

Minutes of Internet Watch Foundation Board Meeting

**at Hemingford Grey House, St. Ives, Cambridgeshire
on Wednesday 18th July 2001 at 10.00 am**
(immediately following the annual Board “retreat”)

Present: Roger Darlington (Chair), John Carr, Grahame Davies, Clive Feather, Malcolm Huddy, Owain James, Claire Milne, Roland Perry, Camille De Stempel, Mark Stephens, Nigel Williams

IWF Staff: Ruth Dixon, David Kerr, Brian Wegg (Notes)

Apologies: Ceris Bergen, Nasira Sheikh-Miller (ceded her proxy to Owain James)

The Chair asked Board members to note that their formal meeting was starting and that he would be adopting his formal role as Chairman. The Chair welcomed Board members and staff to the meeting and explained that item 6 on the agenda would be taken at the end of the meeting in order that the Chair and IWF staff could withdraw at an appropriate point.

1 Minutes of last Meeting (Paper below)

The Board approved the minutes of the last meeting on Wednesday 25th April 2001 (as they appear on the Web site).

2 Matters Arising

Mark Stephens asked that IWF consider attending the Trading Standards Conference where a wide range of interests associated with the internet were represented. The arrangements for the IWF involvement in political party conferences were also confirmed.

3 Chair’s Report (Paper below)

Roger Darlington introduced his report, which had been circulated in advance of the meeting. The Chair explained he planned to highlight a few specific issues and invite questions : -

Relations with other stakeholders

The Chair said he wished to highlight two items under this heading:

The success of the Chatwise workshop in which Ruth Dixon had played a major part and which had brought together a wide range of stakeholders. Following discussions with BTOpenworld they have offered sponsorship of a campaign in order to raise awareness in schools on this issue.

Owain James outlined a meeting which had taken place with the Teaching Unions. There had been a good turn-out and a good response on the issues raised. The Unions would be publicising the issues raised and a further meeting had been planned for January.

IWF governance issues

The Chair introduced this item expressing concern on whether there was a clear distinction between the roles of the Funding Council and the main Board. The Chair felt that there may be some duplication on the policy issues being discussed and insufficient time being given to fund raising matters.

Board members, who expressed a view, felt that it was necessary for the industry to use Funding Council as a forum to consider current issues so that their main Board representatives could gauge opinion on matters. Uncertainty on the precise fund raising role was also expressed. After reading an extract from the Funding Council constitution, Board concluded that the role needed further clarification.

The Chief Executive added that he felt it was necessary for Funding Council to discuss policy issues in order to brief their representatives. He was, however, concerned about the impact on meetings of the increasing numbers of funders and their representatives. Any review of roles should consider whether

the Funding Council might meet less frequently as a full meeting and discharge some of its role through a smaller executive.

The Chair accepted the view that Funding Council had a role and responsibility to discuss policy matters. It was however necessary to be more specific in some areas of the Funding Council constitution.

Malcolm Hutty expressed concern that the elected Funding Council members were in a privileged position over other Board members through their collective veto over issues deemed to be major policy decisions. A further view was expressed that the veto altered the balance of the Board and the validity of the veto should be considered as part of the IWF structure review.

4 Chief Executive's report and financial report (Paper below)

The Chief Executive explained that Ruth Dixon, the Deputy Chief Executive would be leading on this item and he would deal with any questions specific to the work he had been involved with.

Ruth highlighted the statistics for Hotline reports, noting the continued increase in the number of reports, for example, over last weekend the Hotline received over 100 reports, which required processing on the Monday. The Hotline was also handling most "one-stop" queries. Ruth outlined the work currently being done in order to automate data base input directly from the on-line reports.

In answer to questions the Chief Executive outlined the joint working, which was underway in other areas of software development. A company on the Cambridge Science Park were bringing their expertise from a parallel area of work to the joint development of software, which would significantly improve IWF efficiency and effectiveness. An agreement, which gave the IWF free support and use, plus a percentage of sales, had been entered into. The progress on image recognition software was described with the joint working between technical advisors from ISPs, Metropolitan Police and the National Crime Squad being a key element in its success. The importance of this joint work was emphasised. In answer to questions Mark Stephens explained the legal position on ownership when software is tailored by a separate organisation to specific needs.

Ruth continued the report on Hotline work. Some changes in the range of "reporter type" and as a result the need to send out more frequent cautionary replies to regular reporters were noted. The increasing number of reports about illegal content within groups hosted on websites was another trend causing concern. In answer to a Board request it was agreed that Hotline statistics in future reports to the Board would include information about the source of reports, the country in which illegal material appeared to be hosted and running totals on the number of reports.

Ruth asked Board to note that her second term of office as President of INHOPE had come to an end. She had however been asked to lead on the forthcoming negotiations with the EU on funding.

The reduced press coverage was noted. Press interest was normally generated by high profile cases and maintaining a more consistent interest from the media was an important target for the IWF.

John Carr offered the IWF the opportunity of receiving a list of press cuttings from the NCH press cuttings service.

Ruth outlined the financial position, with the revised budget now showing the IWF financial position resulting from the increased income from subscribers. The more detailed breakdown of expenditure was made now that the IWF was paying for office services on a direct re-charge basis. In answer to a question the Chief Executive felt that the IWF was achieving good value because most of our accommodation services were provided at cost. He undertook to check the rent element against the local market.

The Board briefly considered the significant increase in IWF income, which was contrary to the trend within the industry, and the importance to the IWF of maintaining a consistent income.

The Chief Executive pointed out that a recent advertisement for a trainee Internet Content Analyst to work on the Hotline had resulted in a very positive response with over 30 of the applicants being considered "possibles".

Ruth outlined the extended arrangements for staff welfare and counselling sessions.

5 Newsgroup Policy (Paper below)

The Chair introduced this item explaining that the previous consultation and Board discussions had produced the current report and proposals, which he believed was based on good regulation principles

and he was advised that the policy was consistent with the Human Rights Act. The Chair felt that the IWF's approach on the policy had taken account of the views of key players and stakeholders and although there were clear differences of opinion, this was the fourth Board meeting at which this had been discussed and it was necessary to make a decision.

Malcolm Hutty thanked the Chair for his work in reformulating the report and bringing together a summary of the arguments to date, setting them out as bullet points in the policy document. Malcolm pointed out that the Board had agreed a basis for policy formulation, which required an explicit response to each of the arguments in the consultation paper. If Board were not going to consider each bullet point in the summary of arguments then they must accept the paper as a whole. The Chair did not share this view and ruled that the paper answered the questions posed. He also planned to take each of the recommendations individually. Board were asked to support the view: "That the paper as drafted answers the questions posed in the arguments summary".

This proposal was carried by a vote of 9 for the proposal, 1 against and 2 abstentions.

The Chair proposed to go directly to the "Conclusions and proposals" in the report.

Clive Feather asked that the vote on each of the recommendations be called and asked the Chair to note that he would be asking for some of the recommendations to be deemed to be major policy changes with the special voting requirements applying. The Chair accepted and asked Board to move to the recommendations in the paper.

Malcolm Hutty asked that his opposition to the Board considering each recommendation individually be recorded.

Newsgroup policy proposals

Paragraphs I.1 to I.4

The Chair asked if the first four proposals could be taken as a group, to which there were no objections. The points I.1 to I.4 in Conclusions and Proposals, entitled "Information Support to ISPs" were put to a vote and carried with a vote of 11 for, 1 against and no abstentions.

I.e. the Board approved:

"I.1. IWF should regularly prepare and provide to ISPs statistical tables of numbers of identified illegal items in newsgroups that they can use to inform their policies on carrying newsgroups.

I.2. The executive is instructed to produce and distribute to ISPs an up-to-date newsgroup statistics report at least once every calendar month. Additional reports may be generated whenever the executive considers it suitable.

I.3. Each report is to be published on the IWF web site in a timely manner, except that specific newsgroup names are to be replaced by unique identifiers that do not allow the group to be determined by a third party.

I.4. The Board and executive will appoint a working group to determine the detailed contents of the reports subject to the requirements of I.2 and I.3 above."

Paragraphs S.1

Board considered the proposal contained within paragraph S.1 of the section entitled "Software developments". Concern was expressed that the present proposal may be setting an impossible target and the IWF needed to establish confidence in any software through testing operationally.

The Chair accepted Roland Perry's amendment that "i.e." be replaced by the word "currently".

Clive Feather proposed that the words in lines three and four, "and not deployed unless it is demonstrated", be deleted and the following sentence be added at the end of the paragraph :

"The system will not be deployed operationally without a separate board decision".

The amendments were carried by a vote of 5 votes for the amendment, 5 votes against, 2 abstentions and the Chair ruling in favour of the amendment.

The amended proposal in paragraph S.1 was carried unanimously.

I.e. the Board approved:

“S.1 The executive is instructed to develop, as rapidly as possible, means for identifying known illegal images within a full news feed and to explore the possibility of implementing an automated reporting system based on such a system. This development will be tested to achieve an error rate of less than one erroneous removal of an image in a year of Usenet articles (currently a false positive rate of less than one per billion). The system will not be deployed operationally without a separate board decision.”

Paragraph S.2

The proposal at paragraph S.2 was carried by a vote of 11 for, 1 against and no abstentions.

I.e. the Board approved:

“S.2. The executive is instructed to explore, with lower priority, the possibility of deploying automated systems for detecting "suspect" images within a full news feed. Once detected, such images will then to be assessed in the normal way by examination by qualified staff.”

Paragraph S.3

The proposal at paragraph S.3 was carried by a vote of 10 for, 1 against and 1 abstention.

I.e. the Board approved:

“S.3. The executive is asked to bring together a group representing major news servers to consider whether it is possible to draw up a policy on binaries in non-binary groups that will be effective enough to recommend to UK ISPs.”

Paragraph P.1

The proposal at paragraph P.1 was carried unanimously.

I.e. the Board approved:

“P.1. The Board’s general aim is unchanged in that the primary motivation for IWF remains to reduce the amount of child pornography available on the Internet in the UK.”

Paragraph P.2

Board were concerned that the wording of proposal P.2 was unclear. Accepting this and that it was not essential to the policy package, the proposal was withdrawn by the Chair.

(NB in the summary of resolutions attached to the initial press release the two parts of P.3 below were split with the first part slotted into P.2. This was done to avoid confusion over numbering without an extended explanation.)

Paragraph P.3

The proposal at paragraph P.3 was carried unanimously.

I.e. the Board approved:

P.3. “The IWF accepts the principles of the European Convention on Human Rights and undertakes to be governed subject to the Human Rights Act on the basis that it should be treated as a public body.” And “The IWF accepts the Good Regulation Principles published by the Cabinet Office Regulatory Impact Unit, and undertakes that its policies and actions should be guided by those principles.”

(NB as indicated in the note on P.2 above, the two parts of this proposal were split and called P.2 and P.3 in the press release immediately following the Board meeting.)

Paragraph P.4

Board felt that the wording of the resolutions contained within the present paragraphs P.4 and P.5 were not clear. Board accepted that the resolution at paragraph P.4 should be amended to start, “the Board recommends to every ISP involved with newsgroups that:”

The amended resolution at paragraph P.4 was carried by a vote of 11 for, 1 against and no abstentions.

I.e. The Board approved :

“P.4 The Board recommends to every ISP involved with newsgroups that:

It is an appropriate time for them to review their policies in the light of the new information that will be available to them from IWF on a regular basis.”

Paragraph P.5

Board accepted that the resolution at paragraph P.5 should be amended to start, “the Board recommends that:”. The Board accepted the amendment that within the resolution the word “arrangements” should be substituted for “agreement” in order to avoid legal difficulties.

The amended resolution at paragraph P.5 was carried by a vote of 10 for, 1 against and 1 abstention.

I.e. The Board approved:

“P.5 The Board recommends that:

The collective representatives of ISPs in their associations should similarly review their position and arrangements with law enforcement in the light of new information and services from IWF.”

Paragraph P.6

In the resolution at paragraph P.6 the Board accepted that the word “demonstrated” should be substituted for “demonstrably”. The amended paragraph was carried unanimously.

I.e. the Board approved:

“P.6. The board instructs the executive to continue to process all reports and to notify ISPs about material, irrespective of which newsgroups the material appears in. (This policy will only be revisited if and when it is demonstrated that certain groups are not generally available from UK based news servers.)”

Paragraph P.7

Board accepted that sufficient time was required for a review of the effectiveness of the policy. The Chair accepted two amendments to paragraph P.7 as follows:

-The words “or elsewhere” to be added after “other newsgroups” at end of the first sentence.

-The words “with a full review at a board meeting before the end of July 2003” to be added at the end of the paragraph.

The amended paragraph P.7 was carried unanimously. I.e. the Board approved:

“P.7 This new approach will be carefully and constantly monitored to test both its effectiveness in reducing child pornography on the UK Internet and any tendency to displacement of child pornography to other newsgroups or elsewhere. Regular reports will be made to the Board so that necessary refinements to the actions and policies can be made expeditiously, with a full review at a board meeting before the end of July 2003.”

The Board considered how best to communicate the revised IWF policy and the timing of any press release. Following a discussion the Board resolved that:

“Following a Board meeting the Chief Executive is authorised to issue a news release on IWF policy regarding newsgroups which has appended the text of each resolution approved by the Board”

The Chair referred to John Carr’s resolution contained within his e-mail of Friday 13th July 2001. John was willing to accept an amendment, which resulted in the following resolution:

“The IWF gives notice of its intention to establish a list of UK-based ISPs that do not provide routine access to those Newsgroups that are known to contain child pornography on a regular basis. Every ISP will be notified of the existence of this list and be invited to allow their name to go on it. This list will be published on the IWF web site and updated as necessary. The IWF will make clear that ISPs have

volunteered to allow their names to go on the list and that they have been included solely on the basis of the ISP's own self-rating. An ISP would only be removed from the list if, following the receipt of a complaint, the IWF concluded that the original self-rating was no longer valid.”

The Chair felt that ISPs should be approached with a request to formally review their policy and then for them to let the IWF know whether, if necessary, they will change. Claire Milne supported this approach and felt that an ISP should have the opportunity to state its policy in their own words and felt that too much pressure may result in no response at all.

Nigel Williams supported the spirit of John Carr's resolution . However, it does not allow provision for those ISPs who for other reasons do not want to provide information and would therefore find they had been placed on a “not approved” list of ISPs.

Board members considered what they should do with the responses that they received from ISPs and how this information would then be disseminated. The Chair felt that the information would initially be reported to the Board but by implication would be available for publication.

Grahame Davies supported the collection of the information but considered that any decision on what is done with that information should be a Board decision. Industry representatives expressed concern about the mis-interpretation which may occur from a publication of responses without full explanation of the issues. Based on the initial responses a list of approved ISPs, who were following the IWF policy in news groups could be assembled, but it may be misleading to consumers.

The Chair concluded the discussion and felt it was time to vote on John Carr's amended e-mail resolution of the 13th July. It was deemed that any Board decision on this issue was a major policy change and would requiring in the first instance a 75% majority.

John Carr's amended resolution was lost with 2 votes for, 7 against and 3 abstentions.

The Board considered the Chair's alternative resolution that:

“The Chair is authorised to write to ISPs drawing their attention to IWF policy on news groups, inviting them to review their policy in the light of the IWF's position and advise the Chair on the outcome of that review and on the understanding that all responses will be made available to the Board and published”.

The resolution was carried by a vote of 9 for the resolution, 3 votes against and no abstentions.

7 Confidentiality of information

The Board agreed to defer this item to a later Board meeting. Prompted by the Chief executive, they acknowledged that in the mean time the custom and practice set out in the paper would continue to apply as the substantive policy.

8 Any other business

Malcolm Huty said that although he would be respecting the confidentiality of individual contributions he would be publicising the outcome of today's meeting.

6 IWF Structure (report below)

The Chair and all IWF staff left the meeting for this item.

{The notes of discussion of this item are therefore taken from Mark Stephen's summary. In view of the confidentiality of this discussion, the record of it will not be placed on the web site and will be substituted by a suitable explanation. However the report to the Board will be published as it does not include any confidential personnel matters.}

Reported conclusions:

- 6.1 An initial draft of Job descriptions for the new Chair and Chief Executive positions will be prepared for consideration by the Vice Chairs within two weeks. The updated versions will be circulated to the Board and the Deputy Chief executive by the first week in September.
- 6.2 The current Chair and Deputy Chief executive to be asked to confirm their interest in the relevant posts as described.
- 6.3 Board to decide by teleconference or e-mail on whether they wish either or both posts to be advertised.
- 6.4 The constitution to be reviewed in parallel to align the wording with the new job descriptions and to formalise the appointment/re-appointment procedures for the Chair and non-funding Board members.