[GB] People need advanced reading skills to understand UK VSPs' terms and conditions, Ofcom research finds

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On 9 August 2023, Ofcom, the UK's communications regulator, published its first report on video-sharing platforms' (VSPs) user policies. The report highlights examples of good practice, but also underscores the need for VSPs to simplify their terms, improve communication of content guidelines, and enhance training for content moderators to create a safer online environment.

Background

Ofcom was appointed as the regulator for UK-established video-sharing platforms (VSPs) in November 2020. The Communications Act 2003 lists measures that VSP providers must take, as appropriate, to protect users from relevant harmful material and under-18s from restricted material. The regulator's published guidance explains, among others, that effective user protection requires not only having terms and conditions (T&Cs) in place but also properly implementing them. Clear and unambiguous rules in T&Cs are essential for the successful reporting and moderation of potentially harmful content.

In its first report on VSPs, since becoming the statutory regulator for such platforms (see IRIS 2023-1/18), Ofcom announced that it would examine the way platforms set, enforce, and test their approach to user safety. One of the regulator's stated strategic priorities was to ensure VSP providers had sufficient processes in place for setting and revising comprehensive user policies that cover all relevant harms. To this end, Ofcom looked at platforms' approaches to designing and implementing their T&Cs to protect users.

So, what did the regulator find?

VSPs' user policies

The regulator's report sheds light on the accessibility and clarity of T&Cs set by six VSPs: BitChute, Brand New Tube, OnlyFans, Snapchat, TikTok, and Twitch. T&Cs encompass VSPs' community guidelines and terms of service (publicly available to users). The latter typically represent a legal agreement to which users must consent before using the service. The former differ in that they normally outline usage rules in a more user-friendly language. Ofcom's report also evaluates how these platforms communicate content guidelines to users, the

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penalties for rule violations, and the training provided to content moderators.

Ofcom's research revealed that VSPs' T&Cs are often lengthy and complex, making them challenging for many users to comprehend and unsuitable for children. OnlyFans (a subscription service specialising in adult content) boasts the longest terms of service, with almost 16,000 words, necessitating over an hour to read. OnlyFans is followed by Twitch, Snapchat, TikTok, Brand New Tube, and BitChute in decreasing order of term lengths.

A "reading ease" score, evaluated by Ofcom using the Flesch-Kincaid calculator which assesses the readability of a piece of text, revealed that most VSPs' terms of service required high-school graduate level reading skills. Notably, Twitch's terms of service were the most challenging to read. TikTok's terms were relatively more understandable, but still required a higher reading level than the youngest users on the platform possess. Snapchat, TikTok, and BitChute were found to employ "click wrap" agreements, wherein acceptance of the terms of service is implied upon signing up, effectively prompting users to agree without actually reading them.

The report also compares VSPs' community guidelines, with Snapchat's being the shortest (taking approximately 4 minutes to read). Ironically, the language used therein had the poorest reading-ease score and "would likely require a university-level education" to comprehend.

What is being done well

The report highlights some instances of industry good practice:

(a) Inclusive content definitions: some platforms, like TikTok, Snapchat, and Twitch, list in their T&Cs a wide range of content potentially harmful to children.

(b) Transparency in rule violations: Twitch and TikTok present detailed penalty and enforcement information (including banning policies) on external web-pages.

(c) Moderator guidance testing: TikTok employs simulated testing environments to assess the effectiveness of policy changes, while Snapchat evaluates moderators' performance to enhance internal policies.

What needs improvement

In addition, several areas where VSPs could enhance their practices are identified in Ofcom's report:

(a) Unclear content guidelines: some VSPs lack clarity in conveying what content is restricted, particularly concerning harmful material for children. OnlyFans and Snapchat offer little detail about what is prohibited on their platforms.

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(b) Understanding of penalties: users may not fully grasp the consequences of violating platform rules. TikTok and Twitch provide comprehensive dedicated information in this regard, but other platforms offer limited insight into potential moderator actions. Discrepancies were also found between Brand New Tube's T&Cs on harmful content and its internal moderator guidance.

(c) Moderator training: moderator training quality differs widely among VSPs, with minimal crisis-specific guidance (e.g., on material that presents an imminent threat to human life).

Overall, this research is important in shaping broader online safety regulations under the forthcoming Online Safety Bill, which is anticipated to receive Royal Assent in the Autumn of 2023. Ofcom emphasised its commitment to collaborating with platforms to foster improvements.

Ofcom VSP report: What we've learnt about VSPs' user policies

https://www.ofcom.org.uk/__data/assets/pdf_file/0025/266173/VSP-user-policies-report.pdf

Video-sharing platform guidance: guidance for providers on measures to protect users from harmful material

https://www.ofcom.org.uk/__data/assets/pdf_file/0015/226302/vsp-harms-guidance.pdf

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