



The Photographic Alliance of Great Britain

ON-LINE SAFETY

Guidance

Summary

Clubs, Federations and the PAGB are responsible for the content published via their websites and via any social media platforms which they administer.

Content is divided into Publisher to User, where there is editorial control before publication, and User to User, where there may be no control before publication.

Clubs, Federations and the PAGB need to catalogue their routes of on-line publication and establish a Terms of Use Policy and Complaints Procedure for each. Content must be managed as acceptable, if necessary by moderating, by being able to delete content, or by being able to remove contributors.

Introduction

The Online Safety Act 2023 (the Act) mandates the providers of on-line services to assess risk, manage risk, manage users and manage content for whatever they publish which is available for on-line (internet) access.

Clubs, Federations and the PAGB are each separately autonomous, and hence each separately responsible for creating their own policies and for managing on-line safety. This guidance is provided to assist each of them in that process.

For simplicity, this guidance is written referring to Clubs. Throughout, any reference to Clubs should be taken also to refer to Federations and to the PAGB.

The Office of Communications (OFCOM) is responsible for publishing codes of practice under the Act. The Act itself and the OFCOM codes cover the entire range of on-line publishers from the smallest to the extremely large. In that context, Clubs are in the smallest category so that much of the Act and of the OFCOM codes will not apply. This guidance covers what remains to be managed. In case of doubt, consult the full text of the OFCOM codes.

Principles

For some time there has been a conflict of opinion about on-line services. On one side, it has been argued that the internet is a passive transmission system where responsibility for the content lies solely with the individual originator. On the other side it has been argued that the provider of an on-line service has a responsibility for material delivered via its service.

The central issue is immediacy. Traditional media such as newspapers and books would have editorial control before publication. That level of control would also apply to drama, films and exhibitions. Historically there was state censorship over much of the traditional media. Pamphlets and posters would be the nearest anyone could get to uncontrolled publication.

A novel feature not found with traditional media is that of automated searching. The power to search on-line content to create indexes means that any possibly relevant content can be identified almost immediately. The urge to force content into search results leads publishers to use SEO (search engine optimisation). Malevolent creators use SEO to force inappropriate content into search results.

Where there is no control over on-line services, both as to publication and to searching, users can be exposed to content which may be valid, invalid, authoritative, misleading, dangerous, pornographic or anything else, without either any control or any guidance as to which category the material may fall into. This situation is considered particularly unacceptable when access may be by children.

On-Line Safety Act 2023

The Act resolves the conflict about on-line services by placing responsibility on the publisher of either content or search results to identify and manage risks. Enhanced responsibility applies to the larger publishers and/or where access may be by children.

OFCOM is charged with providing codes of practice. Those codes include general responsibilities, record keeping and reporting. Following consultations under the Act, the OFCOM codes are effective from March 2025.

Scope

As the Act concerns safety where access is by a generality of users, direct communications such as email, messaging and video conferencing eg, Zoom, are outside the scope of the Act.

Search services apply to those such as Google, and not to Clubs, meaning that aspect of the Act and codes can be disregarded.

Publication services are classified by the size of the service. Clubs will fall into the lowest size meaning there are no requirements for OFCOM record keeping or reporting.

Every publisher of on-line content has a responsibility under the Act. The types of on-line publication by a Club are likely to be either a website or some form of social media.

Publication services are divided into content which is provided by the publisher and content which is provided by a user. As it is the viewing user's safety being considered, the content is either publisher to user (P2U) or user to user (U2U).

A Club website has provider published content (P2U).

Many Club websites also have a secure area where members are authorised users, and many Clubs use social media. There are several social media platforms with Facebook as one example. Both members' areas of websites and social media platforms can be set up to allow user created content and so can be U2U services.

There are many types of content whose publication in any form would be an offence under other legislation. Nothing in the Act absolves either the publisher or a user-contributor from responsibility in those cases. However, the Act does now place a responsibility on the publisher to manage ie, censor, user-created content.

Publisher's Responsibility

Within the scope outlined above, the Club will be a responsible publisher of either or both of P2U and U2U content. The committee will be responsible on behalf of the Club.

The Club should maintain a catalogue of its channels of on-line publication. Where a Club member personally runs a website or social media platform then that member has their own publisher responsibility separate from that of the Club.

The following paragraphs show the actions required by a Club as a publisher.

P2U Content

The committee should designate one or more of its members to act as the responsible officer (RO) on its behalf.

The RO should ensure editorial control of all P2U content, such as that of a website but also any official Club content delivered via social media, on the assumption that the content could

be viewed by anyone. Unless the RO is able to enforce age restrictions on users, which is unlikely, it must be further assumed that the P2U content could be viewed by a child.

U2U Content

The committee should designate one or more of its members to act as the responsible officer (RO) on its behalf. Due to the immediacy of response which may be required for U2U content, the committee must ensure availability of the RO or of one or more deputies.

On the platform being used, the RO should be familiar with the administrative controls available to manage content and users. Options to be considered include:

Viewing:

- Can the public see that the platform exists or will the platform only be visible via private invitation?
- Can the public see the platform content or will viewing the content be restricted to registered users?

Contributing:

- Can the public contribute to the platform content or will contributions be restricted to registered users?
- Will all contributing users be personally known to the RO (as in the private area of a Club website) or, in a wider context, is it reasonable to expect that users will become known as reputable contributors within the group?
- What controls are available to the RO to ensure the identity of a user, and particularly to know if a user is a child?
- What controls are available to the RO to:
 - accept or reject a user registration,
 - moderate contributions before publication,
 - remove contributions by a user,
 - restrict new contributions by a user,
 - remove a user from registration,
 - prevent a prohibited user from reregistering?

In the light of the available options for managing a U2U publishing platform, such as those set out above, and considering the content likely to be available on the platform and also whether that content could be viewed by a child, the committee should decide on which options to implement based on an assessment of risk to the on-line safety of expected viewers of the platform.

Each U2U publishing platform used by the Club should have:

- A Terms of Use Policy for that platform. The policy must be made available to contributing users as a condition of use.
- A Complaints Policy. The policy must be available to anyone who might view content on the platform.

If the Club uses multiple U2U platforms then, depending on how they are set up, it may be possible to combine policies.

All policies should state the name of the publisher eg, Club, and the platform or platforms to which it applies.

Terms of Use Policy

The Terms of Use Policy should include matters about the online safety of all viewers to be enforceable on all contributors to the platform.

The Policy should state what contributions are permitted and what are not.

- There may be exclusions intended merely to keep to the purpose of the platform and avoid clutter.
- In practical terms, and setting aside content which would be illegal in any context, the most likely issues in terms of on-line safety will be personal abuse or harassment.

The policy should state what actions will be taken by the administrators/moderators about content which in their opinion is prohibited.

If content is removed, or a contributor is sanctioned, the administrators should retain a copy of any removed material and a record of the reasons for action.

Complaints Policy

The Complaints Policy should allow any viewer of content to raise a complaint. Depending on how the platform is set up, that may be a wider group than the other contributors.

A complaint might also be raised about the actions of the RO acting as platform administrator or moderator to remove content and/or to sanction a contributor.

Clubs need to be aware that there is no absolute definition of abuse versus being inconsiderate or misinformed. In the field of visual art, the Club must balance any opinion or actions on content against the right to artistic expression of the original contributor.

The Policy should provide for acknowledgement, investigation (if necessary, independent of the RO), response and possible remedy.