

Internet Watch Foundation
Board meeting
10.30 am - Tuesday, 25th November 2008
At the offices of Corporate Citizenship
6th floor, Holborn Gate, 330 High Holborn, London, WC1V 7QG

MINUTES

Present:

Amanda Jordan (Chair)
Emma Ascroft (industry Vice-chair)
Rodney Brooke
Naomi Cohen
Mark Gracey
Stephen Locke
Hamish MacLeod
Ian Walden (non-industry Vice-chair)

IWF Staff:

Peter Robbins (CEO)
Keren Mallinson
Brian Wegg

Apologies:

Tink Palmer
Suzy Walton

1 Apologies and welcome

Chair opened the meeting, noted the apologies and explained that the Edinburgh event had ceased to be viable and therefore the decision was taken to cancel the event and relocate the Board meeting. Chair apologised for any inconvenience this may have caused to Board colleagues.

2 Minutes of previous Board meeting – 23rd September 2008

The minutes were accepted as a true record of the meeting.

3 Matters arising - (including action summary from 23rd September 2008)

The 'action summary' and responses were noted. Rodney Brooke asked Board colleagues to note that he was unable to attend the January Board meeting and would feed his comments into the meeting via the Chair.

There were no further matters arising.

4 Minutes from Executive Committee of 11th Nov.

Draft minutes from the committee meeting would follow shortly.

5 Operational matters:

a) Hotline report

Board members sought clarification on some points within the report, including the following:

- **ACTION 1:** Where possible could the Hotline report to Board indicate how many of the IWF reports are investigated by police.
- Chief Executive explained that the Hotline had received a significant number of reports about offensive online content relating to the death of babies but this content was not illegal and not within the IWF remit. Industry Board members pointed out that some of the content which referred to a specific case was in contempt of court and asked for the executive to refer to the matter in meetings with the Home Office and Funding Council.
ACTION 2: Issues to be raised with (a) Home Office (b) Funding Council and (c) with the hosting company.
- Board noted the helpful illustrations in the report showing the country location of illegal child sexual abuse content and asked for the data to be presented in order to show recent trends.
ACTION 3: Data to be presented showing both cumulative figures and changes since the last report
- Board noted the reduction in Russian hosted content. In connection with overseas hosting of illegal content, Board's attention was drawn to a hand delivered letter to the US President-elect which referred to the hosting of child sexual abuse content on US servers.
ACTION 4: Link to newspaper report to be circulated

Board concluded that IWF should continue a constructive engagement with overseas governments, agencies and companies where illegal sexual abuse content was found to be hosted.

Board wished their thanks to be recorded for a helpful operational report.

6 Online content – policy matters:

a) Extreme Pornography – update

Chief Executive introduced his report and outlined the preparatory work that had been undertaken in readiness for the January introduction of the legislation. He referred to the recent meeting with Funding Council and Mark Gracey reported that there is still some unease with the proposals and the Industry Board members have been asked to seek clarification on the following points:

- Confirmation that the Board accepts the Chief Executives's proposed approach to handling the uncertainty around some definitions in the legislation;
- Confirmation that child sexual abuse content will continue to take priority;
- Clarification on how the resource issue will be approached;
- A request that the executive produce monthly reports on the impact of the legislation;
- Industry wished to see a review after 12 months and the option to withdraw IWF's role if it becomes untenable;
- Clarification about how the IWF proposes to publicise its role and the right of appeal; and
- Reiteration at Board level that there are no plans to set up a scheme for blocking EP.

Mark explained that in practice the industry is in general support of the IWF dealing with EP notices but there was still concern about the definitions and potential workload. Concern had also been expressed about there being an increased likelihood of challenges from content owners which may damage IWF's reputation.

Chair thanked Mark for a comprehensive feedback and moved to a proposal that:
This Board confirms that IWF has no plans to create a new list that blocks URLs hosting EP content.

Board unanimously supported the proposal.

Following further discussion, Board concluded that:

- a) A communications plan on this matter would be developed and reported to Board;
- b) Board confirms its decision that no new list for this content would be created;
- c) Child sexual abuse content remained its priority;
- d) Board will receive regular reports on the numbers of reports, the resource input and any key issues arising;
- e) A formal review of the impact of the legislation will be carried out after 12 months; and
- f) Chair will write to the government minister setting out IWF's review plans and asking for a commitment from the police and government that they will enter into dialogue with the IWF as part of the review and consider changes should there be issues which needed addressing.

Chief Executive asked Board to note that there was some public resistance and lobbying about aspects of this legislation and there was a concern about a potential surge of reports following the introduction. Board would be kept informed of the situation.

b) CAIC - Self-certification – updated Working Group report

Mark Gracey introduced the report and explained that he had received some further comments which had now been circulated. He explained that industry supported the principles in the paper subject to the remedies and sanctions proposals.

Board proposed the following text changes to the self-certification report:

- At the end of paragraph 1 – add the words, 'providing this meets the objectives of the scheme'
- At the end of footnote 7 – add the word, 'apply'.

Chief Executive asked Board to be aware that implementation would be beyond the planned timescale and the proposals for self-certification were not likely to be introduced until April 2009. Board would therefore receive the first certificates shortly after April 2010.

c) CAIC Remedies and sanctions – proposed approach

Chief Executive introduced the paper and explained that Board was being invited to support the proposals which would then go to the industry working group and Funding Council for further consultation. It was noted that matters involving security had not been included in the proposals. Board discussed the proposals and agreed the following:

- Clause 3.1(f) –at the end of the clause add the words, 'within a defined timescale';
- That clause 6.3(a) should be deleted;
- That clause 6.3(b) should read, 'Licensee fails its quarterly self testing regime and is unable to resolve the problem within 28 days or within a timescale agreed with the IWF';
- That a further clause should be added to paragraph 6.3 which reads, 'Licensee fails its quarterly self test and does not identify the problem or notify IWF of the failure';
- In paragraph 7.2, add the words, 'Inform the IWF and discuss the options'; delete clause (a); merge (b) and (c) with the timescale amended to 60 days irrespective of the issue

Board considered section 5 which sets out the circumstances under which independent testing would take place. Board members put forward a range of views on random testing within a self-certification process. Board agree that the present section 5 should be deleted and a new section added at the end of the proposals. The added section to read: 'If the IWF believes there is a generic problem across the market then IWF will request the right to test compliance. If a licensee refuses the request this will not be deemed a breach'.

Until the Code of Practice was finalised Board resolved to handle all matters associated with remedies and sanctions at Board level and at this stage all references to a sub-committee will be deleted.

Subject to the above changes Board agreed unanimously to consult with the CAIC working group and Funding Council on the draft remedies and sanctions proposed.

d) CAIC testing by IWF/IWL

Chair introduced this paper and explained that they had been unable to resolve this matter at the last meeting with Board members being evenly divided. She had therefore asked that the paper be brought back for further discussion.

Chair asked the meeting to note that should the meeting move to a vote, Tink Palmer had notified the secretariat and the Chair that she wished to assign a directed proxy against IWF carrying out testing. Suzy Walton had also indicated to the Chair that she was opposed to IWF carrying out testing.

A number of Board members felt that IWL could test as a contractor and provide evidence within a validation process.

Board considered the issues of reputation, charging as a contractor and the need for clarification on the division between IWF and IWL.

With greater clarity on the billing arrangements between IWL and IWF and the addition of the words, 'and not without prejudice' it was agreed that the package should be taken to Funding council in order to gauge industry's view on the way forward.

e) DCMS report – 'Harmful content on the internet and in video games' - an updated IWF Response paper

Board noted that this was a parliamentary review and not a governmental review and some text needed amending accordingly. Board concluded that the paper represented a helpful update and asked that the issues be raised in the forthcoming meeting with Lord Carter so that we can share our experiences without misunderstandings about our role.

Committee matters:

7 Audit Committee – Hamish MacLeod, Chair:

a) 2008/9 – financial reports – mgt. accounts to end Sept. and balance sheet at 20th Oct.

Committee Chair, Hamish MacLeod explained that Audit Committee had received these financial reports and asked Board to note that there were no significant variances of concern.

b) Investments Policy – interim policy changes

Hamish explained the background to the suspension of the approved policy and the interim recommendations. He outlined the proposals and Board unanimously supported the recommendations to split all cash reserves between five accounts which will be held for varying terms at Abbey, CAF, HSBC, Nationwide and RBS.

The Committee would continue to monitor the situation and report appropriately to Board. There were no other financial issues to report.

8 Remuneration Sub-committee

a) The daily attendance allowance for Board

The secretariat confirmed that all those Board members without a pecuniary interest had supported the revised level of allowance and claims at the higher amount were now being processed.

b) Verbal update on any other matters

It was noted that consultation with staff on the proposed process for future cost of living increases was about to take place

9 Communications Committee – Naomi Cohen, Chair:

a) Press cuttings

Noted.

b) Report of June Members' Meeting – for information

Noted.

c) Awareness Day 2008 evaluation report – for information

Committee Chair, Naomi Cohen introduced the evaluation and outlined how all the indicators showed improvement when compared with the impact of last year's awareness day. Board noted that media coverage was down in numbers but significantly improved in quality. Naomi explained how the indicators and feedback were helping to inform the committee's thoughts on the focus for communications work and next year's awareness day.

Board congratulated the committee on an excellent evaluation paper.

d) Annual Report 2008 - Proposal Paper – for information

Board noted that arrangements for the location of the launch, the process for agreeing content and the launch format were underway.

e) Verbal update on the November Committee meeting and any other matters

Board were asked to note that the research paper would be coming to the January meeting of Board.

10 Membership matters:

a) The funding model and access to services –key issues

Chief Executive outlined the work that had been undertaken and some of the outstanding issues. The paper would come to the January Board meeting.

b) Membership update

The membership applications by NTT Europe, See the Light, Allot Communications and Precedence Communications were approved.

Board noted other membership developments.

11 Governance matters:

a) Chair appointment process – update paper

The secretariat outlined the meetings with the three recruitment consultancies and Board fully endorsed the decision to appoint Odgers to carry out the Chair recruitment process.

Board noted the proposed short-list of potential independent member of the appointments panel and suggested some changes to the list.

b) Election of an Acting non-industry Vice-chair

Secretariat reported that confirmation was awaited from one nominee on whether they wished their name to go forward as a candidate.

The election would take place electronically as soon as confirmation was received.

12 Chair and CEO matters:

a) Chair's report

Noted.

b) Chief Executive's report

Noted.

13 AOB

Secretariat had notified the Chair in advance of the meeting of two items of further business:

- Board confirmed that unless Odgers advised otherwise, the new Chair would be appointed on the agreed annual fee. Should Odgers advise that a review of the amount was necessary the matter would be referred to the Remuneration Committee;
- Board unanimously agreed that the Acting Chair should be paid pro rata at the agreed annual fee for his period in office – Ian Walden withdrew from the meeting for this item.

On behalf of the Board, Ian Walden thanked Amanda Jordan for her three years of tremendous work in leading the IWF Board. In particular, he thanked Amanda for re-energising and re-focussing the Board and updating the governance structure. On behalf of Board Ian presented Amanda with some gifts as a token of the Board's appreciation of her input to IWF and her leadership of the Board.

14 Board dates for 2009 - All Tuesdays :-

Jan 27th, March 24th, May 19th, June 30th, September 29th, December 1st