



ITV UGC Moderation Policy

Date: November 2017

VERSION CONTROL

6 October 2017

Document owner: ITV Rights

ITV UGC Moderation Policy

1. Introduction

- 1.1. This document sets out the moderation policy to be deployed by ITV staff and third party moderators in connection with the moderation of user generated content submitted to an ITV web, mobile, social media or other similar service ("ITV Service(s)").
 - **The Policy does not deal with user-generated content which is to be broadcast within a television programme, which is to be complied in accordance with existing television compliance procedures.**
 - **The Policy does cover interactive services through which individuals can submit and exchange content and information, such as chat rooms, user pages, message and bulletin boards, audio-visual content and basic social networking facilities (where users are actively encouraged to input personal details and/or create their own page(s) or persona).**
- 1.2. The Policy may be amended for specific ITV Services provided by or on behalf of ITV but only with the prior approval of the relevant Business Head (as identified in the Annex) and the ITV Online, Pay and Interactive ("OPI") Legal team.
- 1.3. The Policy is separated into four parts:
 - **Guiding Principles** – this section describes the guiding principles to be applied when moderating all user generated content;
 - **Detailed Guidance** – this section provides moderators with detailed guidance on specific legal and policy areas of concern when dealing with user generated content;
 - **Moderation and Take Down Process** – this section sets out the actions to be taken by moderators in relation to user generated content that does not comply with the requirements of this Policy, including guidance on when and how to take down content and/or escalate concerns; and
 - **Pre-Moderation/Facebook Moderation/Post-Moderation/Reactive Moderation** – this section sets out the guidelines according to which the relevant Business Head will determine whether a particular ITV Service should be subject to pre-moderation, post-moderation or reactive moderation.
- 1.4. All queries in relation to this Policy should be directed to ITV's Head of Legal Affairs - Online, Pay & Interactive.

2. Guiding Principles

- 2.1. The aim of moderation is to encourage safe and responsible use of ITV Services in accordance with the ITV Terms and Conditions of Use, which apply to such services.
- 2.2. All user generated content should be moderated in accordance with the following Guiding Principles:
 - Content should reflect in tone and nature the type of content which consumers would expect to be present on an ITV Service and, where applicable, to be present on the third party platform in question
 - All content should be appropriate for the target audience of the ITV Service in question
 - Particular caution should be taken if the ITV Service does or could attract children or the content includes images of or references to children
 - Generally, ITV Services should not target children under 13 years, although this age limit may be reviewed in conjunction with the relevant Business Head and ITV OPI Legal team as new products / tools are developed
 - Content should not expose ITV to the risk of damage to its reputation or financial loss

- Content should be read and/or viewed not only in isolation but in the context of its positioning as part of the ITV Service and other content, as well as external factors such as public opinion
 - If in doubt, content should be rejected or removed
- 2.3. The above Guiding Principles encapsulate the spirit of user generated content on ITV Services and should be used by a moderator in the event that detailed guidance is not available in relation to a particular concern.
 - 2.4. The accounts of any user who persists in posting inappropriate content to an ITV Service must be suspended.
 - 2.5. User generated content on ITV Services will generally be moderated after it has been posted on the relevant web or mobile service, in accordance with the Moderation and Take Down Process. However, for some ITV Services, user generated content will be moderated before it is posted. The decision as to whether user generated content will be pre-moderated, Facebook-moderation (so viewable only to the user's Facebook "friends" until it has been moderated) or post-moderated for a particular ITV Service will be made by the relevant Business Head, in accordance with the principles set out in the Pre-Moderation/ Facebook Moderation/ Post- Moderation/ Reactive Moderation section below. Users of the ITV Service should be informed what level of moderation is used.
 - 2.6. Moderators of user generated content on an ITV Service, including any ITV staff responsible for third party moderators, must read this document in full and confirm their understanding of it to their line manager before commencing moderation. A named member of ITV staff must be responsible for the moderation of user generated content submitted to an ITV Service.
 - 2.7. ITV Services may vary in nature. If there are any specific concerns about prohibitions in this Policy in relation to a particular service, these should be discussed in advance with the relevant Business Head and with the ITV OPI Legal Team.

3. Detailed Guidance

3.1. Introduction

Each of the sections below covers an area of legal or policy risk that moderators will have to consider when moderating user generated content. In some cases, the risk exists in relation to all types of user generated content covered by this Policy (as set out in the Introduction to this Policy). In other cases, different types of content may give rise to higher, lower or slightly different risks. This has been indicated in each section below.

All content that is stated to be prohibited must be either:

- (a) **in the case of pre-moderation, rejected and not posted on the ITV Service; or**
- (b) **in the case of post-moderation, taken down from the relevant ITV Service as soon as the moderator views it or is made aware of it;**

in accordance with the Moderation and Take Down Process.

3.2. Personal Details and Arrangements to Meet

The following is **prohibited** by the Policy:

- Posting of personal contact details (such as email addresses, telephone numbers or postal addresses etc.) by any user (either their own contact details or those of a third party), although in some cases ITV may not be able to control the dissemination of personal contact details where users are interacting through social media platforms
- Information which could indicate a person's whereabouts. Moderators should be aware of circumstances where a person could be located through a thread of messages or a combination of messages/details

- Attempts to elicit contact details or information about a person's whereabouts
- Organising to meet via an ITV Service
- Discussions about having been or being in contact on other web or mobile services

The following is **permitted** by the Policy:

- Provision of full name, either as a username or (in the case of chat rooms/message boards) as a sign off and (in the case of audio-visual content) in audio form or in any credits
- Discussion/information which could not lead to anyone identifying an individual's whereabouts (e.g. general information about the town, city or country an individual lives in)

This area is more of a risk with chat rooms and message boards, but can still apply to audio-visual content.

3.3. Impersonation

The following is **prohibited** by the Policy:

- impersonation of another person, including but not limited to celebrities or fictional characters (unless it is very clear that the user is not intending to pass themselves off as a third party);
- information (e.g. usernames) that implies that the content has been written or endorsed by ITV.

By its very nature, such behaviour may be difficult to identify. If a moderator has any doubts or concerns about possible impersonation and/or the actual identity of a user they should contact their line manager and use the relevant escalation procedure where appropriate.

The following is **permitted** by the Policy:

- the creation of a pseudonym as a user name

3.4. Commercial Messages/Advertising/Linking

The following is prohibited by the Policy unless it has been expressly agreed in advance by the relevant Business Head and the ITV Consumer Legal team:

- Any form of commercial messages and/or advertising and/or promotion which is posted for commercial gain. Note that promotions that are not for commercial gain are permitted, e.g. reasonable and limited promotion of a charitable or public event
- Linking to a third party commercial website or mobile site
- Selling or trading in (or offering to sell or trade in) any goods or services
- Posting images of trade marks, logos or any other branding of any commercial entity or their products or services

3.5. Defamation

A defamatory statement is one which is likely to damage or undermine the reputation of a person or organisation in the eyes of the general public. A person does not need to be a celebrity to be defamed. A person or organisation does not need to be expressly named to be defamed as long as they can be identified from the statement. To be defamatory the statement has to be believable and to be untrue, but this is a difficult assessment to make without all the facts. As a result, any comment which is disparaging or rude about another person or about an organisation is prohibited by the Policy. Moderators should be particularly wary about and reject or remove:

- Generalisations of individuals/organisations which are negative in nature
- Exaggerations of facts about individuals/organisations which are negative in nature
- Rumours/gossip about individuals/organisations which are unduly negative in nature
- Users quoting others on the ITV Service where the quote contains statements about individuals/organisations which are negative in nature (the fact that it was said by someone else is no defence)

The only exception to this rule would be if a forum were set up which specifically invited end users to contribute to a debate or discussion which would involve the genuine critique of a particular programme/event/performance etc. In that case comments which appear to be a genuinely held opinion based on their own review of the relevant programme/event/performance would be permitted. If there is any doubt, moderators should immediately consult with their line manager and use the relevant escalation procedure where appropriate.

3.6. Harassment, Privacy and Discrimination

Individuals have a right to peace and respect for their private lives. Content which depicts or describes the private life of a person in unnecessary detail or in a way which could reasonably be considered intrusive is prohibited.

People are also entitled not to be harassed in any way (that includes bullying, sexual harassment, racial harassment, threats of violence or intimidation or other conduct that might cause alarm or distress). Harassment can take the form of publication of personal information that could be viewed by third parties for this reason (and further to section 3), personal information about persons other than the sender should be rejected or removed.

Individuals and groups of people have a right not to be discriminated against based on their gender, race, nationality, age, religion, ability or sexual orientation. As a result, any comment which could be offensive towards any particular minority or group within society is prohibited by the Policy. Moderators should be particularly wary about and reject or remove:

- Comments or images which could be considered racist, homophobic, biphobic or transphobic
- Comments or images that disparage, stereotype or are likely to offend any particular minority or group in society
- Comments or images of a sectarian nature
- Comments or images which poke fun at a particular group in society

A list of prohibited words can be provided on a service-by-service basis.

3.7. Obscenity and Appropriateness of Language and Materials

Language used in content should be appropriate for the target audience and this will need to be judged on a case-by-case basis. The following language (whether appearing in text or within audio visual content) is prohibited under this Policy in all circumstances:

- Swearing
- Foreign languages (on the basis that their appropriateness cannot be judged) other than foreign words that are commonly used and understood e.g. 'merci'
- Any language which is overtly offensive, abusive, threatening or sexual in nature (although note that a flirtatious comment would be permitted provided that it does not amount to harassment and is appropriate given the target audience)
- Any language which could be considered blasphemous or offensive to any religion
- Any language which advocates, promotes or could incite people to commit a crime or take part in any illegal activity or anti-social behaviour. This would include language which encourages or condones illegal and immoral activities relating to selling or using

illegal drugs, prostitution, pimping, fraud, stalking, extortion, terrorism, rioting, hoaxes, cyber crime, arson, assault, theft, underage sex, hacking and piracy

- Any language that might incite racial or religious hatred or might invoke public fear or distress

A list of prohibited words can be provided on a service-by-service basis. A language filter must be used in respect of all ITV Services to prevent any swear words, inappropriate or obscene language to appear on them, but moderators should be aware that filters may not capture all such words, particularly where the word also has another, neutral meaning. End users may also find ways to circumvent language filters (for example, by interspersing numbers or symbols within a swear word), and any content of this kind is prohibited.

The following is **permitted** by the Policy:

- Spelling and grammatical errors (provided such errors do not result in the language used being in breach of the Policy).

In addition to concerns about language, all images and video should be judged for appropriateness. Again, any content that is illegal, or that is likely to be considered offensive, crude, distasteful, violent, abusive, vulgar or overtly sexual in nature, or which could be considered to be blasphemous, to incite illegal, criminal or anti-social behaviour, or to invoke public fear or distress is prohibited by the Policy.

3.8. Copyright, Trade Marks and Confidential Information

Copyright (or rights related to copyright) exists in, amongst other things, the written word, music, films, plays and dramatisations, broadcasts, performances, adaptations, photographs, software and databases. Inclusion of any copyright works in an ITV Service without the authorisation of the copyright owner is likely to be an infringement of that copyright, and is **prohibited** under the Policy.

In addition, whilst there is no recognition of 'image rights' in English law per se, there is increasing protection provided to celebrities and others trying to protect their image to prevent it being used commercially without their permission.

The following is therefore **prohibited** by the Policy:

- Use of extracts of text from published works (unless the moderator has confirmation that copyright in that work has expired)
- Use of music which is not clearly composed by the person submitting the content
- Use of lyrics from a song
- Use of films, television broadcasts or any other transmission which appears to have come from another source (i.e. not created by the person submitting the content)
- Use of recordings of plays/performances
- Use of photographs and images which are not clearly owned by the person submitting the content
- Use of software or information from a database

Trade mark law is another area of potential risk. The owner of a trade mark has the exclusive right to permit the use of that trade mark by others (or to withhold such permission). Trade mark owners also have the right to prevent use of marks which are substantially similar to their marks in certain circumstances. As a result, the following is prohibited by the Policy:

- Display of an organisation's logo, name or branding in visual content, unless this is simply incidental (such as a logo on an item of clothing being worn by a person depicted within audio-visual content)
- Any use of an organisation's logo, name or branding in a way that disparages, denigrates or takes unfair advantage of that organisation or its products or services

- Use of a logo, name or branding which is similar to an organisation's logo or name in a way that disparages, denigrates or takes unfair advantage of that organisation or its products or services
- Negative comments about brands, products, services or organisations (unless the purpose of the ITV Service is to generate views about brands, products, services or organisations and deviation from the Policy has been agreed in advance by the relevant Business Head and the ITV Consumer Legal team)

Information which is confidential in nature should not be displayed on an ITV Service. Whilst it is difficult to assess whether content is confidential, moderators should be wary of and **reject or remove** content that you would expect to:

- remain between husband and wife or between civil partners
- remain between doctor and patient
- remain between lawyer and client
- be confidential to a company or government

3.9. Contempt of Court

Comments which could impede or prejudice an existing court case could amount to contempt of court. As this assessment is very difficult to make, the Policy prohibits all comments about court cases which aren't clearly inactive.

3.10. Brand Protection

Comments which are disparaging about ITV, an ITV programme or a contributor, talent, sponsor, participant or presenter of such a programme are prohibited by this Policy, unless the purpose of a particular ITV Service is to critique a particular programme and the relevant Business Head and the ITV Consumer Legal team have approved the deviation from this Policy (having checked with the ITV Studios Limited that there are no talent issues in relation to giving such approvals).

4. Moderation and Take Down Process

Moderation may be provided by ITV in-house personnel or by third party moderators. In either case, moderators must comply with the moderation and take down processes set out below.

4.1. Moderators should follow the process set out below in moderating user generated content on an ITV Service:

- If content adheres to the Policy: leave content.
- If the content mostly adheres to the Policy and the offending part of the content can easily be removed from the content (so that the remaining content retains some meaning): modify the content. Note that this will rarely be possible for audio-visual content.
- If the content mostly adheres to the Policy but the content is rendered meaningless by removing parts which breach it: remove content in its entirety.
- If the content mostly or completely breaches the Policy – remove content in its entirety.

4.2. If there is a suspected breach of the Policy (including where a third party, such as another user of the ITV Service, notifies the moderator or ITV that certain content infringes any rights, is illegal or is otherwise in breach of the Policy):

- on moderators becoming aware of the relevant content, action should be taken to remove the offending content immediately and in any event within one (1) hour of the moderator becoming aware of the suspected breach or one (1) hour from when they could reasonably be expected to have become aware of a suspected breach;

- if in doubt as to the appropriate action to take, moderators should remove the relevant content and refer the matter immediately to their line manager and use the relevant escalation procedure where appropriate;
- content that has been taken down in accordance with this procedure must not be re-posted unless the moderator and their line manager are completely satisfied that it complies in all respects with this Policy. If there is still any doubt:
 - third party moderators must refer the matter to the relevant ITV personnel in accordance with the escalation procedure agreed with ITV, and if there is still any doubt, the relevant ITV personnel must refer the matter to their Business Head and the ITV Consumer Online Head of Legal; and
 - ITV in-house moderators must refer the matter to the relevant Business Head and ITV Online Head of Legal.

4.3. Moderators should prioritise responses to content that:

- compromises or may compromise any individual's safety;
- relates to serious incidents involving children or young adults; or
- damages or may damage the reputation of ITV.

4.4. Moderators should act immediately on receiving alerts from other users of the relevant ITV Service as to suspected breaches of this Policy (and in any event within one hour of those alerts being received).

4.5. Serious or repeated breaches of the Policy by any one user should be notified by moderators to their line manager immediately so that the line manager may either suspend the account of the user concerned, or where applicable, immediately notify ITV so that ITV may suspend the account of the user concerned. In serious cases it may be necessary to disable access to an ITV Service or put an ITV service into 'read only' mode, e.g. if a page appears to have been hijacked. Any decision to disclose user activity to any enforcement authorities or other third parties, or to take any other legal action, shall be at ITV's sole discretion (subject to applicable laws).

4.6. Moderators should liaise closely with each other and with their line managers about specific issues of concern and new areas of risk identified in moderating user generated content (including impending court cases, new areas of law and matters of public controversy).

4.7. ITV may provide moderators with appropriate messages to post on the ITV Services in response to complaints from users about moderation conducted in accordance with this Policy. Moderators must not engage with users in any way other than by posting such authorised messages.

4.8. Any errors in moderation should be corrected and notified to a line manager immediately. Third party moderators must notify all such errors to ITV immediately.

4.9. Moderators should delete rejected or remove content from any database where that content could be uploaded back onto any ITV Service, but should ensure that backup copies of that content are always kept in a secure environment.

4.10. An adequate record of moderation decisions must be maintained during the lifetime of the ITV Service including:

- all user contributions received (whether or not published or removed after publication);
- any content that is rejected or removed by a moderator;
- the reason for rejecting or removing any content;
- any issues escalated to the relevant Business Head.

5. Pre-Moderation/Facebook Moderation/Post-Moderation/Reactive Moderation

ITV's policy is that every ITV Service on which the public places material must be moderated. This may involve pre-moderation, post-moderation or reactive moderation. The decision as

to when an ITV Service will be moderated is a decision that will be taken by the relevant Business Head.

- Pre-moderation is where material cannot be seen or accessed by end users of the ITV Service until the moderator has reviewed it and decided it is suitable for placing on the relevant service
- Facebook Moderation is where material can only be seen or accessed end users who are “friends” of the publishing end user on Facebook until the moderator has reviewed it and decided it is suitable to be viewable by all end users of the ITV Service
- Post-moderation is where the moderator reviews the content posted by users of the ITV Service and decides whether it is suitable to remain on the site after it has been posted
- Reactive moderation is where users of the ITV Service alert the moderator regarding an inappropriate or offensive message after it has been published. The moderator then reviews the content and either leaves it or removes it. The moderator does not read every piece of content submitted but does read every piece of content to which they are alerted.

The ITV Service’s standards, the quality of contributions and the method of moderation must be kept under active review.

5.1. Pre-moderation

- ITV Services designed to appeal to children must be pre-moderated (note, registration for the use of ITV Services is currently limited to over 18s only).
- Pre-moderation is likely to be appropriate for ITV Services designed to appeal to family audiences.
- ITV Services dealing with particularly sensitive areas, such as personal health problems or religion, may require pre-moderation.
- ITV Services focussing on subjects which have a history of controversy or polarised debate, personal or racist abuse or potentially defamatory comments may need the level of attention provided by pre-moderation.
- ITV Services that invite users to e-mail or upload images should be pre-moderated.
- Live chats where users talk to a celebrity guest are generally pre-moderated.

It may sometimes be necessary to move an ITV Service from post-moderation or reactive moderation to pre-moderation for a limited period.

If a pre-moderated site shows itself to be uncontroversial, moving it into post-moderation should be considered.

5.2. Facebook Moderation

Where ITV Services have the Facebook Moderation functionality and there is any risk of controversy or polarised debate.

It may sometimes be necessary to move an ITV Service from post-moderation or reactive moderation to Facebook Moderation for a limited period.

If a Facebook Moderated site shows itself to be uncontroversial, moving it into post-moderation should be considered

5.3. Post-moderation

Post-moderation is usually appropriate for ITV Services where user generated content is used to facilitate dynamic discussion and reaction in real time. In such circumstances, content should be moderated within a reasonable timeframe: what is reasonable will depend on the nature of the particular ITV Service.

Post-moderation will usually be suitable for ITV Services which:

- attract robust debate about current affairs or sports;
- are expected to have a high volume of end users posting content; and
- are targeted at a mature audience

All pictures and videos uploaded by end users must be post-moderated.

It may sometimes be necessary to move a post-moderated ITV Service to pre-moderation for a limited period.

If a post-moderated site consistently proves itself to be uncontroversial, moving it into reactive moderation should be considered.

5.4. Reactive moderation

Reactive moderation may be suitable for less sensitive ITV Services where a higher degree of self-regulation is appropriate. This is more likely to be suitable for an active, mature online community where past moderation has consistently proven that few messages have to be removed or where there is a large fan base which cares deeply about the nature and quality of debate and who can be relied upon to alert ITV as to any issues.

Reactive moderation is more likely to suit topics which tend not to attract polarised or extreme responses and which are not of a sensitive nature e.g. gardening or cooking. In order to maintain the quality of end user contributions, reactive moderation requires consistently active and visible moderation of the web or mobile service.

Reactive moderation should never be used on ITV Services which are aimed at, or likely to appeal to, or do in practice attract a high proportion of, child audiences.

It may be appropriate to increase the level of scrutiny and, if necessary, revert to post-moderation or even pre-moderation at short notice, e.g. during a war or national crisis.

As interactive technology evolves, it may be appropriate to consider using other forms of moderation, such as automated and peer-assistance moderation. Alternative methods of moderation should be discussed with the relevant Business Head, who will decide how the ITV Service in question will be moderated.