



Cast

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Age Appropriate Design Code call for evidence
Engagement Department
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

By email to: childrenandtheGDPR@ICO.org.uk

Dear Sirs,

17/09/18 (Monday)

We write in response to your call for evidence and views on the **Age Appropriate Design Code** (the Code).

Safecast is a British company which has developed a patented technology to facilitate the automatic filtering of video content which is inappropriate for children because of their age or maturity.

Safecast's work and research established that, to take account of children's immaturity and vulnerability, online services must offer children a higher level of protection than adults from content which is inappropriate for them to see at their stage of life. Safecast concluded that **universal content filtering should be specified within the Code for video services which are delivered to children to take account of their immaturity and vulnerability**. This requirement should not be limited to advertising to children - it should also encompass video content more generally. Safecast therefore suggests that the Code mandates a generic form of content filtering in video services which are delivered to children.

Safecast has a specific implementation of universal content filtering which is called the SafeCast HeadCodes system. This system is a standards-based, industry-led solution that meets the protection requirements arising from the immaturity and vulnerability of children and is based upon British child protection broadcasting standards that were developed over sixty years ago. The SafeCast HeadCodes system is capable of fulfilling any generic requirement for content

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filtering that your office mandates in its Age Appropriate Design Code and fulfils the requirements of Section 104 of the Digital Economy Act 2017.

Section 104 of the Digital Economy Act 2017 established a requirement on providers of internet services (e.g., Facebook, Google, BBC iPlayer, SKY, ITV, YouTube, etc.) to filter inappropriate video content away from children. This measure was passed unanimously by both Houses of Parliament during the passage of the legislation.

104 Internet filters

- (1) A provider of an internet access service to an end-user may prevent or restrict access on the service to information, content, applications or services, for child protection or other purposes, if the action is in accordance with the terms on which the end-user uses the service.
- (2) This section does not affect whether a provider of an internet access service may prevent or restrict access to anything on the service in other circumstances.
- (3) In this section—

“end-user” means an end-user of a public electronic communications service, within the meaning given by section 151(1) of the Communications Act 2003;

“internet access service” has the meaning given by Article 2(2) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25th November 2015 laying down measures concerning open internet access and amending Directive [2002/22/EC](#) on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union.

Providers of Internet services are required to respect these provisions and filter their content for child protection purposes. Effective filtering requires pre-labelling of video content **before** it is made available. Filtering of content **after** it is made available is impractical and can get very close to censorship. (Currently, every minute some three hundred hours of video are uploaded to YouTube. It is impossible to filter this amount of content through the use of human reviewers; pre-labelling by video creators is therefore essential for a filtering system to work.)

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Details of the Safecast Headcode system

In 2013, Safecast determined that all video could be classified into seven levels to cover the entire spectrum of content ranging from content that did not contain any sex, violence, or horror through to content that was too graphic or horrific to be broadcast on television or circulated on the Internet. It found that this simple classification process, dividing video into appropriate classes, mirrored the process that is regularly undertaken in the viewing rooms of the major UK television broadcasters. Professional television schedulers within the major broadcasting networks are used to reviewing a programme before it is broadcast and taking a view on the earliest time that the programme can be shown based upon the television watersheds.

Historically, there were multiple watersheds on broadcast television, early-evening, seven-thirty, nine-o'clock, ten-o'clock and eleven-o'clock. Each watershed was aimed at allowing more adult themed programmes to be broadcast with higher levels of salacious content at times when younger children were likely to be asleep. This television “watershed” system was memorably said to be a graduated system across an evening’s viewing and not a ‘waterfall’ moment where, at a single time, content suddenly became unrestricted.

Research from Ofcom has shown that the television watershed system has in excess of 74% support from parents, teachers, politicians, academics, and children. The television watershed system, which works solely on live television broadcasting, can now be implemented on “anytime, anywhere, any device” viewing so that children of all ages and maturities are adequately protected whenever they choose to view content. This, in fact, is what our company, SafeCast, will deliver.

Safecast has implemented the graduated TV Watershed classifications as hidden labels embedded as metadata in video that can be recorded in accordance with existing broadcasting industry standards. With this in place, a very simple filter can then be written for video browser applications. The filter will read the hidden label in a video and decide whether the video should be shown to a child of a particular age or not. This SafeCast filter can be part of any video browser application that can read embedded metadata. A timely rollout of the Safecast video browser filter will mean that any video can be filtered in a straightforward manner to enable

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universal compliance with the Section 104 of the Digital Economy Act 2017 by both broadcasters and internet service providers.

Set out below is a table showing the SafeCast HeadCode levels and how the filtering will operate on devices such as a mobile phone or a tablet belonging to a child.

Safecast HeadCode Level	Child's Age	Equivalent TV Watershed time	Comments
0	No restrictions	No restrictions	Can be shown at anytime
1	6 and under	No restrictions but logged on device	Very young children should not see too much of this content - hence logging required in phones and tablets
2	Age 7 and over	7.30pm	Young children should not see too much of this content - hence logging required in phones and tablets. Also the restriction applies to advertising of high fat, high sugar products and services
3	Age 11 and over	9.00pm	Normal TV Watershed restrictions including on advertising of medicines, alcohol, gambling etc
4	Age 14 and over	10.00pm	Enhanced TV Watershed restriction used by UK schedulers
5	Age 18 and over	11.00pm	Highly enhanced TV Watershed restriction used by UK schedulers

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6	Age 18 and over	Not allowed to be broadcast	Reserved for content which is too extreme for broadcasting but which may be required as evidence. Video of a bomb explosion on a bus shown at a coroner's inquest would be a typical example of Level 6 content
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Additionally, in order to address the sleep requirements of children, Safecast researched and developed a recommendation set out in a second table below. This shows how age restrictions and bedtime cut-off can be implemented in a Safecast filtered mobile phone or tablet belonging to a child through a social media app. The viewing hours for the bedtime cut-off are based upon NHS guidance on the amount of sleep a child should have for good health and proper development. The table below was prepared by working on the basis that a child needs to wake up at 7.00am to get to school at the proper time.

Child's Age	Safecast Headcode filter	Default Bedtime cut-off on device on a school night
6 and under	Levels 1,2,3,4,5 and 6 content rejected	8.00pm
7 to 10	Levels 2,3,4,5 and 6 content rejected	9.00pm
11 to 13	Levels 3,4,5 and 6 content rejected	10.00pm
14 to 17	Levels 4,5 and 6 content rejected	11.00pm
18	Level 5 and 6 content rejected (unless expressly requested)	No cut off

Safecast and Facebook

In April 2018, Safecast was asked on behalf of the Children's Commissioner to see if Safecast could persuade YouTube and Facebook to take up SafeCast's labelling proposals. This was because the Children's Commissioner was most concerned about inappropriate content on these systems - as illustrated by a very recent piece in the Telegraph on [human rights and war](#)

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crimes. Safecast therefore came up with a proposal which would mean that the selection of SafeCast HeadCodes by the creator would be included within the standard uploading processes on these systems. This went to Facebook some months ago. We enclose a 'redacted' email to [REDACTED] which is what we sent to Facebook for its consideration. Safecast has not yet received any response because all Facebook decisions appear to be made in the USA.

Background to Safecast's Potential Membership of EIDR

Last year the Digital Production Partnership (the not-for-profit company, founded by ITV, BBC and Channel 4) introduced Safecast to EIDR - the Entertainment Identifier Registry Association because [REDACTED] had identified Safecast as being a **global solution** to the labelling problem in child protection, which British broadcasters needed to address. **EIDR** is a not-for-profit industry association that issues globally-unique identifiers for audiovisual content. EIDR IDs are to movies and television as ISBNs are to books and UPC/EANs are to consumer products.

Today our **Self Applied Content Ratings**, which we refer to as the **SafeCast HeadCodes**, are within a draft EIDR Best Practice document which we hope will soon be signed off by the Board of EIDR in the USA. Once approved, these self applied content ratings could be the engine to drive forward child protection filtering amongst all EIDR members in the movie and television industries all over the world and comply with Section 104 of the UK Digital Economy Act 2017. It will mean that SafeCast HeadCodes (Levels 0 to 6) can be included in the EIDR metadata for applicable Edit (content version) records, which can be localised for particular territories and markets. There is no practical limit to the number of Edits that can be identified under the EIDR system. This will mean that control of broadcasting and Internet standards will remain subject to national mores and restrictions whilst delivering universal protection for children from inappropriate video content in video services which are delivered to children.

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Support for Safecast's Proposals

Safecast has liaised with general practitioners, educators including the National Association of Head Teachers (NAHT) and UK children's charities including NSPCC, the Children's Media Foundation, the Mothers Union, Barnardo's. All of these experts and organisations recognise the need for the filtering of unacceptable material (which is easily accessible on the Internet) away from children and the damage that is being done to children by the absence of effective filtering measures being in place.

It is now hoped that Safecast's proposals are supported by the ICO and that the Code mandates a generic form of content filtering in video services which are delivered to children.

Yours faithfully

[Redacted signature]

Attachments: [Redacted letter from Safecast to Facebook \(25/04/18\)](#)
[Draft EIDR Best Practice – Content advisory Ratings Registrations \(2018/03/19\)](#)

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