

DEMOS

A ROOM OF ONE'S OWN: WORKSHOP

WHEN IS AN
INTERNET USER
SAFE IN A PRIVATE
SPACE ONLINE?

ELLEN JUDSON
JOSH SMITH

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15 Whitehall, London, SW1A 2DD
T: 020 3878 3955
hello@demos.co.uk
www.demos.co.uk

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SUMMARY

'A private space online' means very different things to different people: a place where what you do is none of anyone else's business - a crucial site of resistance and safeguard against oppression and violence - a space which allows and facilitates abuse and terror. In the course of the development of the Online Safety Bill by the UK Government over the last two years, the stance on how private channels should be regulated to protect user safety has changed, but leaves many of the core questions unanswered.

With the Online Safety draft bill now entering the phase of pre-legislative scrutiny, Demos brought together a group of experts from across industry, civil society and government, to establish where there is already agreement on protecting privacy and safety online, where there are key disagreements, and to use this to map out how solutions could be reached. During the workshop, we ran two parallel discussions: one facilitated conversational discussion, and one online discussion using the deliberative tool Polis.

In this report, we present the key areas of consensus; where attitudes of our participants diverged; and how digital regulation in the UK could evolve to take account of these agreements and differences.

CONSENSUS POINTS

The key points of consensus identified in our workshop were:

Safety is multifaceted - we can't simply 'keep people safe online' without knowing what that means specifically . When considering whether someone is 'safe', this must be defined in relation to a specific harm or risk.

Feeling safe online is important - but isn't the same thing as being safe online. Users are not always in the best position to judge their own safety online, and safety measures which make people feel safer are valuable but not to be used rather than tackling actual threats.

OPINION GROUPS

We identified two separate opinion groups within the participants at our workshop, who had different approaches to ideas of safety and privacy online.

The 'User-Focused': Safety is being in control in a space

This group think that user control, trust and relationships in an online space are significant parts of being safe: they are optimistic about our ability to make spaces safer by increasing users' understanding of, and information about, the people and platforms they are interacting with.

The 'Interventionists': Safety is being protected from threats

This group, by contrast, have a more traditional view of safety as being protected from external threats. This group think that we can never be totally safe online - we just have to do the best we can given other constraints.

WHAT DOES THIS MEAN FOR DIGITAL REGULATION?

This workshop identified tensions between these different understandings of safety online, which can be seen reflected in the Bill itself.

We need to reach a shared understanding not only on how to protect safety but on what 'safety' entails.

The Bill clearly positions privacy as a conflict or constraint on the pursuit of safety: but also speaks to the broader understanding of safety as being improved by user powers, which includes understanding of privacy. Relying on several different implicit definitions of safety, while implicitly excluding others, is likely to lead to confusion in how the Bill should be interpreted or implemented, as well as difficulties in measuring its success.

Safety should not be the sole aim of digital regulation

The Online Safety Bill also aims to protect users from harm, and to do so in a way that doesn't undermine other rights. However, this falls short of active protection of other rights that in some cases may enhance user safety.

Power needs to be shared, not just transferred

Though participants recognised a need for top-down policy solutions, the groups also expressed some wariness about relying solely on these interventions to improve user safety. The Online Safety Bill gives significant power to the Government, with other stakeholders' involvement limited to a currently vague 'consultation' role. This risks enforcing a narrow and top-down view of safety that is not shared by all.

As such, we recommend that, in discussion and implementation of the Online Safety Bill:

- Policymakers and platforms should avoid claims or stated ambitions of achieving 'user safety' that do not specify what harms or risks users are being kept safe from.
- In its Codes of Practice, Ofcom should specifically define what harms or risks expected 'safety policies' are intended to keep users safe from, and use that definition as the basis for assessing the effectiveness of the relevant implemented policies.

- Platforms should ensure that processes which are designed to improve users' powers to keep themselves safe or help users better understand internet safety are also specific about what harms or risks users are being kept safe from.
- Consultations on the Codes of Practice should also include consultation with different groups on what harms and risks they define 'safety' as being protected from, to avoid a narrow view of 'safety' being imposed on groups with different needs.
- The duty expressed in the current draft bill to 'have regard to the importance of protecting users from unwarranted infringements of privacy when deciding on, and implementing, safety policies and procedures' should be amended to a broader duty to 'have regard to the importance of protecting users from unwarranted infringements of privacy when deciding on, and implementing, policies and procedures'.
- The powers of direction to modify codes of practice in line with government policy afforded to the Secretary of State in the Online Safety Bill should be removed.
- The mechanism and nature of the consultation processes Ofcom will be required to engage in when e.g. drawing up codes of practice be specified, including how the outcomes from the process will be assessed and implemented.

INTRODUCTION

'A private space online' means very different things to different people: a place where what you do is none of anyone else's business - a crucial site of resistance and safeguard against oppression and violence - a space which allows and facilitates abuse and terror. All of these are true to some extent: but how to reconcile what they mean for the regulation of private spaces online is far from agreed upon.

In the course of the development of the Online Safety Bill by the UK Government over the last two years, their stance on the difference between private and public channels has evolved from excluding private channels from scope, to including them while simultaneously warning against 'unwarranted infringements of privacy'. This change leaves many of the core questions unanswered: what counts as an unwarranted infringement? In what cases will companies be expected to prioritise safety over privacy? How will a regulator weigh the safety benefit of technical security with the safety benefit of moderation and oversight?

With the Online Safety draft bill now entering the phase of pre-legislative scrutiny, the next few months will be crucial in determining the final shape of the regulatory regime, and on what legal duties companies will have to protect both privacy and safety online. This project aims to help advance this debate, by identifying in more detail where the key areas of consensus and disagreement across a wide range of stakeholders lie, and how they might be reconciled.

CONSENSUS WORKSHOP

Demos brought together a group of experts from across industry, civil society and government, to establish where there is already agreement on protecting privacy and safety online, where there are key disagreements, and to use this to map out how solutions could be reached. Though not a representative group, our workshop included experts working on a diversity of issues including privacy, child safety, human rights, tech design and digital regulation.

During the workshop, we ran two parallel discussions: one facilitated conversational discussion, and one online discussion using the deliberative tool Polis.

Polis, an online deliberation platform, encourages people to participate in discussions, rather than simply responding. It differs from a traditional polling platform in two crucial ways.

Participants in a Polis debate are shown a series of statements, and asked whether they agree, disagree or want to 'pass' on each. Crucially, they are then able to add their own statements to the debate, which, after moderation, are added to the stack.

While people are voting, Polis employs a technique called 'Principle Component Analysis' to place users who vote similarly into groups. A visualisation showing these groups is shown to participants while they take the poll, alongside a list of statements which divide and unite groups, and a coloured circle which shows in real time where they sit in relation to others. This lets those taking part see where different opinion groups sit on the questions under discussion, and where they stand in relation to their fellow participants.

Throughout the workshop, participants were invited to submit their views, including their own definitions of when a user is safe in a private space online, to the Polis discussion, and vote on other statements. As the workshop discussion progressed, key statements made by speakers were also fed into the Polis by the Demos team for participants to vote on.

There were 21 participants in the Polis in total, including 6 from the Demos team. In this report we present the results of this experiment.

KEY POINTS OF AGREEMENT

Through the Polis discussion we identified several attitudes which received broad support from across the group:

SAFETY IS MULTIFACETED - WE CAN'T SIMPLY 'KEEP PEOPLE SAFE ONLINE' WITHOUT KNOWING WHAT THAT MEANS SPECIFICALLY

A recurring theme throughout the Polis and the discussion was the definition of 'safety'. There was broad agreement that defining 'being safe online' depends on context, and couldn't be done in the abstract: safety was seen as a relational property rather than an intrinsic one: a user could be safe from something but could not be just 'safe' per se. When considering whether someone is 'safe', this must be defined in relation to a specific harm or risk. The same intervention might keep users safe from one harm but at risk of a different harm - for instance, a platform requiring users to provide identity verification could help keep some users safer

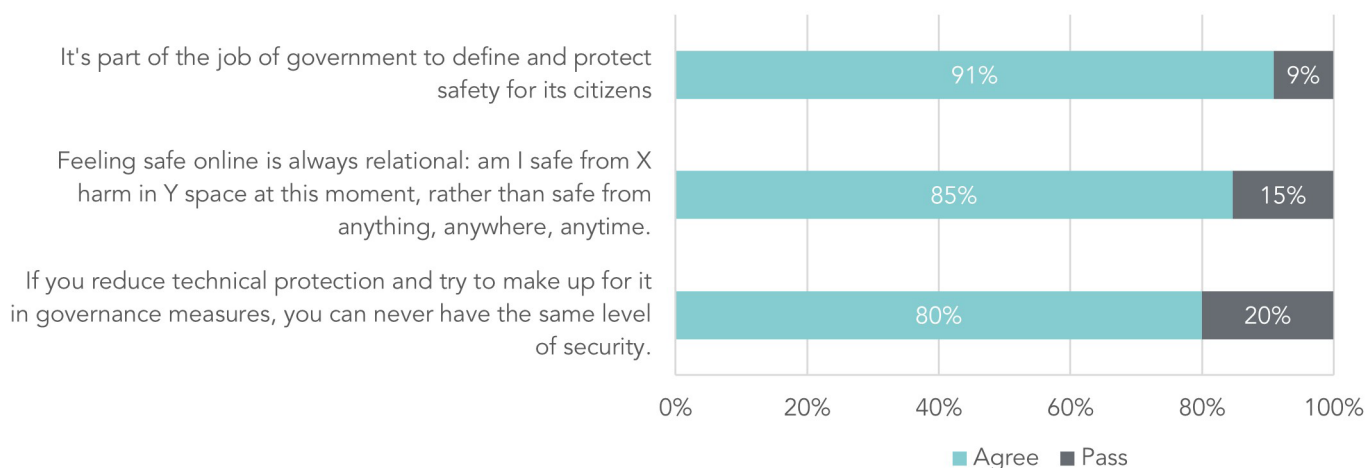
from anonymous abuse, but others at higher risk of danger from doxxing or cyberstalking. Figure 1, below, shows how participants voted on statements related to online safety - the percentage of 'agree' votes are in blue, with 'pass' votes in grey.

The group also agreed that this complexity means that there isn't going to be one solution to 'keep people safe' online: different safety objectives will need different interventions, and a balance between technical and governance measures.

Broad ambitions like 'keeping users safe online', while well-intentioned, will not be achieved without a more precise elucidation of the specific aims and understanding of safety.

This need to divide the broad category of 'safety' into specific objectives came through clearly in the divisions that were present in the group around the definition of when a user is safe, and also around specific interventions suggested to protect safety. Some contended statements are shown below in Figure 2, showing 'disagree' votes in orange.

FIGURE 1
STATEMENTS WHICH WERE AGREED TO BY >80% OF THE WHOLE GROUP



FEELING SAFE ONLINE IS IMPORTANT - BUT ISN'T THE SAME THING AS BEING SAFE ONLINE

Although the group agreed that users feeling safe online was important, this was crucially distinct from users being safe online. The group disagreed (though not universally) with the idea that a user is in the best position to judge their own safety online. Concerns were raised that safety measures might risk focusing on making people feel safe rather than tackling actual threats.

However, the group was more divided when it came to specifics of how people's feelings about their online safety and privacy should be incorporated into online processes such as regulation and visibility of measures.

We also examined the attitude groups, defined by Polis, of participants who had broadly similar opinions within their group, to see where the key points of difference lay.

FIGURE 2
STATEMENTS WHICH HAD NO MAJORITY AGREEMENT OR DISAGREEMENT

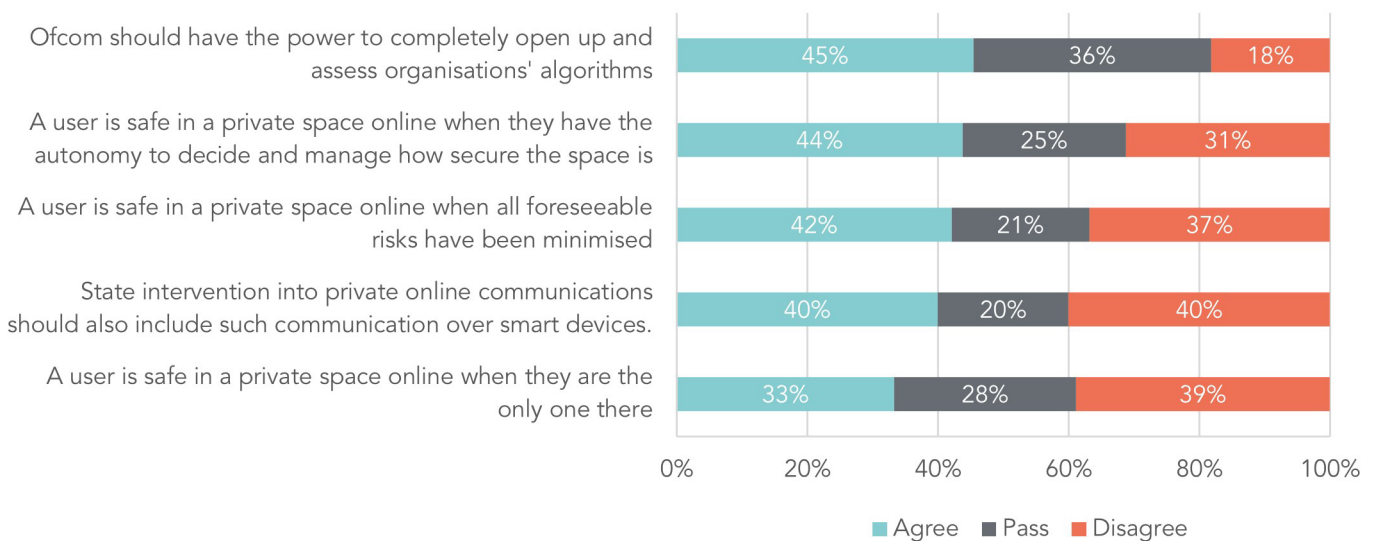
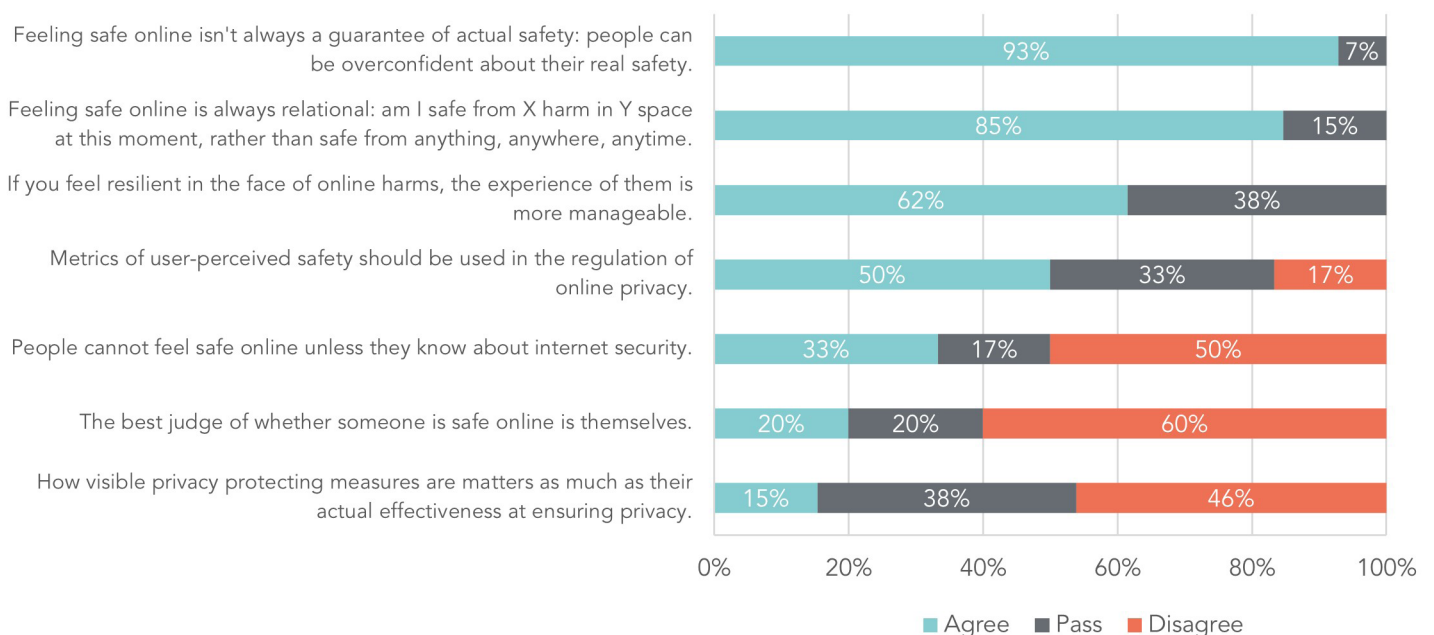


FIGURE 3
STATEMENTS RELATING TO THE RELATIONSHIP BETWEEN BEING AND FEELING SAFE AND THE WHOLE GROUP'S VOTES ON THEM (AGREE/PASS/DISAGREE)



OPINION GROUPS

By grouping participants by similarities in their voting behaviour, Polis separated the workshop audience into two distinct groups. Group 1, the 'User-focused', containing 15 participants (71% of the workshop) felt that the control you have over who can see you in a space, and the transparency of your connection to other users, was an important part of safety. For this group, safety is affected primarily by your behaviour as an inhabitant of that space, and the behaviour of those around you.

Group 2, the 'Interventionists', containing only 5 participants (24%) were more likely to take the view that to be safe was to be protected from external threats, and were more likely to approve of top-down interventions from platforms and those who control data. One participant was not assigned a group.

Below, we explore this further through voting records for individual statements.

The figures below present how the participants classified by Polis as belonging to Group 1 (left) or 2 (right) voted on different statements. It should be noted that the number of participants voting was low as this was a small event, so the analysis of the groups below is best understood as comparative and identifying differences between attitude groups, rather than taken as representative of any wider demographic groups.

Not every participant voted on every statement. Percentages shown are of the participants in that group who voted on the statement, and so the same percentage across statements or groups may not indicate the same number of participants.

THE USER-FOCUSED: SAFETY IS BEING IN CONTROL IN A SPACE

This group think that user control, trust and relationships in an online space are significant parts of being safe: they are optimistic about our ability to make spaces safer by increasing users' understanding of, and information about, the people and platforms they are interacting with.

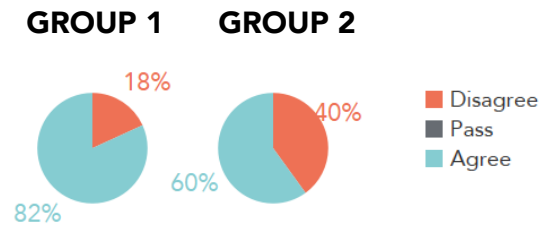
The User-Focused see safety as related to a user's transparent relationships with other people in the space; by contrast, the Interventionists disagree or are divided (Figure 4).

The User-Focused are generally more positive about users who are more empowered and digitally literate being safer online: again, the Interventionists are more divided (see Figure 5).

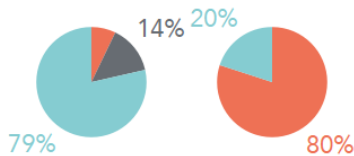
The User-Focused see safety and other rights and freedoms online as being linked: the Interventionists are more sceptical, particularly that freedom of expression is related to safety (see Figure 6).

FIGURE 4
HOW THE GROUPS DIVIDE ON STATEMENTS ABOUT WHAT IT MEANS TO BE SAFE ONLINE

A user is safe in a private space online when they have full transparency of who else is in or watching the space



A user is safe in a private space online when they know who they are interacting with and who has access to their information



A user is safe if they're speaking with people who abide by agreed standards on a platform which stops the most harmful content spreading

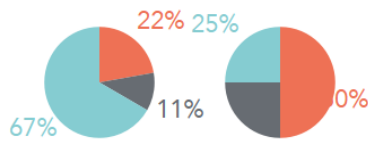
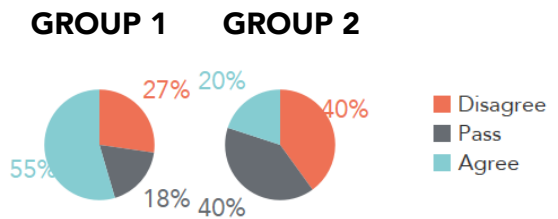


FIGURE 5
HOW THE GROUPS DIVIDE ON STATEMENTS ABOUT USER POWERS IN ONLINE SPACES

A user is safe in a private space online when they have the autonomy to decide and manage how secure the space is



A user is safe in a private space online when they know how they can manage risks and respond to any threats

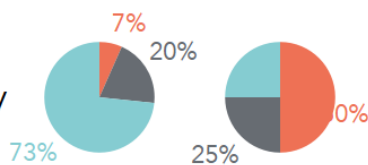
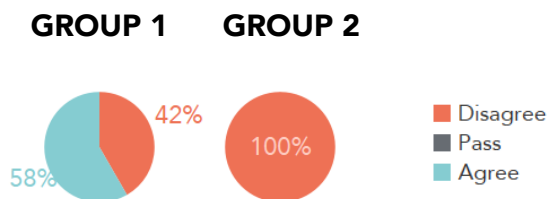
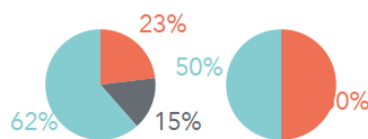


FIGURE 6
HOW THE GROUPS VOTED ON STATEMENTS ABOUT SAFETY'S RELATIONSHIP TO OTHER ONLINE RIGHTS

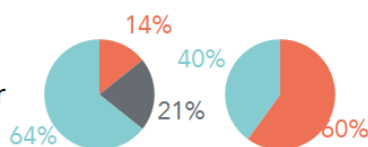
A user is safe online when they can be confident to express themselves freely



An internet user is safe in a private space online when they can trust others in that space to ensure their privacy also



An internet user is safe when the data exchanged in a private space is protected and requires consent for others to access



THE INTERVENTIONISTS: SAFETY IS BEING PROTECTED FROM THREATS

This group, by contrast, have a more traditional view of safety as being protected from external threats. This group think that we can never be totally safe online - we just have to do the best we can given other constraints.

They see complete 'safety' as an impossible goal: one which will always be threatened by bad actors. The User-Focused are more optimistic about human nature and the possibility of keeping people safe than the Interventionists (see Figure 7).

The Interventionists disagree with this statement: likely because they do not think that all significant risks can be foreseeable, or that some level of threat will always remain (see Figure 8).

The Interventionists also see safety as inherently conflicting with the goal of privacy, meaning tradeoffs will have to be made. Generally the Interventionists see privacy and safety as conflicting, whereas the User-Focused see them as complementary (though this isn't universally shared) (see Figure 9).

FIGURE 7
HOW THE GROUPS VOTED ON WHETHER SAFETY IS ACHIEVABLE OR NOT

Safety is an impossible goal while humans possess the instinct to be cruel to one another

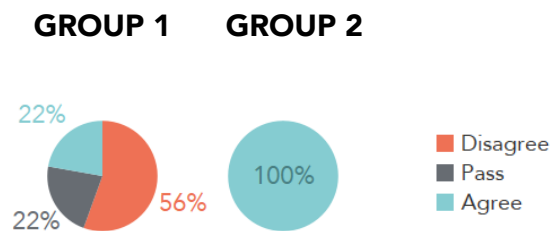


FIGURE 8
HOW THE GROUPS VOTED ON THE MINIMISATION OF RISK IN ONLINE SPACE

A user is safe in a private space online when all foreseeable risks have been minimised

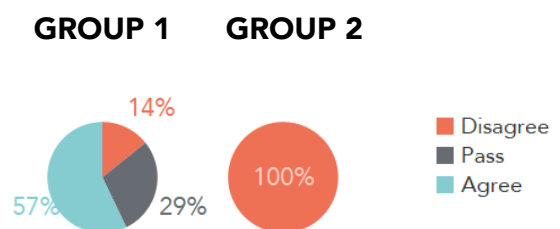
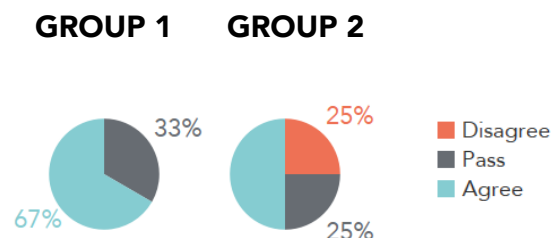
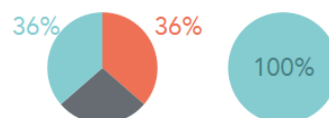


FIGURE 9
HOW THE GROUPS DIVIDED ON STATEMENTS ABOUT THE RELATIONSHIP BETWEEN PRIVACY AND SAFETY ONLINE

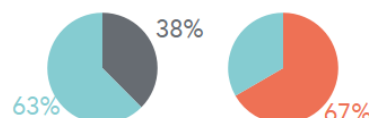
Sometimes less privacy is safer for yourself or for others



Privacy and safety are often in conflict



Privacy online enhances safety rather than conflicts with it



As opposed to focusing on user empowerment, the Interventionists view top-down, protective interventions as crucial to maximising safety - from platforms (see Figure 10) and governments (see Figure 11). They are sceptical that measures taken to give users more control and information about the spaces they are in would directly improve user safety.

There is broad agreement that the government should have a role in keeping people safe online. However, there is also agreement (see Figure 11) that governance measures cannot replace

technical measures to achieve security. Though the Interventionists see top-down interventions as crucial for keeping people safe: the User-Focused are more unsure of their efficacy.

There are stronger feelings in the Interventionists that we need more top-down intervention, with greater powers for law enforcement and regulators to tackle harms. The User-Focused are more hesitant about these powers, and the state playing a significant role online (see Figures 10 and 11).

FIGURE 10
HOW THE GROUPS DIVIDED ON STATEMENTS ABOUT HOW SAFETY RELATES TO TRANSPARENCY FROM TECH COMPANIES

Ofcom should have the power to completely open up and assess organisations' algorithms

We cannot have greater protection from online harms without tech companies opening up their algorithms to greater scrutiny.

Companies need to be able to measure and prove the harms that occur or do not occur on their services

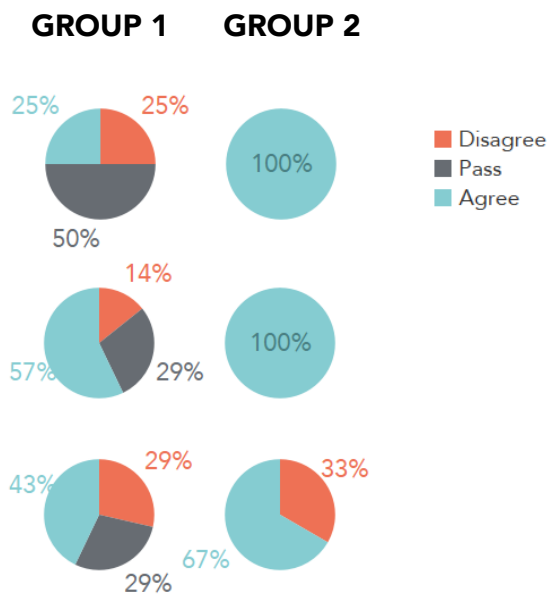


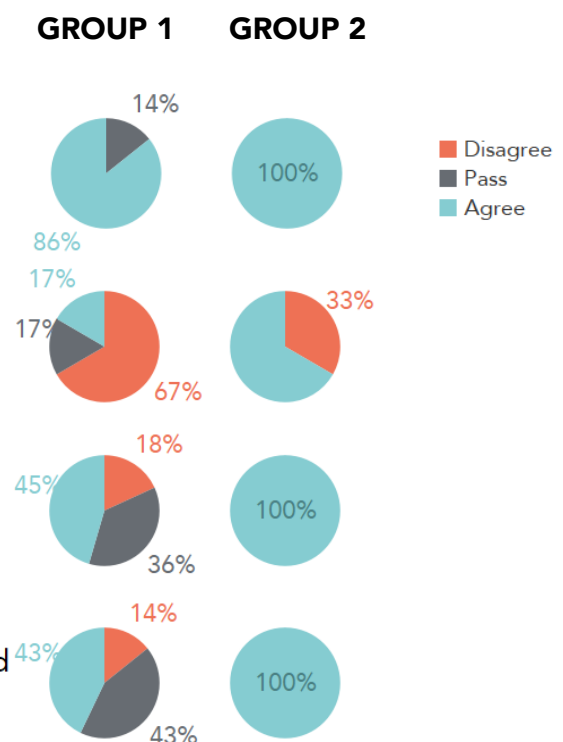
FIGURE 11
HOW THE GROUPS DIVIDED ON STATEMENTS ABOUT THE ROLE OF GOVERNMENT IN PROTECTING USER SAFETY

It's part of the job of government to define and protect safety for its citizens

Law enforcement currently do not have enough powers to tackle crime online and keep people safe

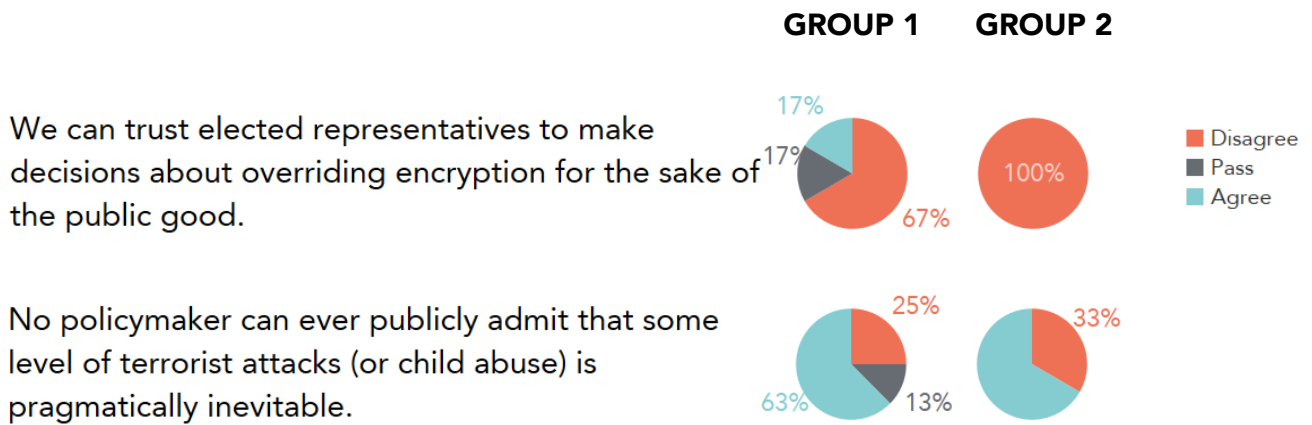
The role of the state in intervening in our online privacy should be analogous to their role offline.

Privacy regulation around illegal online harms should be different from that around legal online harms.



However, both groups agree that policymaking about online harms faces challenges in being successfully implemented, and that there are limits to what top-down intervention can achieve or be trusted to accomplish (see Figure 12).

FIGURE 12
HOW THE GROUPS DIVIDED ON STATEMENTS ABOUT POLICYMAKING ON ONLINE SAFETY



WHERE NOW?

The stated purpose of the Online Safety Bill is 'to make the UK the safest place in the world to be online'.¹ As it stands, this ambition risks being undermined, as the Bill employs simultaneously a narrow and broad view of safety, making it harder to achieve its ambitions or to clearly set out expectations for platforms.

WE NEED TO REACH A SHARED UNDERSTANDING NOT ONLY ON HOW TO PROTECT SAFETY BUT ON WHAT 'SAFETY' ENTAILS.

This workshop identified these tensions, which can be seen reflected in the Bill itself. The Bill clearly positions privacy as a conflict or constraint on the pursuit of safety, as it sets out a duty to have regard to 'protecting users from unwarranted infringements of privacy, when deciding on, and implementing, safety policies and procedures.' It also implicitly equates 'safety' with the very narrow definition: 'not encountering content that poses a material risk of an adverse physical or psychological impact'.

However, there is also a focus in the Bill on duties for companies to be transparent in their policies and processes; to have robust reporting and complaint procedures; and a duty for the regulator to improve media literacy. These all speak to the broader understanding of safety as being improved by user powers, which includes understanding of privacy.

Relying on several different implicit definitions of safety, while implicitly excluding others, is likely to lead to confusion in how the Bill should be interpreted or implemented, as well as difficulties in measuring its success.

We recommend that:

- Policymakers and platforms should avoid claims or stated ambitions of achieving 'user safety' that do not specify what harms or risks users are being kept safe from.
- In its Codes of Practice, Ofcom should specifically define what harms or risks expected 'safety policies' are intended to keep users safe from, and use that definition as the basis for assessing the effectiveness of the relevant implemented policies.
- Platforms should ensure that processes which are designed to improve users' powers to keep themselves safe or help users better understand internet safety are also specific about what harms or risks users are being kept safe from.
- Consultations on the Codes of Practice should also include consultation with different groups on what harms and risks they define 'safety' as being protected from, to avoid a narrow view of 'safety' being imposed on groups with different needs

SAFETY SHOULD NOT BE THE SOLE AIM OF DIGITAL REGULATION

Currently, the Online Safety Bill aims to protect users from harm, and to do so in a way that doesn't undermine other rights. However, this falls short of active protection of other rights that in some cases may enhance user safety.

Though some workshop participants saw privacy as conflicting with and others saw it as complementary to the pursuit of safety, both groups indicated that there were limits to safety policy - because no policy could be 100% effective in its implementation, and because other goals such as privacy should also be pursued.

¹ See: <https://www.gov.uk/government/publications/draft-online-safety-bill>

The Bill in its current form, however, does not acknowledge that other rights can have positive effects on safety, nor does it explicitly pursue a pluralist conception of what good looks like online that values as one goal amongst others.

We recommend that:

- The duty expressed in the current draft bill to 'have regard to the importance of protecting users from unwarranted infringements of privacy when deciding on, and implementing, safety policies and procedures' should be amended to a broader duty to 'have regard to the importance of protecting users from unwarranted infringements of privacy when deciding on, and implementing, policies and procedures'

POWER NEEDS TO BE SHARED, NOT JUST TRANSFERRED

Though participants recognised a need for top-down policy solutions, the groups also expressed some wariness about relying solely on these interventions to improve user safety, and identified limits to the efficacy of policymakers' powers. The Online Safety Bill touches upon this in its requirements on Ofcom to act on media literacy, but this is limited in scope, and the Bill as a whole gives significant power to the Government, with other stakeholders' involvement limited to a currently vague 'consultation' role. This risks enforcing a narrow and top-down view of safety that is not shared by all.

We recommend that:

- The powers of direction to modify codes of practice in line with government policy afforded to the Secretary of State in the Online Safety Bill should be removed
- The mechanism and nature of the consultation processes Ofcom will be required to engage in when e.g. drawing up codes of practice be specified, including how the outcomes from the process will be assessed and implemented

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15 WHITEHALL, LONDON, SW1A 2DD

T: 020 3878 3955

HELLO@DEMOS.CO.UK

WWW.DEMOS.CO.UK