



## children's charities' coalition on internet safety

OFCOM's Consultation on Online Infringement of Copyright and the Digital Economy Act, 2010

It is now mainstream public policy thinking to move more and more public service provision online. In relation to the education of children the internet is becoming ever more tightly integrated into the ways in which the curriculum is delivered, into how homework is done and delivered. The Government continues to sponsor a scheme to deliver computer equipment and internet connectivity to those families with children of school age who do not currently have an internet connection at home.

We appreciate that this consultation is largely about the procedures which will be utilised to give effect to the main purposes of the Bill, but a number of child safety issues nonetheless do arise.

In tracking or identifying potential breaches of copyright law, and recognising it is likely that a number of legal minors may be involved in this activity, it will be important for OFCOM to ensure that appropriate measures are put in place to eliminate or reduce any risk that identifying data for children and young people could be released into insecure environments. This may be of heightened importance in circumstances where there is a suggestion of unlawful activity being associated with a legal minor's behaviour. This could make a child fearful of the possible consequences of their discovered behaviour both for them and their families thus leaving them more open to bullying or other forms of manipulation or abuse by third parties.

Equally where it is established that the person responsible for persistently unlawfully downloading copyright protected material is a legal minor, care needs to be taken to ensure that any financial or other penalties that might be imposed do not precipitate a domestic crisis within a family such as would put children or young people at risk of other forms of harm. Many heads of household will not be as well versed in the use of technology as their children and may find that their reasonable efforts to eliminate illegal filesharing within their home have been defeated by their children without their children necessarily having fully understood the consequences, or even necessarily having fully understood in the first place that they were doing anything wrong.

We understand that in any 1st or 2nd notices that might be sent to an account holder measures to stop illegal filesharing will be explained, but it will be important also to established not only that they have been explained, but also that they have been understood. What will happen, for example, in families where the account holder or the head of the household does not read or understand English? ISPs should be under a positive duty to communicate in appropriate and effective ways with all of their customers, especially in matters such as these.

Finally, we would like to take this opportunity to restate our view that we find it hard to imagine any circumstances where it would ever be justifiable to cut off a given household from the internet if, within it, there are young people still engaged in education. Throttling back the bandwidth may be more condign but completely cutting off an entire family and disrupting children's and young people's education because of the misbehaviour of one member is neither reasonable, just nor appropriate.

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30<sup>th</sup> July, 2010