



Response to the Online Harms White Paper

July 2019

Introduction

Families have not escaped the profound changes brought about by the internet. On the contrary: with very little support, advice, or knowledge, parents have often found themselves the de facto gatekeepers of online activity.

Parent Zone has been at the forefront of supporting families throughout digital upheaval, responding to the opportunities and the challenges in practical ways. We welcome the Online Harms White Paper and share the belief of government that regulation is needed to help manage and shape the next phase of digital innovation.

Our response is based on the work we do with parents and children, as well as with schools, police forces, local authorities, and professionals supporting the most vulnerable members of society. It draws on our international work and reflects the evidence base as it applies to our audience, including from our own research.

Complex problems in a complex ecosystem

We support the overarching ambition and the core proposals of the Online Harms White Paper, including the appointment of a regulator, a duty of care, and plans for greater transparency. We also recognise the challenges of regulating when tech is always evolving and software constantly changing; and when users' behaviour can be unpredictable, and new functionality is often put to surprising uses. We see the best and worst of human behaviour played out online in shared digital spaces that lack established social norms and the competent gatekeepers we rely on offline.

The near-impossibility of functioning without participating online disposes us as individuals and collectively to rationalise the costs. Governments are the only bodies with sufficient heft to determine what these costs amount to and whether, at scale, they are corrosive.

This determination cannot apply only to individual platforms or single functionalities. The issues we face are not simply about social media or live streaming or gaming - they are about an ecosystem with multiple players, some of which facilitate and exacerbate problems while remaining invisible to scrutiny. Skin gambling¹ is one example of users creating pathways between platforms to bypass existing gambling regulation - facilitated by digital publishers like Steam, games developers like EA games, payment providers like PayPal, and connected by opportunistic 'parasite' websites that emerge and disappear without oversight. Responsibility is shared and may be indirect. For the regulator, the difficult cases may well not be a simple matter of harm done/sanction applied to a clear culprit.

Design priorities (for data collection and downstream monetisation) lead some tech companies to be indifferent to the uses and abuses of their products. Horizon-scanning and the anticipation of problems should be a key aspect of the regulator's work, and a requirement of tech companies. The regulator will need to identify the interactions between platforms, including the technical connections facilitated by APIs.

Recommendation

Regulation should apply to abuses created by cross-platform interaction, facilitated by digital connections and interoperability.

Horizon-scanning should be a key role for the regulator. That will require a high level of technical expertise: the regulator will need to be agile, and have sufficient resources to invest in long-term intelligence and analysis.

¹ [Skin Gambling: Teenage Britain's Secret Habit](#)

Social issues amplified by technology

The issues we respond to are rarely exclusively tech-related. More often technology amplifies existing problems, adding (for example) speed and sometimes an international dimension. The interplay and continuity between offline and online is often overlooked in discussions about 'cyberbullying' or online grooming: technology may be a sophisticated tool, but the harms have offline roots. That is not to say the amplification is not troubling.

In our experience, though, parents are at least as troubled by something else: the overwhelming pervasiveness of technology and the disruptions to family life. The norms of connectivity have disrupted family life, undermined parental autonomy and made parenting more difficult, leaving parents feeling confused and anxious. Bombarded by conflicting messages, they fear for their own children and for children generally - we would argue because the harms to children are not merely individual; they are societal. What unsettles parents is a sense that authority, trustworthiness, provenance and reliability are being undermined, with the result that truth becomes slippery and the values that underpin good parenting - and good citizenship - are being eroded.

For this reason we believe the proposed regulator needs to take a broad view of online harms. Individual experiences are important but so are wider norms. The technology is not the problem, the uses of it are. In the current situation, the problem is that for some tech companies, positive and negative experiences are fundamentally equivalent: what matters is volume of interaction. In fact, there can be a perverse business incentive to allow more provocative, inflammatory and upsetting content, because this leads to more clicks, more data-gathering and more direct or third-party monetisation.

Meanwhile, the asymmetry of our relationship with tech companies - the sense that they know a great deal about us and can anticipate our behaviour and, at worst, direct it, while we know very little about them - can lead to a sense of being out of control, of insignificance and lack of self-determination among users. For these reasons, we believe it should be part of the statutory duty of the regulator to convene a wider conversation, which would reach beyond the tech companies and the usual techno-critics to look forward to what an internet that works for everyone - starting with children and families, and drawing in, for example, the public sector and the third sector - would actually look like.

Recommendation

The regulator should facilitate a national consultation to look at the future of the internet and to identify the opportunities for social interventions to support technical responses.

Adults struggle as much as children.

While the focus of the White Paper leans towards protecting younger users online - and much of the debate has been about children and driven by children's organisations - we hope proposals will also be considered through the lens of adult behaviour. Many of the most serious concerns about the misuse and manipulation of platforms stem from adults. The creation and distribution of misinformation; the grooming and radicalisation of young people; trolling; and online abuse are all behaviours indulged in by adults. Limiting children's access to open digital spaces and reducing their ability to be creative and expressive online should not be a consequence of our inability to deal with adult bad players, or our delay in finding effective social solutions. Any regulation needs to be multi-dimensional and consider offline alongside online. It must have a focus on supporting the creation of a resilient society that can adapt to new challenges. It has to deal with the adult bad players, not restrict children. Regulation must recognise that online space is shared and the default assumption must be that the internet should reflect offline life - children should be able to use online spaces alongside adults unless there is good reason for restriction.

Recommendation

Age-gating the internet should not be a consequence of the age-appropriate design code. Children should not be forced into separate spaces. They are entitled to use public space safely and to develop resilience following the principle followed in society generally.

Adult behaviour should be addressed before imposing restrictions on children. Misogyny, for example, should be in the scope of the regulator (and we are disappointed that it is not made more of in the White Paper). Not only is the abuse of prominent women dismaying and distressing in itself, it is also a huge deterrent to public participation by the 50% of children who are girls.

Transparency and trust.

Online spaces are frequently opaque - it's difficult for parents to make informed decisions about safety. Highly personal devices lead to individualised interactions. Families do not spend time on the internet together but apart, and it is difficult for parents to know what their children are doing online

Transparency reporting could be helpful to parents, but only if the regulator is able to verify claims and if the reports and the regulator's conclusions are accessible. Parent Zone would like to see clearer 'labelling' on digital products and services based on functionality and risk ratings. We believe that this simple mechanic could play a small but important part in informing consumers, in much the same way as food packaging has become an important facilitator of consumer choice. It would not deal with the full range of complexity any more than food labelling has dealt with obesity, but it could clarify functionality and offer some information on risk. Detailed transparency reports will be useful for policymakers, professionals and academics, but building trust will require a wider, consumer-facing element. Having

access to data does not guarantee insight. The data, or at least the regulator's conclusions, must be understandable to the general user. Device manufacturers, platforms and app stores could all be required to play a role in creating a more transparent and coherent internet.

Existing bodies could also make a significant contribution to increasing transparency and trust. The Internet Watch Foundation, for example, could play an important role in naming companies that persistently fail to observe reasonable standards of child protection. The PEGI games ratings could be reviewed so that they once again become fit for purpose. We were alarmed to discover in our research that 49% of games containing loot boxes - a chance-based microtransaction mechanic that the gambling regulator has highlighted as problematic - are rated as suitable for ages 7+ and 93% for 12+.

Recommendation

Transparency reporting should leverage all available opportunities to create a more transparent internet, including labelling. The regulator should publish in plain language the questions it is asking of businesses based on the Codes of Practice, and require responses that are intelligible to the public. High levels of 'take down' should not be seen as an indicator of success. Rather a platform that is fulfilling its duty of care to users should be reducing the need for removing inappropriate content and tackling breaches of its terms and conditions.

Raising concerns and resolving systemic problems.

When parents and children experience problems online they often feel that they are struggling in isolation. At Parent Zone we become aware of harms recurring on platforms because we hear from multiple families, each of which wonders if their experiences are unique. Making it possible for ‘designated bodies’ like us to bring super complaints would create an important intelligence vehicle for the regulator that would also serve to highlight systemic problems with platforms.

Recommendation

Designated bodies should be able to report harms. This should include those organisations best placed to make reports including, for example, law firms and schools.

Parental expectations and the ‘Duty of Care’

The proposal in the White Paper for a new statutory duty of care is interesting and offers the potential to deal with some of the more complex difficulties in regulating the internet. ‘Duty of care’ requirements are already familiar in other spheres, including the duty of care employers have to their employees; in tort law, individuals owe a duty of care to each other to ensure they do not suffer unreasonable harm or loss; and some professionals - like teachers - have a specific duty of care when it comes to children. In the case of teachers, their duty comes directly from The Children Act 1989 Section 3 (5) which defines the duty of care to the effect that “a person with care of a child may do all that is reasonable in the circumstances for the purposes of safeguarding or promoting the welfare of the child”. What is concerning for parents is that no-one appears to have ‘care of a child’ when that child is in a digital space. While we welcome the proposal for a duty of care that could address systemic problems on platforms, and while we recognise that the process will need to be iterative and responsive, we do not think that equates to the duty of care described in the Children Act. It is that duty that counts: parents want to know ‘who is responsible when my child is online?’ It is a question we need to answer.

Recommendation

The duty of care defined by the Children Act should be the duty we require, in addition to any ‘tort law’ based approach.

One size must fit all.

A healthy tech sector will be one that allows small companies to emerge and flourish. Innovation should not come at the expense of safety, however - not least because it is impossible to know who the next big player will be. The game Fortnite went from zero players to more than 1 million in 24 hours and to 10 million in the first two weeks. It has made more in annual revenue than any other game in history - \$2.4 billion. Minimum safety standards should apply to all companies, just as food standards apply to all providers. Parents rely on consistency because it provides clarity.

At the same time, we cannot let the needs of small or new players dictate policy towards large tech companies - so minimum standards should go hand-in-hand with making safety resources readily available to even the smallest startup.

Recommendation

It is reasonable to expect larger platforms to meet very high standards - their scale of operations affects the whole nature of experience online. Regulation should nevertheless stipulate minimum safety standards every platform or service must meet. Access to resources such as the IWF list and hashes of child sex abuse material should not be limited by cost; as a business grows, it might be expected to make a larger financial contribution to sustaining such resources.

Support, education and reasonable expectations

Parents have for too long been seen as the sole guardians of their children's safety and technology use, despite the lack of sufficient support; they are expected to manage a digital world that was not designed with families in mind. As the internet has matured and become an integral part of family life, so must our thinking mature and more reasonable expectations be established. The regulator has an important role to play. By making sure that parents can rely on sensible levels of safety and by facilitating greater transparency the regulator can create space for organisations to help parents provide effective digital parenting.

The UKCIS digital resilience framework offers a template for the role of different players, but more work needs to be done to ensure that parents are supported to fulfil their role. This is true for all parents but especially for more vulnerable families. Our work with foster carers, parents with English as a second language, and parents with additional needs highlights the need for additional support. This has been particularly apparent through our work with the Home Office Prevent programme, where we have worked with families who have struggled to understand basic information about the digital world, often relying on their children to be their digital guides and mentors. Training the professionals who are closest to these families to work effectively with parents is critical. Expanding that training to include the digital gatekeepers - including moderators - should be a priority.

Recommendation

The regulator should protect the existing ‘information to parents’ approach but should stimulate a higher level of training and support for professionals working with parents and ensure parenting support is readily available.

Technical solutions are not the solution.

The OHWP highlights a desire to increase the ‘tech safety sector’. We have serious concerns that the consumer side of this sector may flourish without a proper evidence base. Parents are attracted to technical solutions but these often promise much while failing to deliver.

Research by the Oxford Internet Institute² concluded that filters failed to protect children from adverse experiences, yet the filtering and monitoring industry continues to proliferate without due regard for effectiveness or impact. Technology can and should play a role in creating safe spaces for children but it will only do so with proper evidence. The regulator should play a role in supporting and regulating evidence-based products and services. We should not allow an unregulated tech-safety industry to peddle solutions that may cause harm or promise false assurances to parents who are struggling to make good choices.

Recommendation

The regulator should facilitate the development of an evidence base in order to create national standards for technical safety products.

Thinking ahead and unintended consequences

The White Paper demonstrates that the UK is a world leader in seeking a more equitable settlement with the tech industry. The aims are right but we must ensure that any regulation is realistic and robust. Facebook has already announced a move to more encryption, with plans to focus on privacy and ephemeral messaging. Where Facebook leads, others will follow. The regulator must be able to respond to changes in the digital landscape. If Zuckerberg is correct when he says: “Today we already see that private messaging, ephemeral stories, and small groups are by far the fastest growing areas of online communication,” then we will be dealing with a different kind of internet where principles of privacy run up against the regulator’s oversight.

Recommendation

Due regard should be given to possible unintended consequences. The forthcoming age-appropriate design code should not end by age-gating the internet. In creating the Codes of Practice, the regulator must seek a consensus from the widest possible group of stakeholders on the relationship between privacy and safety, and on how to maintain a creative yet trustworthy internet which is not used to harass and intimidate or undermine social cohesion. While it will be necessary to work with tech companies, the regulator should not

² Internet Filtering and Adolescent Exposure to Online Sexual
Material://www.liebertpub.com/doi/full/10.1089/cyber.2017.0466

have to depend on them for resources or technical evaluations. The appointment of the regulator, and its oversight by parliament, should be managed so that it can demonstrate its independence from all interest groups.

Developers should be encouraged to consider 'abuseability' testing as well as user testing so that new products focus as much on abuse as they do attracting and retaining new audiences.

Understanding harms

Definitions are both straightforward and complex in the digital world: parents and children understand illegal harms but 'harmful but legal' is more perplexing. The commercialisation and sexualisation of childhood exemplified by trends like the #DDLG (darling daddy, little girl) community on Instagram, FB and other social media platforms may not be illegal but is profoundly troubling and a pathway for adults with an unhealthy sexual interest in children.

The proliferation of content that promotes, encourages and facilitates gambling and gambling-like behaviours has been flagged as a serious concern by us and the Gambling Commission, but the White Paper makes almost no mention of it. The new business model for the gaming industry which relies on loot boxes and dark-nudge techniques is designed to maximise children's spending. It is legal but - we would argue - harmful. New and emerging harms such as these are not captured by the White Paper, and financial harms have been explicitly excluded. Perhaps the Codes of Practice will deal with the detail - but it's not going to be straightforward: decisions about freedom of speech, children's rights and the sort of digital world we want to build must all be faced and exposed to public scrutiny. Difficult as this will be, it is very important that it happens.

Recommendation

Greater clarity is needed regarding the ways in which the Codes of Practice will be developed and what will be in scope. Parliament should have a role in developing the Codes of Practice, as should civil society, including young people.