

Written Submission on the General Scheme of the Online Safety and Media Regulation Bill

Professor Mary Aiken

23rd February 2021

Response to request from Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht to comment on the following:

- The protection of children across online services and platforms

Introduction

Professor Mary Aiken is a world leading expert in Cyberpsychology – the study of the impact of technology on human behaviour. She is a Professor of Forensic Cyberpsychology in the Department of Law and Criminology at the University of East London, and an Adjunct Professor at the Geary Institute for Public Policy University College Dublin, Ireland. She is an Academic Advisor to Europol's European Cybercrime Centre (EC3) and is a member of the INTERPOL Specialists Group for Crimes against Children. Professor Aiken is a Fellow of The UK Royal Society of Medicine, Global Fellow at the Washington DC Wilson Center, a member of the Irish Medico-Legal Society, an International Affiliate Member of the American Psychological Association (APA) and a Fellow of the Society for Chartered IT Professionals.

Professor Aiken is recognised as an international expert in policy debates at the intersection of technology and human behaviour. She has served as a lecturer in Cybercriminology and Research Fellow at the School of Law, Middlesex University and as a Sensemaking Fellow at the IBM Network Science Research Centre. She is the former Director of the Royal College of Surgeons, Institute of Leadership, Cyberpsychology Research Centre. In 2014, Professor Aiken was inaugurated into SameShield, an organisation that honours women's leadership in traditionally closed professions. In 2016, Professor Aiken co-led a successful national campaign to maintain 16 as the Irish Digital Age of Consent under EU GDPR regulations. In 2016 she was also named as one of the top 50 most inspiring women in technology in Europe. In 2017 she was inducted into the Infosecurity Europe Hall of Fame, in recognition of her contribution to the information and cybersecurity sector. In 2018, Professor Aiken collaborated with Senator Joan Freeman to introduce the 'Children's Digital Protection Bill 2018'¹ designed to safeguard children exposed to legal but harmful and age-inappropriate content online - in late 2019 the bill passed all five stages in the Seanad and proceeded to the Dail. In 2019, she was named in the top 50 women in GovTech in the Asia Pacific region.

Professor Aiken has acted as a spokesperson for the European Commission's Safer Internet Day, and as an Expert Advisor on online harms and online safety technologies (SafetyTech) to the UK Department for Digital, Culture, Media & Sport (DCMS). She is currently an advisor to a UK government funded research project "The Online Safety Data Initiative"² which brings together expertise from a range of government, academic, industry, and civil society stakeholders. The initiative will drive innovation in the Safety tech sector by providing

¹ Children's Digital Protection Bill 2018 <https://www.oireachtas.ie/en/bills/bill/2018/133/>

² Online Safety Data Initiative <https://www.public.io/insight/insight-news/online-safety-data-initiative-launches-to-transform-data-access-for-online-harms/>

companies with access to the vital data needed to develop world-class safety tools to identify and remove harmful content online.

Prior to returning to academia, Professor Aiken worked at a board level in industry; specialising in consumer behavioural profiling, innovation and future thinking.

Research & Publications <http://www.maryaiken.com/research-and-publications>

Comments

The protection of children across online services and platforms

My overall observation is that there is a paucity of research and specific expertise regarding the protection of Irish children online. Notably, an evidenced based approach is a fundamental requirement in terms of informing policy making decisions. The protection of children online is however one of my core areas of expertise, my work, research and recommendations in this area are as follows;

(1) There is an absolute lack of knowledge as to what constitutes online harm to Irish children in an Irish context. I would therefore recommend that an in-depth study of this subject is undertaken. I have participated in many UK Government consultation processes regarding the conceptualisation and ratification of 'Online Harms.' I therefore refer the Joint Committee to an excellent document that has been produced, and highly recommend that the Committee should establish a process to produce a similar comprehensive package of online safety measures for Ireland. I refer members of the Joint Committee to "**The Online Harms White Paper**" <https://www.gov.uk/government/consultations/online-harms-white-paper>

"The Online Harms White Paper sets out the government's plans for a world-leading package of online safety measures that also supports innovation and a thriving digital economy. This package comprises legislative and non-legislative measures and will make companies more responsible for their users' safety online, especially children and other vulnerable groups."

(2) In May 2016, the European Commission proposed a revised Audiovisual Media Services Directive (AVMSD). In 2018, I was a contributor to European Regulators Group for Audiovisual Media Services (ERGA) Academy Workshop. I refer the Joint Committee to our report "**Protecting Children in Audiovisual Media Services - The effectiveness of age verification and media literacy**" https://erga-online.eu/wp-content/uploads/2019/05/ERGA-Academy-2018-Workshop-PoM-Effectiveness-of-age-verification-and-media-literacy_03-10-2018.pdf

Minors, defined as children and young people under the age of 18 years, are frequent users of Video Sharing Platforms (VSPs). Ofcom's Online Nation (2020)³ report found that nearly all children and young people (98%) now use video-sharing platforms (VSPs). Popular VSPs include YouTube, Facebook, Instagram, Twitter, Snapchat, TikTok, and Tumblr. The

³ Ofcom (2020). Life in Lockdown. Available at:

https://www.ofcom.org.uk/data/assets/pdf_file/0024/200976/cml-life-in-lockdown-report.pdf

Directive specifies that minors must be protected from content which may *impair their physical, mental or moral development*. Member States are now required to ensure VSPs that are within their jurisdiction take ‘appropriate measures’ in respect of videos that are available on their service. I would therefore ask the Joint Committee to consider what measures are being put in place to protect Irish children regarding exposure to harmful content online? Specifically in the context of their use of VSPs, particularly given that many of these VSP companies are based in Ireland.

(3) There is a requirement to scientifically investigate and understand what actually constitutes harm to Irish children. I am currently the Co-Lead investigator of an Ofcom research project. Notably, the Government has decided to appoint Ofcom as the regulator for online harms in the UK.⁴ Ofcom commissioned our Institute for Connected Communities at the University of East London (UEL) to conduct this research in order to help inform policy and practice. Our research will investigate which risks of harm are most prevalent among minors on VSPs (considering both quantitative and qualitative evidence) and how these harms manifest. We will also make recommendations on protecting users from harms. I refer the Joint Committee to our report "**VSP Research on the Protection of Minors: Literature Review and Framework**" which is due to be published in March 2021. Clearly there is a need to commission a similar research report in the context of regulation of the Irish market.

(4) Online Harms must now be conceptualised as 'Big Data' problems in terms of velocity, variety and volume. Therefore we will need technology solutions to technology facilitated online harms. I am an expert advisor to the UK Department for Digital, Culture, Media & Sport (DCMS) on online safety technologies, described as **SafetyTech**. I refer the Joint Committee to our recent report (2020) "Safer technology, safer users: The UK as a world-leader in Safety Tech: A Sectoral Analysis of UK Online Safety Technology,"⁵ and recommend that a similar audit of the SafetyTech sector is carried out in Ireland, and that associated protocols are put in place to invest in and stimulate the sector. I am the lead investigator on a similar SafetyTech research project which is being undertaken in the US and is due to be published in April 2021.

(5) **The Online Safety Data Initiative**⁶ was launched recently, I am an expert advisor to this research project bringing together expertise from suppliers, industry along with a range of government, academic, and civil society stakeholders. The initiative will drive innovation in the Safety Tech sector by providing companies with access to the data needed to develop world-class safety tools to identify and remove harmful content online. The project will test methodologies for improving access to datasets that can be used for training Artificial Intelligence (AI) solutions to remove harmful and illegal content and networks. High security standards will be in place along with an emphasis on confidentiality, integrity and transparency. As part of this project, the consortium will be working closely with the Centre for Data Ethics and Innovation (CDEI) to establish a cross-sector independent advisory group

⁴ Ofcom to regulate harmful content online <https://www.ofcom.org.uk/about-ofcom/latest/features-and-news/ofcom-to-regulate-harmful-content-online>

⁵ Donaldson, S., Davidson, J., & Aiken, M. (2020). Safer technology, safer users: The UK as a world-leader in Safety Tech. London: DCMS. <https://www.gov.uk/government/publications/safer-technology-safer-users-the-uk-as-a-world-leader-in-safety-tech>

⁶ Online Safety Data Initiative <https://www.public.io/insight/insight-news/online-safety-data-initiative-launches-to-transform-data-access-for-online-harms/>

to provide additional insight, challenge and transparency. I would recommend that the Joint Committee consider establishment of, and investment in, similar research initiatives.