

## **Minutes of Internet Watch Foundation Board Meeting**

at 179 Great Portland Street, London

**on Thursday 18th July 2002 at 10.30 am**

**Present:** Roger Darlington (Chair), Emma Ascroft, Charlotte Aynsley, John Carr, Howard Lamb, Claire Milne, Roland Perry, Camille de Stempel, Mark Stephens, Will Gardner

**IWF Staff:** Peter Robbins (Chief Executive), Brian Wegg

**Apologies:** Ceris Bergen (Charlotte Aynsley substituting), Sonia Livingstone, Jim Reynolds, Nigel Williams (Will Gardner substituting)

### **Item 1- Apologies and introduction**

Mark Stephens welcomed members to the meeting and explained that the strike on the London Underground had delayed Roger Darlington and that he would Chair the meeting until Roger arrived. Emma Ascroft was welcomed to her first Board meeting. The meeting expressed a vote of thanks to Grahame Davies for all his hard work on behalf of the IWF. Apologies were recorded and clarification was given on Board substitutes and their voting rights.

#### **ACTION:**

- a) Chair to write to Grahame Davies expressing the Board's appreciation;
- b) The executive was asked to ensure a register of Board attendance was kept in accordance with the constitution.

### **Item 2 - Minutes of last Meeting**

Board approved the minutes of the last meeting held on Tuesday 14<sup>th</sup> May 2002.

### **Item 3 - Matters Arising**

#### (i) Item 3 (ii) 48-hour notification

The Chief Executive pointed out that this review was ongoing but it seemed likely that the IWF's contact with the police on UK based material would be changing. The meeting expressed concern about any subsequent changes to police procedures, which might require an extension of the 48-hour notification. The position when ISPs store potentially illegal material was already a cause for concern within the industry and these changes could add to the difficulties. The Chief Executive pointed out that the changes had not been finalised and that further discussions would be pursued via the Internet Crime Forum.

The following three items had been carried out and reported prior to the meeting:

- (ii) ICRA subscription reduction;
- (iii) Eligibility and terms of office for Board members;
- (iv) Three-month extension to the Chair's contract.

The meeting noted that the contract extension under item (iv) could be in breach of the current constitution and it may be necessary to bring an appropriate resolution for approval to the November Board meeting.

**ACTION:** The executive to investigate and, if necessary, prepare a resolution.

#### (v) Item 5 Cash Flow

Board noted the revised cash flow projection.

**ACTION:** The Chief Executive will investigate the most advantageous arrangements for holding cash.

(vi) Item 5 Subscriber progress

Chief Executive outlined the new and planned contacts he had made within the industry. Board considered the possibility of charitable status.

**ACTION:** The Governance Group to include consideration of whether a charitable arm of the IWF was a viable way of funding some activities.

**Item 4 – Newsgroup update**

(i) “Regularity” – volume of content

Board noted that the number of groups that the IWF was recommending ISPs not to carry because they regularly contained potentially illegal images had settled at around 50 newsgroups; one extra in each of the last two months. The Hotline workload involved in newsgroup monitoring had reduced substantially and the Datatalk review of the monitoring process had been completed. An executive summary of the review had been circulated to all Board members.

**ACTION:**

- a) Datatalk to be asked to put together a two paragraph summary of their recommendations in the form of a press release which could also be part of the IWF web site;
- b) Datatalk to be invited to give a presentation at the end of the November Board meeting.

Board considered the importance of ensuring that the IWF recommendations on “regularity” (and the next issue newsgroup names) reached as wide an audience of UK based Usenet providers as possible. Roland Perry would investigate a search programme, which will help in this process. John Carr offered some of his volunteer helpers to assist with this matter.

Roger Darlington joined the meeting and took the Chair.

(ii) Newsgroup names

The Chair confirmed that the Newsgroup Panel had met and their recommendations were contained within the paper circulated in advance of the meeting. However, the emphasis of the recommendations may be significantly altered by the legal opinion, which was now available. The IWF had access to legal opinion from two sources, the CPS and the IWF’s Standing Counsel, and the advice had been brought together in a summary, which was tabled at the meeting. The written advice from IWF’s Standing Counsel was also circulated to all Board members.

**ACTION:** CPS advice to be sent to all Board members.

Both legal opinions were clear in their advice that a newsgroup name could be regarded as an advertisement under the Protection of Children Act 1978. A name can convey that a newsgroup distributes or shows indecent photographs of a child. An ISP is at risk if it publishes a list of newsgroups which it carries and that list contains such a name, or they have been advised by a third party that a group they are carrying has a name which may constitute an advertisement. The existence of illegal images in such a group may not be necessary for the offence to be proven.

The meeting concluded that they must take heed of the legal advice and the Chair proposed that:

*IWF will advise ISPs not to host those names identified in the paper from the Newsgroup Panel with one exception, pro tem, because they fall within the IWF policy on newsgroup names and have legal backing that they are likely to constitute an advertisement under the Protection of Children Act 1978. The executive, when resource is available, re-checks specific clear groups into broad categories to assess the context and content of those groups.*

The proposal was carried unanimously.

**ACTIONS:**

- a) IWF to notify ISPs in accordance with the resolution;
- b) All Board members to consider the names policy and forward their views to the executive;
- c) The Newsgroup Panel to reconvene in order to consider the legal advice and Board members views on the names' lists.

Board considered that ISPA and LINX could play a part in emphasising to their members the importance of this recommendation. The need for caution about access to the list of newsgroup names was noted.

The meeting considered an appeal process, which the Chair proposed as:

*In the event of a subscribing ISP challenging a newsgroup name on the list then we will seek legal advice on that disputed name.*

The proposal was carried unanimously.

**Item 5 – Chair’s report**

Board noted the contents of the report.

**Item 6 – Chief Executive’s report**

The Chief Executive introduced his paper, which had been circulated in advance of the meeting. He highlighted some points, including the executive’s work in checking any outstanding Board resolutions, progress on financial management and the work to maximise efficiency through further automation. The Chief Executive appealed for any help that may be available to advise on some standard personnel matters.

**Item 6a – Attendance allowance**

The Chief Executive referred to the brief report, which had been circulated and confirmed that the recommendations were a temporary response to the Board resolution of 12<sup>th</sup> February 2002, pending the outcome of the governance review. Funds had been put aside for the current financial year. It is recommended that:

- 1. Board members are entitled to claim an attendance allowance and any actual travelling expenses in respect of attendance at meetings of the Board or sub-groups of the Board.*
- 2. Such an allowance and travelling expenses can only be claimed in respect of other meetings or events with the prior approval of the Chair & Chief Executive but, in current financial circumstances, this will rarely be given.*
- 3. The attendance allowance will be £200 for each day or part day. This rate will only be varied by an express decision of the Board.*
- 4. In current financial circumstances, all Board members are urged not to claim the allowance if their membership of the Board could reasonably be seen as part of other work that is already remunerated.*

5. *These arrangements are subject to review in the light of the outcome of the current review of governance.*

The recommendations were carried unanimously.

### **Item 7 – Working Groups**

Board considered the make up of the groups and the overlap in their terms of reference. With the tight deadlines for the groups, the importance of the Chairs staying in close contact was noted.

#### **ACTIONS:**

- a) A matrix to be circulated showing those organisations that have made a substantive written submission to any of the reviews;
- b) A full list of the “external volunteers” for the Working Groups to be circulated to the three Chairs.

### **Item 8 – Media Watch**

Board noted the contents of the table.

### **Item 9 – Hotline Update**

Board noted the contents of the report.

### **Item 9a – Sale of IWF Database information**

Following an introduction from the Chief Executive and a discussion, Board unanimously supported the recommendation that:

- 1) Release legal URL’s to any reputable company which is a subscriber to the IWF;
- 2) Illegal URL’s are not disclosed until legal advice is obtained.

**ACTION:** legal advice to be obtained as required in 2) above.

### **Item 10 – Website design feedback**

The Chief Executive thanked Board members for their responses.

**Item 11 – AOB** - There was no additional business.

**Item 12 – Dates for the next meeting** - Confirmed as Wednesday 6<sup>th</sup> and Thursday 7<sup>th</sup> November 2002, at a London location to be notified. Meeting dates for 2003 confirmed as follows:

Tuesday 11<sup>th</sup> February

Tuesday 6<sup>th</sup> May

Tuesday 22<sup>nd</sup> July

Tuesday 14<sup>th</sup> October

**Item 14 – Feedback on the Chair’s appraisal** – Item deferred.

The meeting closed at 2-05 pm.