

Submission to the DDCMS Consultation on the Internet Safety Strategy Green Paper

7.12.2017

Introduction

1. The [Children's Media Foundation](#) is a not-for-profit organisation dedicated to ensuring UK kids have the best possible media choices, on all platforms and at all ages. We bring together academic research institutions, the children's media industries, regulators, politicians and concerned individuals who recognise that media is not only a powerful force in children's lives, but a valuable one. This submission has been drafted by our Executive Advisory Group who are industry leaders from the children's television and digital sectors. It is based on their knowledge of the children's media industry, including audience research and experience of developing best-practice products and policies for organisations in the UK and overseas.
2. In its manifesto, the government stated that it is "committed to making Britain the safest place in the world to be online" – a position expanded in the Green Paper into three key principles:¹
 - What is unacceptable offline should be unacceptable online
 - All users should be empowered to manage online risks and stay safe
 - Technology companies have a responsibility to their users.These objectives are welcomed by the Children's Media Foundation, and broadly echo our previous submissions to Parliamentary consultations.
3. In order to deliver this ambition, the government has identified that it will need to "harness the technical understanding and expertise of industry partners, in order to deliver thriving, safe and innovative online platforms"². On this we urge caution.
 - 3.1. It is vital that the government pursues a digital safety strategy that genuinely seeks to create a better, safer internet for children – proactively doing what's right, rather than relying on reactive, technologically straightforward tools that are routinely demonstrated to be prone to fail.
 - 3.2. Reliance on voluntary self-regulation by the companies in the space may not be sufficient, and we welcome the Secretary of State's statement in her foreword: "we will act to ensure people are protected online – working with the sector to develop solutions wherever possible, while not ruling out legislation where it is needed."³
4. Large parts of the Green Paper make reference simply to 'children'.

¹ DDCMS, Internet Safety Strategy - Green Paper p3

² DDCMS, Internet Safety Strategy - Green Paper p3

³ DDCMS, Internet Safety Strategy – Green paper p2

- 4.1. Children are not a homogeneous group, but represent a rich spectrum of needs, behaviours and expectations, particularly around their consumption of media and use of devices. This diversity must be reflected in the Internet Safety Strategy.
- 4.2. At pre-school age, initial access tends to be moderated by parents. However, even young children have access to devices: Ofcom reports that 65% of 3-4 year olds use a tablet and 29% a mobile phone at home⁴ and this is increasing year on year. Independent access to devices and content, combined with an innate curiosity and lack of discernment, leave even young children vulnerable to landing on inappropriate and disturbing content on the internet.
- 4.3. The use of media by children is also very different to adults. For a young child, YouTube and Amazon are much more effective search engines than Google. Voice-activated search makes that a relatively simple prospect even for the very young.
- 4.4. Older children are instinctively disruptive. In the media space this is rarely born out of rebellion, but rather a desire to overcome practical constraints such as cost of use (e.g. the cost of mobile data) and to discover new content. This means that the safety paradigms that are proposed by adults, such as walled gardens, are rarely effective in creating safe spaces for older children.
5. Experience repeatedly demonstrates that is more effective to create universally safe spaces with specific areas that are restricted for more adult content, rather than the other way around.
6. Many of the recent controversies around internet safety – including the appearance of inappropriate content on the YouTube Kids app – have highlighted how social media platforms rely on technological solutions to address behavioural challenges. This is an approach that can never be 100% reliable, and consequently creates a digital landscape that is much more hazardous than ‘old’ media or the real world.
7. A common argument is that apps provide safe spaces for children – an escape from the “wild west” of the web. In many respects, this is true. However, many apps now offer streamed content and reliance on apps fails to address the challenge of discovery. With millions of apps in the app stores, it is almost impossible for children to discover new content and for brands to attract new users. That need is still being met by the web. It’s the reason that all the major children’s brands maintain rich websites alongside apps.
8. The digital world is innovating and developing. The days of social media platforms as curiosities that allowed individuals to experiment with self-publishing are long gone. Today, they have many new content production and franchising industries. Platforms such as YouTube, Facebook, Amazon and Instagram are actively engaging with content makers to target users with bespoke experiences. There are also increasingly commissioning original content – even live streaming sport. This activity requires responsibility towards the many children and younger teens who

⁴ Ofcom, Children and Parents: Media Use and Attitudes Report 2017. p39

are in their audiences – however many of the platforms insist they are not their responsibility and pass that on to parents.

9. It is time for the digital platforms to be formally recognised as the publishers they have clearly become.

Working with Industry

10. A social media code of practice will be a welcome addition to safeguarding, as would benchmarking reporting mechanisms. However, while bullying, trolling and abuse are important behaviours to address, the code of practice needs to be mindful of the wide range of issues surrounding content viewed by children. This includes content that encourages imitative behaviour, content such as 'YouTube Poop' or other adult-oriented content of a sexual or violent nature, which might be disturbing and certainly inadvisable for children, and which fall outside the traditional 'high risk' categories such as gambling or pornography.
11. Digital innovation, typified by start-ups, is inherently challenging and disruptive: the culture is "do it now, apologise later." In this regard, any attempt to disseminate support and information to encourage app developers to 'think safety first' is to be welcomed. However, it is crucial that this goes beyond mere lip service, and that the success of any new initiative to educate digital producers on safety is measured by the extent to which behaviour changes in the industry against a suitable benchmark.
 - 11.1. Over many decades traditional media has extremely well-developed guidelines for safeguarding and maintaining editorial standards. In broadcasting, these are effectively maintained by the BBC and Ofcom who routinely consider the impact content has on their audience. Digital platforms need a similar framework of standards that is widely understood and expected by both the industry and users: a digital kitemark.
12. Support for developing media literacy amongst parents and professionals is also welcome. However there needs to be a step-change from the tactics and approaches that are currently advocated. While there is some great media literacy content available, the paternalistic approach adopted by many campaigns means that they will never gain traction. To succeed, new initiatives should support parents by considering the challenges faced by families and should be available on parents' terms, in the real and virtual forums already used by them.
 - 12.1. The Children's Media Foundation agrees with Professor Sonia Livingstone's conclusions in her submission to this consultation: "A more thoughtful approach to advising parents is also needed than that signalled in the Green Paper (p.33), which reverts to... a narrowness of vision that fails to grapple with the realities of today's screen media as infrastructural for work as well as leisure, family relationships as well as personal time, and for learning as well as entertainment, and which is all about controlling and restricting children (and parents) in their use rather than supporting optimal and beneficial use. As currently proposed, the strategy risks burdening parents with yet more rules and guilt without positively supporting their role in the digital age."
 - 12.2. The proposed strategy seeks to address the wide range of harms that can be faced by users, but suggests that developing resilience in children and media literacy in parents

- could be the solution. There is no doubt that resilience and media literacy are important, but this focus risks continuing to allow the platforms to be complacent.
13. Audience research used by the industry repeatedly tells us that for children in the 8-12 age group, Instagram and WhatsApp are two of the most popular platforms. However, Instagram denies that children are significant users, and therefore will not engage in meaningful discussion, nor will they adopt the best practices advocated for protecting children and their data online.
- 13.1. Sadly, the inevitable conclusion has to be that self- or voluntary regulation does not work. The digital industry should be consulted on the government's strategy, but implementation will only be effective if the strategic governance is independent and supported by regulation.
- 13.2. The Children's Media Foundation supports the CHIS submission to this Green Paper consultation in its perception of "A crisis of confidence in self-regulation." Their argument, based on years of experience in the field of child protection online, is compelling, that there has been "...a succession of government sponsored codes of practice and initiatives, none of which have had any binding force. In relation to some of these codes or initiatives we have no way of knowing if *any* online business has *ever* followed or taken up *any* of the suggestions that were made because no systems were *ever* devised to monitor take up, much less try to assess the efficacy of what was being proposed."
- 13.3. Their evidence on transparency is also relevant: "No other industry or businesses of comparable size or importance operates with such a near total lack of transparency or accountability... Parents, children and policy makers are entitled to know how different companies are responding to UK children's concerns and if various businesses' systems currently cannot collect and provide data that would enable them to make such an assessment they should change their systems."
- 13.4. They conclude: "...we very strongly believe that the code of practice on social media which is to be issued under the Digital Economy Act, 2017, must be linked to a Regulator with clearly defined legal powers to describe minimum standards and enforce those standards using a range of powers including, for example, a power to levy substantial fines for proven failures to observe them. Perhaps the Children's Digital Champion recommended in the House of Lords Communication Committee's Report "Growing Up with the Internet" could fulfill such a role."⁵
- 13.5. We concur.
14. Professor Livingstone comments that digital business should think 'safety first'. Our members and executive team know from experience that it is more effective (and simpler) to unshackle products for adults than it is to restrict them for children. On this basis the Children's Media Foundation would argue that digital products and services should be safe for children by default.

⁵ House Of Lords Communications Committee: "Growing Up with the Internet" p76. Para 364

15. The concept of the Social Media Levy is encouraging. It has particular resonance for the CMF, as our precursor organisation – the Children’s Film Foundation – was funded by a film levy. The benefits of the CFF for audience, the industry and off-screen and onscreen talent are still being reaped today.
- 15.1. We support the idea of a levy that can be used to support the digital industry in development of safe, digital spaces for children.
- 15.2. However, the proposal immediately poses a number of challenges:
- 15.3. **Definition of a social media:** virtually every website, app and pop-up now includes social elements, making it impossible to compartmentalise social media. It is also crucial that any definition is flexible enough that it can encompass new technologies and platforms of the future. On this basis, we would suggest the levy be described as a Digital Safety Levy.
- 15.4. **Incentive for joining a voluntary scheme:** If this scheme and its output are to be effective, it could propose tighter constraints for the industry. We therefore wonder how likely it will be that companies wish to join. We would like to see this implanted as a mandatory scheme.
- 15.5. **Level of Contribution:** This is a hugely successful sector. Last year, digital advertising spend in the UK was valued at £10billion⁶. Facebook alone made well over £800m⁷ in pretax profits. This is also an industry that is notorious for its sharp accounting. We would like to see the levy set at 1% of spend for advertisers and/or revenue for platforms.
- 15.6. The levy should be administered by an arm’s-length body, backed by legislation. Its remit should include an effective watchdog, ongoing high-quality research into digital safety and media literacy, industry training and seed funding to develop innovative strategies and safe spaces outside the constraints of the commercial market.

Technology Improving Online Safety

16. In terms of technology improving online safety, two aspects stand out:
- A focus on automation and algorithms
 - Development of walled gardens
- 16.1. Artificial intelligence and automation offer useful enhancements to the ability of businesses to moderate and curate content for children. However, the constant arms-race between technologists attempting to create and circumvent A.I. solutions mean that it can never be the definitive answer.

⁶ UK internet ad spend passes £10bn as Google faces YouTube row - <https://www.theguardian.com/media/2017/apr/12/uk-internet-ad-google-youtube-mobile-video-tv>

⁷ Facebook to pay £5.1 million in UK tax despite £58 million in profits in 2016 <http://uk.businessinsider.com/facebook-2-6-million-uk-tax-in-2016-842-million-revenue-2017-10>

- 16.2. The recent controversy⁸ about inappropriate content on YouTube illustrates the problem. The fluidity and variance in animation means that algorithms are consistently failing to identify animated content that most parents would deem inappropriate. Examples include Peppa drinking bleach, Shrek engaging in animated porn⁹ or Elsa from 'Frozen' participating in 'watersports'.
- 16.3. The use of children's characters means that this content features in the supposed walled garden that is YouTube Kids – unless it is reported by a user on that platform. With the speed and volume of the internet, many children can have suffered the harm from this content, long before it is removed.
- 16.4. YouTube now argues¹⁰ that its children's app is not a curated platform and that parents need to be 'in the driving seat' in deciding what's appropriate for kids. This stance contradicts the apparent values the platform has promoted since its launch in 2015. The only justification for taking this position would be commercial gain – and therefore offers a strong indication as to why voluntary codes will not work.
17. We note the Government's intention to strengthen data protection legislation including the requirement that parents or guardians will need to give consent to information services where a child is under the age of 13.
- 17.1. The Children's Media Foundation supports this aspiration, however in reality older children routinely exaggerate their age in order to access platforms such as Instagram that officially preclude under 13s. This new requirement cannot be implemented effectively unless there is an associated requirement for universal age verification.
- 17.2. Age verification is often considered too complex to implement. However, the Digital Production Alliance, working closely with the adult entertainment industry, has already shown how it can be used to protect children from pornographic content. There is no reason why the learning cannot be applied elsewhere.
- 17.3. We are concerned that in practice, the GDPR will not significantly improve a parent's or child's understanding of exactly what data is being stored and where and how it is shared.
- 17.4. The ways in which an audience can share data are horrendously complex for a lay person to understand. They range from data stored locally on devices, to de-identified data, through to fully anonymised information. It becomes even more complex in the digital industry with mergers and acquisition meaning that responsibility for data processing

⁸ Something is wrong on the internet, <https://medium.com/@jamesbridle/something-is-wrong-on-the-internet-c39c471271d2>

⁹ Shrek is Love, Shrek is Life, <http://knowyourmeme.com/memes/shrek-is-love-shrek-is-life>

¹⁰ YouTube is now taking further measures to moderate content that will affect its kids app <http://mashable.com/2017/11/09/youtube-kids-new-policy/#zaOsBk1aqx>

may also transfer. We hope that new legislation will force data processors to be much more transparent on how data is being gathered, triangulated and applied.

Research

18. We agree that many of the unpleasant behaviours seen online are not new¹¹, and have always been present in the real world. However, the way this behaviour is exhibited and experienced has changed, due to ease of access to inappropriate content, the 'always on' nature of digital devices, and the impacts of rapidly sharing with a large network. The problems are exacerbated because the digital world bears no relation to most parents' own experience of childhood.

18.1. To echo Professor Sonia Livingstone: "research funding simply isn't keeping up with the changing array of risks facing children", and we agree with the CHIS that this could be a good use for a proportion of the proposed levy.

¹¹ DDCMS, Internet Safety Strategy - Green Paper p42