

INTERNET WATCH FOUNDATION

INDEPENDENT INSPECTION REPORT 2019

INTRODUCTION

1. The Internet Watch Foundation (IWF) was founded in 1996 by the online industry as a self-regulatory body designed to work effectively with police and other enforcement agencies, national and international, as well as with educators, government and the industry itself. Its remit is both to work internationally to remove online images and videos of child sexual exploitation (CSE) and also, when hosted in the UK, non-photographic images of CSE. IWF no longer has responsibility in relation to criminally obscene adult content wherever hosted. In 2005 IWF became a registered charity with an independent board.

2. This report is on an inspection made on the 11 and 12 November 2019 at the invitation of the Board. The Board may wish to ensure that it minutes consideration of the issues raised in this report. The same also applies to our report for 2017. We draw attention specifically to paragraphs 20, 21, 24 and 28 of that report that deal with matters not specifically covered in this report. We have not sought access to nor inspected the Minutes of the Board.

3. The inspection team for 2019 comprised –

Sir Mark Hedley, a retired High Court Judge, as Chair.

Dr. Edward Humphreys, a retired Professor of cyber security.

Martin Clabon, a former career police officer with experience in the investigation of child sexual exploitation and currently the National Auditor of the Child Abuse Intelligence Database.

David Trickey, a consultant clinical psychologist.

4. We have in effect been asked to provide a health check on IWF and have been provided with and have accepted the following Terms of Reference –

1. To comment on whether the Hotline and Administrators' Manuals are fit for purpose and whether the procedures are complied with by staff.
2. Quality check active child sexual abuse URLs and hash images for consistency of decision-making and managerial oversight.
3. Sample previous child sexual abuse content screen captures for consistency of decision-making and managerial control mechanisms.
4. Review and comment on administration in discharging content assessment complaints.
5. Consider Internet Content Analysts' training requirements to enable them to undertake their roles confidently and accurately.
6. Sample work of Quality Assurance team to ensure adequate, objective and representative testing and reporting mechanisms.
7. Review Hotline security arrangements and conformance with ISO/IEC 27001.
8. Review and comment on Hotline welfare arrangement including recruitment processes, counselling arrangements and general support mechanisms comparing with other good models of good practice in law enforcement and other professions.

5. The social context in which IWF works is one that continues to have a very high public profile and is often deeply emotive, as we have observed in previous reports. It is therefore necessary not only that its systems of working are effective and secure but that they are seen and known to be such. The inspection team continues to have that carefully in mind in its work and report.

6. As the team members all brought individual expertise to this inspection, each spent much time working alone with members of the IWF staff before pooling and discussing our findings. In such staff discussions relevant advice may have been informally given to individuals at all levels with whom we have spoken. However, such matters will only appear in this report to the extent that it is relevant

to the responsibilities of the Board. This report is one to which all have contributed and on which all are agreed.

7. We would like to express our appreciation to all staff members who gave us their time and knowledge and allowed access to their work systems to enable us to understand and assess the practices and procedures of the IWF. Of course access to images of child sexual exploitation was strictly controlled.

GENERAL OVERVIEW

8. We have observed a small efficiently run organisation with a highly dedicated and skilled workforce doing a job that is both vital and very stressful. We were impressed by the good relationships between staff at all levels and the essential determination to maintain a high quality of work and relationships. There are many risks inherent in the work and we make observations and recommendations in respect of some of them. Our detailed comments should, however, not detract from our overall impression as set out above.

HOTLINE AND ADMINISTRATORS' MANUALS

9. We were satisfied that these were fit for purpose. Time was spent with individual analysts who were clearly able to understand and apply the information and instructions contained in them. We were satisfied that there was proper managerial oversight and training. The manuals are both lengthy and detailed but we were satisfied that they were both usable and properly used.

IMAGES

10. We have taken Terms of Reference (2) and (3) together since they raise similar issues. There are two critical judgments to be made: first, whether the person depicted is a minor; and secondly, whether the image is criminal. These are judgments that have to be made by individual analysts, though help and advice is always available to them either from fellow analysts or from a Senior Analyst or from the Hotline Manager. We were satisfied that individual analysts were ready to seek advice when it was needed.

11. The judgment of age is notoriously difficult once puberty has been reached; before that stage it is, of course, straightforward to identify the person depicted as a minor. Post puberty, analysts are strongly encouraged and (if the person depicted may be 14 years old or more) required to seek a second opinion. Generally speaking if the person depicted appears to be over 15, no action is taken unless (for example through previous dealings or other intelligence) there is other evidence of age. Since the analyst must be satisfied that the person depicted is a minor, this practice, whatever its obvious drawback, is probably inevitable.

12. The law of England and Wales divides criminal images into three categories – A, B and C. While accuracy of classification is desirable, the critical judgment lies in the borderlands of C and non-criminal, which determines whether the image is actionable. Once again analysts are strongly encouraged (and sometimes required) to seek a second view. The critical error to be avoided is not taking action when such should have been taken, for such a decision cannot be challenged. If action is taken which should not have been taken, there is a clear route of challenge and appeal available to anyone aggrieved by such action. There are clearly real tensions here as will be apparent from our observations above but they are tensions inherent in the process and practical balances have to be struck.

13. It had been the case that the dividing line between Category C and legal images had been fairly strictly defined. This had resulted in no action being taken on images that were thought nevertheless to be criminal. Accordingly a lower threshold, known as C(LT) was devised some time ago with advice from the Chair of the Inspection Panel. It was not intended to produce a lower threshold than the criminal standard but to reduce the imposed restrictions on assessment e.g. as to nudity or clear focus on genitalia. This matter was reviewed with the Hotline Manager, who confirmed that this threshold was still applied and remains satisfactory.

14. In our time with staff, we reviewed a considerable number of images and were satisfied that reasonable judgments to consistent standards were being made. We were also satisfied that staff sought help as needed or required.

15. Senior Analysts and the Hotline Manager do regular dip tests (as do the QA analysts) to ensure consistency in decision-making and we were satisfied that this is done effectively. We were further satisfied that both decision-making and consistency of standards was kept under proper review and advice sought as appropriate.

16. There are still some sites not readily accessible to analysts. Sometimes that may be because of encryption or a payment being required (which IWF refuses to make) or because the site has been hidden in an otherwise lawful site. We saw an example of CSE images secreted in a professional medical site in a foreign country. Sometimes access is afforded, often with the help of overseas colleagues, and sometimes the skill of the analyst effects entrance but it has to be accepted that there are sites (small in number as they may be in percentage terms) which are beyond the reach of IWF.

COMPLAINTS

17. IWF has still not upheld any complaint that has been made. Accordingly we reviewed both the procedure and the content of complaints with care. The IWF complaints record shows 55 complaints were made against the organisation between 1/1/18 and 3/10/19. One complaint related to what can best be described as internet-based 'relationship fraud,' so was clearly out of remit. The remaining 54 were related in some way to the blocking of a website or a web page; this was either because a) the complainant maintained the site/page did not host indecent images of children, or b) because the whole site had been blocked rather than just the particular web page hosting such content. Examples of each complaint were reviewed and correctly found *not* to have been upheld either because evidence had been captured showing that the website or web page *had* been hosting illegal content, or because the extent of the access to the site which had been blocked by the ISP had been in excess of that requested by the IWF. We were satisfied that the system was fit for purpose and that all decisions were within the reasonable bounds of discretion on the facts of each complaint. Indeed most complaints were outside the remit of the procedure.

TRAINING OF INTERNET CONTENT ANALYSTS

18. Our overall conclusion was that training was good and that the induction training was outstanding. Although the intention was to introduce new analysts gradually to increasingly obscene images (i.e. categories A and B), in practice this is very difficult to achieve since analysts tend to follow where the trail leads. We observed a probationary analyst who was often confronted with category A images. Clearly gradual introduction is a sound objective: how, if at all, it may be achieved, will require further thought.

19. It is recognised that there is a real risk of security breaches relating to the accidental, unlawful and/or unauthorised disclosure of, or access to, confidential or personal information to someone outside the organisation or, indeed, outside the Hotline. Although the risk is recognised, we would recommend some role-play based training so staff may see and feel the risks involved.

QUALITY ASSURANCE

20. Separate Quality Assurance monitoring has now been fully introduced through two part-time quality assurance analysts and a senior who functions as the compliance officer. Probably inevitably, given the size of the organisation, they are based in the same room as the analysts with the attendant risk of "cosiness". This is presently effectively guarded against but will need to be kept under regular review. We were satisfied that the quality assurance of the Internet Content Analysts comprised proper practice (dip testing etc) and was to a proper standard. This additional check has now come to be fully accepted as a proper part of quality control.

21. It is essential that these staff are trained and supported to the same high standards as the analysts themselves. Moreover, it may be that some currently repetitive tasks (mainly concerned with spreadsheets) could be automated.

22. As we reflected on the role of the analysts and the compliance officer, a number of matters arose, some of which will be considered further under security. First, it is crucial that there is an awareness of

potential conflicts of interest; and secondly, it is essential to be clear how they are to be managed.

23. The essential matter is to ensure that the compliance manager does not audit her own work. We say more below about auditing generally. We recommend that the compliance manager's Job Description should be reviewed to see whether greater clarity could be given by setting out what the job does not include as well as what it does.

24. There has also to be a clear procedure for resolving disputes between operational managers (e.g. within the Hotline) and the compliance officer, who holds quite junior status at present. This is particularly important in a work setting where good personal relationships result in most matters being resolved by agreement. At the moment, the compliance officer on the one hand and the operational managers on the other report to different members of the SMT. Thus disputes can be resolved at that level with the intervention if necessary of the CEO. It is essential that everyone involved is clear as to this process and are satisfied that it functions effectively.

SECURITY ISSUES

25. We were satisfied that IWF's operations appeared broadly conformant with ISO/IEC 27001 requirements. However, that standard effectively deals with an information security management system. Given IWF's high dependence on the use of technology, there are other security issues to consider e.g. IT security.

26. Although there is an appropriate awareness about security issues and GDPR and an intention to deal with them, we recommend consideration of adoption of other International Standards (IS) that cover this ground, such as ISO/IEC 27701 which extends ISO/IEC 27001 to cover privacy protection. It is essential that security and privacy in all its aspects becomes part of the culture of the organisation, something that the adoption of IS will assist in bringing about.

27. Whilst we are satisfied that IT security issues are appreciated and understood, this is an area in which ceaseless vigilance and

monitoring are necessary given the growing and diverse nature of cyber risk and advances in technology. We are satisfied that a specific risk assessment for IT security is now required and re-assessments are conducted on a regular basis with adequate risk treatment as necessary and appropriate.

28. At the heart of this is the question of cyber risk and its management that needs to be regularly reviewed and addressed by internal audit. There is no reason why all these matters of risk should not be addressed in a single audit. It is important that work in this area avoids any potential conflicts of interest between conformance and audit. It is not clear how far the current internal audit goes beyond ensuring conformance with ISO/IEC 27001.

WELFARE ARRANGEMENTS

29. These were carefully considered against the wide background of experience available in particular to our Psychologist. We found these arrangements to be exemplary. Our only comment would be that although they are exemplary, they are also an absolute necessity. Given the inevitable stresses and tensions associated with this work, it is in our view essential that this current standard of welfare arrangements is maintained undiminished and is seen as normal.

MISCELLANEOUS MATTERS

30. We have said what we need to say about matters arising directly under the Terms of Reference. However, in any such inspection, it is inevitable that other matters will arise. What follows are such matters that we have discovered that may be relevant to the discharge of the Board's responsibilities.

31. We asked many of those with managerial responsibility what, looking ahead over the next five years, worried them the most. There was a striking consistency over four matters and we thought we should therefore set them out.

- **How deep is the barrel of CSE?** There was a real anxiety over not knowing whether the scope of the problem was really known and understood. We share that concern. It should be the subject of regular reflection.

- **Encryption.** Would this lead to an escalation in sites no longer accessible? The consequences of this for the effective functioning of IWF are obvious.
- **Images that cannot be captured by current techniques.** As the use of the mobile phone grows, especially outside the "West", how can images, for example passed between mobile phones, be captured? Present records hardly mention Africa: what is happening there? Images from hard copies of DVDs cannot be captured and DVDs are cheap and easy to make. This too will require continued and careful reflection.
- **Regulation.** No one doubted that there will be more regulation but how was it to be done and by whom? This requires not only reflection but also proactive response, at least as far as regulation within the UK is concerned.

32.CAID.

Regular usage is made of this link. The Board must satisfy themselves that this is subject, as Home Office rules require, to an internal audit of usage.

33.NSPCC.

Although this link was considered in our 2017 report, it has not yet been effected because after having to resolve a series of legal, policy and technical problems affecting both partners, the NSPCC encountered a new technical difficulty which has meant they have not been ready to implement it. However, it is still an agreed objective between IWF and NSPCC. It is now agreed that IWF will only deal with NSPCC who will then be responsible for dealing with their own clients (see paragraphs 26 and 27 of the 2017 report). Careful consideration of the use and security of the M-drive will still be required.

34.Succession planning.

We drew attention to this in Paragraph 23 of our previous report. We are satisfied that the issue is fully understood. However, we recommend that the Board keeps it under regular review in respect of all senior posts. The workforce is currently stable but

health, personal circumstances and other matters not under the Board's control can precipitate a crisis very rapidly.

35. Legal protection.

What IWF do in the Hotline is essentially unlawful under the Sexual Offences Acts subject to the statutory defence in Section 46 of the 2003 Act. That protection is supplemented by a Memorandum of Understanding, involving the police and the CPS. This is shortly to be reviewed and its terms may be expanded. In practice this provides security to staff. However, the defence places the burden of proof on the person seeking to avail themselves of the defence, albeit with a lower standard of the balance of probabilities. Conceptually this is uncomfortable but it may be inevitable unless IWF were to become a statutory body – which it is not and has no aspiration so to be.

36. Auditing skills.

We have made a number of observations about audit. This covers the whole gamut of IWF operations and not just financial matters. We recommend that the Board reviews its skills needs and in particular considers whether it should recruit a further member with audit experience and skills.

CONCLUSION

37.As will be apparent from this report, we found IWF to be in a healthy state and functioning effectively as an organisation. However, so sensitive is the work and such is the pace of change in this field that, as we have observed, ceaseless vigilance is required. We have tried to identify those areas of particular risk that require especial vigilance and current attention at every level from the Board downwards. It is in that context of high profile, sensitive work in a world of rapid change and development that we offer this inspection report.

**Martin Clabon
David Trickey
Edward Humphreys
Mark Hedley**

25th November 2019