guidance Material.

Do you have any comments on Draft Supplementary Materials?

Regarding Section 1.1. Safety by Design: It would be helpful if the Commission might be able to provide guidance as to how it will evaluate companies' safety impact assessments; if it plans to facilitate public discussions of safety impact assessments and encourage companies to provide more information and clarifications, if this should be deemed necessary.

It would be particularly important to ensure periodic independent evaluation of popular platforms' recommender systems and effectiveness of reporting/flagging tools and complaints handling schemes from the perspective of end-users, children in particular. Such evaluation could take the form of independent research convened by the Commission, rather than by companies themselves, in order to ensure that companies' impact assessments and transparency reporting are accurate and reflective of their safety measures.

¹⁹ Milosevic, T. (2018). *Protecting children online?: Cyberbullying policies of social media companies*. The MIT Press.

²⁰https://www.dataprotection.ie/sites/default/files/uploads/2021-12/Fundamentals%20for%20a%20Child-Oriented%20Approach%20to%20Data%20Processing_FINAL_EN.pdf

Having in mind the increasing reliance on Artificial Intelligence in proactive moderation by companies,²¹ making an explicit reference to this process in the Code and asking companies to include reports on these in impact assessments, would be important, in our view.

Regarding Section 2.2. Online Safety Supports: Companies are encouraged to develop partnerships with NGOs, schools and institutions. It might be beneficial to highlight that it is important to ensure transparency in terms of what such arrangements entail, especially if partners are asked to evaluate effectiveness of companies' initiatives.²² We would encourage the Commission to consider taking a more proactive approach in facilitating educational initiatives and funding initiatives (e.g. by levying companies) to support users affected by harmful online content, rather than leaving such initiatives solely at the discretion and judgement of companies.

About the authors

The members of the **UCD Centre for Digital Policy** believe that policy making and evaluation must be deliberative, emergent, and iterative, with sociocultural values at their core. Such an ambitious agenda will require working with stakeholders and beneficiaries to develop effective and evidence-based formal and informal regulation and institutional digital policies, maintain such policies over time, and foreground urgent issues of sustainability, equity, and human rights. The members of the centre draw on interdisciplinary methods from computing, law, design, human rights, and social science to create policy, amplify positive effects on society (especially vulnerable citizens, who may include women, people of colour, the poor, migrants, children, and others), and study policymaking across technologies and sectors.

Dr. Tijana Milosevic is a visiting research fellow at the UCD Centre for Digital Policy and as of March 2024, Assistant professor at UCD School of Information and Communication Studies. Previously, she worked as an MSCA (Elite-S) postdoctoral research fellow at DCU Anti-bullying Centre and ADAPT Science Foundation Ireland. Her work concerns children's digital media use and online platforms' policies with regards to cyberbullying. She is the author of a number of academic articles and a research monograph: "Protecting Children Online? Cyberbullying Policies of Social Media Companies." She also taught Social Media, Wellbeing and Society module at the DCU Institute of Education.

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²¹ Milosevic, T., Van Royen, K., & Davis, B. (2022). Artificial intelligence to address cyberbullying, harassment and abuse: New directions in the midst of complexity. *International journal of bullying prevention*, 4(1), 1-5.

²² Milosevic, T. (2018). *Protecting children online?: Cyberbullying policies of social media companies*. The MIT Press.

²³ <https://www.cilter.ie/>

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Message

From: Donal FMA [REDACTED]
Sent: 31/01/2024 23:58:36
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Online Safety Code - Consultation Submission - Family and Media Association
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Online Safety Code - Consultation Submission - Family and Media Association

Opening Remarks and General Comments

As pioneers in the promotion of high standards in the media, the Family and Media Association (FMA) have a long history addressing and encouraging, among other things, the elimination of harmful content from media communications.

We advocated strongly for the elimination of harm from broadcast content in our submissions for earlier broadcasting codes, including the 2007 Code of Programme Standards which was prepared by a predecessor of Coimisiún na Meán, the Broadcasting Commission of Ireland (BCI). In fact, two of our 'hard line' proposed amendments were at least partially adopted, one being the removal of an ambiguity in the 2007 Code's wording which would have allowed 'harm' to be seen as an inevitable part of broadcasting, the second being the requirement that broadcasters must avoid programming material which could lead to behaviour which would be harmful to others (the original draft referred only to serious problem of self-harm)

With the appointment of a special online media officer in 2006, we also worked to alert and assist schools in their attempts to address the emerging online threat to vulnerable children which was beginning to confound teachers at that time.

So our credentials for the 'intolerance of harm' and keeping *children* safe in particular are quite clear.

But this Draft Online Safety Code -- and indeed the recent trend in legislation, not only in Ireland but the EU generally -- is something new. Where once there was safety now there is "safety". Here, the concept of 'safety' has metastasised. Where previous Codes tended towards a soft touch approach towards broadcasters, the real target of the hard line approach taken in this new Code and new legislation, is not broadcasters, nor even is it the VSPS. It is the public.

The safety envisaged by FMA would seem to be the medical equivalent of a healthy immune response to outside threats but the re-imagined "safety" now being advocated is the equivalent of an autoimmune disease, attacking what is healthy and weakening the body so that it cannot fight basic fundamental threats.

If (to use a Papal World Communicarions Day analogy) the entire web cab can be likened to the road network, the current flip-flop approach seems to be not so much like a super-tax on some sort of super-expensive SUVs and their elite owners, in favour of the people. Rather, it is like a takeover of large parts of the road network itself, where those carriers and services who are allowed to use it, do so on the basis that they carry -- or are cojled, incentivised or coerced into taking -- only a certain type of easily identified and easily identifiable grey passenger with the same monochrome or grey view, while the common people, in their many shades and colours are left on the side of the road as though toxic or at least potentially harmful. An elite are trusted (and given free passes) while, at best, the others could maybe don grey coats and hitch -- or rather pay heavily for -- anything but free rides, even then only to go where the special ones want to take us or allow us to be taken (a resort called greysville where, guess who, you, are the cheap labour)

Answers to Selected Consultation Questions

2 What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

This proposal is highly problematic, particularly given the level of the penalties that would apply to VSPS providers and especially to associated individuals, in the immediate term (which could well be extended to others in the future). Apart from the threat to the Irish economy if these companies were to relocate (a point raised in Oirechtas debates on the then Online Safety and Media Regulation Bill 2022 prior to enactment), a more fundamental concern is the chill effect that would probably occur, where VSPS providers and their executives would simply take the 'line of least resistance' and effectively dampen down if not outright muzzle important commentary and even information essential to the proper functioning of our democracy (democracies), at a time when levels of trust are already under significant strain as implicitly acknowledged by both the EPRA and the ERGA. That such a dampening down would most likely be

disproportional, affecting, probably in contravention of the Charter of Fundamental Rights, those with some views more than those with other views, is a further problem, given, as stated in a recent report for the EPRA, "there is a significant political and cultural polarization in most countries, as the public is divided on various cultural issues (esp. immigration,LGBTQ)". Trust would therefore probably diminish and polarization could be expected to increase.

19. What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

The personal data of children should not be processed for commercial purposes. The only way to ensure that this will be the case may be not to collect personal data from children at all. The collection of personal data from children under almost any circumstances, especially the collection of biometric data is to be avoided. If it is not possible for porn sites and porn related sites to confine access to adults alone, without the collection of personal data from children, then that in itself would appear to be a very good argument for not allowing such sites to exist at all. Referring to the then Online Safety and Media Regulation Bill, Senator Vincent Martin said in the Oireachtas that "our children and their safety are the driving force and momentum for all of us when considering the Bill". If this is true and can also be applied to the Online Safety Code, then the stronger measures in this Code should be applied to the protection of children rather than to issues involving just adults. The protection of children and the protection of the privacy of children should not be made secondary to the tastes of adults particularly when referring to tastes whose pursuit is harmful both to the adults themselves and to society generally.

Dónal O'Sullivan-Latchford
Family and Media Association



National LGBT Federation (NXF) Submission to Coimisiún na Meán's Public Consultation on Ireland's First Binding Online Safety Code.

Date: 31st January 2024

Contact: Adam Long [REDACTED]

Introduction

The National LGBT Federation (NXF) was founded in 1979 and is one of Ireland's oldest civil society organisations dedicated to advancing LGBT+ rights.

We campaign for the full social, legal and cultural emancipation of LGBT+ people both in Ireland and beyond. This includes chairing the annual Pride Political Debate and the Pride Leaders Series with the Taoiseach and other significant political figures.

We also publish *Gay Community News* and organise the annual GALAs LGBT+ Awards ceremony.

We welcome the opportunity to respond to this consultation and are pleased that the era of self-regulation for online platforms is coming to an end. In doing so, we wish to highlight the following in particular:

- *The disproportionate impact of online hate speech & disinformation on LGBT+ communities and the need for the Online Safety Code to explicitly acknowledge that reality. (See BeLong To research outlined in their September 2023 submission).**
- *Robust and proactive enforcement of all tools available to the Commission to tackle the proliferation of hate, disinformation and extremism, particularly directed against LGBT+ and other minority communities.**
- *In addition to the DSA, the need for the Online Safety Code to align with the incoming Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill, whose protected characteristics cover both sexual orientation and gender identity/expression.**
- *Addressing the issue of algorithmic promotion of hateful and extreme content.**
- *Clear requirements for social media platforms relating to reporting, the platform's response, and community guidelines.**

Questions

What are the main online harms you would like to see it address and why?

The issue of hateful anti-LGBT+ content, and misinformation relating to the LGBT+ community and LGBT+ identities, is the main concern for the National LGBT Federation in relation to the new Online Safety Code.

The European Digital Media Observatory (EDMO), an international organisation that seeks to analyse disinformation, reported in May of this year that “mis- and disinformation targeting the LGBT+ community is one of the most present and consistent in the European Union”. Research conducted in 2021 found that LGBT+ people experience 50% more online hate and harassment than any other minority group.

The proliferation of conspiracy thinking, misinformation and disinformation relating to a range of communities and topics, including LGBT+ people, has increasingly resulted in real-world violence against LGBT+ individuals, spaces and events. In Ireland, this has also manifested as hateful so-called ‘protests’ in public libraries and book shops, opposing the availability of books which represent LGBT+ experiences and identities.

What types of online harms do you think should attract the most stringent risk mitigation measures by VSPS?

Online harms which amount to criminal behaviour should attract the most stringent risk mitigation measures by VSPS. This includes incitement to hatred on grounds of sexual orientation and gender identity/expression as per the aforementioned incoming Hate Crime Bill.

To what extent, if at all, should the Code require VSPS providers to take measures to address content connected to video content?

Consideration should be given to the Code requiring VSPS providers to take measures to address content connected to video content, such as captions and comments.

Earlier this year, Belong To released findings relating to the experiences of LGBT+ young people living in Ireland and their social media use. A shocking 87% of LGBT+ youth had seen or experienced anti-LGBT+ hate and harassment on social media in the past year. 65% of LGBT+ young people surveyed had reported this content to a social media platform.

Among young people who reported this content, only 21% saw action from the relevant social media platform; anti-LGBT+ content was removed in 12% of cases, 4% saw the offending user temporarily suspended, and 5% of reports resulted in the offending account being banned. The remaining 79% of LGBT+ young people were either informed that no violation of community guidelines was found, or received no response from the platform.

In this research, community guidelines arose as a significant issue for young people attempting to report anti-LGBT+ content. It is vital that community guidelines are considered as part of this potential requirement, to ensure that, for example, harmful

content posted as a comment in response to content that does not breach the code is treated as seriously as harmful video content.

X, formerly known as Twitter, has an especially poor record in this area and has, in the absence of a robust regulatory framework, become the leading online space for the spread of hate speech and disinformation, particularly of a far-right hue. It is vital that X and its bad actors are held to account under the new Online Safety Code.

To what extent should we align the Code with similar provisions on flagging in the DSA?

The DSA (Article 16) will require platforms to put in place a notification mechanism for illegal content and require them to process the notifications in a timely, diligent, non arbitrary and objective manner. This should be integrated into the Code being developed. Requiring users to determine whether they are flagging content under the DSA or the Code would place a significant burden on the user and could act as a deterrent to children and young people flagging illegal and harmful online content and, as such, would not be considered a user-friendly approach to integrating the DSA.

**Coimisiún na Meán - Consultation Document: Online Safety
DCEDIY – Child Protection Policy and Legislation Unit (CPPLU) Response
January 2024**

Consultation Question:

4. What is your view on the other definitions of illegal content and regulated content?

The definition of “illegal content harmful to the general public” and “regulated content harmful to the general public” including content which constitutes a criminal offence relating to child pornography and content that incites violence or hatred against an individual or group is to be welcomed.

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

We agree that it must be made clear in a video-sharing platform service (VSPS) provider’s terms and conditions that any uploading or sharing of illegal content harmful to the general public and regulated content harmful to the general public should be prohibited. We also agree that illegal content harmful to children should be prohibited.

We welcome the provision that providers are to also prohibit the uploading or sharing of regulated content harmful to children and note the exceptions under 11.3-11.8 in this regard.

7. What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

We would suggest that consideration be given to making a distinction in the draft Code between users who have infringed and users who have repeatedly infringed the terms and conditions of the service. We would suggest that suspension of the account may be appropriate for the former group and termination of the account may be appropriate for the latter group.

9. What is your view on the requirements in the draft Code in relation to age verification?

The age verification requirements are welcome to ensure that children are protected from age-inappropriate content. The proposal to not specify the particular techniques for age verification appears to be well considered and provides room for flexibility as technology develops.

We welcome the requirement for providers to be transparent about the age verification techniques that they use and entirely agree that self-declaration of age is not an effective age verification technique.

10. What is your view on the requirements in the draft Code in relation to content rating?

It is noted that, pending the consideration by the Commission of introducing a consistent system of content rating, the draft Code will require VSPS providers to establish easy-to-use rating systems in which users will rate content.

In this regard, the advice for VSPS providers around content rating contained in the draft Statutory Guidance¹ is important. That is, providers should facilitate users to rate content based on the national ratings system in effect in their country eg IFCO for Ireland. The measures suggested for providers to develop the media literacy skills of their users, including around understanding harmful content, understanding the content rating feature being used on the service and sharing content responsibly and safely is welcome.²

11. What is your view on the requirements in the draft Code in relation to parental controls?

The guidelines set out for parental controls in the draft code are to be welcomed. It is important that parents have the ability to put controls in place over the content that their children are accessing. Therefore, it is important that these controls are made accessible and offered when an account is created.

18. What is your view on the requirements in the draft Code in relation to media literacy measures?

We welcome the broad range of media literacy measures suggested for providers in the draft Statutory Guidance³, particularly those measures focussed on addressing harmful content.

25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?

We welcome the draft Statutory Guidance to accompany the draft Code. The advice to VSPS providers to direct users to best practice guidelines on how to avoid causing harm or avoid disseminating harmful content is welcome. In this regard, we would support the Commission's proposal to publish sample best practice guidelines on its website.

We note that the Commission advises that the measures providers take to develop the media literacy skills of their users⁴ should aim to, inter alia, promote users' awareness of the provider's responsibilities under the Code. We would suggest including a reference to promoting users' awareness of their own responsibilities under the terms and conditions of the service in this part of the Guidance.

28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Safety by design

We support the Commission's proposal to require VSPS providers to conduct safety impact assessments that are effective in identifying and mitigating safety issues, especially those that affect children and to provide statutory guidance on this. We also support the proposal

¹ On p.68/69 of the draft Statutory Guidance

² On p.73/74 of the draft Statutory Guidance

³ On p.73/74 of the draft Statutory Guidance

⁴ On p. 73/74 of the draft Statutory Guidance

to require providers to submit a copy of their online safety impact assessment, on request, to the Commission.⁵

As noted in DCEDIY's previous submission, the Children First Act 2015 requires organisations providing 'relevant services' to children to keep children safe from harm while they are using the service, to undertake a risk assessment and to develop a Child Safeguarding Statement (CSS) setting out the procedures in place to manage any risk identified. These should include policies and procedures on child safeguarding awareness and training and the reporting of child protection concerns. The types of organisations to which these statutory obligations apply are set out in Schedule 1 to the Act. The onus is on VSPS providers to examine the legislation to determine whether any aspect of their work brings them within the definition of 'relevant services'. Further information on the statutory obligations of relevant services and safeguarding best practice for all organisations working with children and young people can be found on the Tusla website <https://www.tusla.ie/children-first/organisations/>

Online Safety Supports

We agree that the protection of users from harm should include providing support for users who are affected by illegal or harmful content. We note the range of options the Commission will encourage VSPS providers to consider to support users so affected.⁶ For the last item, '*contacting local authorities in circumstances where the provider considers there may be an imminent and serious risk to the life or health of a user*', we would suggest that this be amended to include '*...where **the user or** the provider considers...*'. It may also be helpful to clearly state that the police service should be contacted in such instances.

For the Commission's information, the Children First National Guidance (2017) includes definitions of child abuse and signs for its recognition. It also explains how reports about reasonable concerns of child abuse or neglect should be made by the general public and professionals to Tusla. The Guidance as well as the Children First Act 2015 is available on the Tusla website <https://www.tusla.ie/children-first/children-first-guidance-and-legislation/>

Anyone who is concerned about a child in Ireland should contact Tusla. Details about local duty social work offices are available on the Tusla website at <https://www.tusla.ie/children-first/contact-a-social-worker3/> or child protection concerns can also be reported through the Tusla online portal at <https://www.tusla.ie/children-first/web-portal/>. In cases of emergency, where a child or young person appears to be at immediate and serious risk, An Garda Síochána (AGS) should be contacted. It might be helpful for the Commission to include this information in their guidance material for VSPS providers supporting users affected by illegal or harmful content.

⁵ On p.76 of the draft Statutory Guidance

⁶ On. P.77 and p.79 of the draft Statutory Guidance

Message

From: Josée Paquin [REDACTED]
Sent: 01/02/2024 12:33:39
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Message

From: Arjan de Jong [REDACTED]
Sent: 01/02/2024 15:08:49
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Arjan de Jong

Message

From: Barry Cross [REDACTED]
Sent: 01/02/2024 18:29:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,



Belong To Submission to Coimisiún na Meán on the draft Online Safety Code and Statutory Guidance Material

31st January 2024

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Introduction

Belong To, LGBTQ+ Youth Ireland is a national organisation supporting lesbian, gay, bisexual, transgender and queer (LGBTQ+) young people. Since 2003, Belong To has worked with LGBTQ+ youth to create a world where they are equal, safe and thriving in the diversity of their identities and experiences.

The organisation advocates and campaigns with and on behalf of LGBTQ+ young people and offers specialised LGBTQ+ youth services in Dublin, including crisis counselling with Pieta, and supports a network of LGBTQ+ youth groups across Ireland. Belong To also supports educators and other professionals working with LGBTQ+ youth with training, capacity building and policy development.

We strongly welcome the opportunity to contribute to the meaningful work of Coimisiún na Meán on developing Ireland’s first binding Online Safety Code for video-sharing platform services.

Belong To’s Online Safety Work

Online safety is a key strategic priority for Belong To. In relation to policy, Belong To is proud to have staff and youth representatives as members of Coimisiún na Meán’s Youth Advisory Committee, and the organisation is a member of the Children’s Rights Alliance Online Safety Advisory Group. The importance of digital literacy, and empowering young people with the information needed to navigate online spaces safely, were key elements of our submission to the National Council on Curriculum and Assessment (NCCA) as part of the review of the Social Personal and Health Education (SPHE) curriculum for Junior Cycle and Senior Cycle students.¹ We were pleased to see a number of recommendations relating to online safety, digital literacy and the rights of young people online included in the final curriculum.

¹ Belong To (2022) ‘Draft Specification for Junior Cycle SPHE – NCCA Consultation’. [Available here.](#)

Since 2022, Belong To has run 'It's Our Social Media', an annual digital media campaign combatting online hate speech experienced by LGBTQ+ youth, while empowering young people to take back social media, protect themselves online, and to hold social media companies accountable as we work to make spaces safe for users. Another key component of this campaign was our microsite, itsoursocialmedia.com, which acted as an online hub that housed resources on how to stay safe online, digital self-care tips and much more. This year, the campaign theme is tackling disinformation and misinformation, with information on how to recognise, verify and report online misinformation and disinformation.

Research Background: LGBTQ+ Youth and Social Media

Online Harms and LGBTQ+ Youth

Internationally, LGBTQ+ youth are found to be more likely to experience bullying or harassment online than their non-LGBTQ+ peers, and less likely to feel safe while using social media.² Research shows that anti-LGBTQ+ online hate leads to LGBTQ+ youth feeling inferior and shameful about their identity, therefore developing an internalised sense of blame for the hateful content they witnessed.³ In response, LGBTQ+ young people were found to have developed the long-term coping strategies of isolating themselves socially, or repressing the visibility of their LGBTQ+ identity in public and community spaces.

In 2023, Belong To released findings relating to the experiences of LGBTQ+ young people living in Ireland and their social media use.⁴ A shocking 87% of LGBTQ+ youth had seen or experienced anti-LGBTQ+ hate and harassment on social media in the past year. 65% of LGBTQ+ young people surveyed had reported this content to a social media platform. Among young people who reported this content, only 21% saw action from the relevant social media platform; anti-LGBTQ+ content was removed in 12% of cases, 4% saw the offending user temporarily suspended, and

² GLSEN (2013) *Out Online: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth on the Internet*. GLSEN: New York. [Available here.](#)

³ Keighley, R. (2022) 'Hate Hurts: Exploring the Impact of Online Hate on LGBTQ+ Young People', *Women & Criminal Justice*, 32:1-2, 29-48. [Available here.](#)

⁴ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here.](#)

5% of reports resulted in the offending account being banned. The remaining 79% of LGBTQ+ young people were either informed that no violation of community guidelines was found or received no response from the platform.

Published in 2016, the *LGBT Ireland Report* found that 23% of LGBTQ+ participants reported having hurtful things written about them on social media.⁵ This was proportionately higher among trans people, at 34%, and among LGBTQ+ participants aged 14-25, at 32%.

An increase in the far-right movement globally has mapped a wide-scale increase in anti-LGBTQ+ hate, harassment and discrimination, both online and offline. Social media algorithms have served to facilitate and promote this proliferation of hateful content and disinformation. As documented by organisations such as Hate Aid, social media platforms have allowed for the convergence of far-right, right-wing, radical right, religious extremist, anti-LGBTQ+ and Covid-sceptic actors, fuelled by an algorithmic business model that understands the mass engagement with and dissemination of this content as profitable.⁶ This has increasingly resulted in real-world, hate-motivated violence, particularly against LGBTQ+ people.⁷

The European Digital Media Observatory (EDMO), an international organisation that seeks to analyse disinformation, reported in May of this year that “mis- and disinformation targeting the LGBTQ+ community is one of the most present and consistent in the European Union”.⁸ Research conducted in 2021 found that LGBTQ+ people experience 50% more online hate and harassment than any other minority group.⁹

⁵ Higgins A. et al. (2016) *The LGBT Ireland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland*. Dublin: GLEN and Belong To. [Available here](#).

⁶ Hate Aid (2023) ‘Small changes – big effect: how hate on the internet can be reduced’. [Available here](#).

⁷ Squirrell, T. and Davey, J. (2023) *A Year of Hate: Understanding Threats and Harassment Targeting Drag Shows and the LGBTQ+ Community*. Institute of Strategic Dialogue: London. [Available here](#).

⁸ Panizio, E. and Canetta, T. (2023) ‘Rights in the time of conspiracies and fake news: disinformation against LGBTQ+ in the EU’. European Digital Media Observatory: Italy. [Available here](#).

⁹ ADL Centre for Technology & Society (2021) *Online Hate and Harassment: The American Experience*. ADL: New York. [Available here](#).

Benefits of Online Spaces for the LGBTQ+ Community

Despite the above outlined harms, it is important to highlight the importance of social media and online spaces for LGBTQ+ young people, and to ensure their continued access to content that is informative, entertaining and inclusive.

International research shows that LGBTQ+ young people use social media at much higher rates than non-LGBTQ+ youth, often to seek community and to look for the safe spaces and information they may not have access to in real life.¹⁰ In an Irish context, this source of community and support is particularly important for LGBTQ+ youth, 56% of whom live in home environments that are not supportive of their LGBTQ+ identity.¹¹

As part of the *LGBT Ireland Report*, participants were asked about their experiences of coming out, and finding support and information relating to this.¹² The internet, social media and traditional media were identified as the most significant practical elements in helping participants to come out. Social media was named as useful in finding out about LGBTQ+ identities, getting advice on approaches to coming out, and exploring one's own identity. Relating to this submission in particular, several participants named accessing others' experiences of identifying as LGBTQ+ and coming out through YouTube videos as an important source of hope, inspiration and advice. One participant shared:

"Hearing people's stories and experiences on YouTube was invaluable to me. YouTube was also extremely helpful to see people living their lives happily while out of the closet. (Gay male, 19)"

¹⁰ Steinke, J. Root-Bowman, M. Estabrook, S. Levine, D. Kantor, L. (2017) 'Meeting the Needs of Sexual and Gender Minority Youth: Formative Research on Potential Digital Health Interventions', *Journal of Adolescent Health* 60(5). [Available here.](#)

¹¹ Belong To (2021) *LGBTI+ Life in Lockdown: One Year Later*. Dublin: Belong To. [Available here.](#)

¹² Higgins A. et al. (2016) *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland*. Dublin: GLEN and Belong To. [Available here.](#)

Responses to Consultation Questions

Question 1: Comments on sections 1-9

Do you have any comments on sections 1 - 9 of the draft Code?

Section 4.2

Recommendation:

- Consider including the UN Convention on the Rights of the Child, the Equal Status Acts 2000-2018 and the Irish Human Rights and Equality Commission Act 2014 among the rights with which the Commission must act in accordance.
- The purpose of these inclusions is to ensure that the Code is rooted in a children's rights framework, that it names the protected characteristics under both EU and Irish equality law, and that it acknowledges the Public Sector Equality and Human Rights Duty as applies to Coimisiún na Meán.

Section 4.8

Recommendation:

- Suggested rewording to incorporate Irish equality law:
“that contain incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in either Article 21 of the Charter or the Equal Status Acts 2000-2018.”
- The purpose of this amendment is to ensure that gender, in addition to sex, is considered to be a protected characteristic. It also provides protection for members of the Traveller community, who are not legally designated as a national minority in accordance with the EU Charter.

Recommendation:

- Suggested rewording to incorporate national criminal law:
“which is a criminal offence under European Union law, namely public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/54, offences concerning child pornography within the meaning given to the term in Article 5(4) of Directive 2011/93/EU of the European Parliament and of the Council, and offences concerning racism and

xenophobia as set out in Article 1 of Framework Decision 2008/913/JHA, or an activity which constitutes a criminal offence under national law.”

- The purpose of this amendment is to ensure that complementary legislation such as the Harassment, Harmful Communications and Related Offences Act 2020, and the incoming Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 are fully incorporated into the Code.

Section 4.13

Recommendation:

- Suggested rewording to incorporate Irish equality law:
“The Commission is required to act in accordance with the Constitution, the Charter, the ECHR and the Equal Status Acts 2000-2018.”
- The purpose of this amendment is to ensure that gender, in addition to sex, is considered to be a protected characteristic. It also provides protection for members of the Traveller community, who are not legally designated as a national minority in accordance with the EU Charter.

Question 2: Comments on user-generated content

What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

Section 10

- This is very welcome, and we strongly encourage that the Code retain this approach.
- In 2023, Belong To made the decision to remove the organisation’s account from the social media platform X/Twitter due to ongoing harassment, graphic and hateful commentary, and the spread of misinformation about LGBTQ+ lives.¹³ Much of this harmful content took the format of replies to and reposts of the organisation’s content, which comes within the scope of “user-generated content that is indissociable from user-generated videos”.
- LGBTQ+ young people consulted in advance of this submission also shared that the majority of harmful anti-LGBTQ+ content they witness comes in the

¹³ For further details on Belong To’s decision to leave X/Twitter, [read our full statement here](#).

form of responses and comments to content generated by or about members of the LGBTQ+ community. Blocking users who generate anti-LGBTQ+ content will remove this content from their social media feeds, however, it remains prevalent in the comment sections of videos made by or for LGBTQ+ young people.

Question 3: Comments on definitions of illegal and harmful content

What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

Section 10

- We support these inclusions, and especially welcome the naming of bullying and humiliation within the definition of “regulated content harmful to children”.

Question 4: Comments on other definitions of illegal and regulated content

What is your view on the other definitions of illegal content and regulated content?

Section 10

Recommendation:

- Consider including the following, which are listed within the definition of “regulated content harmful to children”, within the definition of “regulated content”:
 - (a) content by which a person bullies or humiliates another person,
 - (b) content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder,
 - (c) content by which a person promotes or encourages self-harm or suicide,
 - (d) content by which a person makes available knowledge of methods of self-harm or suicide.
- The purpose of this amendment is to safeguard the mental health and wellbeing of all VSPS users, not just those under the age of 18. This is particularly important for members of the LGBTQ+ community, who report high rates of harassment, suicide ideation and self-harm.

- Published in 2016, the *LGBT Ireland Report* found that 23% of LGBTQ+ participants across age groups reported having hurtful things written about them on social media.¹⁴ This was proportionately higher among trans people, at 34%, and among LGBTQ+ participants aged 14-25, at 32%.
- The same report found that, among LGBTQ+ participants of all ages, 60% had seriously thought of ending their own life and 21% had attempted suicide. Also across age groups, 34% of LGBTQ+ participants had self-harmed, rising to 43% among LGBTQ+ people aged 19-25.

Recommendation:

- Suggested rewording of the definition of “regulated content harmful to the general public” to incorporate Irish equality law:
 “content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union and/or the Equal Status Acts 2000-2018, namely gender, sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation, family status, marital status, and membership of the Traveller community.”
- The purpose of this amendment is to ensure that gender, in addition to sex, is considered to be a protected characteristic. It also provides protection for members of the Traveller community, who are not legally designated as a national minority in accordance with the EU Charter.

Recommendation:

- With respect to the Code being reviewed “from time to time”, it is recommended that the Code be scheduled for review upon the passage of relevant legislation, for example upon the enactment of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.

¹⁴ Higgins A. et al. (2016) *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland*. Dublin: GLEN and Belong To. [Available here](#).

Question 5: Comments on remaining definitions

Do you have any comments on any other definitions in the draft Code?

Section 10

Recommendation:

- It is very welcome that live-streaming is defined as a form of user-generated content. This content must be stored by a VSPS, in a manner compliant with privacy and GDPR, to allow for investigation, for example where content in the live-stream is alleged to amount to incitement to hatred.

Section 10

Recommendation:

- Review the definition of “commercial communications” and update The Guidance accordingly to ensure that the Code sufficiently accounts for the provision of a good or service for free, with the expectation of user-generated promotion, where there is no explicit requirement of the same.
- LGBTQ+ young people consulted in advance of this submission raised the issue of commercial communications spanning a broad range of promotional content, with various forms of payment or benefits in kind, produced by a significant number of users with varying audience sizes.
- The group highlighted the issue of users who may not be considered ‘influencers’ or ‘content creators’ being gifted goods, invited to restaurants or provided with services for free, without direct payment or partnership by the brand involved. Young people expressed that these users are motivated to create content that positively reviews these goods and services, in the hope that this may lead to future ‘gifting’, brand partnerships or sponsored content.
- However, young people felt there was a lack of clarity as to whether users are required to state that they had been directly contacted by the company or service, and that much of the user-generated content appeared organic.

Section 10

Recommendation:

- Suggested rewording of the definition of “audiovisual commercial communications harmful to the general public” to incorporate Irish equality law:
“audiovisual commercial communications which include or promote any discrimination based on: gender, sex, racial or ethnic origin, nationality, religion or belief, disability, age, sexual orientation family status, marital status, or membership of the Traveller community.”
- The purpose of this amendment is to ensure that gender, in addition to sex, is considered to be a protected characteristic. It also provides protection for members of the Traveller community, who are not legally designated as a national minority in accordance with the EU Charter.

Question 6: Comments on terms and conditions

What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?

Section 11

Recommendation:

- The Code should specify that terms and conditions should be written in plain, accessible language that can be easily understood by all users, and children and young people in particular.
- As detailed by the 5Rights Foundation, it is vital that terms and conditions:
 - use simple language.
 - aid comprehension.
 - be concise.
 - be presented in multiple formats for different age ranges.
 - be prominent and easy to find.
 - be presented at the right moments in a user journey.
 - consider the diverse needs of young people.
 - not assume adult involvement.
 - cater for children with accessibility needs.

- ensure that consent must be obtained and sought, not assumed.
- ensure users are given meaningful choices.¹⁵

Sections 11.6 and 11.7

Recommendation:

- Consider including additional requirements for the platform to implement measures relating to adult content, so as to ensure that users follow terms and conditions. Currently there appears to be disproportionate onus on the user to flag content that is not suitable for children.
- The 5RightsFoundation recommends that effective content moderation ensures that the burden is not primarily placed on users to address harmful content through flagging mechanisms.¹⁶

Question 7: Comments on suspension or termination of accounts

What is your view on the requirement in the draft Code for a VSPS provider to suspend or terminate an account in certain circumstances?

Section 11

- This requirement is welcome, and we encourage its retention with minor amendments.

Section 11.9

Recommendation:

- The guidance should contain a benchmark as to what is deemed 'repeated' breaches of terms and conditions.
- Similarly, the Guidance should detail specific benchmarks for the number of breaches of terms and conditions which will lead to suspension for each of the following categories: "illegal content harmful to the general public"; "illegal content harmful to children"; "regulated content harmful to the general public" and "regulated content harmful to children".

¹⁵ 5Rights Foundation, Tick to Agree Age appropriate presentation of published terms September 202, 10-22. [Available here.](#)

¹⁶ 5Rights Foundation, Tick to Agree Age appropriate presentation of published terms September 2021, 34. [Available here.](#)

- The Guidance should also set out parameters for time limits on responding to reported content, handling a user’s report, and suspending or removing an account.

Section 11.9

Recommendation:

- Consider whether the Guidance should advise that breaches of terms of conditions on the basis of “illegal content harmful to the general public” and “illegal content harmful to children” should lead to the immediate suspension of a user’s account.
- The purpose of this amendment is to acknowledge the difference in the severity of harm caused by “illegal content harmful to the general public” and “illegal content harmful to children” as compared to “regulated content harmful to the general public” and “regulated content harmful to children”.

Question 8: Comments on reporting and flagging content

What is your view on the requirements in the draft Code in relation to reporting and flagging of content?

Section 11

- We are concerned about platforms placing disproportionate onus on users to report or flag content, and whether these reports will be effectively addressed.
- In 2023, Belong To released findings relating to the experiences of LGBTQ+ young people living in Ireland and their social media use.¹⁷ 87% of LGBTQ+ youth had seen or experienced anti-LGBTQ+ hate and harassment on social media in the past year. 65% of LGBTQ+ young people surveyed had reported this content to a social media platform.
- Among young people who reported this content, only 21% saw action from the relevant social media platform: anti-LGBTQ+ content was removed in 12% of cases, 4% saw the offending user temporarily suspended, and 5% of reports resulted in the offending account being band. The remaining 79% of LGBTQ+

¹⁷ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here](#).

young people were either informed that no violation of community guidelines was found, or received no response from the platform.

- While a user flagging mechanism is important, it should not be the primary means relied upon to address harmful content.
- VSPSs should be bound by a duty of care towards their users, meaning that the onus should be on social media platforms to address this harmful content before it reaches a critical mass of users. This could be achieved by proactively monitoring content produced by users who have previously been reported for violations of community guidelines for potential further breaches.
- For user flagging mechanism to be effective, there must be consistent application of community guidelines / platform terms and conditions. The research cited above highlights current inconsistencies in the application of community guideline. LGBTQ+ young people consulted for this submission reported that such ineffective applications had led them to 'give up' on reporting harmful content.

Section 11.13, 11.14

Recommendation:

- Consider whether the Guidance should advise as to maximum timeframes for informing a notifier of a decision following a report or flagged content.

Question 9: Comments on age verification

What is your view on the requirements in the draft Code in relation to age verification?

Section 11.16

Recommendation:

- Consideration should be given to age verification measures which require the input and/or consent of a parent, carer or guardian, balanced against rights enshrined under the UN Convention on the Rights of the Child to freedom of expression (article 13); freedom of thought, conscience and religion (article 14); freedom of association (article 15); and access to appropriate information (article 17), where the child has reached the age of digital consent (age 16).

Section 11.16

Recommendation:

- Age verification measures should be cognisant of trans, non-binary and gender non-conforming young people, whose usernames and gender may not reflect that which is stated on government-issued documents such as a passport or drivers licence. Where this is the case, alternate means of age verification as detailed in the Guidance should be made available to the young person.

Question 10: Comments on content rating

What is your view on the requirements in the draft Code in relation to content rating?

Section 11.22

Recommendation:

- It would be beneficial for the Guidance to include a requirement for content rating to be sensitive to LGBTQ+ topics, to ensure that age-appropriate content that covers LGBTQ+ topics is not incorrectly rated as suitable for an adult audience only.
- Experts in the area of online disinformation and misinformation have warned about the deliberate conflation of age-appropriate information relating to LGBTQ+ people and identities, and use of the anti-LGBTQ+ “groomer” slur.¹⁸ As such, it is vital that content-rating processes, particularly in a case where it is determined algorithmically, do not automatically deem LGBTQ+-related content to be inappropriate for children and young people.

Section 11.23

Recommendation:

- Following from the above, platforms should engage with the LGBTQ+ sector when developing a content rating system to ensure that it does not inadvertently miscategorise LGBTQ+-related content that would be suitable for people under the age of 18.

¹⁸ Gallagher, A., O'Connor, C. and Visser, F. (2023) 'Uisce Faoi Thalamh: An Investigation Into the Online Mis- and Disinformation Ecosystem in Ireland'. *Institute for Strategic Dialogue*. [Available here](#).

Section 11.23

Recommendation:

- Consideration of a consistent means of content rating is noted in the Guidance, this is welcome and should be prioritised in the interest of user-friendliness and accessibility of these mechanisms.

Question 11: Comments on parental controls

What is your view on the requirements in the draft Code in relation to parental controls?

Section 11.27

Recommendation:

- Consider whether a child has the right to be informed as to the operation of parental controls on their user account, the nature of these controls, and what information a parent can be alerted to relating to their activity on the VSPS, in the context of a child's right to privacy in line with Article 16 of the United Nations Convention on the Rights of the Child and the digital age of consent being age 16.
- The right to privacy is an important concern for all children, but is particularly important for LGBTQ+ young people. In Ireland, 56% of LGBTQ+ youth live in home environments that are not supportive of their LGBTQ+ identity.¹⁹ The same research, involving 2,279 LGBTQ+ young people aged 14-24, found that 119 or 6% of participants had experienced homelessness in the past year, 13% of whom were at some point forced to sleep outdoors. A leading cause of homelessness in this research was being forced out of home by family members who did not accept their LGBTQ+ identity. This finding is supported by other research into LGBTQ+ youth homelessness in Ireland.²⁰ Ireland's national *Youth Homelessness Strategy 2023-2025* names LGBTQ+ young people as a cohort vulnerable to youth homelessness on account of family rejection among other factors.²¹

¹⁹ Belong To (2021) *LGBTI+ Life in Lockdown: One Year Later*. Dublin: Belong To. [Available here](#).

²⁰ Quilty, A. & Norris, M. (2020). A Qualitative Study of LGBTQI+ Youth Homelessness in Ireland. Dublin: Focus Ireland/BeLong To. [Available here](#).

²¹ (2023) *Housing for All: Youth Homelessness Strategy 2023-2025*. Department of Housing. [Available here](#).

Section 11.27

Recommendation:

- Taking into account a child’s right to privacy in line with Article 16 of the United Nations Convention on the Rights of the Child and the digital age of consent being 16 years old, explore whether children aged 16 and 17 should have the right to opt-out of certain parental control features detailed in the Guidance and how this could be represented in the Code.

Question 12: Comments on complaints

What is your view on the requirements in the draft Code in relation to complaints?

Section 11.27

Recommendation:

- The guidance document should detail what is considered timely and effective with respect to complains and decision-making. This guidance should clearly state that providing notification of a decision in a timely manner, but failing to consistently apply terms and conditions or community guidelines, cannot be considered effective.
- The information contained in the guidance document should be modelled on the UN General Comment on children’s rights in the digital environment, detailed below.
- In its 2021 General Comment on children’s rights in relation to the digital environment, the UN Committee on the Rights of the Child set out a number of recommendations relating to complaint handling and resolution.²² It recommended that judicial and non-judicial remedial mechanisms be made available for children in relation to digital rights violations, and that these mechanisms be “widely known and readily available to all children”. Additionally, the Committee recommended that complaint handling be “swift”, and that these mechanisms be “free of charge, safe, confidential, responsive, child-friendly and available in accessible formats”.

²² UN Committee on the Rights of the Child, General Comment no 25 (2021) on children’s rights in relation to the digital environment, CRC/C/GC/25, para 44-46. [Available here.](#)

Question 14: Comments on non-marketed commercial communications

What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are not marketed, sold or arranged by the VSPS provider?

Section 12.1

Recommendation:

- A labelling system used consistently across platforms to indicate the presence of commercial communications, as mentioned in the draft guidance, should be prioritised for inclusion in the Code.
- For this labelling system to be effective for all forms of commercial communications, including both those involving direct payment and those which provide goods and services free of charge with the expectation of promotion by the user, the definition of 'commercial communications' under the Code should be reviewed.

Section 12.5

Recommendation:

- The guidance document should contain a benchmark as to what is deemed 'repeated' breaches of terms and conditions by users who engage in commercial communications, as distinct from users who do not.
- Similarly, the guidance document should consider whether the threshold for suspension of users engaged in commercial communications, in terms of the number of breaches of terms and conditions required, should be lower than for other users. This is to reflect the fact that users who produce commercial communications will, on average, have a larger audience than the average user. As a result, the capacity for harm done by breaches of terms of conditions by these users may be higher.

Question 15: Comments on marketed commercial communications

What is your view on the requirements in the draft Code in relation to audiovisual commercial communications which are marketed, sold or arranged by the VSPS provider?

Section 12.6

Recommendation:

- A labelling system used consistently across platforms to indicate the presence of commercial communications, as mentioned in the draft guidance, should be prioritised for inclusion in the Code.
- Consider specific penalties for a VSPS where the platform fails to comply with the requirement for commercial communications marketed, sold or arranged by a VSPS to be readily recognisable as such.

Section 12.8

Recommendation:

- The guidance document should contain details as to the penalty for a VSPS which markets, sells or arranges commercial communications harmful to children and/or the general public.

Question 16: Comments on declaration of commercial communication

What is your view on the requirements in the draft Code in relation to user declarations that user-generated content contains an audiovisual commercial communication?

Section 12.11

Recommendation:

- The process for identifying user-generated content that contains commercial communication should be consistent with the labelling system for marketed, sold and arranged commercial communications, in the interest of transparency and user-friendliness.

- For this labelling system to be effective for all forms of commercial communications, including both those involving direct payment and those which provide goods and services free of charge with the expectation of promotion by the user, the definition of 'commercial communications' under the Code should be reviewed.

Question 18: Comments on media literacy measures

What is your view on the requirements in the draft Code in relation to media literacy measures?

Section 13.1

Recommendation:

- Suggested rewording of the below to include plain English, accessibility and the provision of materials and resources in a range of languages:
"Video-sharing platform service providers shall provide effective media literacy measures and tools and shall take steps to raise users' awareness of those measures and tools, ensuring associated resources and materials use plain English and are provided in a range of languages."

Section 13.2

Recommendation:

- In the Guidance, consider including the recommendation that research into media literacy and participation into forums and campaigns to promote media literacy are funded in part by the VSPS.

Question 19: Comments on processing of personal data

What is your view on the requirements in the draft Code in relation to ensuring the personal data of children is not processed for commercial purposes?

Section 13.3

Recommendation:

- This measure is strongly encouraged.
- Consider specifying that personal data collected by other apps and services should not be used by a VSPS in marketing, profiling or targeting of children.

Question 20: Comments on reporting in relation to complaints

What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

Section 13.4

Recommendation:

- Consider including a requirement for these reports to be made publicly available, including in plain English format, in the interest of research and identification of recurring trends by civil society organisations, policymakers and other stakeholders.

Section 13.4

Recommendation:

- Consider specifying that these reports should include details as to the number and outcome of complaints and other matters where the content at the subject of the complaint relates to one of the protected characteristics named in the code.

Section 13.4

Recommendation:

- Consider including a provision that a VSPS which fails to comply with this requirement, does not fulfil the requirement in full, or is suspected of misrepresenting information in relation to complaints will be subject to external auditing as per section 139P of the Act.

Question 23: Comments on Annex

Do you have any comments on the Annex?

Table B

Recommendation:

- Ensure that the Annex is regularly updated as new, relevant legislation is enacted, such as the incoming Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.

Question 25: Comments on draft Guidance

Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by the Commission at section 139ZA of the Act?

General Guidance

Recommendation:

- Within the explanation of 'safe', consider making explicit reference to ensuring the protection of users with protected characteristics.

Terms and Conditions

Recommendation:

- With respect to best practice, it may not be sufficient to allow providers to decide what this constitutes. Consider including minimum requirements for best practice within the Guidance.

User-Friendly Reporting and Flagging

Recommendation:

- Consider the recommendation that staff involved in content moderation decisions undergo cultural awareness and sensitivity training, to ensure that there is a clear understanding of the context within which content can be considered harmful, in particular with regard to LGBTQ+ topics, race, ethnicity and membership of the Traveller community.

Parental Controls

Recommendation:

- As noted under the response to Question 11, it is recommended that provisions relating to parental controls are reviewed with regard to the digital age of consent (age 16) to ensure that they are compliant with children's rights, as set out by the UN Convention on the Rights of the Child.

Complaints

Recommendation:

- Consider including the requirement that details as to making a complaint are available in plain English and in a range of languages other than English.
- The provision regarding trusted flaggers and nominated bodies is very welcome, and we strongly encourage its retention.

Commercial Communications

Recommendation:

- As noted previously, it is strongly recommended that the definition and explanatory note for commercial communications include the provision of goods and services free of charge, where the individual uploads user-generated content about the good or service but was not explicitly/contractually obliged to do so.

Safety by Design

Recommendation:

- As noted previously, it is strongly recommended that the list of protected characteristics include those detailed in both the EU Charter and Equal Status Acts 2000-2018, namely gender, sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation, family status, marital status, and membership of the Traveller community.

Recommender Systems

Recommendation:

- The measures detailed under this section are very welcome. This is a highly important area, and the effectiveness and implementation of this guidance should be reviewed regularly in close collaboration with stakeholders and service providers.
- Consider including a recommendation that the service providers engage with the National Counter Disinformation Strategy Working Group²³ upon developing a recommender system safety plan.

²³ The development of a National Counter Disinformation Strategy is a key recommendation from the Future of Media Commission (FoMC) which called for a more coordinated and strategic approach to combat the damaging impact of disinformation on Irish society and democracy. The new strategy will be informed by Ireland's existing media literacy initiatives, domestic legislation such as the Online Safety and Media Regulation Act and European regulatory measures including the Digital Services Act ([link to press release, available here](#)). [Further details available here](#).

Message

From: Sharron Haigh [REDACTED]
Sent: 02/02/2024 11:20:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,
Sharron

Submission to Coimisiún na Meán on the Draft Online Safety Code for Video-Sharing Platform Services

31 January 2024



Founded in 1995, the Children's Rights Alliance unites 150 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies, and services.

Accompaniment Support Service for Children (A.S.S.C.)
Alcohol Action Ireland
Amnesty International Ireland
An Cosán
Anew
Anne Sullivan Foundation
Aoibhneas
Archways
AsIAm
Association of Occupational Therapists of Ireland (AOTI)
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Atheist Ireland
Barnardos
Barretstown Camp
Bedford Row Family Project
BeLonG To Youth Services
Bodywhys
Catholic Guides of Ireland
Child Law Project
Childhood Development Initiative
Children in Hospital Ireland
Children's Books Ireland
Children's Grief Centre
Citywise Education
Clarecare
COPE Galway
Cork Life Centre
Cork Migrant Centre
Crann Centre
Crosscare
CyberSafeKids
Cycle Against Suicide
Dalkey School Project National School
Daughters of Charity Child and Family Service
Dental Health Foundation of Ireland
Department of Occupational Science and Occupational Therapy, UCC
Disability Federation of Ireland
Doras
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dyslexia Association of Ireland
Dyspraxia/DCD Ireland
Early Childhood Ireland
Early Learning Initiative (National College of Ireland)
Educate Together
EPIC
Equality for Children
Extern Ireland
FamiliBase
Féach
Focus Ireland
Foróige
Gaeleideachas
Galway Traveller Movement
GIY Ireland CLG
Good Shepherd Cork
Helium Arts
Immigrant Council of Ireland
Inclusion Ireland
Institute of Guidance Counsellors
Irish Aftercare Network
Irish Association for Infant Mental Health
Irish Association of Social Workers
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish Heart Foundation
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Primary Principals' Network
Irish Refugee Council
Irish Second Level Students' Union (ISSU)

Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation
iScoil
Jigsaw
Katharine Howard Foundation
Kerry Diocesan Youth Service (KDYS)
Kids' Own Publishing Partnership
Kinship Care
Laois Domestic Abuse Services
Leap Ireland
Let's Grow Together! Infant and Childhood Partnerships CLG.
LGBT Ireland
Meath Women's Refuge & Support Services
Mecpaths
Mental Health Reform
Mercy Law Resource Centre
Migrant Rights Centre Ireland
Mothers' Union
Museum of Childhood Ireland
Music Generation
My Mind
My Project Minding You
National Childhood Network
National Forum of Family Resource Centres
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
New Directions
Novas
One Family
One in Four
Parents Plus
Pavee Point
Peter McVerry Trust
Prevention and Early Intervention Network
Psychological Society of Ireland
Rainbow Club Cork
Rainbows Ireland
Rape Crisis Network Ireland (RCNI)
Realt Beag/Ballyfermot Star
Respond Housing
SAFE Ireland
Saoirse Domestic Violence Services
SAOL Beag Children's Centre
School of Education UCD
Scouting Ireland
Sexual Violence Centre Cork
Simon Communities of Ireland
SIPTU
Social Care Ireland
Society of St. Vincent de Paul
SPHE Network
SpunOut.ie
St. Nicholas Montessori College
St. Nicholas Montessori Teachers' Association
St. Patrick's Mental Health Services
TASC
Teachers' Union of Ireland
Terenure College Rugby Football Club
The Ark, A Cultural Centre for Children
The Irish Red Cross
The Jack and Jill Children's Foundation
The UNESCO Child and Family Research Centre, NUI Galway
The Wheel
Transgender Equality Network Ireland
Traveller Visibility Group Ltd
Treoir
UNICEF Ireland
Variety – the Children's Charity of Ireland
Vision Ireland
Women's Aid
Young Ballymun
Young Social Innovators
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

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1. Introduction

The Children's Rights Alliance unites over 150 organisations working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services. We identify problems for children. We develop solutions. We educate and provide information and legal advice on children's rights.

The Children's Rights Alliance is also a member and National Partner of Eurochild, the largest network of organisations and individuals working with and for children in Europe. Eurochild works closely with the European Union, as protecting children's rights is among the EU's aims and values.

The Children's Rights Alliance welcomes the swift publication of the first draft Online Safety Code and the opportunity to make a written submission to Coimisiún na Meán on the draft Online Safety Code for video-sharing platform services. In September 2023, the Alliance made a submission¹ to Coimisiún na Meán to inform the development of this draft Online Safety Code. This response is informed by our previous submission and further consultation with the membership of the Alliance.

The UN Committee on the Rights of the Child have acknowledged the increasing importance of the digital environment in that it 'affords new opportunities for the realization of children's rights, but also poses the risks of their violation or abuse.'²

Results from a National Survey of Children, their Parents and Adults regarding Online Safety conducted between December 2019 and October 2020, found that 62 per cent of children and young people in Ireland aged nine to 17 years use social media.³ This rises to 90 per cent of 15 to 17 year olds.⁴ While the online world brings unparalleled opportunity for children to learn, create, connect, and socialise, it also brings risk including the loss of personal data, exposure to harmful content, cyberbullying, negative impacts on health and well-being, online grooming, and extortion. In 2023, CyberSafeKids reported that a quarter of all children have seen or experienced something online in the last year that bothered them, with almost one third of those children having kept it to themselves rather than report it to their parents or someone else.⁵ While undoubtedly the internet has significant positive impacts both for children and wider society, for too long legislation and policy have not kept pace with the evolution of the online world. This has left children and young people at risk and unprepared to appropriately navigate online platforms. The introduction of the Online Safety and Media Regulation Act 2022 and the Digital Services Act will pave the way for a new era of online regulation. Central to this is the introduction of the Online Safety Codes.

We recognise that this Code and associated statutory guidance when implemented will be part of the framework which aims to ensure 'that we all have a safer internet world'.⁶ However, we are significantly concerned by the level at which the Video-Sharing Platform Service providers (VSPS

1 Submission to Coimisiún na Meán on Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services - Children's Rights Alliance (childrensrights.ie) [September 2023](#).

2 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 3.

3 National Advisory Council for Online Safety, *Report of a National Survey of Children, their Parents and Adults regarding Online Safety 2021* (2021) 8.

4 *ibid*.

5 CyberSafeKids, *Keeping Kids Safer Online – Trends and Usage Report Academic Year 2022-2023* (2023) 6.

6 Coimisiún na Meán Consultation document Foreword p.5

providers) will be permitted to set their own goals and standards, and at the lack of baselines and targets being set by the Commission.⁷

We note that the section on 'Supplementary Provisions and Guidance' is for further consideration by the Commission but is not included in this draft first Code. The matters raised in 'Supplementary Provision'; safety by design, safety supports, and a recommender system, are all essential elements of the structures needed to protect children and young people online. We welcome the Commission's intention to regulate these topics. However, it is disappointing that these elements, in particular safety by design, will not be included in the Code. Many of the digital services children and young people use are not designed to protect their rights or meet their needs.⁸ Research from the 5Rights Foundation found that 'pathways designed into digital services and products are putting children at risk' with designers tasked with 'optimising products and services for three primary purposes, all geared towards revenue generation.'⁹ The Online Safety Code presents a missed opportunity to embed the principle of safety by design into the Irish regulatory framework.

We welcome the opportunity to take part in the consultation process and look forward to continued engagement to make the online world safer for children and young people.

⁷ See sections 4,5 and 6.

⁸ 5Rights Foundation, 'Design of Service' <<https://5rightsfoundation.com/our-work/design-of-service/>> accessed 4 September 2023.

⁹ 5Rights Foundation, September 2021 Pathways: A Summary Key findings and recommendations from Pathways: How digital design puts Children at Risk (2021) 7.

2. Question 1: Sections 1 - 9 of the draft Code

Section 4: Regulatory Principles

Section 4.2

It is welcome that the Commission recognises that it must act in accordance with various legal and legislative frameworks set out in section 4.2, including recognising the rights conferred by the European Convention on Human Rights (ECHR). The Commission is required to carry out its functions in a manner compatible with the European Convention on Human Rights Act 2003. The ECHR is just one of a number of human rights treaties which Ireland has ratified and which confers rights. Consideration should be given to referring to the core human rights treaties and protocols of the United Nations and of the Council of Europe. Amongst the core United Nations Treaties, the Convention on the Rights of the Child,¹⁰ and in particular *General Comment No.25* of the Committee on the Rights of the Child¹¹ are relevant and helpful in the context of online safety and human rights. The relevant Council of Europe treaties include the ECHR and the Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly called the Istanbul Convention¹² which has recently been ratified by the European Union.

In relation to Irish law, the Commission, as a public body, has a public sector duty¹³ to have regard for the need to eliminate discrimination, promote equality of opportunity, and protect the human rights of public sector staff and users. Those who engage with the Commission in relation to children's rights, such as the Alliance and children themselves, constitute users. Consideration should be given to specifically including the public sector duty in this section of the Code.

Section 4.8

Point one of this section could be strengthened by including comments in videos, as well as content 'in' AV programmes etc. for the avoidance of doubt.

Section 4.14

The UN Committee on the Rights of the Child are clear that 'the rights of every child must be respected, protected and fulfilled in the digital environment.'¹⁴ It is welcome that this is included in the draft Code.

However, it is unclear why the Code prioritises naming some rights over others.¹⁵ Absent from the list are; the right to life, to be free from torture and humiliating and degrading treatment, the right to private life, the consideration of the best interests of the child, and the right to an effective remedy. These should be considered for inclusion in section 4.14. Of particular importance is the best interests of the child. The UN Committee on the Rights of the Child has recommended that 'in

10 UN Convention on the Rights of the Child A/RES/44/25 (20 November 1989)

11 UN Committee on the Rights of the Child, General Comment no.25 (23021) on children's rights in relation to the digital environment. CRC/C/GC/25

12 Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210)

13 Section 42 Irish Human Rights & Equality Commission Act 2014

14 *ibid* para 4.

15 Section 4.14 states: The rights that will be of greatest relevance for the Commission's functions are: the right to freedom of expression; the right to privacy; the rights to freedom of thought, conscience and religion; non-discrimination; the right to freedom of assembly and association; the right to earn a livelihood; the freedom to conduct a business; the free movement of services; and the rights of the child and of those with protected characteristics

all actions regarding the provision, regulation, design, management, and use of the digital environment, the best interests of every child is a primary consideration.’¹⁶ The Council of Europe (COE) *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment* provide that ‘in all actions concerning children in the digital environment, the best interests of the child shall be a primary consideration’.¹⁷

Recommendations

- Expand section 4.13 to include all relevant international human rights treaties, in particular UN and Council of Europe treaties relating to the rights of the child
- Expand section 4.13 to include the Public Sector duty
- Expand the description of priority rights in section 4.14 to include others most relevant to protection from harm, including; the right to life, to be free from torture and humiliating and degrading treatment, the right to private life, the consideration of the best interests of the child, and the right to an effective remedy

¹⁶ UN Committee on the Rights of the Child, General Comment no 25 (2021) on children’s rights in relation to the digital environment, *CRC/C/GC/25* para 12.

¹⁷ *ibid*, 12.

3. Questions 2- 5: Definitions – Section 10 of the Code

User-generated content that is indissociable from user-generated videos

We welcome the inclusion in the Code of user-generated content that is indissociable from user-generated videos in the definition of content. Very often an otherwise neutral video is made harmful by the captions, comments, symbols, or other content surrounding it, and the context in which it is later used.

We have heard from our members that the content connected to a video can often cause significant harm and distress to children and young people, particularly in the context of bullying. At times, the video itself may not be what is causing harm but when it is considered alongside the content, such as comments connected to the video, it can cause significant distress and harm.¹⁸ Our members have told us that Travellers and Roma are often targeted in the comments that go with particular videos, for example the poor treatment of animals, which can result in racist content being shared in the comments under the video.¹⁹

Illegal content harmful to children

The forms of regulated content harmful to children contained in the draft Code remain very limited.

In relation to content which may impair the physical, mental, and moral development of children, the term ‘pornography’ does not appear to be defined in the Code or described in the guidelines. References to ‘child pornography’ are clear because they are, by reference, relevant to Irish or EU legislation. However, given that much sexually explicit material of adults will be self-generated rather than generated by commercial interests, there would be value in including a general definition of pornography. Pornography is also carried across many digital platforms, not just those which seek to particularly focus on adult content.

Irish teenagers are the fourth highest users in the EU for sexting.²⁰ A recent Report from the Children’s Commissioner for England found that pornography consumption is widespread among children, with 13 years old being the average age of first exposure.²¹ A significant minority of children are first exposed to pornography at a very young age; 10 per cent of over 1,000 young people surveyed had seen it by age nine, 27 per cent had seen it by age 11, and 50 per cent had seen it by age 13.²² The Children’s Commissioner Report also found that children ‘often stumble accidentally across pornography online’²³ and X (formerly Twitter) is the platform where the greatest number of children had seen pornography.²⁴ The majority, 79 per cent of 18-21 year olds surveyed, had seen content involving sexual violence before turning 18.²⁵ This content not only impacts the physical, mental, and moral development of children, but can also impede their social development.

It is welcome that ‘content consisting of dangerous challenges that give rise to a risk to life or risk of significant harm’ are included in the draft Code. However, this could be expanded upon to include not just physical health but also mental health.

18 Children’s Rights Alliance member consultation, August 2023.

19 Communication received by the Children’s Rights Alliance from Pavee Point, 25 August 2023.

20 Dublin City University, ‘Irish Teens the Fourth Highest in the EU for Sexting’ <<https://bit.ly/3qTC2HK>> accessed 6 January 2022. See also: Raymond Arthur, ‘Policing Youth Sexting in Ireland’ (2019) 22(3) Irish Journal of Family Law 66.

21 Children’s Commissioner for England, ‘A lot of it is actually just abuse’ Young people and pornography’ January 2023, 6-8.

22 *ibid.*

23 *ibid.*

24 *ibid.*

25 *ibid.*

Regulated Harmful Content to Children

Violence

It is welcome that the definition of regulated content harmful to children includes content 'consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty'. This needs to be retained in the final Code as consultations with children and young people have shown that they are most disturbed by violent content online.²⁶

Audiovisual commercial communications harmful to children

The current definition of audiovisual commercial communications harmful to children is narrow and limited. While it does include 'audiovisual commercial communications for alcohol aimed specifically at children', it omits unhealthy foods and breast milk substitutes.

Research from the American Academy of Paediatrics²⁷ showed that young children's understanding of advertising material is extremely limited. The Council of Europe recommends²⁸ that States should take measures to ensure that children are protected from commercial exploitation in the digital environment, including exposure to age-inappropriate forms of advertising and marketing. The UN Committee on the Rights of the Child has reiterated this in their recent General Comment and has recommended that:

'States parties should make the best interests of the child a primary consideration when regulating advertising and marketing addressed to and accessible to children. Sponsorship, product placement and all other forms of commercially driven content should be clearly distinguished from all other content and should not perpetuate gender or racial stereotypes.'²⁹

Aligned to this, the Committee have recommended that there is a need to ensure that the profiling or targeting of children for commercial purposes is prohibited, including practices that 'rely on neuromarketing, emotional analytics, immersive advertising and advertising in virtual and augmented reality environments to promote products, applications and services'.³⁰ The 2020 WHO-UNICEF-Lancet Commission on the future for the world's children noted that 'commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing'.³¹

Digital media advertising has changed dramatically over time and is predicted to account for 60 per cent of global advertising expenditure by 2025.³² A 2023 report from UNICEF and the WHO highlights

26 EU Kids Online 'EU Kids Online 2020: Survey results from 19 countries' < <https://www.lse.ac.uk/media-and-communications/research/research-projects/eu-kids-online/eu-kids-online-2020> > accessed 4 September 2023, 142,149,151.

27 The American Academy Of Pediatrics| Policy Statement, July 01 2020, Digital Advertising to Children, < <https://publications.aap.org/pediatrics/article/146/1/e20201681/37013/Digital-Advertising-to-Children?autologincheck=redirected> > accessed 29 August 2023.

28 Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 20.

29 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 41

30 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 42.

31 Clark, H., Coll-Seck, A.M., Banerjee, A., Peterson, S., Dalglish, S.L., Ameratunga, S. *et al.* (2020). A future for the world's children? A WHO-UNICEF-Lancet Commission. *Lancet* 2020; 395: 605-58. <[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)32540-1/fulltext#articleInformation](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32540-1/fulltext#articleInformation)> accessed 4 September 2023.

32 WHO, Understanding the digital media ecosystem. How the evolution of the digital marketing ecosystem impacts tobacco, alcohol and unhealthy food marketing (WHO 2022) <<https://apps.who.int/iris/handle/10665/355277>> accessed 4 September 2023.

that as marketing communication techniques have moved away from one-size-fits-all spot advertisements towards strategies for fostering engagement, children are now not just passive viewers of commercial messages, but rather ‘active practitioners’ in commercial communications and marketing.³³

As the marketing of unhealthy foods and breast milk substitutes could reasonably be seen as promoting or encouraging behaviour that characterises a feeding or eating disorder, and because the Broadcasting Act 2009³⁴ permits inclusion of such products in regulation, the Commission may consider using its discretion to include them in the Code.

Regulated Content Harmful to the General Public

In relation to regulated content harmful to the general public, Travellers and Roma should be specifically identified as groups against whom incitement to violence or hatred should not be permitted. We appreciate that the current wording follows Article 21 of the Charter but note that such wording may not describe Travellers and Roma sufficiently. Roma are not a clearly identified national minority in Ireland. Travellers, though recognised officially as an ethnic minority³⁵ in Ireland since 2017, are often not recognised as such by the general public. Specific mention would help identify their protected status and may help to reduce harm.

Recommendations

- Retain inclusion in the Code of user-generated content that is indissociable from user-generated videos in the definition of content.
- Retain the inclusion of content ‘consisting of realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty’ in the Code.
- Define pornography to ensure that sexually explicit content which a child may encounter on a site not devoted to adult content is covered.
- Include mental health as well as physical health in relation to regulated content – dangerous challenges.
- Specifically name Travellers and Roma as protected groups in relation to content harmful to the general public
- Within audiovisual commercial communications consider including the harms to children by alcohol, unhealthy foods, and breast milk substitutes in regulated content harmful to children in audiovisual commercial communications. Consider also expanding the designation from advertising of alcohol products aimed specifically at children to alcohol products which are likely to be attractive to children.

33 UNICEF and WHO, Taking action to protect children from the harmful impact of food marketing: a child rights-based approach. Geneva: World Health Organization and the United Nations Children’s Fund (UNICEF 2023) 7.

34 Section 139K(5) Broadcasting Act 2009

35 Recognised officially as a distinct ethnic group by Taoiseach Enda Kenny 1 March 2017 https://merriionstreet.ie/en/news-room/news/travellers_recognised_as_an_ethnic_group_within_the_irish_nation.html

4. Questions 6-13: Content – Section 11 of the Code

Terms and Conditions

In relation to terms and conditions, but also other proposed obligations of VSPS providers, the current draft Code relies on the regulated platforms to set standards, terms and conditions, reporting mechanisms, and baselines. As the government's strategy, *Harnessing Digital: The Digital Ireland Framework*, states in relation to implementation: 'Regulation needs to be measured, understandable, enforceable and effective'.³⁶ This is also consistent with the Commission's regulatory principles as outlined in the draft Code.³⁷

The proposed system of regulation lacks standard measures. It will require each platform to produce their own materials and proposals, and therefore is not understandable to the consumer. The absence of baselines and standards means that it will be difficult to understand what is enforceable. Further, it will not be possible to adequately evaluate the effectiveness of the regulator where each platform is setting its own standards and targets, or which of the platforms is indeed improving.

The UN Committee on the Rights of the Child sets out that States should require all businesses that affect children's rights in relation to the digital environment to implement regulatory Codes and frameworks to adhere to the highest levels of privacy and safety standards.³⁸ They also recommend that States encourage these businesses to take accountability and measures to innovate in the best interests of the child.³⁹ Children's digital media choices and data control possibilities are shaped by the design and functionalities of communication spaces, control of which rests neither with them, their parents, or indeed national regulators.⁴⁰

If the Code was a more detailed and prescriptive Code encompassing both protective and preventive measures, it would be more understandable for users. This would in turn lead to a more effective capacity to complain and enforce it. Such a Code could clearly set out a prohibition on all forms of violence, exploitation, and abuse; include child-friendly mechanisms for consultation and participation; provide support measures for parents and carers; and ensure effective remedies⁴¹.

Requirement for a VSPS provider to suspend or terminate an account

This section of the Code provides for suspension and termination after accounts have 'repeatedly' infringed terms and conditions of service in relation to illegal and harmful material. Harmful material in relation to children, as set out in the Broadcasting Act 2009⁴² includes seriously harmful and illegal actions including sexual grooming of a child, child sexual abuse, trafficking, sharing or threatening to share intimate images, as well as harmful content which encourages or drives a person to engage in harmful behaviour. It is essential that in these circumstances, the platforms take immediate steps to remove and take down the harmful material. Failure to do so may result in dangerous abuse of a child, and also in artificial amplification of abusive and harmful materials through recommenders. The Council of Europe Recommendation, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, gives guidance on what constitutes an effective remedy which

36 gov.ie - Harnessing Digital - The Digital Ireland Framework (www.gov.ie) p.41 accessed 23/1/2024

37 Part 4 Draft Online Safety Code December 2023. P37-42

38 *ibid* para 39.

39 *ibid*.

40 Macenaite, M. (2017). From universal towards child-specific protection of the right to privacy online: Dilemmas in the EU General Data Protection Regulation. *New Media & Society*, 19(5), 765–779. <<https://doi.org/10.1177/1461444816686327>> accessed 4 September 2023.

41 5Rights Foundation, Making Child Online Safety a Reality: Global Toolkit (2022) 185

42 Broadcasting Act 2009, Section 139A (1) and Schedule 3.

includes immediate removal of unlawful content.⁴³ Consideration should be given to expanding this section of the Code to allow for immediate take down of material on either a permanent or interim basis as soon as it is aware of it.

The current draft provides only for suspension or termination of an account which has ‘repeatedly’ infringed terms and conditions. Consideration should be given to requiring the VSPS providers to distinguish where there is even a single infringement which causes or risks causing significant harm and requiring suspension or termination of those accounts.

Flagging System

The Code does not identify a consistent flagging system, instead leaving it to the discretion of each platform. There are no timelines or processes included which all the platforms must observe.

It should not be expected or assumed that a child will be able to identify or report content or conduct which is against a service’s community guidelines. The 5Rights Foundation recommend having in place a number of moderation and reporting systems, including take down mechanisms and flagging mechanisms.⁴⁴

The best interest of the child should be a key focus when considering the design of the flagging mechanism. The COE’s *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment* provide that ‘in all actions concerning children in the digital environment, the best interests of the child shall be a primary consideration’ and further recommend that States should strike a balance between the child’s right to protection and their other rights to freedom of expression, participation, and access to information.⁴⁵ The COE also acknowledges the differing levels of maturity and understanding that children at different ages, and recommends that States recognise the evolving capacities of children which can mean that the ‘policies adopted to fulfil the rights of adolescents may differ significantly from those adopted for younger children’.⁴⁶

An example of how to design a flagging mechanism that responds to the rights of children and young people can be seen in the UK Children’s Code regarding the protection of children’s data online. The Code requires that designated services should provide ‘prominent and accessible tools to help children exercise their data protection rights and report concerns.’⁴⁷ The Information Commissioner’s Office (ICO)’s guidance to services includes that the tools should be prominent and easy for the child to find, age appropriate and easy to use, tailored and specific to the rights they support, and include mechanisms for tracking progress and communicating with the service.⁴⁸ To make tools prominent the ICO suggests services highlight the reporting tools in their set up process and provide a clear icon on the screen display.⁴⁹ To make tools age appropriate and easy to use the ICO states that they should be tailored to the age of the child in question.⁵⁰ The ICO provides examples of how to do so in the Code for each age range from 0-5 up to 16-17.⁵¹ In order to tailor their tools to support children’s rights, the ICO suggests services create a ‘download all my data’ tool, a ‘delete all my data tool’ or ‘select data for deletion’ tool, a ‘stop using my data’ tool, and a

43 Council of Europe, ‘Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment’ (COE 2018) 5.

44 5Rights Foundation, ‘But how do they know it is a child? Age Assurance in the Digital World’.

45 Council of Europe, ‘Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment’ (COE 2018) <<https://bit.ly/2Xp9hpE>> accessed 26 February 2021, 12.

46 *ibid.*

47 Information Commissioner’s Office, ‘Age Appropriate Design: A Code of Practice for Online Services’ 8.

48 *ibid* 83-84.

49 *ibid* 82.

50 *ibid.*

51 *ibid* 82-84.

‘correction’ tool.⁵² In terms of creating mechanisms that allow parents and children to track the progress of their flagged concern, the ICO states that information should be provided by the service about the timescales for responding to requests and these should be dealt with within the timescales set out at Article 12(3) of the GDPR.⁵³ Additionally, in order to conform with the Code, the ICO suggests that services should have mechanisms for children to indicate that they think their complaint or request is urgent, with appropriate prioritisation and the ability to take swift action on ongoing safeguarding issues.⁵⁴ This model could be taken and adapted to specifically relate to video content for the purposes of the Online Safety Code.

Age Verification

The Code does not prescribe adequate measures to protect the privacy of children, nor does it place sufficient emphasis on the responsibility of platforms to use their technological skills and knowledge to devise suitable methods to protect children from harm or to ensure that some existing features which create risk of harm are disabled.

It does not set standards that should underpin and inform the development of age assurance policies. The Commission could consider including the standards developed by the 5Rights Foundation which sets out 11 common standards that should inform the development of any age assurance mechanism.⁵⁵ Those are:

- Age assurance must be privacy preserving
- Age assurance should be proportionate to risk and purpose
- Age assurance should be easy for children to use
- Age assurance must enhance children’s experiences, not merely restrict them
- Age assurance providers must offer a high level of security
- Age assurance providers must offer routes to challenge and redress
- Age assurance must be accessible and inclusive
- Age assurance must be transparent and accountable
- Age assurance should anticipate that children don’t always tell the truth
- Age assurance must adhere to agreed standards

The use of age assurance ‘is not a silver bullet for keeping children safe online. It is simply a tool to identify that a service is dealing with a child.’⁵⁶ However, age assurance has the potential to drive the ‘development of new products and services to create a richer and more diverse digital ecosystem’ for children and young people rather than ‘being the route to keeping children out of the digital world’.⁵⁷ There is good guidance contained in the guidelines including the recognition that there are substantial technological solutions to identifying and verifying age which can be explored.

We are concerned with the recommendation in relation to robust age verification that an identity document and a selfie might suffice. Where robust age verification is sought, it is because the content being provided is recognised as intrinsically harmful to children. This does not follow the principal of data minimisation, which needs to be central to the design of any age assurance mechanism that is developed. The *Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment* state that age verification and assurance systems should

52 *ibid* 84.

53 *ibid*.

54 Information Commissioner’s Office, ‘Age Appropriate Design: A Code of Practice for Online Services’ 84.

55 https://5rightsfoundation.com/uploads/But_How_Do_They_Know_It_is_a_Child.pdf 8

56 5Rights Foundation, ‘But how do they know it is a child? Age Assurance in the Digital World’ 7.

57 *ibid* 9.

use methods that are in line with the principle of data minimisation.⁵⁸ The UN Committee on the Rights of the Child has noted that;

‘digital practices, such as automated data processing, profiling, behavioural targeting, mandatory identity verification, information filtering and mass surveillance are becoming routine. Such practices may lead to arbitrary or unlawful interference with children’s right to privacy; they may have adverse consequences on children, which can continue to affect them at later stages of their lives.’⁵⁹

Interference with a child’s right to privacy should only be permissible if it is ‘provided for by law, intended to serve a legitimate purpose, uphold the principle of data minimisation, be proportionate and designed to observe the best interests of the child’.⁶⁰

There needs to be a range of age assurance solutions developed that can respond to the different situations that children and young people face.⁶¹ The 5Rights Foundation have set out that ‘many of the changes necessary to make a service age appropriate do not need additional or new age assurance technologies, but rather require services to disable some of their more intrusive or risky design features’.⁶²

Age assurance must be carried out in compliance with children’s rights under National and International law. In order to ensure a rights-based approach to the design and implementation of age assurance measures, a human rights analysis should be carried out and measures that are compliant with children’s rights should be adopted. The level of assurance should be proportionate to the nature and level of risk presented by a product or service in relation to the age of the child. It is important that the ‘cumulative nature of risk must also be taken into account, as multiple design features or different parts of a user’s journey combine to create greater risks.’⁶³

The reporting and evaluation requirements are insufficient in the absence of robust indicators of what is acceptable in terms of standards and baselines. It is essential for adequate understanding and evaluation of the information it receives that the Commission sets down baselines and standards common to all the parties.

Content Rating

The failure to establish a standard system for all platforms is very disappointing.

It is helpful to see that the Code requires the VSPS providers to adopt an objective code. It is noted that in the draft statutory guidance, the Commission may consider a consistent system which will have to be used by providers. This is promising but does not deal with the current situation or the system proposed which is to allow the VSPS providers to each devise their own system.

Quite apart from the lack of direction in that approach, the current proposal means that users will have to try to understand a plethora of different content rating systems devised – even objectively –

58 Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 69.

59 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children’s rights in relation to the digital environment, CRC/C/GC/25, para 68.

60 *ibid.*

61 5Rights Foundation, ‘But how do they know it is a child? Age Assurance in the Digital World’ 7.

62 5Rights Foundation, ‘Pathways: How digital design puts children at risk’ 11.

63 *ibid* 19.

by each of the VSPS providers. Even in the broadcast world, the rating system does not depend on which supplier is providing the material.

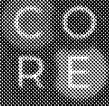
The Council of Europe has recommended that ‘states should co-operate with a view to promoting standardisation of content classification and advisory labels among countries and across stakeholder groups to define what is appropriate and what is inappropriate for children’.⁶⁴ There are a number of frameworks that could be considered;

CO:RE 4Cs classification

A key tool to identify risk and classification of harm is the 4Cs framework. The CO:RE 4Cs classification recognises that online risks arise when a child:

- Engages with and/or is exposed to potentially harmful content
- Experiences and/or is targeted by potentially harmful contact
- Witnesses, participates in and/or is a victim of potentially harmful conduct
- Is party to and/or exploited by a potentially harmful contract⁶⁵

The 4Cs classification ‘distinguishes between aggressive, sexual and value risks’ along with recognising important cross-cutting risks such as children’s right to privacy and fair treatment.⁶⁶

 CO:RE	Content Child as recipient	Contact Child as participant	Conduct Child as actor	Contract Child as consumer
Aggressive	Violent, gory, graphic, racist, hateful and extremist content	Harassment, stalking, hateful behaviour, unwanted surveillance	Bullying, hateful or hostile peer activity e.g. trolling, exclusion, shaming	Identity theft, fraud, phishing, scams, gambling, blackmail, security risks
Sexual	Pornography (legal and illegal), sexualization of culture, body image norms	Sexual harassment, sexual grooming, generation and sharing of child sexual abuse material	Sexual harassment, non-consensual sexual messages, sexual pressures	Sextortion, trafficking for purposes of sexual exploitation, streaming child sexual abuse
Values	Age-inappropriate user-generated or marketing content, mis/disinformation	Ideological persuasion, radicalization and extremist recruitment	Potentially harmful user communities e.g. self-harm, anti-vaccine, peer pressures	Information filtering, profiling bias, polarisation, persuasive design
Cross-cutting	Privacy and data protection abuses, physical and mental health risks, forms of discrimination			

67

Australian Classification Scheme

64 Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 29, para 121.

65 CORE, ‘4 Cs of online risk: Short report & blog on updating the typology of online risks to include content, contact, conduct, contract risk’ <<https://core-evidence.eu/posts/4-cs-of-online-risk>> accessed 28 August 2023.

66 ibid.

67 CORE, ‘4 Cs of online risk: Short report & blog on updating the typology of online risks to include content, contact, conduct, contract risk’ <<https://core-evidence.eu/posts/4-cs-of-online-risk>> accessed 28 August 2023.

A classification scheme is in place in Australia where the Australian Online Safety Act (2021) defines content as either 'class 1 material' or 'class 2 material'.⁶⁸ Class 1 material and class 2 material are defined by reference to Australia's National Classification Scheme, which is also used for classification of films, computer games, and other publications.⁶⁹

Class 1 material includes material that:

- 'depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified
- describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not), or
- promotes, incites or instructs in matters of crime or violence.'

Class 2 material is material that is, or would likely be, classified as either:

- 'X18+ (or, in the case of publications, category 2 restricted), or
- R18+ (or, in the case of publications, category 1 restricted) under the National Classification Scheme, because it is considered inappropriate for general public access and/or for children and young people under 18 years old.'⁷⁰

The eSafety Commissioner works with online service providers to ensure access to Class 2 material, which is considered unsuitable for children and young people under 18, is restricted.⁷¹

Parental Controls

While parental controls are one measure for protecting children online, they 'are not a substitute for good design that prioritises user safety' and can result in parents having a false sense of security 'while children continue to be exposed to risks due to poor service design'.⁷²

As safety by design is not being addressed in this iteration of the Code, it is essential that the Commission makes it very clear to providers that parental controls are not a substitute for safety by design features and are only a limited part of the solution.

Some of those most vulnerable in the physical world are also vulnerable in the digital world. The Code does not refer to the reality that many children are out of home, are unaccompanied minors seeking asylum, are in complex or state supervised situations with parents and guardians, or have other vulnerabilities. The draft Code assumes a model of parenthood and family relationships which is stereotyped and unreal for a lot of children. The Code needs to think about children who do not have any parents to supervise them online at all and make provisions for their safety that takes

68 Online Safety Act 2021 s106 and s107.

69 Online Safety Act 2021 s106 and s107.

70 Online Safety Act 2021 s106 and s107.

71 Online Safety Act 2021 s106 and s107.

72 https://www.ofcom.org.uk/__data/assets/pdf_file/0027/226269/5rights-foundation.pdf.

account of this reality. Parental controls can undermine trust between parent and child, and hinder child empowerment and the privacy of the child.⁷³

The Council of Europe has recommended that children's evolving capacities should be taken into account when businesses establish or update their parental controls.⁷⁴ Additionally, States should ensure that such controls do not reinforce discriminatory attitudes or infringe on children's privacy and information rights.⁷⁵ The Code fails to distinguish between children of various ages to take into account their evolving capacities. There is no recognition of the changing balance of rights as a child grows and develops. Section 11.27 requires an explanation to users how parental control systems operate. This could be clarified to specifically ensure that a child user receives age-appropriate information about any parental control or monitoring.

Complaints

While it is important that a complaints system has been included in the draft Code, the core problem is that there are no common standards, baselines, or even processes for all the platforms. This can hamper the provision of an effective remedy for users. There are no common timelines or systems. Complainants are required to engage with every platform individually and, in the nature of abusive and harmful material, may have to engage with several; each with a different system. This is particularly difficult at a time where a complainant who has suffered harm or abuse may be particularly vulnerable and traumatised and in need of structures and support.

The draft statutory guidance issued by the Commission proposes directing the VSPS providers to the guidance given by the Ombudsman and by the Children's Ombudsman on complaints. This could be strengthened by including the principles underpinning both Ombudsmen's guidance specifically in the Code.

In order to be effective, it is essential that the Codes provide for a maximum time-period for VSPS providers to handle user complaints so to offer quick and effective resolutions for children and young people. The Online Safety Code developed by the Australian eSafety Commissioner states that Tier 1 social media services must resolve complaints within 'a reasonable time' and that what constitutes a reasonable time 'should be based on the scope and urgency of potential harm that is related to a complaint and the source of the complaint.'⁷⁶

It is important that VSPS providers are required to be transparent in their complaint handling. To this end, they should be required to report on their complaint handling systems at a minimum annually.

Recommendations

- Strengthen the Code to place clear obligations on providers to meet common standards and adopt common methodologies to establish baselines to ensure regulation that is measured, understandable, enforceable, and effective
- Strengthen Code by providing for immediate take down of materials or accounts in circumstances where there is a risk of harm to a user pending full investigation
- Provide for the possibility of termination or suspension of an account where there has been a single breach only, if the harm or risk of harm warrants it

73 Commission nationale de l'informatique et des libertés (CNIL) France. <https://5rightsfoundation.com/Approaches-to-Childrens-Data-Protection---.pdf> p31

74 Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 54.

75 *ibid.*

76 eSafety Commissioner for Australia, Schedule 1 – Social Media Services Online Safety Code (Class 1A and Class 1B Material), 15.

- Strengthen the Code by prescribing a consistent flagging system with timelines and processes for providers to adhere to, rather than leaving these matters to the discretion of each provider.
- Age verification and assurance mechanisms should respect the principle of data minimisation and avoid unlawful or arbitrary interference with the right of the child to privacy.
- Ensure that any age assurance mechanism introduced is compliant with children's rights under National and International law.
- There should be a range of age assurance solutions developed which respond to the different situations children and young people face.
- Data Protection Impact Assessments and Children's Rights Impact Assessments should be used to monitor the level of interference of age verification mechanisms with the right of the child to privacy and help balance that right with the need for protection online.
- Include common standards, such as those developed by the 5Rights Foundation, into the Code which would then underpin every provider's age verification processes.
- Ensure that all VSPS providers take appropriate measures for robust age verification as pornographic and harmful content is widely accessible to children.
- Review guidance suggesting that photographs and IDs are suitable identification on adult content VSPS providers, and seek appropriate technological solutions from the providers.
- Strengthen the Code by identifying basic standards which should be in place to permit effective reporting and evaluation.
- Provide a common system for content rating. The CO:RE model suggested is an objective test to identify levels of harm and may be a suitable model.
- The Code needs to contain a clear statement to providers that parental controls are only a limited part of an online safety solution, and are no substitute for safety by design.
- The Code take into account children who do not have any parents able to supervise them online and make provisions for their safety that takes account of this reality.
- The Code needs to take into account the changing balance of rights as a child grows and develops. There should be an explicit recognition that the best interests of a child should be the primary consideration and, in that context, ensure balance between the various rights of a child to safety, to privacy, freedom of information, freedom of association, and freedom of identity.
- Where parental controls are used by a VSPS, children and young people who are service users should be given age appropriate and accessible information about this.
- Regulated services should provide parents with information about the child's right to privacy and resources for age-appropriate discussion between parent and child.
- The new Online Safety Code should provide for a maximum time-period for VSPS providers to handle user complaints so to offer quick and effective resolutions for children and young people, and guidance as to what is a reasonable timeframe for responding to complaints. The Code could further be strengthened by including standardised process and systems.

5. Questions 14-17: Audiovisual Commercial Communications – Section 12

While the Code requires VSPS providers to observe providers' terms and conditions not to provide audiovisual commercial communications harmful to the general public or children, there is no requirement to particularly highlight this provision or in any way to draw attention to this term or condition.

It is particularly important that terms and conditions relating to Audiovisual Commercial Communications are prominent, explicit, highlighted, clear, and easily understood, and that those providing such commercial content understand the prohibition and specifically confirm that no such harmful content is being shared.

User-created video content on social media platforms and video-streaming services (e.g. TikTok, YouTube) frequently involves commercial content and marketing messages. For example, unboxing videos, toy play videos, or influencers reviewing products. It can be unclear for children and young people that this content is actually advertising.

The American Academy of Paediatrics has outlined that research on children's understanding of television advertising shows that:

- Children under the age of 8 have 'limited ability to understand the persuasive intent (i.e., that someone else is trying to change their thoughts and behaviour) of the advertiser.'
- Children aged 7 to 11 'can start to recognize television advertising and persuasive intent with their parents' assistance but lack the abstract thinking skills that help individuals recognize advertising as a larger commercial concept.'
- Children and young people over the age of 12 'were able to identify television advertisements (ads) and advertisers' intention to change behaviour'.⁷⁷

The Council of Europe has recommended that 'States should take measures to ensure that children are protected from commercial exploitation in the digital environment, including exposure to age-inappropriate forms of advertising and marketing.'⁷⁸

The UN Committee on the Rights of the Child has reiterated this in their recent General Comment and has recommended that:

'States parties should make the best interests of the child a primary consideration when regulating advertising and marketing addressed to and accessible to children. Sponsorship, product placement and all other forms of commercially driven content should be clearly distinguished from all other content and should not perpetuate gender or racial stereotypes.'⁷⁹

77 The American Academy Of Pediatrics| Policy Statement, July 01 2020, Digital Advertising to Children, <<https://publications.aap.org/pediatrics/article/146/1/e20201681/37013/Digital-Advertising-to-Children?autologincheck=redirected>> accessed 29 August 2023.

78 Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 20.

79 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 41

Aligned to this, the Committee have recommended that there is a need for the Code to ensure that the profiling or targeting of children for commercial purposes is prohibited including practices that ‘rely on neuromarketing, emotional analytics, immersive advertising and advertising in virtual and augmented reality environments to promote products, applications and services’.⁸⁰ The 2020 WHO-UNICEF-Lancet Commission on the future for the world’s children noted that “commercial marketing of products that are harmful to children represents one of the most underappreciated risks to their health and wellbeing”.⁸¹

Consideration could be given to requiring VSPS providers to ensure that recommenders from audiovisual commercial communications do not lead children or the general public to harmful material.

In relation to declarations that user-generated content contains an audiovisual commercial communication, consideration should be given to introducing a form of declaration for users. This should be clear, concise, transparent, and easy for children and young people to understand.

Recommendations

- Ensure that a consistent feature for VSPS providers is introduced across all platforms that places a stringent requirement on users to declare when videos contain advertising and/or commercial communications. It should include a specific requirement for what form the declaration should take. This should be clear, concise, transparent, and easy for children and young people to understand.
- Ensure that any terms and conditions relating to online safety are prominent, explicit, highlighted, clear, and easily understood.
- By their nature, communications that are surreptitious or use subliminal techniques are difficult to recognise and may give rise to disagreement as to what constitutes such a technique. The Code would be much strengthened by including clear standards relating to such communications.
- It would be helpful if the Commission designed the declaration that users should make as to whether there is a commercial communication in content. This should be clear, concise, transparent, and easy for children and young people to understand.

80 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children’s rights in relation to the digital environment, *CRC/C/GC/25*, para 42.

81 Clark, H., Coll-Seck, A.M., Banerjee, A., Peterson, S., Dalglish, S.L., Ameratunga, S. *et al.* (2020). A future for the world’s children? A WHO-UNICEF-Lancet Commission. *Lancet* 2020; 395: 605–58. <[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)32540-1/fulltext#articleInformation](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32540-1/fulltext#articleInformation)> accessed 4 September 2023.

6. Questions 18-21: Other Obligations – Section 13

Media Literacy

While it is welcome that the Draft Code places an obligation on VSPS to provide ‘effective media literacy measures and tools’ and to ‘raise users’ awareness of those measures and tools’, the draft Code does not stipulate any standards or principles for the obligations placed on VSPS providers by this provision. Similarly, while it is welcome that each VSPS will be obliged to publish an action plan ‘specifying the measures it will take to promote media literacy’ and to report to the Commission, there is no guidance as to what should be contained in an action plan. The only requirement that exists is to update the plan annually and report on what the platforms say is the impact.

In order to ensure that this obligation to advance media literacy is effective, it would be useful to contain key principles in the Code itself. By way of example, the European Regulators Group for Audio Visual Media Services (ERGA) has suggested six principles which should underpin Media Literacy and notes the role that national regulators can play in this space.⁸² The principles⁸³ are:

- Transparency
- Multi-stakeholder aspect
- Focus on the user/citizen
- Reach
- Localisation and
- Evaluation

We note that some of material contained in the statutory guidance⁸⁴ reflects some of these principles, but not all of them. Breach of statutory guidance is not necessarily going to result in a breach of the Code. Including principles in the Code itself would permit standards and baselines to be adopted which are common to all providers and which would have to be followed.

Children and those who support children, particularly vulnerable children, need to input into any media literacy programmes. Adopting the above or similar principles into the Code itself would ensure that their voices are heard as stakeholders. Platforms could also be required to report against regulatory principles, including evaluation of impact.

Personal Data of Children

While it is welcome that the guidance accompanying the draft Code signposts the Data Protection Commissioner’s Guide to the Fundamentals for a Child-Oriented approach to Data Processing,⁸⁵ it does not require compliance with it. The Code could include a requirement that VSPS providers certify that they are acting in accordance with those Fundamentals and to provide evidence to this effect.

For the avoidance of doubt, the Code could specify that any processing whatsoever, apart from recording and strictly using the data for the specific purpose that it was supplied and consent was given, shall be deemed to be a breach of the Code until the contrary is proven.

82 <https://erga-online.eu/wp-content/uploads/2021/12/ERGA-AG3-2021-Report-on-Media-Literacy.pdf> Accessed 28 January 2024

83 Ibid. Section 2 Key principles for media literacy.

84 P.73 of the Commission’s Consultation Document

85 Consultation Document p.74

Reporting in relation to complaints

It is noted that this provision is consistent with s.139K(6) of the Broadcasting Act 2009. We note that the Commission will designate the manner of reporting from time to time. It will be important that such reports give sufficient detail to enable the Commission to understand the effectiveness of the VSPS providers' complaints system, and to obtain supporting evidence and audit information as necessary.

Recommendations

- As currently drafted, the Code gives wide discretion to the VSPS providers as to how they approach advancing media literacy. It would be clearer and easier to understand and comply with if underpinning principles were included in the Code, such as those suggested by ERGA, the European Regulators Group for Audio Visual Media Services
- Children and those who support children, particularly vulnerable children, need to be regarded as stakeholders and consulted in relation to any media literacy programmes.
- The Code itself could specify that providers follow the guidance provided by the Data Protection Commissioner in their Guide to the Fundamentals for a Child-Oriented approach to Data Processing⁸⁶. Currently, this is contained in the Statutory Guidance, but not in the Code.
- For the avoidance of doubt, the Code could specify that any processing whatsoever, apart from recording and strictly using the data for the specific purpose that it was supplied, and consent was given, shall be deemed to be a breach of the Code until the contrary is proven

7. Question 22: Supervision and Enforcement– Section 14

Section 139O (7) of the Act provides that a nominated body may notify the Commission of a matter which may trigger a request for information. It would be helpful if the Code specifically mentioned this power and provided further guidance as to how this could occur and what steps the Commission would take, together with timeframes, in relation to any such nominated body. In particular, it would be useful to understand the rights of such bodies to information as to the progress and outcome of any process undertaken by the Commission on foot of such notification.

In Section 14.6, in line with general fair procedure principles, the Code should specify how the right of any complainant to participate in any investigation would be vindicated, and how such a complainant would be supported. It is noted that the right of the VSPS provider which is the subject of the investigation is specifically included at 14.7 and 14.8.

In 14.15, it would be helpful if the Code specified what follow-up action the Commission might take if a content-limitation notice to a VSPS provider is not obeyed, or if there is delay in implementation.

Recommendations

- It is recommended that the Code be expanded to include information on the power of a nominated body to provide information, and to identify how the nominated body interacts with the Commission on so doing. In line with general fair procedure principles, the Code should specify how the right of any complainant to participate in any investigation would be vindicated, and how such a complainant would be supported.
- It would be helpful if the Code would specify what follow-up action the Commission might take if a content-limitation notice to a VSPS provider is not obeyed, or if there is delay in implementation.

8. Question 25: Consultation on Draft Statutory Guidance— Appendix 2

Our responses in relation to guidelines are contained in our responses to provisions of the Code above.

9. Question 28: Future Supplementary Measures and Related Guidance

Safety by design

It is disappointing that safety by design is not included in the draft Online Safety Code.

In 2018, the Council of Europe published its Recommendation, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, and noted that the online world is reshaping children's lives in many ways, resulting in 'opportunities for and risks to their well-being and enjoyment of human rights.'⁸⁷ Recognising that businesses have a responsibility to respect children's rights,⁸⁸ the Council of Europe recommends that States require businesses to meet their responsibilities by compelling them to implement measures and 'encourage them to co-operate' with the State and other stakeholders, including children.⁸⁹ A key proposal of these Guidelines is that States should require relevant stakeholders to implement safety by design, privacy by design, and privacy by default measures, taking into account the best interests of the child.⁹⁰ Including these principles in the Online Safety Code would help ensure that from the planning stages of technology development onward, children are protected. The UN Committee on the Rights of the Child in 2021 recommended that that States should incorporate 'the integration of privacy-by-design into digital products and services that affect children.'⁹¹

Many of the digital services children and young people use are not designed to protect their rights or meet their needs.⁹² Research from the 5Rights Foundation found that 'pathways designed into digital services and products are putting children at risk' with designers tasked with 'optimising products and services for three primary purposes, all geared towards revenue generation.'⁹³ The Online Safety Code presents a huge opportunity to embed the principle of safety by design into the Irish regulatory framework. It is important that this principle is not incorporated only to services specifically targeted to children and young people, but to all the digital services children and young people are likely to actually access.⁹⁴

The *Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment* state that States should require businesses to regularly undertake child rights impact assessments in relation to digital technologies and demonstrate that they are taking reasonable steps to mitigate risks.⁹⁵ Child rights risk assessments should be conducted by business "before their digital products or services could reach or affect children"⁹⁶ and businesses should be obliged to "undertake child rights due diligence, which entails that businesses should identify, prevent, and

87 Council of Europe, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018) 10.

88 UN Committee on the Rights of the Child, General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights CRC/C/GC/16.

89 Council of Europe, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018) 11.

90 *ibid* 23.

91 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 70.

92 5Rights Foundation, 'Design of Service' <<https://5rightsfoundation.com/our-work/design-of-service/>> accessed 4 September 2023

93 5Rights Foundation, September 2021 Pathways: A Summary Key findings and recommendations from Pathways: How digital design puts children at risk

94 5Rights Foundation, 'Design of Service' <<https://5rightsfoundation.com/our-work/design-of-service/>> accessed 4 September 2023

95 Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 95.

96 The Handbook for policy-makers on the rights of the child in the digital environment by the Council of Europe that accompanies the Recommendation (Livingstone et al., 2020,) 19

mitigate their impact on children's rights including across their business relationships and within global operations." ⁹⁷

Given the importance of design in online safety, in addition to the guidance now provided to the VSPS providers, the Commission may consider clarifying that, in the light of this Code, guidance and supplementary provisions providers will be expected to commence or increase focus from this point forward to ensure that they progressively prioritise safety by design, privacy by design, and privacy by default to allow them to effectively comply with future regulation.

Online safety supports

It is welcome that the Commission is looking to encourage VSPS to consider what supports they can offer people who engage with harmful content online including by providing users affected by harmful content with contact information about organisations that can support their welfare, or providing support materials to users directly impacted by harmful content among others.

Consideration should be given to reviewing the guidance provided in the supplementary measures with a view to making it suitable to be part of the Code to further support the complaints and remedied provisions of the Code.

Recommender Feeds

It is welcome that the Commission recognises in the consultation document that recommender systems may also amplify harmful content across platforms and has set out measures that the VSPS should take to reduce the risk of harm to children. It is also welcome that the Commission recommends that a safety impact assessment be conducted in relation to recommender algorithms and that safety should be prioritised before optimising user engagement. The consultation documents also set out a requirement for VSPS to report to the Commission on measures that are being taken to address 'toxic' feeds and measures to address the amplification of harmful content online.

Recommendations

- The requirement of safety by design should be one of the key measures included in the Online Safety Code and it should require safety by design to be implemented as standard into all products and services of VSPS.
- Child rights risk assessments should be conducted by VSPS before their digital products or services could reach or affect children.
- VSPS should regularly undertake children's rights impact assessments in relation to digital technologies and demonstrate that they are taking reasonable steps to mitigate risks.
- The provision in the supplementary measures concerning recommender feeds should be incorporated into the Online Safety Code.
- Consideration should be given to implementing the provisions in relation to the recommender feeds into the Online Safety Code.

⁹⁷ ibid 72.

Submission to Coimisiún na Meán

Draft Safety Code for video-sharing platform services

The Irish Traveller Movement welcome the opportunity to submit to Coimisiún na Meán (the “Commission”) on the Draft Online Safety Code for video-sharing platform services. This follows a submission on the initial Code and additional commentary on this Draft should be correlated.

Primary Recommendations

Designate Travellers as a protected category in the Codes, to ensure safeguarding and equivalent protection, and safeguard Traveller children within child featured obligations

Outstanding concerns in the current Draft Code include

- ❑ **Traveller Children** As referenced before the Irish Traveller Movement welcome and note now a robust protective focus on Children and following from the **Coimisiún** ‘s commitment to ‘ the Code to protect children and the public from online harms while upholding and promoting human rights’. Given the context of discrimination and harm for Travellers and especially Traveller children in the online space, we ask that Traveller children are defined as a vulnerable cohort on all the recommendations and requirements for protection to be served by the Code and of VSPs.
- ❑ **Gaps in safeguarding vulnerable groups**
 - 1) The definitions underpinning the Coimisiún’s function in the area of harm is defined as “regulated content harmful to the general public” as such: ‘content containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation’. However, there is no definition or guide as to harmful content which is not inciting but is pervasively stereotyping and perpetuates racism.
 - 2) **It is noted that of ‘regulated content harmful to children’** one of the reassuring many areas listed includes ‘content which may impair the physical, mental and moral development of children, namely: (a) content by which a person bullies or humiliates another person’. Notwithstanding the Act specifies protection of children, the Code could be a further exemplar for supporting a wider set of protections, which are existent in the other media statutory Codes, Broadcast and Press. Ireland and The Coimisiún have an opportunity to devise a Code which elevates a higher human rights regard and standard.
- ❑ **Safety by Design.** The Irish Traveller Movement welcome the Coimisiún’s comprehensive attention to Safety by Design in the Code, especially where ‘Providers of video-sharing platform services will be required to prepare and publish their methodology for conducting safety impact assessments, including ‘protection of the public from racism, xenophobia and incitement to hatred or violence on any of the grounds referred to in Article 21’. There is an opportunity here to list groups covered by Article 21, in Ireland, and Travellers explicitly, to ensure robust safeguarding for children and adults.
- ❑ **The need for defining Harm and Hate beyond commercial content.**
 - 1) The definitions and requirements of “audio-visual commercial communications harmful to the general public” is very robust. However, the definitions of ‘regulated content’, for both children and adults, do not have the same robust definitions, and there is an opportunity for the Coimisiún to elevate a higher safeguard, to all content which is harmful. It is noted the Coimisiún will revisit these later, but without closing the gap now, Travellers remain vulnerable to discrimination and racism.
 - 2) Also the impact of not having robust definitions in ‘regulated content’ weakens protections intended in the areas of Flagging and Reporting, Content Rating, Safety by Design and Complaints. Also, in the Code’s broader Definitions i.e., which might enable services to operate from a shared understanding as defined by the Coimisiún.

- ❑ **Complaints** the Irish Traveller Movement have long advocated for specific safeguarding in media where, complaints procedures operate outside the scope of Travellers being understood to be victims of ‘harm’ or ‘hatred’, by service moderators. **A glossary of definitions** should be detailed for groups covered by protected characteristics in Ireland, under Article 21. There is related concern therefore on adequate coverage in terms of Flagging, and Reporting, Safety by Design, and Definitions for Travellers, as stated in the Code currently.
- ❑ **Recommender System Safety.** An extremely welcome note of the risks highlighted for Travellers as an ethnic group was referenced in Coimisiún’s ‘views of respondents’ stated; ‘ (respondents)highlighted several types of harm that can be caused by recommender systems, ‘recommender algorithms that engage explicitly or implicitly with special category data such as political views, sexuality, religion, ethnicity or health should have these aspects turned off by default; However the Coimisiún’s Guidance does not go far enough , and the adequate mitigation of harm and hate would be better served where Services are required to Turn Off Recommender Systems.
- ❑ **Media Literacy** measures are a critical element to harness better protection but should be set for VSPS to operate through a universal human rights standard and with actions required in each of the areas defined to name groups covered by Article 21, especially Travellers.

Draft Code: Introductory Sections

Question: 1. Do you have any comments on sections 1 - 9 of the draft Code?

Comment on 3.2 Section 3: Purpose, Preparation and Application of Code

It is noted the Coimisiún’s statutory duties and obligations in Preparation of the Code Section 139M had regard to a set of criteria, one of which is; to

- levels **of availability** of harmful online content on designated online services;

These are to be considered specifically in

- Application of the Code to video-sharing platform services Section 139L (3) (b), (c)(d)
- Designation of online services 139E 3 (c)(d) (f)
- Application of online safety codes 139L. (3) (b), (c)(d)
- Online safety codes: matters to be considered 139M (d), (e)(f)

The Irish Traveller Movement raise the need for clarity in the Draft, of the objective criteria to be used to determine ‘levels of availability’, and for specification to be defined in the Guidance to VSPS.

3.3 Definitions

Questions:

2. What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?
3. What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?
4. What is your view on the other definitions of illegal content and regulated content?
5. Do you have any comments on any other definitions in the draft Code?

Comment on Q 2

We strongly agree with the Coimisiún and welcome this inclusion that the Code will require VSPS providers to take measures that protect against harm caused by user-generated content that is indissociable from user-generated videos, as well as to harm directly caused by user-generated videos themselves.

Comment on Q3

Example: Traveller children are particularly vulnerable to hate based harms as digital natives. Platforms such as TikTok and Facebook host pages solely established to either incite or negatively stereotype Travellers- children and young people. 65% of Travellers in Ireland said they had experienced identity-based discrimination, the second highest finding of 6 European countries researched and 52%, experienced hate-motivated harassment (such as offensive comments on the street or online) ⁽¹⁾.

- a) **'Regulated content harmful to children'**. The omissions noted are: harm and hate, which does not have an inciting element, but is residual and constant based on ethnic identity. Therefore, as noted in our introduction points, harm and hate, especially that which is generated in content, content sharing and algorithmic, should be defined in the 'regulated content harmful to children' in the Code, and to be broadened via legislative amendment, as referred.
- b) **The definition of regulated content harmful to children- should be stated for grounds protected under Article 21**, i.e. where sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, are all protected grounds, and are clearly stated in the definitions, it will promote VSPS to prescribe in their Complaints mechanism, Reporting and Flagging, T&C's and through Media Literacy.
- c) **Gambling** - video sharing is an element of gaming with young children followers of gaming influencers. The use of 'loot boxes' in games is a concern where children by indirect example are encouraged into strategies which reward gambling in those games. Gambling should be named in the definition linked to algorithmic controls.

Comment on Q4

1. As proposed we contend that; The harms proposed should be broadened to include encouragement of racist and other discriminatory attitudes. This is especially important for Travellers and where the impact of 'aggregate' content has been especially harmful.
2. It is important that the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Act will synergise with the AVMS Directive, and the code especially where these might impact on criminal proceedings in the digital space, and to close the gap on hate speech, while upholding principles of Freedom of Expression.
Example: On November 23rd 2023, during the Dublin far right fuelled riot, social media provided a platform of racism and hate, one perpetrator sharing an audio call out inciting people as such; 'tool up, and any F..... gypos or foreigners, kill them, just kill them'. If shared to any of the 10 designated VSPS obligated under the Code, the AVMS Directive should have provided a level of protection, however, the grounds and glossary of terms needed to ensure circumventing of wording such as 'gypos' etc., is anticipated and where wider colloquialisms might be used.

3.4 Obligations relating to Content

Questions:

6. What is your view on the obligations in the draft Code that relate to what a VSPS provider must include in its terms and conditions?
9. What is your view on the requirements in the draft Code in relation to age verification?
12. What is your view on the requirements in the draft Code in relation to complaints?

Comment on Q6

Reporting and Flagging. We agree with the Commission to oblige VSPS to set and publish targets, and to measure and report performance against those targets. We would add that Harmful content, in addition to, inciting harm, would be stated within the content to be upheld in Reporting and Flagging guidance, but are not currently stated in the code guidance (see comment on Q3 (a) &(b))

Comment on Q9

Age Verification Techniques. A requirement for age verification to take account of existing users to a platform and retrospective action to be noted under the guides.

Comment on Q12

- a) As referred in our earlier submission there is ambiguity currently among complaints' handlers of racism experienced by specific ethnic groups, including Travellers. The wording in the Code 'VSPS providers are required to establish and operate procedures for the handling and resolution of complaints in relation to reporting and flagging, age verification, content rating and parental controls, and to handle complaints effectively and diligently, **to insert** (to establish and operate procedures **within a culturally competent understanding**)

- b) **At (11.29) in the Guidance:** Complaints made by users. Can this section include in the text ‘super complaints bodies and designates’?
- c) **At (11.30) in the Guidance** ‘Video-sharing platform service providers shall handle complaints in a diligent, timely, non-discriminatory, and effective manner’. Can this section include, ‘culturally competent manner’?

3.6 Other obligations

Questions:

- 18. What is your view on the requirements in the draft Code in relation to media literacy measures?
- 20. What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?
- 21. Do you have any other comments on the requirements in section 13 of the draft Code?

Comment on Q18

Media Literacy. The definition in the Act; ‘means public understanding of material published in print, broadcast, online or other media’. It is noted the Coimisiún will refer to the statutory guidance materials for VSPS, but we contend that it should be explicit that guidance requires Services themselves to be equipped to understand harm published which is racist or discriminatory towards specific groups. Please see comment on Compliance at (2) There is also need for a glossary of definitions to be clearly stated for groups covered by Article 21.

Example: in June 2023 a music video titled ‘Nancy the tinker’ produced and uploaded by Dylan Rabbitte-Treacy an arts creator, received 25,000 plays and over 500 likes. It was dedicated to deriding Traveller women. SoundCloud, despite its own user reporting hate speech protocols defined as ‘We will not tolerate content that promotes or encourages hatred, discrimination or violence against others based on things like race, cultural identity or ethnic background, religious beliefs, disability, gender identity, or sexual orientation’, would not take the video down. Commenting; ‘there is no clear intention to criticize or demean any individual or group of individuals on the basis of their belonging to a protected group.

However, Roma is the term (in European wide human rights equality frameworks) to describe Travellers who are by European and Irish standards, a ‘protected’ group. Despite attempts to outline Traveller’s ethnic status the German based moderators did not either understand the European standard obligation / and or their own services’ observance of categories of protected status.

Comment on Q20

- a) **Taking Complaints:** There are concerns that the content rating system in the Draft for children is not an adequate safeguard for having complaints upheld, where unintended harm facilitated by aggregate content which is viewed but does not qualify as being ‘harmful’ as designed in the current draft. This would have a diluting impact for Traveller and other children across the other parts of the Code.
- b) Example: Content which is generated explicitly for racist purposes where Traveller videos are either dubbed or shared without their consent on Tik Tok, causes pile on harm and offence as often content is designed to be derisory, stereotyping, and harmful. The platform has a high young Traveller demographic, and since inception, videos that feature the tag ‘#irishtraveller’ have garnered over 87.3 million views ⁽²⁾. See Comment on Q3 at (b) b)
- c) The definition of regulated content harmful to children- should be stated clearly for grounds protected under Article 21, i.e. that sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, are all protected grounds in the definitions.
- d) Also closing the gap on potential vulnerability for Traveller children without a broader definition of harm in ‘regulated content’ See comment Safety by Design at (2)
- e) We ask the Coimisiún to balance the element of freedom of expression for children with any unintentional consequences which might indirectly be shared by young people, without understanding harm and offence to people of protected characteristics, covered by Article 21 grounds.

Comment on Q21

Notwithstanding the decision by the Coimisiún to not set timelines for complaints, it is noted in the supplementary guidance complaints should be handled in ‘timely’ manner. **We recommend an obligation defined by a set of priorities should be established by the Code to determine a universal and agreed approach to be adopted by VSPS.**

4. Consultation on Draft Statutory Guidance

Comment on Q25. Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?

Protections: The Guidance as drafted ‘Video-sharing platform service providers **which choose** to extend the protections required by the Code to a wider range of content types or a wider range of users are not required to establish separate mechanisms limited to the content and users as required by the Code’, is welcome, and the ‘later expansion’ requirement without onerous obligations is fair. But the Guidance would best serve all people from racism and discrimination, by requiring groups protected in Ireland under Article 21, including Travellers **to be named and defined in the Guidance as a standard baseline.**

Terms and Conditions: The Guidance as drafted ‘VSPS providers are required to prohibit certain matters in their terms and conditions, to which anyone opening an account on a VSPS is asked to agree.’ This should include agreement to terms where groups/ grounds protected in Ireland under Article 21, including Travellers, are described to users as a group protected by a discourse standard setting guide established by the Service.

Across all the Draft guidance general comments

That the Coimisiún would give further reflection in the Guidance

- ❑ **Terms and Conditions** – Content (Sections 11.1-11.9 of the Code) These Best Practice guides should also include a glossary of terms related to groups covered by Article 21, including Travellers.
- ❑ **Media Literacy:** As referred above. The need for a glossary of definitions to be clearly stated for groups identified within protected characteristics in Ireland, covered by Article 21
- ❑ **Complaints** Services should be required to facilitate an ethnic identifier in reporting tools, and monitoring reports should be disaggregated for publication based across the Article 21 grounds, to examine impact for those groups, and to allow adaptability of the Code and standards going forward.

6. Future Supplementary Measures and Related Guidance

Comment on Q 28. Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

Safety by Design While the Coimisiún does not intend to include these measures in the first Code, we believe that Safety by Design and Recommender Feeds are fundamentally needed in the Code and the Guidance. It is welcome that ‘Video-sharing platform service providers must ensure that the operation of recommender systems does not result in a user being exposed to content which, in aggregate, causes harm’. However even the recommendation as stated is lessened by not defining ‘Harm’, and one of the five areas defined is ‘exposing users to relevant content which, in aggregate, causes harm’. It is also problematic, not defining other ‘Harms’ for children and adults within the current draft, of ‘illegal’ and ‘regulated’ content, i.e. harm on aggregate which causes pervasive stereotyping and perpetuates racism.

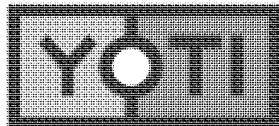
Harm by aggregate The Irish Traveller Movement raised concerns through the consultation processes, of the distinct and disproportionate occurrence of Traveller hate-based harms, which in aggregate cause specific harm to Traveller children and adults. This has not been tackled by platforms including video sharing ones.

Example: During canvassing in Ireland’s last General Election a Traveller candidate recounted dedicated social media bots made to look like real accounts and titled under stereotyping names were created and linked to the candidate. A candidate’s family were targeted, and young child named in hateful and threatening video posts. A Traveller politician

'has made over 200 reports (to Aug 2023) to social media companies of threatening and or abusive posts and comments, most of which were on VSPS sites, many to no avail. **The Irish Traveller Movement strongly recommend that VSPS are required to turn off the recommender system to combat the spread of racism and discrimination against Travellers.**

For further information, please contact: Jacinta Brack National Policy & Advocacy Coordinator
The Irish Traveller Movement, 4 - 5 Eustace Street, Dublin 2. 01 679 6577, [REDACTED]

- 1) https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-and-travellers-survey-country-sheet-ireland_en.pdf
- 2) TikTok For You page <https://www.tiktok.com/discover/irish-travellers?lang=en>



Yoti response to the Coimisiún na Meán consultation on the Draft Online Safety Code

30 January 2024

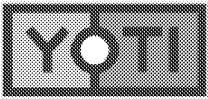
Contact details:

Respondent full name:

Florian Chevoppe-Verdier, Public Policy Associate

Email address:

[REDACTED]



About Yoti

Yoti is a digital identity company that makes it safer for people to prove who they are. Founded in April 2014, we started by creating a secure Digital ID app which gives people a safer and instant way to prove their identity, with no need to show identity documents or share an excessive amount of personal data. Yoti now provides verification solutions across the globe, spanning identity verification, age verification, age estimation, eSigning and authentication. We're a team of over 400 people, working together to shape the future of digital identity.

We're committed to making the digital world safer for everyone. Our seven ethical principles guide us in everything we do and we're held accountable by our independent Guardian Council, whose minutes we publish. With an award-winning social purpose strategy, we're always looking for new ways to explore what (digital) identity means globally. The journey isn't one we're making alone, but with the help of policy advisers, think tanks, researchers, humanitarian bodies and everyday people.

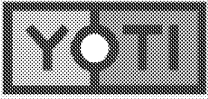
What we are doing and why:

- Transforming the way individuals can prove their age and identity
- Increasing security and privacy of personal data
- Helping to create age-appropriate experiences and safer communities online
- Creating the most reliable and comprehensive identity verification solutions
- Shaking up the way we sign documents

Technology as a force for good - Yoti was founded on seven business principles which guide our actions. Yoti is also a founding UK B Corp meaning we aim to balance profit with purpose.

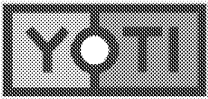
Security credentials - We commission regular external audits of our business and have been certified to meet some of the world's most stringent security standards, such as ISO 27001 and SOC2 Type II. We are also certified by the UK Government under the UKDIATF.

A transparent, open and honest approach - Yoti publishes regular white papers to build trust and understanding of our technology.



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Feedback

3.4 Obligations relating to Content

3.4.3 *Age verification techniques*

‘Coimisiún na Meán considers that the Code should refer to the effectiveness of age verification, rather than specify the particular techniques that must be used.’

We are supportive of the inclusion in the Code of references to the effectiveness of age verification, rather than just to specify the particular techniques that must be used. As an age assurance technology provider, Yoti believes providers should offer users and consumers a choice of proportionate and effective age assurance technologies to choose from.

Indeed, providing users with a variety of proportionate options to choose from fosters a heightened sense of trust in the services and technologies being offered. It empowers users to select the option that best aligns with their preferences and comfort level, enhancing the overall user experience and reinforcing confidence and trust in the overall online safety regime.

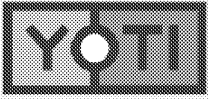
‘a VSPS that permits the uploading of pornography and gross or gratuitous violence can use an age verification technique appropriate’

We believe that, for the avoidance of doubt, the Code should read as *‘shall use an age verification technique appropriate’*.

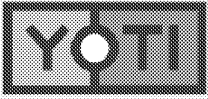
‘Coimisiún na Meán considers that providers must be transparent about the techniques they use and about their targets for the proportion of children of different ages who are incorrectly assessed to be adults.’

We are supportive of the inclusion of this objective in the Code. However, in order to achieve the aim of assessing whether a video-sharing platforms service provider (VSPS) is ‘using a sufficiently effective age verification technique to provide the appropriate degree of protection’, we would recommend that these techniques be independently assessed for efficiency; by an accredited auditor.¹

¹ E.g. <https://www.accscheme.com/>



Otherwise, the Commission would only be able to rely on data and assessments provided by a VSPS, not an age assurance technology provider (being out of scope of the regime), and it would not be possible for the Commission to independently audit such data provided.



Appendix 1 - Draft Online Safety Code

Sections 11.3, 11.4, 11.6, 11.7 - Age verification

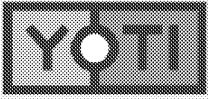
Overall, we would suggest that this section be renamed '*Age assurance*'. Indeed, we do not believe that the age of a user should be *verified* in every instance. Indeed, it would likely be more proportionate from a child privacy and data protection perspective to only initially establish whether an individual is above or below a set threshold for accessing a service or content. There is no added value for a provider in knowing whether a user is 12 or 14 in a situation where all that matters is an under-18 individual is not accessing 18+ content. We usually recommend that full verification of an individual's exact age only take place where that is legally required and where more privacy-preserving techniques cannot be used.

Further, whilst we are supportive of the inclusion in the Code of duties for VSPS to introduce '*robust age verification measures*', we would highlight that there is a potential issue in the way it is currently drafted.

In the Code, video-sharing platform services providers '*of which the principal purpose of the service or a dissociable section thereof is providing access for adults to content consisting of pornography or realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty*' will be required to implement '*robust age verification measures in accordance with section 11.19 of the Code*'. However, other VSPS '*of which neither the principal purpose of the service nor of a dissociable section thereof is providing access for adults to content consisting of pornography or realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty*' will instead be required to do so in accordance with sections 11.16 and 11.17 of the Code.

All providers will be required by the Commission to implement '*effective measures*'. However, the key difference between those two types of service providers is that the requirements on age assurance are looser in sections 11.16 and 11.17 than they are in section 11.19. Indeed, providers that will have to abide by sections 11.16 and 11.17 will be permitted to use '*other technical measures*' in order to achieve this objective.

However, as per our feedback to the introductory policy discussion document accompanying the Draft Code, we do not believe that the Commission will be able to



effectively assess whether a VSPS is *'using a sufficiently effective age verification technique to provide the appropriate degree of protection'* unless the effectiveness of the techniques named (*'age verification'*, *'age estimation'*) or any *'other technical measure'* can be independently audited.

As an example, an organisation could state that they have implemented a data minimised document based age verification however not be undertaking a method with liveness detection, document authenticity or face matching. The net result would not be *'effective'*.

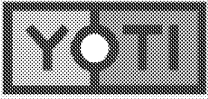
Until that is the case, the Commission will only be able to rely on target numbers, evaluations of accuracy and effectiveness, and survey results provided by firms that have, as feedback provided by the Trust Alliance Group in the *'Responses to Coimisiún na Meán Call for Inputs: Online Safety Code'*² document published by the Commission in December 2023 highlights:

'For many platforms, especially those where engagement drives profits through advertising, there has been very little commercial incentive to block users' access to the service based on age or to punish users if they evade what little blocks are in place.'

'They discovered this underlying commercial reality with one of the platforms in their cohort which had such a business model and did not require any further age checks even when the content it hosts had been labelled 'mature' by its creator.'

We would suggest that the Commission either pursue the ability to do so by seeking to reform its statute, or implement an additional duty on providers for independent auditing prior to the deployment of age assurance techniques. This could be added to the duties envisaged in section 1.1 of the *'Draft Supplementary Measures for inclusion in the Online Safety Code'* section of the document. We firmly believe that exposure to content, whether that content forms the majority or a part of a service, can have equally negative effects on an individual. Therefore, any solution that is put in place to mitigate those potential harms should be in scope of the Code and auditable for effectiveness.

² Responses to Coimisiún na Meán Call for Inputs: Online Safety Code, Coimisiún na Meán, December 2023, available at https://www.cnam.ie/wp-content/uploads/2023/12/CallForInputs_ResponsesReceived.pdf



Section 11.18 - Age verification

We welcome the inclusion in the Code of duties for all providers to *'(iii) set targets for the number of children (in different age ranges determined by the service provider) who are wrongly identified as adults through the service provider's age verification, age estimation or other technical measures; (iv) evaluate the accuracy and the effectiveness of their age estimation systems, age verification systems, or other technical measures, including whether the mechanisms used have enabled the service provider to reach the targets set under (iii); and (v) using surveys or other means, estimate the number of users who are children using their service'*.

As per our feedback to sections 11.13, 11.14, 11.16, 11.17 (above), we believe that it will be important for the Commission to be able to independently assess and audit the methodologies used by providers to determine whether they are *'effective'* and *'robust'* and deliver the policy aims of the Code in regards to the protection of minors.

It would be useful via the Global Online Safety Regulators Network, to share best practices on measurement³, effectiveness, benchmarking⁴ and anti spoofing.

Section 11.17, 11.19, 11.22, 11.23 - Age verification and content rating

As we previously discussed, the Commission is proposing to enable providers to implement measures *'either on account sign-up for the service or on each occasion such content is accessed'*.

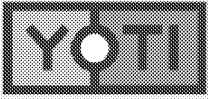
However, there is a potential significant weakness in the proposed Code if the regime is to rely on age assurance measures implemented at the point that designated content is accessed, and if the Code's content rating systems regime is to rely on users of video-sharing platforms to rate the content themselves.

First, this means under age users could be able to rate content, potentially unlocking content for themselves and their peers that they should not be able to access. Secondly, these decisions will be incredibly suggestive and will rely on each individual's perception. Adults may feel that a piece of content would not be harmful

³

<https://ico.org.uk/about-the-ico/research-reports-impact-and-evaluation/research-and-reports/age-assurance-research/>

⁴ https://pages.nist.gov/frvt/html/frvt_age_estimation.html



to a child, or that the child should not be prevented from accessing it, although the law, the Code or both say that it should be the case.

Finally, we would suggest that the regime should not rely on users making potentially arbitrary decisions about how old a person should be in order to have access to content. This is because we believe that the age assurance regime should not rely on establishing the exact age a person is, but in line with the strongest data minimisation principles, whether that person is above or under a threshold that is set by law or the Code and that determines whether they should have access to content. Enabling users to determine a specific age means that each user should share an exact age, with all the data protection risks that this poses, in order for the regime to deliver its aims. All that is required is a data minimised attribute such as 18+, 18-, 13+, depending on the use case.

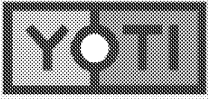
In 11.23 specifically, we would suggest that the adoption of content rating systems should not be left to each provider to decide, but rather that the Commission should define thresholds that are clear, easily understandable and uniform across the digital and media landscape. This will also facilitate the delivery of the Media Literacy policy objectives as drafted in the Code.

Therefore, we would suggest that the Code either evolve to remove the ability to implement age assurance techniques at the point of accessing individual pieces of content, or insist that content rating not be left to users.

Section 11.20

We would question whether surveys are the best and most scientific tool to assess the levels of circumvention of age assurance techniques, we still would like to see ‘*other means, estimate the number of users who are children using their service.*’ added to this section.

We would recommend independent research be undertaken in terms of ability to circumvent, following the approach taken for the review of spoofing of identity documents with 1) low budget of under EUR 10, low skill, under 2 hours, 2) mid budget, under EUR 100, under 10 hours and mid skill 3) high budget of EUR 1000, 1 month and high skill.



Section 11.19, and therefore section 11.20, will apply to *'services of which the principal purpose of the service or a dissociable section thereof is providing access for adults'*.

We believe that there is value, regardless whether the age restricted content forms the *'principal purpose'* or *'a dissociable section'* of the service, in providers sharing information about the circumvention rates and effectiveness of the age assurance techniques that they employ on their platforms.

As per our feedback to sections 11.13, 11.14, 11.16, 11.17, and 11.18, we would again highlight the need for independent auditing of these techniques, as well as circumvention rates, in order to ensure providers meet their obligations.

Section 11.21

Similar to our previous feedback and building on the Trust Alliance Group's feedback, we would suggest that such reports *'on the accuracy and effectiveness of age estimation mechanisms, age verification mechanisms or other technical measures arising from the evaluation undertaken under sections 11.18 and 11.20'* be either produced by trusted independent third parties, or the Commission itself.

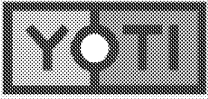
We would also suggest that the duty to provide reports should be set to every six months or annually rather than three, particularly if independent third party auditing is to be employed, given the time and cost implications.

For instance, and as recognised by the Irish Safer Internet Centre in the *'Responses to Coimisiún na Meán Call for Inputs: Online Safety Code'*⁵, an example of best practices is Yoti's white paper on the effectiveness of its age estimation techniques. This year, a version was published in March 2023 and the most recent version in December 2023⁶. You may also be interested in the white paper on liveness detection⁷.

⁵ Responses to Coimisiún na Meán Call for Inputs: Online Safety Code, Coimisiún na Meán, December 2023, available at https://www.cnam.ie/wp-content/uploads/2023/12/CallForInputs_ResponsesReceived.pdf

⁶ Yoti Facial Age Estimation White Paper, Yoti, December 2023, available at <https://www.yoti.com/wp-content/uploads/2023/12/Yoti-Age-Estimation-White-Paper-December-2023.pdf>

⁷ <https://www.yoti.com/blog/yoti-myface-liveness-white-paper/>



Finally, we would like to see more detail on what *‘the manner specified by the Commission’* would be.

Sections 11.24 to 11.28 - Parental controls

Generally, our feedback to this section is that it would not function properly unless section 11.28 is reworded to make the provision of parental controls mandatory, and providers are required to implement age assurance techniques at the point of signup in order to determine which users should be subject to parental controls. It is also worth reviewing what percentage of parents are able to set up and engage with parental controls and what support in terms of safety by design is there for children in households where parental controls are not in place.

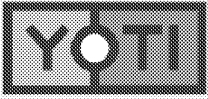
This is also because live-streaming is a functionality rather than an individual piece of content, and if a provider chose to implement age assurance at the point of accessing content rather than signup, an underage individual could access a live-streaming function without the provider knowing that they should in fact be subject to the Code’s parental controls dispositions.

We would welcome more granularity on the proposed parental controls system, and in particular how the Commission proposes to establish and verify the link between the under age user and parent or guardian.

Of interest to the Commission, in terms of parental consent (not control) may be that Yoti and its partner SuperAwesome have, in June 2023, made an application to the United States’ Federal Trade Commission for the approval of a verifiable parental consent (‘VPC’) method pursuant to the Children’s Online Privacy Protection Rule (COPPA)⁸ ⁹. In it, Yoti & SuperAwesome have requested that the Federal Trade

⁸ Application for Approval of a Verifiable Parental Consent Method Pursuant to the Children’s Online Privacy Protection Rule 16 C.F.R. §312.12(a), Federal Trade Commission, 2 June 2023, available at https://www.ftc.gov/system/files/ftc_gov/pdf/Application-for-a-new-VPC-method-ESRB-SuperAwesome-Yoti-06-02-2023.pdf

⁹ Asking the FTC to approve facial age estimation for verifiable parental consent, Yoti, July 2023, available at <https://www.yoti.com/blog/asking-ftc-approve-facial-age-estimation-verifiable-parental-consent/>



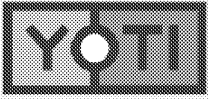
Commission approve a new VPC mechanism known as “Privacy-Protective Facial Age Estimation,” which is not currently enumerated in the Rule.

Section 11.27 - Parental controls

We would welcome the introduction of a duty on service providers to ‘*explain to users how age assurance systems operate*’ similar to this section.

Section 14 - Supervision and enforcement of the Code

We support provisions to enable the Commission to enforce the Code. We would suggest that some of the requirements and duties as defined in sections 14.1 to 14.15 be timed, in order to ensure that there are fair but firm deadlines for complying with obligations, which will simultaneously enhance public confidence in the regime and better enable providers to prepare for such situations.



Statutory Guidance Materials – Online Safety Code

General Guidance: Obligations of Video-Sharing Platform Services

General feedback

We note that the words ‘*effective*’ and ‘*robust*’ are used interchangeably throughout the document, particularly in the context of age assurance, content ratings and parental controls. However, the word ‘*robust*’ does not appear to be defined in the Code nor in this section (‘*General Guidance: Obligations of Video-Sharing Platform Services*’).

We would therefore suggest that the word ‘*robust*’ be replaced with ‘*effective*’ throughout in the interest of legibility.

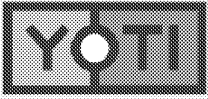
Guidance: Age Verification (Sections 11.16-11.21 of the Code)

We would suggest that self-declaration should not be included in the opening list of ‘*techniques for estimating or verifying the ages of children and users*’. This is because it is said further in this section that ‘*Self-declaration is not considered by the Commission to be an effective form of age verification*’.

This is also in line with responses by the Irish Safer Internet Centre and 5Rights Foundation in the ‘*Responses to Coimisiún na Meán Call for Inputs: Online Safety Code*’¹⁰ document published by the Commission in December 2023.

As we have suggested previously, we also believe that the expression ‘*age verification*’ should be reworded to ‘*age assurance*’, as not all of the techniques included in this list mean that the age of a user is ‘*verified*’.

¹⁰ Responses to Coimisiún na Meán Call for Inputs: Online Safety Code, Coimisiún na Meán, December 2023, available at https://www.cnam.ie/wp-content/uploads/2023/12/CallForInputs_ResponsesReceived.pdf



‘Age estimation is a technique which involves an account-holder user declaring that they are a particular age and verifying the declaration through examination of the way the account makes use of the service or through biometric analytics.’

We would highlight that not all age estimation technologies, of which facial age estimation is a subset, require users to either possess an account or make a self declaration in order to accurately establish whether a person is below or above an age threshold.

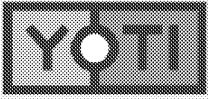
Yoti’s facial age estimation technology can determine a person’s age from an image of their face, with no need for a physical document check, self declaration or human intervention. It is accurate across all skin types and genders. An individual cannot be identified by Yoti nor can Yoti infer anything else about a person. Age estimation also encourages data minimisation as only a facial image is needed to estimate the user’s age, and the provider does not need to know a user’s full date of birth. Yoti immediately deletes all images of users.

‘Effective age estimation should meet any industry standards adopted and report on quality parameters achieved as well as complying with data protection and privacy requirements.’

We would welcome further clarity on what industry standards and quality parameters the Commission would like to refer providers to. There are of course codes such as California’s Age Appropriate Design Code, the upcoming European Union Code of conduct on age-appropriate design, the UK Children’s Code, and ‘Privacy by Design’ principles.

‘The Code requires age verification techniques to be effective in ensuring that children are not normally able to access services or sections thereof that are devoted to adult content, and to be effective in ensuring that children are not normally able to view adult content on other services.’

As noted previously, the word ‘effective’ and ‘robust’ are used interchangeably, and for the sake of clarity, we would recommend using only the word ‘effective’. In addition, we would also recommend that the Code focus on data minimisation principles and the need for proportionality of the age assurance techniques employed by providers.



'No age verification technique will be 100% effective but providers should minimise the error rate when children are misidentified as adults.'

Similar to previous feedback, we would welcome more clarity on what the Commission would deem an acceptable error rate.

We would recommend that the Commission refer to the upcoming NIST benchmarking of facial age estimation.¹¹ In July 2023, the National Institute of Standards and Technology (NIST) announced that they would start evaluating facial age estimation.¹² NIST evaluation provides scientific certainty for businesses, regulators and legislators that facial age estimation can accurately estimate age and is free from material bias. NIST clarified that they are distinguishing between facial recognition technology and facial analysis technology. Facial recognition (identifying who is in an image) now sits in the Face Recognition Technology Evaluation (FRTE) program.¹³ Facial age estimation and liveness (establishing what is in a picture) now sit in the Face Analysis Technology Evaluation (FATE) program.¹⁴ We submitted the FAE model published in this paper to NIST in September and we expect the results of the evaluation to be published in February 2024. It is also notable that facial age estimation is the only AI or machine-learning age assurance method that NIST is evaluating at this stage. This signifies the growing recognition of the suitability and maturity of the solution for a growing number of settings. Yoti has already been evaluated for NIST Level 2 with MyFace,¹² our proprietary passive liveness solution.

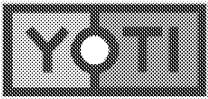
For reference, in its December 2023 *Facial Age Estimation White Paper*¹⁵, Yoti emphasised that its true positive rate (TPR) for 13-17 year olds was correctly estimated as under 25 was 99.91%. There was also no discernible bias across gender or skin tone for this group. TPRs were 99.85% and 99.96% for females and males respectively, and 99.92%, 99.89% and 99.93% for skin tones 1, 2 and 3¹⁴ respectively.

¹¹ https://pages.nist.gov/frvt/html/frvt_age_estimation.html

¹² <https://www.yoti.com/blog/yoti-myface-liveness-white-paper/>

¹³ Yoti Facial Age Estimation White Paper, Yoti, December 2023, available at <https://www.yoti.com/wp-content/uploads/2023/12/Yoti-Age-Estimation-White-Paper-December-2023.pdf>

¹⁴ On the Fitzpatrick scale, which is a numerical classification schema for human skin colour.



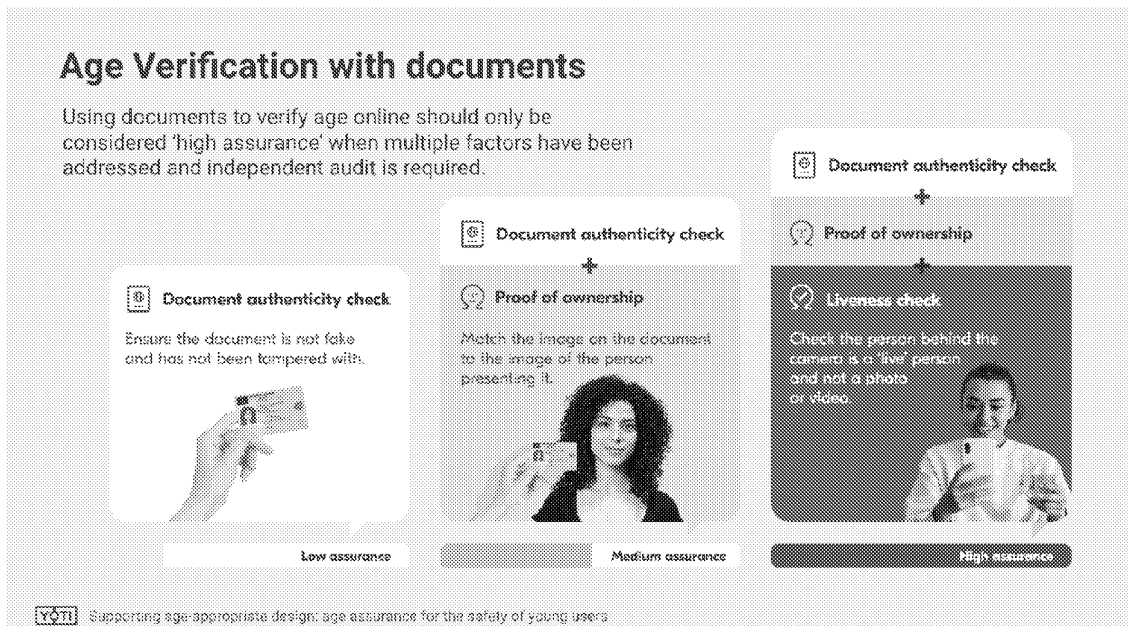
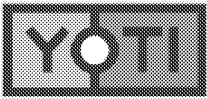
'The harm will be greatest if an error is made in the case of a child in their early teens and less if an error is made in the case of a child who is close to adulthood.'

We would highlight that in the case of Yoti's facial age estimation technology being used to assess whether a user is below or above a certain age, the harm as described to children in their early teens would be very unlikely to happen as it is very unlikely an under 13 would be identified as over 18. (See TPR rates as included in the previous answer).

'Robust age verification can include document-based age verification at sign up and selfie or live likeness based age verification on a per video or per session viewing basis. The use of a document plus a live selfie at account sign-up would be regarded as robust age verification; that other methods such as live selfie plus biometrics when content is accessed could also qualify as robust, as long as it was demonstrated that they provided an equivalent level of protection.'

Whilst we do not contest that document-based age verification or the use of digital identity wallets are one of many effective ways to verify a person's age; we would question why a precise date of birth needs to be 'verified', as opposed to just requiring providers to assess if a user is, for instance, a minor, under 18 or over 18. Both identity verification and digital identity apps allow for the selective disclosure of a data minimised attribute; it would seem a shame to not avail of this.

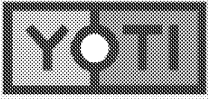
Further, we would also alert the Commission that with all document based approaches - there needs to be effective document authenticity, face matching and liveness detection, as per the image below. Additionally, document-based verification poses the questions of access to identity documents, their affordability and the ease with which fake documents can be procured, the numbers of lost, stolen and fraudulently obtained genuines. It is vital that providers are audited in terms of security and data responsibility meeting GDPR requirements.



We do welcome the clarity provided by the Commission about the fact that other methods such as facial age estimation can provide an equivalent level of protection; with a buffer where that is needed. As per our previous feedback, it will then be important for the Commission to audit or mandate independent third party auditing of those methods, and in particular to understand the volumes of circumvention of each technique, which is a key indicator of effectiveness.

'Other techniques such as self-declaration plus estimation based on use of the service are unlikely to be good enough to restrict access to pornography and extreme violent content. These may, however, be sufficient for preventing under-age users. Targets for effectiveness would have to be sufficiently high and effectiveness would need to be demonstrated to have been achieved.'

There is a potential conflict here between this statement and a previous paragraph ('Age estimation is a technique which involves an account-holder user declaring that they are a particular age and verifying the declaration through examination of the way the account makes use of the service or through biometric analytics. Effective age estimation should meet any industry standards adopted and report on quality parameters achieved as well as complying with data protection and privacy requirements.')



We believe that the terms *'unlikely to be good enough'* and *'may (...) be sufficient'* are ambivalent, and would welcome a firmer assertion of whether the Commission deems those to be *'effective'* or not. Similarly to previous feedback, we would welcome more clarity on what effectiveness targets the Commission would want to set, and would reiterate the fact that demonstrating compliance should only be done via independent third party auditing.

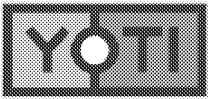
We would refer the Commission to the extensive work undertaken by the German expert age bodies, the FSM and KJM. The FSM deployed 3 independent experts to review facial age estimation over circa 1 year period; and concluded that facial age estimation with a 3-5 year buffer could receive their seal of approval and this method is also on the KJM Raster of approved approaches.

We would refer the Commission to the work of the CNIL in 2022, the French data protection regulator, the Commission Nationale de l'Informatique et des Libertés, published an analysis of age verification methods in the context of keeping minors out of adult services, concluding that "The analysis of facial features by an automatic system accessing the computer's webcam, without biometric facial recognition, makes it possible to block access for the youngest and to authorize access for people who are well over 18 years old" (English translation).¹⁵ It revisited this study, more recently, in a February 2023 blog post, where it re-emphasized that "it considers acceptable the use of age verification by validation of a payment card or a process of *facial age estimation based on facial analysis without facial recognition*" (emphasis added) (English translation).¹⁶

We would also draw the Commission to the review undertaken in terms of use of facial age estimation in terms of access to alcohol by the UK Home Office; in terms of a parallel age restricted good. Yoti's facial age estimation has been certified since 2020 by the Age Check Certification Scheme for use in a Challenge 25 policy area, The intention of the test is to assess whether or not the Yoti Age Estimation System is fit for deployment by determining if an 18 year-old (the nominal age) would be incorrectly estimated as being over 25 (the Challenge Age policy). *The report highlights how, subject to the exclusions mentioned in the report, our testing indicates*

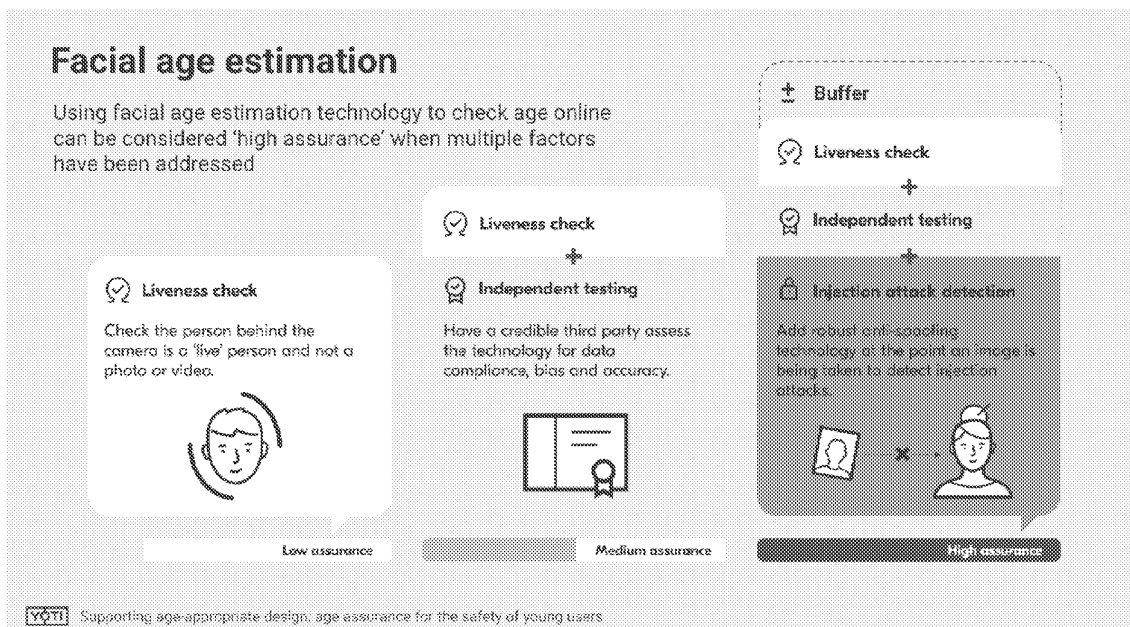
¹⁵ CNIL, *Contrôle de l'âge sur les sites web : la CNIL invite à développer des solutions plus efficaces et respectueuses de la vie privée* (July 26, 2022), <https://www.cnil.fr/fr/contrôle-de-lage-sur-les-sites-web-la-cnil-invite-developper-des-solutions-plus-efficaces-et>.

¹⁶ CNIL, *Contrôle de l'âge pour l'accès aux sites pornographiques* (Feb. 21, 2023), <https://www.cnil.fr/fr/contrôle-de-lage-pour-laccès-aux-sites-pornographiques>.

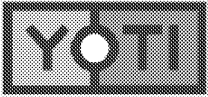


that this version of the tool **PASSES** for deployment in a Challenge 25 policy area.' Even 4 years ago in 2020, the system was 'deemed fit for deployment in a Challenge 25 policy area and at least 98.89% reliable.' The Yoti AI Services Age API version 1.1.1 (Target of Evaluation) assessed on or before 17th November 2020 can be stated to accurately estimate the age of person of nominal age 18 as being under the age of 25 with 98.89% reliability where results are stated by the Yoti system to an uncertainty of less than 4.6 years. The mean absolute error, mean predicted age, upper and absolute tolerances were all within the permitted parameters as set out in ACCS 1:2020 Technical Requirements for Age Estimation Technologies.

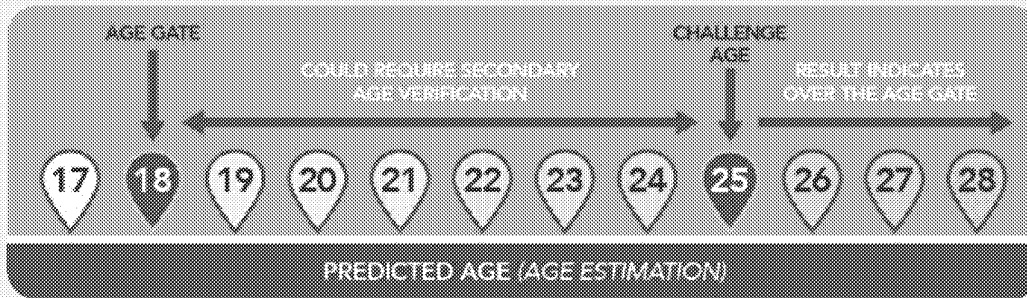
During the trials held in 2022; as summarised in the report by the Retail of Alcohol Standards Group, (RASG)¹⁷ where 99,800 customers utilised the technology & no underage sales were identified. When consumers had the choice of using a digital ID via a reusable digital identity app or facial age estimation, In the trials, use of the digital proof of age app was negligible compared to the age estimation usage.



¹⁷ <https://rasg.org.uk/digital-proof-of-age-and-the-use-of-technology-for-alcohol-sales/>



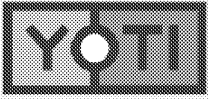
Use of estimation approaches, with or without buffers



‘Tokenised age services may be considered ‘

We welcome the introduction of this sentence in the document. We would also welcome the opportunity for reusable tokenised age checks to be introduced in the document. This is because we believe reusable age tokens will open the ability to seamlessly access websites and authenticate new browsers and devices.

Tokens are flexible and are accepted entirely at the discretion of the integrating party. Criteria for what type of age tokens are accepted can be defined by providers, or could be set by the Commission.



Draft Supplementary Measures for inclusion in the Online Safety Code

1.1 Safety by design

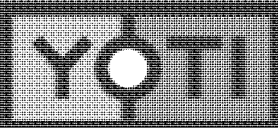
We welcome this section as currently drafted. We would suggest to the Commission that the documents published by VSPS as per the duties included in this section could be hosted on the Commission's website, in order for members of the public to easily access them.

We would also welcome the introduction of mechanisms through which members of the public or designated specialist non-governmental organisations could request a review of those documents if they deem that the methodology, a central focus of the code, is unsatisfactory or if the consequences drawn from the assessment differ from their experiences of the service.

We would also welcome more clarity on what level of detail the Commission would like to see in the documentation coming from providers who have '*addressed safety issues identified*'.

2.3 Recommender feeds

In line with our previous feedback, we would only reiterate that one of the best ways to mitigate '*the risk that may arise from recommender feeds which contain harmful content, on their own or in aggregate*' is for VSPS to ensure that users can enjoy age appropriate experiences on their platforms. This can easily be achieved through the use of age assurance techniques.



www.yoti.com

Message

From: Celene Velasco Cunha Mattos [REDACTED]
Sent: 02/02/2024 21:28:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,

Celene Mattos

Message

From: [REDACTED]
Sent: 03/02/2024 10:35:03
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Xwpic joúç www.avast.com

Message

From: Matthew Clipson [REDACTED]
Sent: 04/02/2024 18:37:02
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards,

Matthew Clipson

Message

From: cuellar bernadette [REDACTED]
Sent: 05/02/2024 00:03:33
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards,

Bernadette Cuellar

Message

From: Gavin Lyall [REDACTED]
Sent: 05/02/2024 01:37:23
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Message

From: Cecilia Grönkvist [REDACTED]
Sent: 05/02/2024 16:45:58
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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Kind regards, Cecilia

Cecilia Grönkvist
Konsult, Kultur & utveckling
Skådespelare, manusförfattare [REDACTED]
[REDACTED]

Message

From: Radoš NIKOLIČ [REDACTED]
Sent: 05/02/2024 19:49:07
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

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Kind regards, Radoš

Message

From: bernard dugrain [REDACTED]
Sent: 06/02/2024 01:50:43
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán, I am writing to you about Ireland's Online Safety Code public consultation. In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code: Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services. For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost. Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit. Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible. Kind regards,

Message

From: Helga del Castillo [REDACTED]
Sent: 06/02/2024 19:18:16
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
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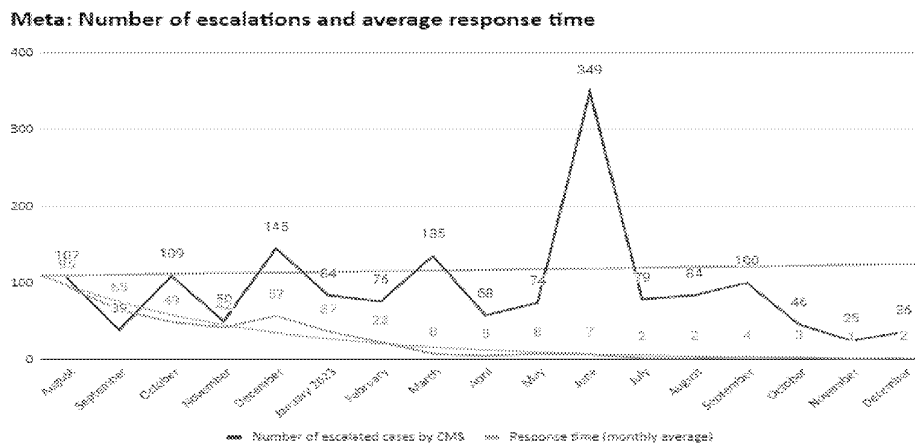
H del Castillo

CMS Contribution - Draft Online Safety Code consultation

We first wanted to thank you for the opportunity to discuss the draft code during the ERGA Workshop in December. We very much welcomed the possibility to contribute to the development of your approach as an authority.

As we recognize the importance of your work due to the pending designation of some of the most important VSPs in your jurisdiction, we would like to share in this informal way some of our observations in the context of the open public consultation on the draft Online Safety Code for video-sharing platform services (“draft code”). Hopefully these will help you in further finetuning of the draft code and its guidance from the perspective of an authority from a smaller country.

From our experience, we have to sometimes deal with the lack of attention of the platforms to protect minors or the general public. Based on the latest findings from SG3’s internal ERGA report, we know that only 9 NRAs have experience working with platforms (e.g. on tackling misinformation or reporting problematic content).¹ Based on this, we assume that most EU regulators are currently in a position as CMS before acquiring new competencies (more than a year ago) and establishing intensive communication with platform representatives. This pressure led to better cooperation at the national level and in responding more quickly to reported content. See the graph below that illustrates the decrease of the response times with the consistent escalation activities.



But despite this effort, we have recently seen this played out again during our parliamentary elections in September 2023 as documented in our forthcoming election report² as well as some of our other reports³ regarding the first terrorist attack in Slovakia.

¹ ERGA SG3 2023 - Report on NRAs’ competencies and analytical capacities in countering disinformation (internal report).

² See the preliminary report in [EPRA news](#).

³ Terrorist attack on Zámocká Street in Bratislava: Immediate and preventive activities aimed at illegal and harmful content (EN report [here](#)) and The Bratislava Shooting Report on the role of online platforms (EN report [here](#)).

Involvement of other NRAs

With the global nature of the VSPs, it is to be expected that cross-border cooperation will be important to take into account individual complaints and cultural specificities. We want to ensure you that we are ready and willing to play an active and supporting role in your enforcement of the Code. We, therefore, welcome the reference in the Online Safety and Media Regulation Act (OSA) (32 (2), (3)) the possibility to cooperate and enter into cooperation agreements with bodies that perform similar functions to the Commission.

- **Suggestion for further discussion/clarification:** We suggest it would be helpful to outline separately outside of the code the possible roles and the way how we could best support you as an NRA bilaterally or at an ERGA level. The questions we would have:
 - Could you clarify the possibility from the OSA to cooperate and/or enter into cooperation agreements with an NRA or collectively on the ERGA level?
 - Will there be a possibility for an NRA to be recognised as “nominated bodies” under 139ZC of the OSA?
 - What is the expected timeline on your side for these kinds of cooperation (for example the mentioned possibility of “bringing the complaint to the attention of another body” in 139T (1)(b))?
 - If input from NRAs is desirable which form would be most helpful?
 - Will there be a role for NRAs in helping with the evaluation of the VSPs reporting?
 - What would be the role you foresee of the ERGA MoU in all of this?

We look forward to further discussing these bilaterally or at ERGA level.

Specific points on the discussion questions from the consultation

Firstly, we want to appreciate the robust consultation process and steps before (e.g. collection of the evidence and research) and foreseen in the future to make for an effective fact based policy making with focus on important harms in the online space. This really makes the AVMSD come alive in an impactful way. We wish to react just to part 1 (draft code) and 2 (statutory guidance) of the consultation. Suggestions for changes are highlighted in bold and underlined. Whenever this is linked to the consultation questions we include a reference, but we wanted to give this contribution a holistic structure. We are very keen to continue this discussion (including the points raised below) together in the future bilaterally or at the ERGA level.

Proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code (Question 2)

We would see this as a welcomed and necessary extension of the scope of the AVMSD. In Slovakia, the legislator chose a similar logic in the Slovak Media Services Act (MSA)⁴ where besides the transposition of the concept of a video-sharing platform, an extended version of a content sharing platform was introduced to be able to tackle the issues of all types of content to deal with illegal (possible removal orders) and harmful content (cooperation with the platforms). From the practice of our team (based on input of other organizations like NGOs), this is necessary due to the practice we have observed where sometimes the individual video pieces themselves are not illegal nor breaching ToS of the platform but are becoming a

⁴ <https://www.aspi.sk/products/lawText/1/98963/1/2> (in Slovak only)

breathing ground for illegal or harmful non-video content (for example through interactions via comments, reshares). We have documented this in some of our previous reports. For your reference we would like to flag several parts of our reports that might be helpful⁵.

Taking country specificities into account in adopting measures, reporting by the VSPs (various questions 8, 9):

First, as context we would like to inform you of our experience w/r/t the enforcement of our competencies in the areas of illegal content and harmful content. This takes the form of removal orders, escalation channels created with all major platforms, cooperation with the platforms and the monitoring of the platforms activities locally (and how they address the issues identified in Slovakia). Since 2021, CMS as ERGA SG3 Chair, represents ERGA in the Code of Practice on Disinformation and contributes to the monitoring. Based on all of this experience we would advise caution and focus on country level reporting on the measures and activities implemented. We have seen a consistent lack of attention to the issues in small-sized countries like Slovakia as it relates for example to moderation of content (resources and capacities of moderators, fact checkers...), media literacy activities. This is also reflected in ERGA reports⁶.

- **Suggestion 1:** Therefore throughout the code we would suggest specifying in the draft code that the **reporting foreseen needs to happen on the country level** in every country individually. See as well the specific language proposed below on individual targets reporting.
- **Suggestion 2:** Additionally, as much as possible the **reporting should be in a predetermined format and structure of the data shared to ensure comparability**. We therefore welcome the possibility for the Commission to specify the manner of the reporting (for example 11.15) and advise to leverage this as much as possible. We have seen a lack of detail and taking the cultural/size specificities into account when reporting on a pan European level. For further scrutiny as much as possible the reports should be made public as well, or at least shared for peer review with NRAs.

Throughout the code, a way for enforcing and checking effectiveness of some of the measures (including age verification) is foreseen via targets that are going to be set by the VSPs themselves (for example 11.14 of the code on timelines and accuracy for the reporting and flagging mechanisms). We understand that in some areas it might be hard at this stage to set mandatory cross platform targets due to their specificities. But we would advise to preempt setting the bar too low with such an approach. From our experience referring to minimum industry standards can be a good indicator (see reference to industry bars in advertising within the Code of Practice on Disinformation). Additionally we have seen differences in treatment based on the size of the country (e.g. gaps or slow moderation speed due to limited capacities allocated in smaller countries like Slovakia).

- **Suggestion 3:** When setting the efficiency targets of the measures is left to the VSPs we would advise to at least make a **reference to industry standards** as a minimum threshold to ensure there is a minimum but feasible level set.

⁵ CMS - TrustLab report - https://rpms.sk/sites/default/files/2023-06/CMS_TrustLab-2023.pdf (pp. 5-6); CMS- Reset report - https://rpms.sk/sites/default/files/2023-03/CMS_RESET_Report.pdf (pp. 1-2).

⁶ T - ERGA SG3 2023 report - https://erga-online.eu/wp-content/uploads/2023/07/ERGA-SG3-report-CoP_June-2023_as-adopted.pdf (pp. 2); ERGA 2021 report - https://erga-online.eu/wp-content/uploads/2021/11/ERGA-RECOMMENDATIONS-2021_11.pdf (Recommendation 1).

- **Suggestion 4:** Additionally, the fulfillment of these targets should be reported to the Commission at the individual national level to avoid inconsistency of performance by the platforms in smaller countries (for examples but not limited to only this target amending in 11.14 of the draft code the wording to “providers shall set targets **applicable consistently on the individual national level across the EU** with respect to the timelines and accuracy of reporting and flagging mechanisms...”). Similar amendments could be made to reporting on other targets for example to age verification effectiveness targets in 11.20 of the draft code.

Another example of importance of taking the country specificities into account is the issue of language localisation of the features (for example suspension and termination of accounts and the reporting and flagging 11.11 and 11.10 of the code) or help pages for the measures mentioned in the draft code. This is important for allowing all citizens regardless of their native language to be able to use the measures offered by the VSPs. During our election monitoring (in 2019 and 2023), for example, we have seen consistent and repeated gaps in availability in Slovak language of the features important for political ads, reporting of illegal/harmful content etc.

- **Suggestion 5:** Therefore we would suggest including in the code a provision on language accessibility of the measures put in place in all official EU languages either a general one applying to all the relevant measures or specifically in relevant sections (for example we suggest amending “transparent and user friendly mechanisms **accessible in the preferred local language of the user**” for reporting and flagging in 11.11 of the draft code).

Interplay of the Draft Code with application of regulation in other EU countries (services provided via VSPs - e.g. vloggers) (Question 10 and 16):

We wanted to highlight one important element that relates to our experience when regulating the Vloggers that are established in Slovakia. We believe this might be relevant for other countries with a similar approach towards vloggers. We are looking at the draft Code also from the perspective of the country of destination where some services will be offered through the VSP that are effectively regulated in our jurisdiction (e.g. Vloggers regulated based on their specific COO in other EU countries). In this respect the draft Code complements the effective regulation of Vloggers in individual countries. As Vloggers provided through the VSPs do not control the infrastructure and UI of the platform itself, many of the functionalities of the platform will be needed for the Vloggers to effectively comply with their COO rules. Please keep this in mind when finalizing the draft Code. Most prominent examples:

1. **Ads declaration:**
 - a. Functionality to declare ads (12.10 of the draft code) and requirement for VSP to display it (12.11 of the draft code). This requirement set by the code to have such a functionality is essential for it to be used by the vloggers to indicate the presence of ads in their videos they control to the VSP which then will have a duty to display it. This leads to a welcomed clarity of chain of responsibility in the case of Vlogger and VSPs.
 - b. Additionally we welcome the mention of the need for consistency of the declarations of the audiovisual commercial communications by the platforms internally and across platforms in the guidance page 72 of the consultation document. We found this problematic when we were, for example, dealing with political advertising but also ads in general (see our forthcoming parliamentary election report that analyzed the functionalities of the platforms).

2. **Content rating:** Duty for the VSP to “establish and operate an easy-to-use content rating system allowing the users of video-sharing platforms to rate content on their services..”.
 - a. In this case it is not clear if this rating system will be also available to the uploaders of the video similar to the ads declaration above in 12.10. If this would be the case the uploaders having the best overview of the uploaded content could provide a good starting point for a content rating vs just leaving this option to the users. In line with the findings of the previous Vloggers ERGA reports we found that Vloggers are usually responsible and willing to make changes if it leads to the protection of the public and it's done in a user friendly way.
 - b. Additionally it is not clear how the VSPs will be displaying the content ratings provided by the users and potentially by the uploaders in the UI of the platform as there is no duty to display this information similar to 12.11 in the case of ads.
 - c. Both of these clarifications should definitely be considered in the case of Vloggers that will anyway (at least according to Slovak rules) have the duty to rate and declare the content ratings and descriptors for content uploaded due to their editorial responsibility as an AVMS service. Similar to the above example for ads, if the above unclarity is solved, this could give clarity to the chain of responsibility between a VSP and a Vlogger.
 - d. Additionally, it is not clear from the code if the “content rating” includes the content descriptors or another form to describe the potentially harmful nature of the content as well, as these are mandatory in the revised AVMSD Article 6a (3). Content descriptors are already mandatory according to Slovak MSA to use and declare for the Vloggers established in Slovakia.
 - e. We welcome the non-mandatory Guidance to the VSP to introduce possibility for digesting of local ratings in the targeted country “facilitate users to rate content based on the national ratings system in effect in their location in the European Union” (page 68 of the consultation document). This could allow the use of the age ratings/content descriptors recognised already by the users in their countries.
3. **Accessibility:** another important group of rules that will have to be applied by the Vloggers as well is the area of accessibility. According to the Slovak MSA the Vloggers will have to start complying with the accessibility quotas starting from 2027 (this includes a quota for closed captions/sign language and audio descriptions). Additional quality requirements⁷, making the current automatic subtitling tools by the VSPs not a viable option. Hence the accessibility provision will only be possible if the VSP will create corresponding functionalities and display it to the users.
 - **Suggestion 6:** In the case of the duty for VSPs to allow the users to rate content on their services we would suggest to consider three possible clarifications/amendments.
 - 1. **Clarify if this rating system will be also available to the uploaders** of the video as they have the best overview of the uploaded content.
 - 2. We suggest clarifying how/if the VSPs will be displaying the content ratings provided by the users and potentially by the uploaders in the UI. Therefore we suggest **adding a duty to display this information**, after the review by the platform.

⁷ See the previous ERGA reports for more information and the recent MoU request we launched on this topic as well.

<https://erga-online.eu/wp-content/uploads/2021/12/ERGA-SG1-2021-Report-Article-7-accessibility.pdf>

- 3. Clarify if the “**content rating**” includes **content descriptors** or other “system describing the potentially harmful nature of the content” that are mandatory in many of the EU jurisdictions.
- 4. We suggest **considering all of the clarifications at least in the case of Vloggers** regulated under the individual national legal frameworks where they have a duty to rate and declare the content ratings for content uploaded due to their editorial responsibility as an AVMS service. These would help to preventively slow/stop the spread of potentially harmful content for minors and this is already partially implemented for example in the case of YT where an uploader has to fill in information if the content is suitable to children.
- **Suggestion 7:** The issue we would like to raise is that it is not clear how besides “promoting user compliance” the VSPs will be checking accuracy of the ratings given by the uploaders or the declaration of the ads. This is a prerequisite for effective implementation of the content ratings systems. We suggest specifying this in the code as well. We would therefore suggest to **clarify further the reference to the duty of the VSP to ensure “that the system adopted is objective”**.
- **Suggestion 8:** Take into account in the draft or at least the guidance to **facilitate accessibility as described above, at least in the case of regulated AVMS services like Vloggers** that will need to adhere to local accessibility provisions.

Parental controls (Question 11):

We consider the parental controls to be an important empowering feature for the parents to be able to adjust the experience of their children based on their individuality and their parenting methods. As both of these differ greatly the parents are the best placed to decide these together with their children. Being aware of the important nudging effects of some of the preset settings we welcome the balance found between the mandatory and guidance parts of the Code/guidance (11.24-28 of the Draft Code and page 69-70 of the consultation document).

- **Suggestion 9:** We would like to highlight the importance of easiness of use and findability of the parental controls to stimulate the awareness and use of the parental controls, as there is still not sufficient uptake of these by the parents⁸. We would therefore suggest inserting the wording from the guidance “...be easy to find and use.” to 11.24 “video-sharing platform service providers shall provide for parental control systems ...to children. **The parental control systems should be easy to find and use.**”

Media literacy (Question 18)

Similar to the above sections, country level focus is important especially for areas that are not strictly related to the “infrastructure” of the platform but rather require local online but also offline activities. This is the case for the media literacy activities that should be reported and implemented per country not just on a pan-EU level (e.g. one pan European activity without specific Slovak implementation). Equally important is measuring the impact of these activities as we have seen

⁸ For example, according to this Ofcom research (we would expect the figures being even worse in Slovakia considering the levels of overall media literacy locally) “There remains a lack of parental awareness of online safety tools: Currently, parents’ knowledge of online safety tools varies, with broadband parental controls being the most well-known. However, for other tools, awareness levels are only about half or less among parents. This points to the need for a more concerted effort to raise awareness of online safety tools. This points to the need for a more concerted effort to raise awareness of online safety tools.”

<https://www.internetmatters.org/hub/research/research-tracker-awareness-usage-parental-controls/>

examples of spotty and low impact media literacy activities throughout the years - including during the recent national parliamentary elections⁹.

- **Suggestion:** Media literacy activities should be implemented and reported per country not just on a pan-EU level. Equally important is measuring the impact of these activities. Therefore we suggest amending the code in 13.2 to specify that the action plans should also cover individual countries as well (“...shall publish an action plan specifying the measures it will take to promote media literacy **including at the level of all individual countries**”.

Specifications of harmful types of content in the Annexes (Question 23)

We welcome the specifications of the types of harmful content (e.g. dangerous challenges, eating disorders) that are valuable additions to the rather vague categories of “services that may impair the physical, mental or moral development of minor” and “most harmful content” to the AVMSD framework that uses for the VSPs the same categories of harm as for TV/VOD space. We believe it was necessary in a diligent evidence based way to specify these types to be able to tackle the current challenges via adequate and targeted measures by the platforms. Importance of this is underlined by the research as well in Slovakia¹⁰) but as well by our discussions with the relevant stakeholders in our Media Literacy+ Platform. Based on this we believe these categories target in a proportionate way the most important categories of possible harm. We are looking forward to a further dialogue as you are going to go about revising these lists in the future based on new evidence.

⁹ CMS performed monitoring of the functionalities/activities of Facebook, Instagram, TikTok and YouTube in the context of the elections to the National Council of the Slovak Republic in 2023. As part of the evaluation CMS also focused on the area of media literacy, questioning the platforms whether they had campaigned in the run-up to the early parliamentary elections to promote media literacy and other information activities in Slovakia. All three monitored platforms declared that they had performed such activities. Further analysis by CMS pointed out that there was no analysis of actual impact of these campaigns and that not all the campaigns were country-specific.

¹⁰ According to preliminary findings of still to be published research in Slovakia, 85 % of children up to 18 years old watch videos online every day from which 29 % alarmingly stated that almost all the time. 25% of the respondents came across online hate speech in the last month or less. In the past 12 months were, 49% of children exposed to violent content, and 30% to suicide instructions, both repeatedly. 25% of children experienced cyberbullying in some form in the past 12 months. 31 % of children between 11 and 12 years old saw some sexual content in the past 12 months. Holdoš, J., Izrael, P., Almašiová, A., & Kohútová, K. (2023). Selected forms of children's risky behavior and youth in 2023 (Research report). Catholic University in Ruzomberok

Submission to Coimisiún na Meán
on the
Draft Online Safety Code
for
Video-sharing Platform Services

January 2024

Overview of the recommendations

► **Recommendation 1** (relates to Section 10 of the draft Code)

At an absolute minimum, Dublin Rape Crisis Centre (DRCC) strongly urge the Commission to include the provisions of the Harassment, Harmful Communications and Related Offences Act 2020 (Coco’s law), as they apply to the general public, in the draft Code, together with the provisions of Criminal Law (Sexual Offences) Act 2017 which prohibits online content by which a person exposes his or her genitals intending to cause fear, distress or alarm to another person or by which a person intentionally engages in offensive conduct of a sexual nature. The definition of ‘*illegal content harmful to the general public*’ should accordingly be expanded to include paragraphs 35, 36, 38, 39 and 40 of Schedule 3 (see **Annex 1**).

► **Recommendation 2** (relates to Section 10 of the draft Code)

DRCC call on the Commission to expand the definition of ‘*regulated content harmful to the general public*’ to expressly and distinctly include online material which promotes and glorifies violence against women and misogyny.

► **Recommendation 3** (relates to Section 11 of the draft Code)

The response required for intimate image abuse (IIA) complaints must be immediate, in order to protect the victim/survivor from the risk of repeat victimisation.

► **Recommendation 4** (relates to Section 13 of the draft Code)

Within Section 13 of the Code, DRCC believe that provision should be made to include awareness raising on the harms of online technology-facilitated gender-based violence (TFGBV) and IIA.

► **Recommendation 5** (relates to Section 13 of the draft Code)

The detail contained in the video-sharing platform services (VSPS) provider reports must provide sufficient detail, including detail on TFGBV and IIA complaints, to understand the effectiveness of the complaints handling system.

► **Recommendation 6** (relates to Table B definitions in the Annex to the Code)

DRCC call on the Commission to expand the definition of ‘*illegal content harmful to the general public*’ to include paragraphs 1, 2, 3, 6, 9, 10, 16, 17, 19, 23, 24, 25, 26, 27, 28, 29, 31, 34, 37, 41 and 42 of Schedule 3 (see **Annex 1**).

► **Recommendation 7** (relates to final considerations of the draft Code)

DRCC urge the Commission to include a section in the Code specifically dealing with TFGBV and/or, at a very minimum, IIA.

▶ **Recommendation 8** (relates to future supplementary measures & related guidance)

DRCC urge the Commission to indicate clearly in the supplementary measures for further consideration that it will squarely and comprehensively deal with any aspects of TFGBV and IIA not covered in the finalised Online Safety Code.

▶ **Recommendation 9** (relates to future supplementary measures & related guidance)

In light of the dynamic nature of the digital landscape and the inherent challenges posed by evolving technological trends, DRCC recommends that harmful online activities not currently within the scope of the Code, warrants thoughtful consideration for future inclusion.

► **About Dublin Rape Crisis Centre**

The mission of Dublin Rape Crisis Centre (DRCC) is to prevent the harm and heal the trauma of all forms of sexual violence in Ireland.¹ DRCC has been at the forefront of the Irish response to sexual violence for more than 40 years. That response includes:

- Running the National 24-Hour Helpline and associated services;
- Providing individual advocacy, counselling and other support;
- Accompaniment and support services for those attending court, reporting to An Garda Síochána or attending the Sexual Assault Treatment Unit (SATU);
- Education and training for a wide range of professionals and support workers engaging with victims of sexual violence;
- Data collection and analysis on trends and issue relating to sexual violence.

As a frontline service provider, DRCC works with and supports people who have been directly affected by sexual violence including online abuse. DRCC are also committed to eliminating its tolerance through education, awareness raising, advocacy and policy analysis.

► **About this submission**

We welcome this opportunity to make a submission on the draft Online Safety Code published by Coimisiún na Méan (hereafter the Commission) in December 2023 following the initial consultation process, in respect of which the Rape Crisis Centres and many other civil society organisations, submitted views and evidence for consideration.

We have considered the draft Code and its accompanying documents, including the Statutory Guidance, Supplementary Measures and related Guidance and the Annexes. We have also considered the objective evidence collated on behalf of the Commission by PA Consulting: Online Evidence Harm Review and by the IPSOS B&A Survey.

We are disappointed to find that, broadly speaking, the very serious online harms addressed in the shared submission we made to the initial consultation process² are not covered in the draft Code. There is a striking and serious absence of protections for women (and men) over 18 who are subjected to technology-facilitated gender-based violence (TFGBV) including the increasingly prevalent crime of intimate image abuse (IIA). DRCC's response to the consultation document focuses primarily on this omission and urgently calls on this Commission to amend the draft Code prior to adoption, to broaden the definitions of '*illegal content harmful to the general public*' and '*regulated content harmful to the general public*' so as to cover TFGBV.

¹ For more information see Dublin Rape Crisis Centre website at: <https://www.drcc.ie/about/>

² Submission to the Commission from 8 Rape Crisis Centres on Developing Irelands First Binding Online Safety Code for Video-sharing Platform Services – <https://www.drcc.ie/news-resources/resources/joint-rape-crisis-centres-submission-on-online-safety-code/> Question 2 pages 5-7

► Questions answered and corresponding responses

Question 2: What is your view on the proposal to include user-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code?

DRCC would agree with and welcome the proposal. User-generated content that is indissociable from user-generated videos in the definition of content to be covered by the Code, is essential for creating a safe and secure online environment.

Question 3: What is your view on the definitions of “illegal content harmful to children” and “regulated content harmful to children”?

DRCC is satisfied with the definitions and the additional material provided in section 5.6 of the PA Harms Review.³ We are also aware that colleague organisations working directly with children and young people may have other perspectives and insights about these definitions to further enhance our understanding of online safety for this younger demographic.

Question 4: What is your view on the other definitions of illegal content and regulated content?

The draft Code has adopted a limited definition of online harms in respect of which the Code applies. In summary, the Code will apply to the following online content:

- * **Illegal content harmful to the general public** which broadly covers content consisting of EU criminal offences transposed into Irish law, specifically child pornography, terrorism, racism and xenophobia – see criminal provisions highlighted in blue at **Annex 1**;
- * **Regulated content harmful to the general public** which covers content containing incitement to violence or hatred on the grounds of discrimination set out in Article 21, EU Charter of Fundamental Rights of the European Union, (which include sex and sexual orientation).

In the initial Call for Inputs⁴, the Commission recognised (at page 8) that, in addition to the main categories of harm set out in Article 28B of the AVMSD, the Broadcasting Act 2009 (as amended) enables the Commission to ‘*address wider categories of harmful online content*’. Specifically, as set out at page 8 of the Call for Inputs, the Commission noted that it may address the following harms in the Online Safety Code which fall into two wider categories as follows:

1. Harmful online content on services by which a person: *
 - Bullies or humiliates another person;
 - Promotes or encourages behaviour that characterises a feeding or eating disorder;
 - Promotes or encourages self-harm or suicide;
 - Makes available knowledge of methods of self-harm or suicide.

**The content must give rise to a risk to a person’s life or a risk of significant harm to a person’s physical or mental health where the harm is reasonably foreseeable.*

³ PA Consulting: Online Harms Evidence Review. (September 2023): Available at: https://www.cnam.ie/wp-content/uploads/2023/12/PAConsulting_Online-Harms-Evidence-Review_vFinal.pdf

⁴ Call for Inputs. (September 2023) Available at: https://www.cnam.ie/wp-content/uploads/2023/07/20230724_CallForInputs_Update_vFinal-1.pdf

2. Harmful online content relating to 42 criminal offences under Irish law listed in Schedule 3 of the 2009 Act as amended. Examples of offences include:
 - Non-consensual sharing of intimate images;
 - Child sex abuse material
 - Naming complainants in rape trials;
 - Material relating to suicide;
 - Harassment;
 - Child and human trafficking;
 - Domestic violence.

We have set out the full text of Schedule 3 of the 2009 Act in **Annex 1**. The Commission has legal authority to apply the Code to each of the 42 criminal offences specified in this list. However, only a small fraction of these provisions is covered by the current draft Code.

Regarding the first category listed by the Commission in the Call for Inputs, the Code can include the harms envisaged here as applicable to children and to persons over 18 years of age. The Code, however, only covers these harms in respect of children.

We note some video-sharing platform services (VSPS) proposed that the Commission ought to limit its focus in the first Online Safety Code to only the harms set out in Article 28B of the AVMSD. However, the Broadcasting Act 2009 (as amended) is clear in affording the Commission power to adopt a code with a view to '*ensuring*' that service providers take appropriate measures to minimise the availability of harmful online content and risks arising from the availability of and exposure to such content. The Act defines '*harmful online content*' more broadly than Article 28B of the AVMSD and, in particular, the Act squarely encompasses a range of content which amounts to TFGBV against adults.

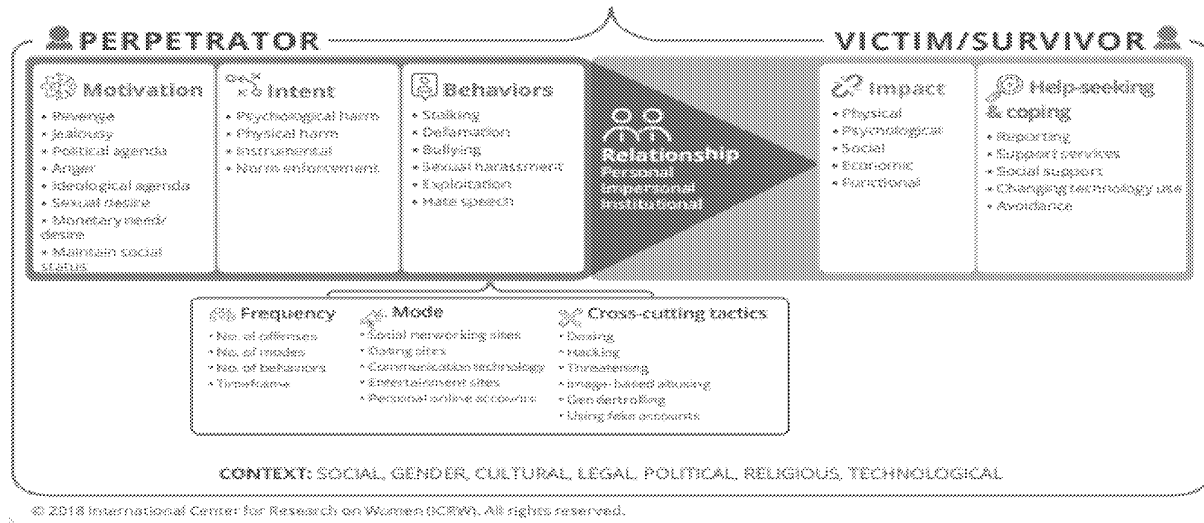
PA Consulting's Review summarised available evidence about '*each of the harms in scope of the Act and of the AVMSD*', including:

- Cyberbullying;
- Eating/Feeding disorders;
- Suicide or self-harm;
- Impairment of the physical, mental, or moral development of children;
- Incitement to violence or hatred;
- Identification of victims, suspects, or vulnerable people;
- Terrorism;
- Child sexual abuse;
- Harassment, with a particular focus on non-consensual image sharing; and
- Audiovisual commercial communications.

In the shared submission made to the initial consultation process, the eight rape crisis centres involved, provided significant evidence and information specifically demonstrating the real extent and nature of TFGBV.⁵

⁵ Hinson L, Mueller J, O'Brien-Milne L, Wandera N. (2018). Technology-facilitated gender-based violence: What is it, and how do we measure it? Washington D.C., International Center for Research on Women available at https://www.icrw.org/wp-content/uploads/2018/07/ICRW_TFGBVMarketing_Brief_v8-Web.pdf

Technology-facilitated gender-based violence



We are aware of various other stake-holders whose submissions also raised similar and related concerns. We do not intend to repeat or greatly expand on the content of the earlier submission as we do not believe it is in fact in contention that the harms we outlined, broadly falling under the umbrella of TFGBV, do in fact exist and are prevalent in Ireland and across the EU.

Among the many stark and concerning findings of the IPSOS B&A Survey⁶ undertaken on behalf of the Commission, the following are of particular note:

- 94% of adults were either ‘very concerned’ or ‘somewhat concerned’ about the impact of videos on social media on mental health;
- 86% of adults were either ‘very concerned’ or ‘somewhat concerned’ about the impact of videos on social media on human rights;
- 85% of adults were either ‘very concerned’ or ‘somewhat concerned’ about the impact of videos on social media on the physical health or safety of individuals;
- 82% of adults were either ‘very concerned’ or ‘somewhat concerned’ about the impact of videos on social media on the reputation of individuals or groups of individuals.

Comparably high levels of concern were recorded as regards the potential harm caused to particular people or groups of people by videos on social media website or apps such as children, women, persons with disabilities, older persons, members of the Irish Traveller Community, people from other ethnic and/or minority communities and others – all of whom could be exposed to TFGBV. It is clear these harms *can* indeed be lawfully covered in the Code and that there is an abundance of evidence before the Commission demonstrating the manner in which these harms manifest.

⁶ Ipsos B&A Online Safety Research Part II (November 2023) Available at: https://www.cnam.ie/wp-content/uploads/2023/12/2023_IPSOSBA_SurveyPt2_Harms_vFinal.pdf Question 5, Page 10.

Coco's law⁷ was adopted to address the insidious and incredibly harmful crime of intimate image abuse or non-consensual sharing of intimate images. DRCC and the Rape Crisis Centre's who collaborated on the submission, informed the Commission that the women and men we support and work with, have informed us of being subjected to these terrible crimes. Similar evidence was before the Commission from colleague organisations. The PA Consulting Review specifically identified the disproportionate number of women subjected to cyber harassment, sexualised bullying and unwanted sexualisation (receiving unwanted sexual messages and images). The PA Review noted that victims of IIA and cyber stalking reported higher levels of harm than victims of other types of abuse. On account, in particular, of online anonymity, the PA Review notes '*the impunity with which perpetrators feel they can act*' that there '*is little redress, as they are unlikely to be caught, let alone penalised*' and that there is '*more opportunity for repeated and longer-term abuse*'.⁸

► **Recommendation 1**

At an absolute minimum, DRCC strongly urge the Commission to include the provisions of Coco's law, as they apply to the general public, in the draft Code, together with the provisions of Criminal Law (Sexual Offences) Act 2017 which prohibits online content by which a person exposes his or her genitals intending to cause fear, distress or alarm to another person or by which a person intentionally engages in offensive conduct of a sexual nature. The definition of '*illegal content harmful to the general public*' should accordingly be expanded to include paragraphs 35 36, 38, 39 and 40 of Schedule 3 (see **Annex 1**).

If it is the case that the Commission considers the definition in the draft Code for '*regulated content harmful to the general public*' to cover some aspects of online gender-based violence, we call on the Commission to utilise the form of the Code (or the Statutory Guidance) to make this abundantly clear to both users and VSPS providers. As presently drafted, we do not believe that a reasonable person reading the draft Code would consider it to extend any substantive protections against various forms of online toxic misogyny and TFGBV which are increasingly prevalent online. The evidence of these harms is set out clearly and extensively in the submission made to the Commission in the initial round of consultation and in the PA Consulting Review. It is vitally important that the Code clearly articulates the harms sought to be addressed. The Code needs to clearly inform both users and VSPS providers what content/harm is regulated.

► **Recommendation 2**

DRCC call on the Commission to expand the definition of '*regulated content harmful to the general public*' to expressly and distinctly include online material which promotes and glorifies violence against women and misogyny.

⁷ Harassment, Harmful Communications and Related Offences Act 2020

⁸ PA Consulting Online Evidence Harms Review (September 2023) Available at: https://www.cnam.ie/wp-content/uploads/2023/12/PAConsulting_Online-Harms-Evidence-Review_vFinal.pdf Section 5.11.3

Question 12: What is your view on the requirements in the draft Code in relation to complaints?

A user should be enabled to make a complaint in a uncomplicated manner receiving a prompt acknowledgment, outlining the actions to be taken by the provider(s). The response time in relation to complaints made needs to be more clearly defined than '*timely*' which is the term referred to in the Code.

Time is of the essence for IIA, the longer it takes to remove content, the greater the risk of repeat victimisation. Once an intimate image is online, it is very easy to copy, save, replicate and spread. DRCC submits that the response required to protect victim/survivors of IIA must be immediate.

► **Recommendation 3**

The response required for IIA complaints must be immediate, in order to protect the victim/survivor from the risk of repeat victimisation.

Question 13: Do you have any other comments on the requirements in section 11 of the draft Code?

The draft Code sets out obligations in respect of Terms and Conditions, Reporting and Flagging, Age Verification, Content Rating, Parental Controls and Complaints. In accordance with Section 11 of the Draft Code, the VSPS providers will be required to include in their terms and conditions a prohibition on the uploading or sharing of three categories of online harm. Regulated content harmful to children will also be prohibited save to the extent permitted under Section 11.3 - 11.8 of the draft Code relating to age-verification procedures and related matters.

The Commission also explains in the consultation document that it intends to separately consult on further matters that have been raised by stakeholders and that these matters are under consideration by the Commission for inclusion in a future update to the Code. These matters and the proposed response to them are set out in the Future Supplementary Measures and Related Guidance. However, this collation of further matters for consideration does not indicate an intention to expressly tackle TFGBV nor does it refer to providing robust protections against IIA (or related deep-fakes).

Question 18: What is your view on the requirements in the draft Code in relation to media literacy measures?

Any media literacy measures and tools must include awareness raising on the harms of online TFGBV and IIA. The action plans of the VSPS providers should include the initiatives engaged in to help users understand how to stay safe online, how to respond to online abuse and how to be an active online bystander.

► **Recommendation 4**

Within Section 13 of the Code, DRCC believe that provision should be made to include awareness raising on the harms of online TFGBV and IIA.

Question 20: What is your view on the requirements in the draft Code in relation to reporting in relation to complaints?

It is important that VSPS providers report on how they handle complaints. It is equally important that such reports provide sufficient detail to understand the effectiveness of the process. Detail such as the number and type of complaint which should include TFGBV and IIA complaints, together with the corresponding actions in relation to how complaints were handled and the timeframes involved.

► **Recommendation 5**

The detail contained in the VSPS provider reports must in our opinion, provide sufficient detail, including detail on TFGBV and IIA complaints to understand the effectiveness of the complaints handling system.

Question 22: Do you have any comments on this draft Guidance, including in relation to the matters required to be considered by Coimisiún na Meán at section 139ZA of the Act?

Guidance: Complaints

Users should be enabled to make their complaint in an uncomplicated manner receiving a prompt acknowledgment, outlining the actions to be taken by the provider(s). As we outlined in our recommendation 3, which has relevance to the guidance; separate provision needs to be made where the complaint involves IIA. Time is of the essence with complaints of this nature. Removal even on a temporary basis should be the default with VSPS providers conducting any more detailed factual investigations only thereafter.

Guidance: Media literacy – Measures and Tools

The guidance refers to providers giving consideration to undertaking measures including '*promoting awareness and understanding of harmful content*'. Our recommendation 4 in relation to the Code is applicable to the guidance, together with signposting to relevant support organisations. Notwithstanding its applicability, it is vital that promoting awareness on the harms of online TFGBV and IIA is addressed within the Code.

Question 23: Do you have any comments on the Annex?

As outlined in our detailed response to Question 4 above, DRCC consider Table B and its definition of illegal content harmful to the general public, too narrow. Accessing justice and redress for victim/survivors of rape and sexual violence is incredibly difficult and often, when obtained, involves re-traumatisation through the criminal legal process. A series of legal provisions are in place in Ireland which seek to ameliorate the challenges of the criminal trial process for victim/survivors of sexual violence by protecting their identity (and the identity of the accused pending a guilty verdict, if any). Irish criminal law is in the process of being fortified to better protect complainants / victim/survivors⁹ after the country witnessed the terrible fallout of the Belfast Rape Trial where the complainant's identity was not protected¹⁰ and where online avenues were used to further traumatise the complainant in that case and exacerbate an already incredibly challenging process. In the

⁹ Supporting a Victim's Journey Available at:

http://www.justice.ie/en/JELR/Supporting_a_Victims_Journey.pdf/Files/Supporting_a_Victims_Journey.pdf

¹⁰ <https://www.irishtimes.com/news/crime-and-law/man-accused-of-publicly-identifying-belfast-rape-trial-complainant-1.3583030>

Republic of Ireland, this cannot happen and it is vital that the draft Codes expressly recognise the prohibitions in place by including them in the definition of *illegal content harmful to the general public* and by requiring VSPS providers to include these provisions in their terms and conditions. The PA Consulting Review noted as follows:

“Suspects identified before conviction can suffer from serious mental and physical harm, as users on the VSPS jump to conclusions about their guilt. Safety fears, emotional distress, and trauma are just a few of the impacts on suspects outed online. Similarly, victims outed and identified on or through VSPS content can suffer from emotional distress, invasion of privacy, unwanted media attention, harassment, and abuse. Additionally, online content relating to the identification of victims, suspects, and vulnerable people undermine law enforcement efforts to find or convict responsible parties, and often taint jury pools.”¹¹

► Recommendation 6

DRCC call on the Commission to expand the definition of ‘*illegal content harmful to the general public*’ to include paragraphs 1, 2, 3, 6, 9, 10, 16, 17, 19, 23, 24, 25, 26.27, 28, 29, 31, 34, 37, 41 and 42 of Schedule 3 (see **Annex 1**).

Question 24: Do you have any other comments on any section or aspect of the draft Code, including with reference to section 139M of the Act in relation to the matters Coimisiún na Meán is required to consider in developing an online safety code?

The Code must dedicate a section to TFGBV and/or, at the very minimum, to IIA. There should be clear obligations imposed on VSPS providers in respect of rapid removal and take down procedures. Given the exponential harm that victim/survivors suffer from the non-consensual sharing of their intimate images which can be replicated and shared at speed, very specific minimum outcomes must be required of VSPS providers including the adoption of a precautionary approach in favour of immediate removal. The world has seen this abuse in action in recent days with the non-consensual sharing of sexually-explicit images of Taylor Swift which were generated by artificial intelligence.¹² These images were seen by tens of millions of users and the response by X (formerly known as Twitter) illustrates how ill-equipped VSPS providers currently are at containing such damaging abuse.¹³ If the Commission proceeds with Ireland’s first Online Safety Code in its current draft form which omits any specific mention of TFGBV or IIA, it will send the wrong message to VSPS providers that they may continue to self-regulate as they wish in respect of this abhorrent and damaging crime.

► Recommendation 7

DRCC urge the Commission to include a section in the Code specifically dealing with TFGBV and/or, at a very minimum, IIA.

¹¹ PA Consulting Online Evidence Harms Review (September 2023) Available at: https://www.cnam.ie/wp-content/uploads/2023/12/PAConsulting_Online-Harms-Evidence-Review_vFinal.pdf Section 5.8.2

¹² <https://www.theguardian.com/technology/2024/jan/30/taylor-swift-ai-deepfake-nonconsensual-sexual-images-bill>

¹³ <https://www.independent.ie/style/celebrity/x-blocks-searches-for-taylor-swift-after-ai-generated-explicit-image-spread/a587793206.html>

Question 28: Is there anything you consider Coimisiún na Meán needs to be aware of in relation to the draft supplementary measures and draft supplementary guidance as it further develops its thinking in these areas and seeks to effectively fulfil its mandate in relation to online safety?

In the supplementary measures document, we urge the Commission to include matters relating to TFGBV which are not covered in this draft Online Safety Code. It is imperative that the Commission takes a strong and definitive stand against TFGBV from the outset and makes clear to VSPS providers that they will be expected to adapt their services to ensure that domestic, sexual and gender-based violence (DSGBV) and discrimination is not embedded into society further. A primary objective of the Code must be to combat and prevent the ever-evolving forms of TFGBV, while upholding the right to freedom of expression, including access to information, the right to privacy and data protection, as well as the rights of women that are protected under the international human rights framework (including CEDAW and the Istanbul Convention).

Safety by design must encompass a human rights-based approach which protects against TFGBV. Platforms and their moderators require specialised training in identifying and understanding DSGBV and to understand the dynamics of consent, control, coercion and harm. Cooperation and collaboration between service providers, law enforcement and DSGBV support agencies must be required and must reflect the reality that TFGBV is very often perpetuated offline and across various online forums and platforms.

► **Recommendation 8**

DRCC urge the Commission to indicate clearly in the supplementary measures for further consideration that it will squarely and comprehensively deal with any aspects of TFGBV and IIA not covered in the finalised Online Safety Code.

The pace at which technology advances often outstrips the capacity of legislation and regulation to adapt accordingly. Consequently, there is a pressing need to anticipate and address emerging issues pre-emptively, rather than reactively. The stratospheric growth of AI means that comprehensive, effective and enforceable laws and controls are needed to keep online users safe, otherwise platforms become potential sites of TFGBV. Recent reports from the UK that a girl's avatar was raped by a group of adult men¹⁴ illustrates the need for the work of the Commission to lead, rather than follow the pace of change happening online. Notwithstanding that the Code applies to VSPS providers and the metaverse doesn't come within the scope of this Code, DRCC urges the Commission to use this Code, future iterations and other relevant legislation to challenge these evolving risks.

► **Recommendation 9**

In light of the dynamic nature of the digital landscape and the inherent challenges posed by evolving technological trends, DRCC recommends that harmful online activities not currently within the scope of the Code, warrants thoughtful consideration for future inclusion.

¹⁴ <https://www.theguardian.com/commentisfree/2024/jan/05/metaverse-sexual-assault-vr-game-online-safety-meta>

Annex 1

Extract of Broadcasting Act 2009 (as amended)

[Harms highlighted in yellow = Illegal content harmful to children, as defined in the draft Code.

[Harms highlighted in green = illegal content harmful to children where the victim of the offence is a child or the content is viewed or likely to be viewed by a child (i.e. the same crime will not be subject to the draft Code where the victim is over 18), as defined in the draft Code.

[Harms highlighted in blue = Illegal content harmful to the general public, as defined in the draft Code.]

S.139A

SCHEDULE 3

HARMFUL ONLINE CONTENT: OFFENCE-SPECIFIC CATEGORIES

Offences against the State Act 1939

1. Online content by which a person publishes or broadcasts information about an application under **section 30(4)** of the **Offences against the State Act 1939** contrary to subsection (4BA)(d) of that section (application for further detention of a person arrested for certain offences).

Criminal Law (Rape) Act 1981

2. Online content by which a person publishes or broadcasts matter likely to lead members of the public to identify a person as the complainant in relation to a charge of a sexual assault offence, contrary to **section 7(1)** of the **Criminal Law (Rape) Act 1981**.

3. Online content by which a person publishes or broadcasts matter likely to lead members of the public to identify a person as the person charged with a rape offence, contrary to **section 8(1)** of the **Criminal Law (Rape) Act 1981**.

Prohibition of Incitement to Hatred Act 1989

4. Online content by which a person publishes or distributes written material, or a recording of visual images or sounds, contrary to **section 2(1)** of the **Prohibition of Incitement to Hatred Act 1989** (material, images or sounds which are threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred).

5. Online content by which a person broadcasts visual images or sounds, contrary to **section 3(1)** of the **Prohibition of Incitement to Hatred Act 1989** (threatening, abusive or insulting images or sounds whose broadcast is intended or, having regard to all the circumstances, is likely to stir up hatred).

Criminal Justice Act 1993

6. Online content by which a person publishes or broadcasts information relating to, or to part of, evidence given under **section 5(3)** of the **Criminal Justice Act 1993**, contrary to an order under subsection (5)(a) of that section (sentencing: evidence of a person in respect of whom an offence is committed).

Criminal Law (Suicide) Act 1993

7. Online content by which a person counsels the suicide of another, contrary to **section 2(2)** of the **Criminal Law (Suicide) Act 1993**.

Criminal Justice (Drug Trafficking) Act 1996

8. Online content by which a person publishes or broadcasts information about an application under **section 2 (2)** of the **Criminal Justice (Drug Trafficking) Act 1996** contrary to subsection (3A)(d) of that section (application for detention of a person arrested for a drug trafficking offence).

Bail Act 1997

9. Online content by which a person publishes or broadcasts information relating to the criminal record of a person applying for bail, contrary to **section 4 (3)** of the **Bail Act 1997**.

10. Online content by which a person publishes or broadcasts information relating to, or to part of, evidence given under section 9A(1) of the **Bail Act 1997** contrary to an order under subsection (3) of that section (evidence, at application for bail, from a person in respect of whom an offence is alleged to have been committed).

Non-Fatal Offences against the Person Act 1997

11. Online content by which a person applies force to the body of another, or causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to such force, contrary to **section 2** of the **Non-Fatal Offences against the Person Act 1997**.

F275[11A. Online content by which a person without lawful excuse, intentionally or recklessly, causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to suffocation or strangulation, contrary to section 3A(1)(b) of the Non-Fatal Offences against the Person Act 1997.]

12. Online content by which a person makes a threat, contrary to **section 5 (1)** of the **Non-Fatal Offences against the Person Act 1997** (threat to kill or cause serious harm to a person).

F276[13. Online content by which a person harasses another contrary to section 10(1), stalks another contrary to section 10(2), or breaches an order made under section 10(4), of the Non-Fatal Offences against the Person Act 1997.]

F275[13A. Online content by which a person publishes or broadcasts identifying material contrary to section 10A of the Non-Fatal Offences against the Person Act 1997.]

Child Trafficking and Pornography Act 1998

14. Online content by which a person distributes, transmits, disseminates or publishes child pornography, contrary to **section 5 (1)(b)** of the **Child Trafficking and Pornography Act 1998**.

15. Online content by which a person publishes, distributes, transmits or disseminates an advertisement, contrary to **section 5(1)(e)** of the **Child Trafficking and Pornography Act 1998** (advertisement of sale etc. of child pornography).

Children Act 2001

16. Online content by which a person publishes or includes in a broadcast a report to which **section 51 (1)** of the **Children Act 2001** applies (report in relation to admission of a child to the Programme etc. or revealing information likely to lead to identification of the child).

17. Online content by which a person publishes or includes in a broadcast any such report or picture as is referred to in **section 93 (1)** of the **Children Act 2001**, except so far as the requirements of that section have been dispensed with under subsection (2) of that section (proceedings before a court concerning a child: particulars likely to lead to identification etc.).

18. Online content by which a person encourages unlawful activity involving a child, contrary to **section 249** of the **Children Act 2001** (person with custody, charge or care of a child encouraging sexual offences on the child etc.).

19. Online content by which a person publishes or includes in a broadcast a report or picture to which **section 252** (1) of the **Children Act 2001** applies, except so far as the requirements of subsection (1) of that section have been dispensed with under subsection (2) of that section (proceedings for an offence against a child or where a child is a witness: report or picture likely to lead to identification of the child etc.).

Criminal Justice (Terrorist Offences) Act 2005

20. Online content by which a person engages in public provocation to commit a terrorist offence, contrary to **section 6** (1)(a)(i) of the **Criminal Justice (Terrorist Offences) Act 2005** (where a "terrorist linked activity" includes public provocation to commit a terrorist offence, as defined by section 4A of that Act).

21. Online content by which a person makes a threat to engage in a terrorist activity, contrary to **section 6** (1)(a)(iii) of the **Criminal Justice (Terrorist Offences) Act 2005**.

Criminal Law (Insanity) Act 2006

22. Online content by which a person publishes, contrary to **section 4** (9) of the **Criminal Law (Insanity) Act 2006**, a report of evidence adduced under subsection (8) of that section as to whether an accused person did the act alleged, or of the decision of the court under that subsection not to order the accused to be discharged.

Criminal Justice Act 2006

23. Online content by which a person publishes any matter relating to criminal proceedings which would identify a person as having a particular medical condition, contrary to an order under **section 181** of the **Criminal Justice Act 2006**.

Criminal Justice Act 2007

24. Online content by which a person publishes or broadcasts information about an application under **section 50** of the **Criminal Justice Act 2007** contrary to subsection (4A)(d) of that section (application for further detention for investigation of certain serious offences).

Criminal Law (Human Trafficking) Act 2008

25. Online content by which a person publishes or broadcasts, contrary to **section 11** (1) of the **Criminal Law (Human Trafficking) Act 2008** —

(a) a photograph of, or that includes a depiction of, the alleged victim of an offence with which a person is charged under section 2 or 4, or section 3 (other than subsections (2A) and (2B)) of the **Child Trafficking and Pornography Act 1998**,

(b) any other representation of the physical likeness, or any representation that includes a depiction of the physical likeness, of the alleged victim of such an offence, or

(c) any other information in relation to such an offence,
that is likely to enable the identification of the alleged victim of the offence.

Criminal Procedure Act 2010

26. Online content by which a person publishes or broadcasts, contrary to an order under **section 12** (3) of the **Criminal Procedure Act 2010** —

(a) evidence given or referred to at a hearing of an application for a re-trial order, or

(b) matter identifying or having the effect of identifying a person who is the subject of an application for a re-trial order, or any other person connected with the re-trial for which an order is sought under section 8 or 9 of that Act.

27. Online content by which a person publishes or broadcasts, contrary to an order under **section 25 (3) of the Criminal Procedure Act 2010** —

(a) evidence given or referred to during a proceeding under section 23 of that Act, or

(b) matter identifying or having the effect of identifying a person who is the subject of an appeal under section 23 of that Act, or any other person connected with a re-trial for which an order is sought under that section.

Criminal Justice (Female Genital Mutilation) Act 2012

28. Online content by which a person publishes matter contrary to **section 9 (1) of the Criminal Justice (Female Genital Mutilation) Act 2012** (matter likely to lead to identification of a woman or girl as a person in relation to whom an offence is alleged to have been committed).

29. Online content by which a person publishes matter contrary to **section 10 (1) of the Criminal Justice (Female Genital Mutilation) Act 2012** (matter likely to lead to identification of a person charged with an offence).

Animal Health and Welfare Act 2013

30. Online content by which a person —

(a) publicises or promotes a proposed animal fight or performance,

(b) provides information about an animal fight or performance, or

(c) supplies, displays, shows or publishes anything by which an animal fight or performance is recorded,

contrary to **section 15** of the **Animal Health and Welfare Act 2013**.

International Protection Act 2015

31. Online content by which a person publishes or broadcasts information, contrary to **section 26 (2) of the International Protection Act 2015** (publication or broadcast of information likely to lead to identification of an applicant for protection).

Criminal Law (Sexual Offences) Act 2017

32. Online content by which a person communicates with another person for the purpose of facilitating the sexual exploitation of a child, contrary to **section 8 (1) of the Criminal Law (Sexual Offences) Act 2017**.

33. Online content by which a person sends sexually explicit material to a child, contrary to **section 8 (2) of the Criminal Law (Sexual Offences) Act 2017**.

34. Online content by which a person publishes matter contrary to **section 30 (1) of the Criminal Law (Sexual Offences) Act 2017** (matter likely to lead to identification of a person as a person charged with an offence under the **Punishment of Incest Act 1908** or as a person in relation to whom an offence is alleged to have been committed).

35. Online content by which a person exposes his or her genitals intending to cause fear, distress or alarm to another person contrary to **section 45 (1) of the Criminal Law (Sexual Offences) Act 2017**.

36. Online content by which a person intentionally engages in offensive conduct of a sexual nature contrary to **section 45 (3) of the Criminal Law (Sexual Offences) Act 2017**.

Domestic Violence Act 2018

37. Online content by which a person publishes or broadcasts information, or a photograph, depiction, or other representation, contrary to **section 36 (1) of the Domestic Violence Act 2018** (publication or broadcast of material likely to lead to the identification of persons concerned in proceedings).

Harassment, Harmful Communications and Related Offences Act 2020

38. Online content by which a person distributes or publishes or threatens to distribute or publish an intimate image, contrary to **section 2(1)** of the **Harassment, Harmful Communications and Related Offences Act 2020** (distribution etc. of image without consent and with intent to cause harm etc.).

39. Online content by which a person distributes or publishes an intimate image, contrary to **section 3(1)** of the **Harassment, Harmful Communications and Related Offences Act 2020** (distribution etc. of image without consent and so as seriously to interfere with peace and privacy or to cause alarm, distress or harm).

40. Online content by which a person—

(a) distributes or publishes a threatening or grossly offensive communication about another person, or

(b) sends a threatening or grossly offensive communication to another person, contrary to **section 4(1)** of the **Harassment, Harmful Communications and Related Offences Act 2020** (distribution etc. of communication with intent to cause harm).

41. Online content by which a person publishes or broadcasts information, or a photograph or other representation, likely to enable the identification of the alleged victim of an offence under **section 2 or 3** of the **Harassment, Harmful Communications and Related Offences Act 2020**, contrary to section 5(1) of that Act.

Criminal Procedure Act 2021

42. Online content by which a person publishes or broadcasts information about a preliminary trial hearing, or an appeal under **section 7** of the **Criminal Procedure Act 2021**, contrary to section 10(1) of that Act.]

For further information please contact:



National 24-Hour Helpline: 1800 77 88 88

Message

From: Júlio César Cherilli [REDACTED]
Sent: 09/02/2024 00:09:09
To: VSPS Regulation [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c0901647a0024042a695403cf912716b-VSPS Regula]
Subject: Public Consultation Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Coimisiún na Meán,

I am writing to you about Ireland's Online Safety Code public consultation.

In particular, I want to submit feedback about "1.3 Recommender System Safety" in the Draft Supplementary Measures for inclusion in the Online Safety Code:

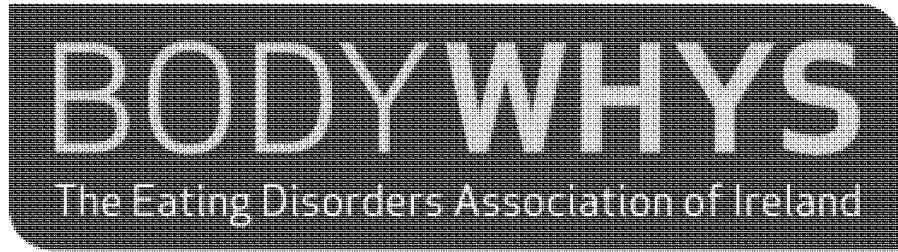
Please remove any loopholes or ambiguity from this section which could be seized upon by video-sharing platform services.

For example, by removing the "whether and" in the sentence "In preparing a recommender system safety plan, a video-sharing platform service provider must at a minimum consider the following measures and explain whether and how it has given effect to them", you would clarify that the eight measures listed are the mandatory minimum and that platforms may add additional measures. Without that edit, video-sharing platform services can carry on business-as-usual, while the rest of us pay the cost.

Coimisiún na Meán could make an enormous contribution to corporate accountability if you hold firm and resist pressure from the platforms. They have no business building intimate profiles about children – or any person whose age is unproven – to then manipulate them for profit.

Section 1.3 of your draft supplementary measures could go a long way to stop the platforms artificially amplifying hate, hysteria, suicide and disinformation, and to spur internet innovation that puts people before profits. Please make it as robust as possible.

Kind regards,



Online Safety Code

Submission to Coimisiún na Meán

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About Bodywhys

Founded in 1995, Bodywhys – The Eating Disorders Association of Ireland - is the national voluntary organisation supporting people affected by eating disorders and their families. Bodywhys provides a range of non-judgemental listening, information and support services, professional training, literature, podcasts and webinars. Other aspects of the organisation's work include developing professional resources and collaborating with social media companies to respond to harmful online content and working with the mainstream media to create awareness about eating disorders. Bodywhys develops evidence-based programmes to promote positive body image and social media literacy in children and adolescents, as well as school talks and educational resources. Bodywhys is the support partner to the HSE's National Clinical Programme for Eating Disorders (NCP-ED), which delivers specialist public services in the Republic of Ireland.

Current submission

Bodywhys welcomes the opportunity to further address the issue of online safety, following our earlier submission to Coimisiún na Meán in September 2023.¹ We welcome that the Code will be binding, prioritise user safety and increase accountability.

Social media, online harms and eating disorders

We previously outlined some of the harmful effects of pro-anorexia material and social media in our 2023 submission. In the current document, we wish to note additional evidence-based concerns. Pro-anorexia coaches have been documented as targeting vulnerable people with eating disorders, including seeking sexualised communication comparable to online grooming.² For users, pro-eating disorder online spaces can be a means of facilitating their eating disorder practices, such as food intake, exercise, lowest weight and current weight.³ Viewing fast-food advertisements, clean eating content and eating videos may be associated with disordered eating and body image concerns.⁴ Other potential effects include social comparison, internalisation of thin and fit ideals, self-objectification, which, in combination with other factors,

create what's been described as a self-perpetuating cycle of risk.⁵ Fitness related accounts may promote unrealistic and unhealthy body shapes, sexualisation and objectification.⁶ Content moderation through technical efforts aimed at addressing problematic hashtags, or hiding 'likes' does not resolve long-established issues on social media.⁷ Content moderation of pro-eating disorder (pro-ED) material is challenging. Users are often aware of potential steps to counteract and remove such posts, with some account profile biographies disavowing pro-ED identities and practices, whilst also communicating in a way that they can be found and read by like-minded peers.⁸

Responses to Consultation questions

Question 2

We agree that user-generated content is indissociable from user-generated video and that video-sharing platform services (VSPS) must take action to prevent and reduce harm as required by the Online Safety Code.

Question 3

The definitions provided are useful and highlight a range of risks and behaviours which may cause significant harm to children.

Concerns about the impact of social media are not solely confined to a potential impact on mental health. For example, a recent European report focused on the implications for child development, such as increased aggression, risky and unhealthy behaviours and that algorithm-based recommendation contribute to risk towards children.⁹ This report noted that children routinely encounter harmful content, they may be at risk of extortion, harassment, exploitation, cyberbullying and that their values and attitudes may become distorted. The report further observed that whilst children may feel quite confident in managing risks online, they do not always have good awareness of risk or coping strategies for unfamiliar situations.

We wish to comment on the reference to feeding disorders in the Code. Feeding disorders, such as impaired oral intake, or issues which delay

feeding milestones, difficulty in transitioning food/liquids from the mouth to the oesophagus, are distinct from eating disorders. Feeding disorders do not feature some of the core eating disorder psychopathology, such as low body image, a drive for thinness, drive for muscularity, fear of weight gain, fear of being at a healthy weight, bingeing, purging and over-valuation (sic) of shape and weight and a risky use of physical exercise. Currently, there is no in-depth literature base indicative of the promotion of feeding disorders as a form of online harms. Nor has the encouragement of feeding disorders in the online space emerged as a public concern. Therefore, it may be challenging for VSPS and Coimisiún na Meán to specifically determine what is representative of the harmful promotion of feeding disorders.

Questions 6 and 7

We agree that VSPS must identify what's prohibited in their terms and conditions and that they must also highlight the potential suspension and termination of accounts. Transparency and clear language in terms and conditions are essential. Whilst not without potential limitations as a strategy, the suspension or termination of accounts may be a protective approach to eliminating and reducing the impact and sharing of harmful content. Given the speed and availability of the internet, and online word-of-mouth, concern can arise not just how and where harmful content is originally created, but that it may lead to others replicating, or encouraging a risky behaviour, or that it may increase pressure on individuals.

Question 8

We welcome the reporting and flagging requirements in the draft Code. We hope that this will benefit users, improve transparency and outcomes and experiences of the reporting process. The information provided on page 51-52 is useful. We welcome that VSPS will have to meet targets and timelines.

Question 12

Welcome that the Code outlines how VSPS must respond to complaints. Informing users about how decisions are made, and which policies are applied is essential.

Question 18

The European report we cited in response to question 3 notes that children may have gaps in their media literacy skills that may ordinarily protect against disinformation. This report helpfully highlights where media literacy sits at a European level, and it includes evidence that social media literacy can protect against the impact of consuming idealised body-related content.¹⁰ Adopted in May 2022, the European strategy for a better internet for kids (BIK+) highlights how media literacy and critical thinking can help children and young people to safely navigate the digital environment and to make informed choices.¹¹ Concerningly, recent coverage from BBC News focused on children as young as 8 using skincare products after seeing them on social media.¹² It is essential that media literacy strategies are further developed without delay. We look forward to Coimisiún na Meán sharing its work in the future.

As noted in the European report: *The influence of social media on the development of children and young people*

‘Children encounter issues such as unfair practices, clickbait strategies, and hidden marketing practices that contravene their rights and which are not in their best interests. Research shows that children are often ill-prepared with low levels of awareness of commercial practices and lack the critical skills to disaggregate marketing content in the context of their experience of social media.’

Question 19

We agree with the Code that children's personal data must not be processed for commercial purposes. Apart from ethical principles, this is critical given the social, intellectual, and cognitive differences between children and adults.

Question 20

The language used to describe the handling of complaints in the Consultation document is clear.

End of submission

Jacinta Hastings,

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Think Bodywhys CLG, trading as Bodywhys - The Eating Disorders Association of Ireland, is a company limited by guarantee, registered in Ireland with a registered office at 18 Upper Mount Street, Dublin 2 and registered company number 236310.

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