

## **Youth Advisory Committee**

Report on Consultation on the Draft Online Safety Code; the Draft Statutory Guidance Material and the proposed application of the Online Safety Code to the Category of Video-Sharing Platform Services.

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## **1. Introduction**

The Youth Advisory Committee (hereafter 'Committee') met on January 17, 2024 to provide input on the draft Online Safety Code, the draft Statutory Guidance Material, and the proposed application of the Online Safety Code to the Category of Video-Sharing Platform Services. The meeting was facilitated to enable both comprehensive feedback following consideration of all elements and a more detailed discussion of areas of particular interest to the members of the Committee.

Committee members had been provided with the draft materials and an introductory presentation in their initial meeting on December 19, 2023, providing an opportunity to review these materials and develop comments and feedback in advance of the January 17 session.

The meeting opened with an additional short presentation on the draft Online Safety Code, draft Statutory Guidance Material and application of the Online Safety Code to the category of Video-sharing Platform Services. The objective was to assist in eliciting responses on all points of interest to the Committee members. Following Committee members' comments, Coimisiún na Meán officials were invited to provide responses or clarification on requested points with further Committee feedback arising from this in some instances.

This report is a summary of these comments and feedback.

## 2. Consultation comments and feedback

In this report, a summary of comments and feedback have been structured under the main themes in relation to relevant sections of the draft Online Safety Code, draft Statutory Guidance Material and related matters. Where comments and feedback arose that were relevant to multiple areas these have either been repeated or referenced. There were also comments and feedback on the context for the draft Code, draft Statutory Guidance Material and related matters and this has been presented below.

### 2.1 General feedback and comments

The draft Code and draft Statutory Guidance Material were welcomed by Committee members who were very supportive of the approach taken, including avoiding being overly prescriptive and providing non-binding guidance. The need to develop the Code and guidance material over time was considered appropriate in a rapidly changing and evolving area. The consultation with members was regarded as respectful of the members' perspectives, contributions and priorities.

The definitions were noted by members as a potential point needing further development; specifically in order to ensure that video-sharing platform services had a clear understanding of these. This clarity of guidance was seen as necessary in order that individuals and groups had a clear basis to be able to effectively raise concerns with them – both in Ireland and in other jurisdictions. Specifically, Committee members cited the need to expand the definition of harm through the addition of named groups and this was suggested as a requirement for protection of these groups. This was explored in more detail later in the discussion.

### 2.2 Obligations of Video-sharing Platform Service Providers – Content

In relation to the **Obligations of Video-sharing Platform Service Providers – Content** (*Terms and Conditions – Content; Suspension and termination of accounts; Reporting and Flagging; Age Verification; Content Rating; Parental Controls and Complaints*) and related draft Statutory Guidance Material, Committee members' comments and feedback were in relation to:

#### **Age verification & content rating**

(Note: age verification was an area selected by the Committee for more detailed discussion.)

Points were raised by the Committee in relation to what constitutes 'robust' age verification, and whether more specific guidance to platforms is needed on this. There were also questions on the expected requirements and safeguards in relation to the uploading of identity documents and how these are handled by platforms, including those that may not have appropriate governance or controls in place. The connection to data protection issues under the section of the draft Code relating to Obligations of Video-sharing Platform Service Providers was noted by Committee members.

The simplification of age verification was cited by the Committee as important in order to enable ease of use and to avoid undermining access to content or driving users to sites that – perhaps because they fall outside the scope of the regulations – do not require age verification. There was concern amongst members that the designated platforms do not include Snapchat, with the potential that regulation of only some platforms could drive children to platforms not subject to Irish regulation. The nature of non-regulatory engagement with platforms was discussed, including whether this meant action was reliant on ‘good will’. There was interest in tokens and common verification approaches that reduced the need to provide information to multiple platforms, with interest in the timeline for a common EU model of age verification.

How platforms were expected to manage age verification for current users (in addition to ‘new users’) was raised by Committee members. It was considered to be useful to provide guidance to direct platforms to do this as well as to complete it in a particular timeframe.

While parental controls and age verification measures were seen as necessary by members, the Committee believed this needed to be balanced with ensuring access to material. There was concern about how well age verification or content rating systems could manage graphic content or images that were in the context of historical topics such as genocide. These topics also generated discussion on how the implementation of the Code would address unintended breaches by children sharing illegal content. It was noted and acknowledged as a concern by the Commissioner.

This issue of access, Committee members suggested, needed to also consider the perspective of children’s rights, noting Article 24 (the rights of the child) of the EU Charter of Fundamental Rights and Article 3 of UN Convention on the Rights of the Child (UNCRC).

Data privacy issues were also raised by members and this is captured in the relevant section of this report.

There was curiosity at how well age verification would address the differences among children and young people, e.g. differences in content appropriate for an 8-year old and a 17-year old. A related point made by members was the value of monitoring the performance of platforms in ensuring the viewing of age-appropriate content. Committee members noted that they are used to being able to look up what they want, and being able to access and examine content remains important to young people.

The Committee noted that other organisations used different definitions of a child, with the Advertising Standards Authority for Ireland (ASAI) cited by the Committee as an example where the definition of a child varies (age 15 for ASAI as compared to age 18 for the draft Code and under the Online Safety and Media Regulation Act 2022).

Committee members also reflected on the volume and speed with which content was produced and the practical issues that presented, including the impossibility of assessing all content in advance. The Committee noted that the value of equipping young people with the tools and skills they need to protect themselves from harm online will have to feature in any discussion of how to regulate access.

## **Reporting and complaints**

(Note: reporting and complaints was an area selected by the Committee for more detailed discussion.)

There was discussion amongst Committee members of how the planned contact centre will work, including what an individual or organisation could expect, including in particular the turnaround time. Slow response times – with 5 months cited by some of the Committee members in the case of complaints made to social media services – have contributed to a sense of frustration and helplessness among complainants. The launch of the Code and the contact centre may raise high expectations from individual users. Committee members stressed that the process, including for escalation of complaints, needed to be clear and feature as a key element under media literacy.

The role of mediation and an independent mediator was raised by members, with a request for information on when that would be in place and how it would operate.

There was discussion of how the Code and complaints process would address complainants either deliberately or inadvertently exaggerating a complaint (e.g. calling something terroristic).

The objective criteria for harm led to a number of questions and comments, with Committee members recommending that what constitutes harm be clearly defined for services and platforms in the guidance, for example providing unambiguous definitions of protected groups e.g. Travellers as a minority ethnic group. The necessity of this was illustrated by experiences where it was impossible to raise a complaint because of different cultural understandings or a total lack of understanding in other jurisdictions (e.g. different definitions applying in different EU countries); and in the high percentage of LGBTI+ young people who had reported content, which was not removed.

Committee members pointed to a risk that services may refuse to take action by “hiding behind” the defence that a piece of content does not meet the definition of incitement, although the content clearly creates a harm through the perpetuation of stereotypes. A user needs to be able to flag content, which may not violate the terms and conditions of a service or platform, but which is harmful to them or children who may be accessing the content. Committee members stressed this as an important consideration for both current (i.e. the development of guidance material and public awareness) and future work of Coimisiún na Meán. There was interest in developing guidance to platforms to promote an equality standard and diversity as a positive aspiration.

## **Algorithmic content**

The area of AI generated or algorithmic content was discussed by Committee members as it presented interesting challenges regarding who generated the content. Members appreciated that platforms can't be asked to pre-vet content from any source, but questioned how to monitor content that is generated by algorithms as the source accounts may not be eligible for removal.

For Committee members and their organisations, being able to monitor comments on content they had created – where some platforms allow for review and approval before third party comments are posted – was very important.

### **2.3 Obligations of Video-sharing Platform Service Providers – Audiovisual Commercial Communications**

In relation to the **Obligations of Video-sharing Platform Service Providers – Audiovisual Commercial Communications** (*Terms and Conditions; Audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform service; Audiovisual commercial communications that are marketed, sold or arranged by the video-sharing platform service; Declaration of audiovisual commercial communications for user-generated Video*) and draft Statutory Guidance Material, Committee members' comments and feedback were in relation to:

Whether and how content like non-alcohol product variants (such as 0% products), which the Committee was concerned would raise issues of indirect marketing to young people, would be addressed by the Code was of interest. This led to discussion of what the criteria were that distinguished commercial communications from non-commercial content, recognising that this could be very nuanced: many influencers do not declare their content as commercial. Similarly, some commercial accounts may include young people in their target audience, but a specific piece of content may be directed at an adult audience. There was also concern at the ability to flag or regulate political advertising targeting young people.

With reference to section 7(4) of the Broadcasting Act 2009, as amended, the draft Code notes that “... *in performing its functions, the Commission shall have regard to: the safety of children, and published policies of the Minister for Children, Equality, Disability, Integration and Youth in respect of that matter; the regulation of gambling, and published policies of the Minister for Justice in respect of that matter ...*”. Members discussed gambling and, in particular, issues in relation to gaming sites, which directly or indirectly promote gambling.

The relationship of the Code to other codes, such as those put in place by the ASAI, was raised as a question.

### **2.4 Obligations of Video-sharing Platform Service Providers – General**

In relation to the **Obligations of Video-sharing Platform Service Providers – General** (*Media Literacy – Measures and Tools; Personal data – Children; Reporting*) and draft Statutory Guidance Material, Committee members' comments and feedback were in relation to:

(Note: awareness and media literacy were areas selected by the Committee for more detailed discussion.)

The Committee noted that general media literacy of users, notably parents, needed to be considered as relevant context to this area of regulation. As an example, it was cited that many parents do not realise they have the ability to set parental controls. The Code, in order to be understood and expectations set accurately, needed to be available in a 'plain English' format (Committee members also noted the importance of making accessible versions of the Code available in an appropriate range of languages and accessible formats).

The Committee members outlined that all aspects of reporting or flagging needed to be made user-friendly. This also applied to the terms and conditions so that 'scroll and click agree' behaviour was reduced and users understood what they were agreeing to. The Committee also stated that platforms and services needed to provide simple language in terms that young people understand (especially those who want to skip through the T&C and accelerate directly to the sought after content or app). Other accessible and engaging formats, such as video, need to be used more in this regard, with the added benefit of better addressing different learning styles.

Committee members noted the importance of public information campaigns and targeted promotion from Coimisiún na Meán to ensure that the Code is well-known and understood. Schools and the youth work sector were thought to be particularly relevant in this context. Parents and schools are not thought to be aware of regulations or the role of the Commission in this environment. This was described by members as being fundamental to empower all users. These communications and media literacy approaches also needed to provide for different languages and methods of learning.

Committee members supported the placing of an obligation on platform services to also raise awareness and support media literacy.

Members also suggested that the position and experience of relevant intermediaries such as youth work groups and young people's representative bodies could usefully be mobilised to provide material in child/youth-friendly language.

The relevance of joint online awareness campaigns to harmonise messaging was referenced by the Committee in this context. It was reaffirmed by members that both young people and parents will need to be targeted both collectively and separately with appropriate messaging and through age-appropriate mediums. The pressing need for a practical action plan in this space was highlighted. The considerable threat of both mis- and dis-information was emphasised by members and described as a real concern in this cycle of upcoming elections.

Committee members agreed that the 'nominating bodies' could play a useful role in the context of the new Code.

### **3. Draft Statutory Guidance Material**

Before the conclusion of the meeting, Committee members were provided with an opportunity to provide any final comments on the **Draft Online Safety Code** and **Draft**



**Statutory Guidance Material.** No additional comments specific to this material were provided above and beyond those highlighted above.

#### **4. Online Safety Code to the Category of Video-Sharing Platform Services**

Similarly, Committee members were also invited to comment on the proposed application of the **Online Safety Code to the Category of Video-Sharing Platform Services**. Committee members' comments and feedback were in relation to:

The role of nominated bodies, the definition of what counts as a video-sharing platform, and the approaches through which users based in Ireland may interact with, and respond to, content provided on non-Irish platforms e.g. Snapchat and their respective regulators.

#### **5. Concluding information**

Details were reiterated to the Committee on Coimisiún na Meán's open public consultation on the draft Online Safety Code, draft Statutory Guidance Material and related matters. Committee members were encouraged to develop a submission and provide input on the draft Online Safety Code, the draft Statutory Guidance Material and the proposed application of the Online Safety Code to the Category of Video-Sharing Platform Services as part of same.

Coimisiún na Meán officials in attendance expressed their appreciation to Committee members for their time and significant contribution in assisting and advising the Commission as it puts an online safety framework in place in Ireland.

It was advised that other matters which may be considered by the Youth Advisory Committee over the period of the Commission work programme may include:

- the Revision of Media Codes and Rules Code,
- the development of the Commission's Gender, Equality, Diversity and Inclusion Strategy,
- the funding of children's programming under the Commission's content funding schemes, and, in time, the preparation of a broader Coimisiún na Meán children and young people engagement strategy.

It is expected that there will be a minimum of two meetings of the Committee per year, and it is anticipated that the second such meeting will take place in late Spring / early Summer 2024. In this regard, Committee members indicated that it would be preferable to hold the next meeting in May 2024 rather than in June 2024.

**Appendix 1: Youth Advisory Committee members**

The Youth Advisory Committee includes nominees from the following organisations:

BeLonG To  
Children's Rights Alliance  
CyberSafeKids  
Irish Heart Foundation  
Irish Second-Level Students' Union  
ISPCC  
Irish Traveller Movement  
National Parents Council  
National Youth Council of Ireland  
SpunOut  
Webwise

## Appendix 2: Meeting Agenda

<b>Item</b>
<b>1.</b> Welcome and brief introductions
<b>2.</b> High level feedback on: <ul style="list-style-type: none"><li>(a) Draft Online Safety Code</li><li>(b) Draft Statutory Guidance Material</li><li>(c) Proposed application of the Online Safety Code to the Category of Video-Sharing Platform Services.</li></ul>
<b>3.</b> Agreeing preferred 'priority topic areas' for discussion
<b>4.</b> Consideration of priority topic areas
<b>5.</b> Looking ahead; Coimisiún na Meán workplan and intersection with interests of Youth Advisory Committee
<b>6.</b> Next steps / AOB