



## **URL List Policies, Procedures and Processes**

# 1 Introduction

- 1.1 The IWF's policies relating to the URL List have been developed over a period of years.
- 1.2 This paper sets out to update and consolidate the various documents and create a single reference document which sets out the current policies, procedures and processes relating to the URL List.

## 2 IWF URL List Policies

### 2.1 General

- 2.1.1 Every URL on the IWF URL List depicts indecent imagery of children, advertisements for, or links to such content on a publicly available webpage.
- 2.1.2 The IWF's processes and procedures for compiling the URL List are subject to regular independent review as part of the Hotline Inspections which occur every two years.
- 2.1.3 These policies, procedures and processes will be reviewed on an annual basis to ensure they remain fit for purpose.

### 2.2 Inclusion on the IWF URL List

- 2.2.1 Decisions on the inclusion or not of URLs containing child sexual abuse content in the IWF URL List will be made consistent with the following policy statements:
  - ✓ Action will be taken by the IWF in relation to all URLs which contain child sexual abuse content but that action will not include in all cases the inclusion of the relevant URL on the IWF URL List provided by the IWF if a risk is likely to be triggered.
  - ✓ The principle of removal of content at source, consistent with INHOPE principles, is supported.
  - ✓ The IWF will not knowingly leave service providers vulnerable by having child sexual abuse imagery on their systems.
  - ✓ All decisions will be informed by the IWF's remit to remove child sexual abuse content hosted anywhere in the world and to remove non-photographic child sexual abuse images hosted in the UK.
  - ✓ The IWF will be transparent about its assessment processes and procedures.
  - ✓ Wherever possible URLs added to the IWF URL List will lead to the blocking of imagery and not text.
  - ✓ The decision-making authority for determining the criteria of whether a URL containing child sexual abuse content should not be added to the IWF URL List or whether such a URL should be removed from the IWF URL List lies with the Board of the IWF.
  - ✓ The Board will take actions consistent with the public interest.
  - ✓ Due regard will always be given to the potential public harm if the imagery were to enter the public arena.

## 2.3 Assessment of Imagery

- 2.3.1 All imagery is assessed according to UK law and categorised in line with criteria set out by the UK Sentencing Council Guidelines.
- 2.3.2 Only imagery assessed to be at category A, B or C (as described by the UK Sentencing Council Guidelines) are considered for inclusion on the IWF URL List and are subject to the process described from section 3 onwards.
- 2.3.3 Consideration will be given to the following elements when imagery is being assessed:
- ✓ Previously seen imagery.
  - ✓ History and how widely the imagery is disseminated.
  - ✓ Nature of the imagery.
  - ✓ Nature of the website featuring the imagery.
  - ✓ Jurisdictional legal disparity.
- 2.3.4 Consideration will also be given to the following risks potentially associated with adding a URL to the IWF URL List i.e.
- ✓ Creation of significant problems for internet users.
  - ✓ Creation of significant problems for list licensees.
  - ✓ Likelihood of listing leading to increased availability of the imagery.
- Impact on the reputation of website owner and consequential impact on the IWF and its Members.
- 2.3.5 In instances when the consideration of the factors listed in 2.3.3 above indicates that content is potentially removable, action will be taken to seek the removal at source of that content. This action will be accompanied in most circumstances by the URL's temporary inclusion on the IWF URL List until the content is removed. If the content is not removed, the URL will remain listed. When the URL's inclusion on the IWF URL List would be known to trigger one or more of the risks identified in 2.3.4 above, the URL is not added to the IWF URL List whilst actions are taken to seek the removal at source of that content. If the content is not removed, the matter may be referred to a Board committee.
- 2.3.6 In instances when the consideration of the factors listed in 2.3.3 above indicates that content is not potentially removable, the URL will be added to the IWF URL List unless to do so would be known to trigger one or more of the risks identified in 2.3.4 above. If a risk is triggered, the matter may be referred to a Board committee.

## 2.4 Referral to a Board Committee

- 2.4.1 The following matters may be referred to a committee of the Board:
- ✓ URLs which cannot be removed at source but their inclusion on the URL List would be known to trigger an identified risk;
  - ✓ The permanent removal from the IWF URL List of a URL which had triggered an identified risk by its inclusion on the IWF URL List.

2.4.2 The matter would be referred to a committee of the Board, and not the whole Board to avoid a delay to the assessment process. The committee would:

- ✓ Be expected to meet within 3 working days of a matter being referred from the Executive.
- ✓ Be held in person or by teleconference.
- ✓ Would normally be comprised of the Board Chair and two Vice-Chairs but if they are not available would be comprised of any three Board members so long as the ratio of 2:1 was retained in relation to independent: industry membership.
- ✓ Have decision-making powers and would inform all Board members of the decision taken.
- ✓ Decide if the URL(s) referred should be added/removed from the IWF URL List and recommend any other actions to be taken. Such an action may include, but would not be limited to, advising the licensees of the URL not listed and the reason for not listing it.

2.4.3 The Committee would receive a full report from the Executive on the findings of their assessment process and assessment of risks to inform their decision-making. In developing their report, the IWF would liaise, as necessary, with relevant members/licensees/affected parties. The committee would then make its decision based on:

- ✓ Policy framework statements.
- ✓ Assessment findings (The category of the imagery may be used to inform the decision).
- ✓ Anticipated or actual impact of the risk being triggered.
- ✓ (Where relevant) the likelihood of the risk being triggered.
- ✓ The level of the imagery would not affect the decision if the risk triggered was the likelihood of listing leading to increased availability of the imagery. In all other instances, the level of the imagery would be used to inform the decision.

2.4.4 Specifically, in relation to risks, the committee would consider if:

- ✓ The likelihood of increased availability of the imagery was greater than 50%.
- ✓ The extent of the problem for internet users in terms of the numbers of users and the extent of loss of websites/internet functionality to them.
- ✓ The nature and extent of the technical problems listing would create for licensees.
- ✓ The impact on the reputation of website owners of other legitimate affected parties.

2.4.5 Reporting the outcome.

- ✓ The Board will be advised.
- ✓ Affected and other relevant parties will be advised as appropriate.
- ✓ Consideration will be given to publishing a statement on the IWF website announcing the decision.

## 2.5 Access to the IWF URL List

2.5.1 Decisions on who is eligible to access the IWF URL List will be made consistent with the following policy statements:

- ✓ The URL List is not available to individuals that are not associated with one of the organisations listed below.
- ✓ The URL List may be made available, subject to the terms of the Licence, to eligible organisations which may include (but is not limited to):
  - ✓ Access providers (ISPs and Mobile Operators);
  - ✓ Search providers;
  - ✓ Internet security providers;
  - ✓ Social networking providers;
  - ✓ Hosting service providers;
  - ✓ Hardware manufacturers (e.g. smartphones, tablets, TVs).
- ✓ The IWF will provide the URL List to law enforcement agencies around the world, on request, for the purpose of investigating crime.
- ✓ The IWF will provide the URL List on a reciprocal basis to any Hotline that is part of INHOPE.
- ✓ The URL List will not be made available to public sector bodies, with the exception of national law enforcement agencies or public sector Hotlines affiliated to INHOPE.
- ✓ The IWF undertake a due diligence process in order to assess the eligibility of any organisation that seeks to access the URL List.

## 2.6 Use of the IWF URL List

2.6.1 Use of the IWF URL List is consistent with the following policy statements:

- ✓ The use of the IWF URL List is voluntary.
- ✓ The List is not provided to Licensees as a tool to identify individuals for investigation.
- ✓ The IWF List is designed and provided for blocking specific URLs. It is not designed or provided for blocking at domain level.
- ✓ The use of the URL List is subject to the terms of the Licence.
- ✓ The ways in which the URL List can be used include (but are not limited to):
  - ✓ preventing access to URLs contained on the List:
    - ✓ at network or platform level;
    - ✓ at device level;
    - ✓ that are cached;
  - ✓ authorised pilot projects.
  - ✓ Licensees are required to notify IWF of the countries where the URL List is deployed, as well as all of their Affiliates that are using the List.

## 2.7 Costs

2.7.1 Costs associated with the IWF URL List are consistent with the following policy statements:

- ✓ Since 1 April 2014 the URL List was one of the services available to eligible Members at no additional cost to their Membership fee, with the exception of filtering companies as below.

- ✓ Since 1 April 2014 an annual Licence fee is payable by eligible non-Members to use the URL List.
- ✓ The IWF will provide the URL List free of charge to:
  - ✓ law enforcement agencies;
  - ✓ any Hotline that is part of INHOPE.

2.7.2 In addition to the above policies, the following point of principle was established by the IWF Board in January 2007: the cost of data should not present a barrier to any ISP wishing to implement a blocking solution.

## 3 Procedures

3.1 The following procedures are related to the IWF URL List:

### 3.2 Downloading the URL List

3.2.1 The technical guide sets out the procedure for downloading the URL List.

### 3.3 Due Diligence

3.3.1 When a request is received to access the URL List a series of criteria are used to establish whether an organisation would be eligible to do so.

3.3.2 Prospective Licensees have to pass the following tests:

- ✓ That the company or organisation is not a sole trader and is registered with relevant recognised body, for example Companies House in the UK or the Charity Commission and is able to provide such documents on request.
- ✓ That the company has filed annual audited accounts (for a minimum of one year's trading) and that those accounts are made available to the IWF on request.
- ✓ That, where feasible, a representative of the IWF will meet with representatives of the company or organisation to verify their location and suitability, however for most and certainly those or companies or organisations based outside the UK, a telephone or video call meeting will be carried out.
- ✓ That the directors, managers or similar officers can be identified and verified.
- ✓ That the company or organisation is prepared to enter into the Licence agreement to use the URL List.
- ✓ That the company or organisation has no ties<sup>1</sup> to the UK or overseas sex industry, or to any other form of activity that may be considered incompatible with the objectives of the IWF.
- ✓ That the company or organisation has the technical ability to deploy the List; has appropriate security measures in place, can identify designated contacts that will be responsible for the List download as per the terms of the licence as well as a primary contact for regular communication.

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<sup>1</sup> IWF Board agreed in July 2005 that it may be inappropriate for IWF to accept funding from an organisation whose core business was adult pornography but each case would be considered on its merits and in some circumstances referred to Board for a decision.

- 3.3.3 Additional due diligence may be performed on any company or organisation deemed by IWF senior leadership to warrant further investigation.
- 3.3.4 Any company or organisation that has requested the IWF List, but is deemed ineligible following the due diligence process, will be informed of the decision and reason for refusal.
- 3.3.5 When the IWF Executive is unable to decide upon the eligibility of an organisation or company the matter will be referred to an IWF Board sub-committee to decide.
- 3.3.6 Any company or organisation whose initial request is refused will be permitted to address their failings and re-apply.
- 3.3.7 Any company or organisation that fails the due diligence process may appeal to the IWF Board.
- 3.3.8 If the decision to refuse a request was made by a Board sub-committee then Board members associated with that refusal will be disqualified from participating in the appeal process.
- 3.3.9 The Board decision will be final.

## 4 Processes relating to the IWF URL List

- 4.1 The following processes are related to the URL List.

### 4.2 Appeals process

- 4.2.1 Any party with a legitimate association with the content or a potential victim or the victim's representative, hosting company, publisher or internet user who believes they are being prevented from accessing legal content may appeal against the accuracy of the assessment which has led to the inclusion of a URL on the IWF List.
- 4.2.2 The process is outlined at [www.iwf.org.uk/accountability/complaints/content-assessment-appeal-process](http://www.iwf.org.uk/accountability/complaints/content-assessment-appeal-process)

### 4.3 Self-Certification process

- 4.3.1 This process, owned by the Funding Council, sets out an agreed process for verifying that organisations are testing their systems for blocking URLs on the IWF List.
- 4.3.2 It may be appropriate to review this from time to time.