

# IWF Briefing- Online Safety Bill Report Stage 2<sup>nd</sup> Day

Monday 5 December, House of Commons

## **Key Points:**

- 1. Highlight the risk of potential further delays to the Online Safety Bill and the harms that are occurring to Children.**
- 2. Question the Government on how organisations like IWF can achieve co-designation and when decisions will be taken by speaking in support of New Clause 28 and the recent Written Ministerial Statement which suggested the Children’s Commissioner would be a statutory consultee.**
- 3. Speak in support of New Clauses 11 and 12 on End-to-End Encryption and against amendment 153.**

## Making the case for why the Online Safety Bill must continue, putting children first:

- The IWF has recently conducted a recent [snapshot study](#) where over a **five day period**, our analyst found **896 instances** of child sexual abuse images where children had been coerced into “self-generating” either penetrative sexual activity; or images involving sexual activity with an animal or sadism.
- In 2021, we assessed **361,026** reports of suspected child sexual abuse material and we removed **252,194** webpages confirmed as containing child sexual abuse material. Each webpage removed can contain one to thousands of individual images, which means we removed millions of individual images of child sexual abuse in the last year.
- The IWF and its industry partners blocked **8.8 million attempts** to access Child Sexual Abuse Material across three Internet Service Providers serving the UK market in just one month in April 2020.

## New Clause 28: Establishment of a User Advocacy Body and Ofcom and Government’s White Paper commitment to working with others:

- The IWF is concerned that not enough attention had been given to how Ofcom and Government was planning to work with others. This was a commitment made in the Government’s White Paper<sup>1</sup>, published in 2020 and so far, little has been said about how the Government plans on implementing the legislation.<sup>2</sup>
- The IWF is keen to see its 25 years’ worth of experience working with Government, Law Enforcement and the technology industry reflected in the new regulatory framework. The Joint Committee report stated “the IWF had made a persuasive case” to be co-designated as the regulator for CSE/A content an argument supported by both the CPS and Talk-Talk.

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<sup>1</sup> [Online Harms White Paper: Full Government Response to the consultation - CP 354 \(publishing.service.gov.uk\)](#) Page 60.

<sup>2</sup> <https://publications.parliament.uk/pa/jt5802/jtselect/jtonlinesafety/129/129.pdf> page 102 and 103

- The Joint Committee also stated that it would have been beneficial for Government to publish more information on how co-designation could be achieved and the process for when such decisions could be taken.
- **Given the [Government's recent announcements](#) that the Children's Commissioner will be a statutory consultee to the Code of Practice, when will Government be announcing further such plans to involve the expertise of third sector organisations like IWF?**

**New Clause 11 (Notices to deal with terrorism or CSE/A or both) and New Clause 12 (Warning notices) End-to-End Encryption:**

- The IWF's view on the proposed amendments already published by the Government for companies "to use their best endeavours" to detect child sexual abuse material in End-to-End Encrypted environments is technically more workable than the previous draft of the Bill which would require companies to use accredited technology in End-to-End Encrypted environments.
- However, we believe that much more detail is required on what a company's "best endeavours" might look like. A lot of this detail through the proposed amendment is left to secondary legislation and Ofcom to decide what good looks like. This is why we believe it is crucial that Ofcom has the ability to co-designate and work with others, like the IWF, who have expertise in this space.
- Secondly, being able to see the content (i.e., the image or the video) is crucial to getting it removed from the internet and preventing it recirculating. The content is also of vital importance to the work of the IWF and law enforcement. It is of particular importance to the NCA who require content in order to obtain a warrant to pursue offenders through court orders.
- Members of the Global Encryption Coalition have recently sent a [letter](#) to the Prime Minister from Members of the Global Encryption Coalition (amongst others) which suggests that the Bill undermines End-to-End Encryption.
- The IWF believe that the Bill does not threaten encryption. At IWF we recognise that strong encryption is fundamentally a good thing that helps keep banking transactions and medical information secure and confidential.
- We are not against encryption, we are not proposing backdoors or seeking to compromise its security in anyway. However, we believe companies should not be seeking to introduce End-to-End Encryption where they have large numbers of child users that are connected or can be contacted by large numbers of adult users without any protections or mitigations in place to identify this imagery.
- We believe the Bill sets the right challenge of companies to ensure they have safety embedded and to balance the right to privacy with the rights of children to grow up in a childhood free from sexual exploitation and abuse.
- **We would encourage MPs to support New Clause 11 and New Clause 12, whilst calling for further clarity on what "best endeavours" of companies will mean and work in practice and against amendment 153.**