

*Children's Charities' Coalition for Internet Safety*



Claire Little  
Secretary  
Joint Committee Draft Communications Bill  
House of Lords  
SW1A OPW

10<sup>th</sup> June, 2002

Dear Claire Little,

We write to the Committee in relation to various matters affecting child safety on the Internet and the Communications Bill. We have written in similar terms to the DTI/DCMS.

General Observations

There is still a great deal of doubt about whether, or to what extent, families will use digital TV for the kind of Internet access that would appeal to or be useful to children. Certainly if there is only one Internet-connected digital TV in the house, and it is also the main family TV, it seems unlikely that other family members will be happy about having to forsake their favourite viewing while someone else does research for their homework or downloads the latest games for their console. However, as digital providers make cheaper and easier connections available, we have to contemplate the possibility that more Internet connected TVs will migrate to children's bedrooms or play areas where we already find 2<sup>nd</sup> or 3<sup>rd</sup> family TVs. Many families try to maintain some sort of control or supervision of their children's use of the Internet by keeping the PC in a communal part of the house: that possibility will be greatly reduced if the Internet is also going to be available through their children's TVs. This adds to and underlines the importance of the digital TV providers getting it right in relation to online child safety.

We would also like to comment on an aspect of the debate on the Communications Bill that we believe highlights a tension, even possibly a contradiction, in public policy. At various times commentators have suggested that the Government has a higher, or at any rate a different, responsibility in relation to access that is provided through digital TVs where the content is provided free to air or is universally available. The obvious implication is that it has a lower or lesser responsibility where a person has deliberately opted to pay for an additional service or an extra form of access e.g. a subscription channel.

However, elsewhere, we note that Government Ministers have said, repeatedly, that by 2005 there should be no “involuntary digital divide in the UK” and the advent of digital TV is seen as being an important mechanism that will help deliver this objective. This push to get the whole of the population online is underpinned by a range of other measures the Government is pursuing e.g. it has also said that by 2005 all central Government services that can be provided online should be provided online. It is also supporting various “e-experiments” in citizenship and is promoting, for example, the possibility of voting online.

Against this background, we do not think it can properly be said that paying to have Internet access through your digital TV is in any way analogous to subscribing to, say, Sky Sport 3 or to any of the so-called adult channels, particularly if digital TV is to provide the only form of Internet access available in a person’s house.

Public policy is driving people towards digital TV and towards the Internet: where the two meet, public policy has a particular responsibility to ensure a safe environment, particularly for children. Internet access is increasingly becoming more akin to a public utility, and it is becoming less and less like an optional extra that we must accept entirely at our own risk.

#### Content Regulation

To the extent that digital TV companies are merely providing a gateway to the Internet as a whole, then subject to our comments below, we accept that OFCOM cannot have a primary responsibility for regulating the content of what appears on the wider Internet. It would be ludicrous for anyone to expect a British OFCOM to seek to give credible directions or advice to, say, Internet publishers in Taiwan or Russia. The World Wide Web is a global publishing medium and no single body would have either the authority or the wherewithal to undertake such a role in any kind of meaningful way.

However, we note that it is possible that certain digital TV services providers will not be providing full access to the whole of the World Wide Web: they may be providing access only to sites or services where they have a commercial interest of some kind or where they make a charge to the publisher to allow them to put their wares in front of their customers. It may even be the case that the digital TV company concerned will give specific technical directions to the publisher as to how material must be presented.

Where such circumstances prevail, the digital TV provider ceases to be a “mere conduit” for other people’s propositions. In these circumstances the digital TV provider is becoming more closely involved in the process of publishing and needs to understand that they therefore have a more direct responsibility for the content and its consequences.

#### The Internet is not just the World Wide Web

We note that at paragraph 3.2.1 the Government speaks of the Internet as if it were only concerned with the Web. But, of course, the Internet is a great deal more than that. There are several other technologies available on the Internet, some of which potentially present substantial safety concerns for children e.g. Chat Rooms. It is not clear from the Government’s response what expectations exist in relation to these other

attributes of the Internet: at the very least we would expect all providers of Internet services through digital TV to embrace the minimum standards currently being formulated through the Home Secretary's Internet Task Force on Child Protection. These broadly represent current best practice within the wider UK Internet industry.

Who is "the industry"?

At several points in the text e.g. para 3.2.2, mention is made of "the industry", but nowhere is it made clear who exactly is encompassed by this notion. Historically, when discussing child safety on the Internet, "the industry" was deemed to cover only the Internet Service Providers. More recently, within the Home Office Task Force, the definition of "the industry" has been broadened to cover the major retailers of computer equipment, various software houses, and other providers of Internet-based services. Logically, in the context of this Bill, one would imagine "the industry" to be made up principally of digital TV providers, but they are very unlikely to be able to deliver everything on their own.

The UK does not have a self-regulatory regime for the Internet

At various points in the text, e.g. 3.2.2, mention is made of the UK's existing self-regulatory regime for the Internet as if this were an established fact, a tangible and successful instrument of policy. This is an extravagant and misleading use of language.

Since 1996 the UK has benefited from the activities of the Internet Watch Foundation: I am currently a member of its Board, and I was also a member of its predecessor body. Throughout this period, and today, the IWF has had a clear operational remit to do only one thing: act as a notice and take down service in relation to child pornography. More recently it has agreed to act as a notice and take down service for illegal racist material but this has not yet been implemented.

It is, of course, very important that the UK has a notice and take down service for child pornography and for illegal racist material, but even if both were fully functioning today, which they are not, these two responsibilities alone would hardly justify the grandiloquence of describing the IWF as "the UK Internet's self-regulatory body".

The reason why the IWF is often referred to in such terms is because, at one time, certain elements within and around the IWF had ambitions to become such a body, and its officials frequently described the IWF in that way. However, it is now clear that there is no consensus around the notion that the IWF should or could adopt a wider or more ambitious role. Indeed, unless and until the IWF has fully and properly implemented the results of recent policy changes on how it handles child pornography on the Internet, its core business, we would vigorously oppose any expansion of its remit. The IWF is, in short, far too slender a reed to bear the weight that some people seem to want to put on it.

The shortcomings implied in the UK not having a single focal point for the discussion or resolution of a range of concerns about the Internet, have more recently been recognised within the context of the Home Office Task Force where a special working group has been established to discuss the formation of a "One Stop Shop".

OFCOM should make explicit that it may use its reserve powers to protect children

We entirely endorse the notion expressed in paragraph 3.2.2

“OFCOM will work alongside the industry in developing systems that continue to safeguard children.....”

This statement implies that should OFCOM, at any point, become convinced that “the industry” had ceased adequately to address issues affecting children’s online safety, OFCOM might consider making regulations to require “the industry” to take certain steps. We note that the Government expressly says that it is considering doing something similar in relation to video-on-demand. Very similar concerns arise here.

This is not taking OFCOM into issues of content regulation. It is, above all, about ensuring that consumers who might move frequently between different parts of the digital stream are always aware that they are potentially moving between regulated and largely unregulated environments. We see this as being closely allied to OFCOM’s responsibilities to promote media literacy, but it extends well beyond that. Crucially, it is about recognising that by closely integrating Internet access into a major household appliance found in virtually every home in the land, namely the TV, the digital TV companies are potentially introducing a step change in the way in which families in general and children in particular are going to relate to the Internet in the future. At the very least we think we have a right to expect that the digital TV companies will at all times observe the very best technological and other practices designed to keep children as safe as possible when they go online.

Representation on the Consumer Panel

Somewhere within the OFCOM structures there ought to be a group with responsibility for fleshing out the sentiments expressed in 3.2.2. The Consumer Panel may be the right place and in that context we express the hope and expectation that appropriate means will be found to enlist the right kind of expertise. The children’s charities stand ready to assist as appropriate.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Carr". The signature is written in a cursive, flowing style.

John Carr

Internet Adviser, CHIS