

# INTERNET WATCH FOUNDATION

## CODE OF PRACTICE



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### 1. Code Of Practice for Full Members

- 1.1 One of the key reasons for the UK's success in reducing the level of potentially illegal content hosted in the UK has been our partnership with the wider UK Internet and mobile industry and their support for the IWF.
- 1.2 Full Members are defined as having the ability to take down online content. Full Members agree to abide by the Members' Code of Practice which describes how they will respond to IWF notices on potentially illegal content and the procedures when a Member fails to comply with a notice.
- 1.3 All Associate Members that do not host online content are expected to support the principles of the Code.

### 2. Introduction

- 2.1 The Internet Watch Foundation was established in 1996 and is now a registered charity. It is the only authorised non governmental organisation in the UK operating an internet 'hotline' for the public and IT professionals to report their exposure to potentially illegal content online, specifically:
  - child abuse images hosted anywhere in the world
  - criminally obscene content hosted in the UK
  - incitement to racial hatred content hosted in the UK
- 2.2 It works in partnership with Internet Service Providers, Telcos, Mobile Operators, Content Service Providers and with Software Providers and many others, Police and Government, to minimise the availability of such content online.

### 3. The IWF Role

- 3.1 **To foster trust and confidence in the Internet among current and future fixed and mobile internet users by:**
  - operating a hotline to enable the public to report instances of potentially illegal child abuse images hosted anywhere in the world and criminally obscene and incitement to racial hatred content hosted in the UK, for example via websites, newsgroups, mobile services or other on-line services;
  - promoting wider education and awareness of its functions and role and those of other key players such as government departments, law enforcement and consumer bodies.

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Internet Watch Foundation  
An incorporated Charity,  
limited by guarantee  
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Company Reg. 3426 366  
VAT Reg No. 688 638 61

3.2 **To assist service providers to combat the abuse of their systems for the dissemination of criminal content by:**

- operating a notice and take down service to alert hosting service providers of criminal content found on their servers;
- recommending that ISPs should not carry certain newsgroups in accordance with policy guidelines adopted by the IWF Board;
- acting as a relevant authority in accordance with the Memorandum of Understanding concerning S46 Sex Offences Act 2003.

3.3 **To assist law enforcement in the fight against criminal content on the Internet by:**

- combating the dissemination on the Internet of potentially illegal content, specifically child abuse images, criminally obscene and incitement to racial hatred content;
- passing details of reports relating to potential child abuse images hosted on servers outside the UK to the relevant national hotline or appropriate UK law enforcement agency;
- working closely with the police, lending its expertise to help trace the individuals responsible for such criminal activity online.

3.4 The types of content covered by this code are potentially illegal child abuse images hosted anywhere in the world and criminally obscene and incitement to racial hatred content hosted in the UK.

3.5 The IWF does not assess any other type of content.

3.6 Such content is brought to the attention of the IWF by external reports, from the public, police and CSPs via an internet hotline, or by active monitoring of areas of the Internet favoured by paedophiles. Both these functions are described below.

3.7 From time to time the IWF will draw to its Members attention items of interest or concern that are not covered by this code.

4. **The Hotline Service**

4.1 The IWF operates an Internet hotline to which members of the public and others can report content they are exposed to online (via websites, newsgroups, clubs, groups or communities) and suspect may be potentially illegal and within the IWF's remit.

- 4.2 The hotline staff, who are trained by the police, assess all reports made in this way and will judge whether the reported content is potentially illegal.
- 4.3 All content found to be potentially illegal is reported to the relevant Law Enforcement Agency (LEA).
- 4.4 If the content is found to be potentially illegal and available via a website, club, group or community hosted by a UK Communications Service Provider (CSP), the IWF will notify the designated contact within the relevant Full Member company and request that the content is taken down.
- 4.5 If the content is found to be potentially illegal and available via a newsgroup, all Full Members will receive a notification via the IWF newsgroup notification list requesting that the content is taken down.
- 4.6 Details of potentially illegal child abuse images that are hosted outside of the UK are passed on to the relevant LEA in the UK in order that they can notify the relevant law enforcement authority in the country concerned via Interpol. Where one exists in the country concerned, the IWF will also pass on details to the relevant international hotline.
- 4.7 If a URL, or part of a URL, is found to be potentially illegal, the IWF will notify designated contacts within Member companies and, if registered in the UK, the relevant UK domain registration authority.
- 4.8 Where reported content is not deemed to be potentially illegal, no further action will be taken.

## 5. **Newsgroup Policy**

- 5.1 In addition, the IWF recommends that Full Members do not provide access to particular newsgroups, based on whether the newsgroups regularly contain child abuse images or whether they have names that appear to advertise paedophile content or advocate paedophile activity.
- 5.2 The hotline staff regularly monitor content in newsgroups in accordance with policy guidelines. Analysis of statistics obtained from this monitoring informs the compilation of these lists, which are updated and notified to Members providing access to newsgroups on a monthly basis.
- 5.3 These lists are not accessible to members of the public.

## 6. **Who does the Code of Practice Govern?**

- 6.1 The Code governs the Full Members of the IWF. Such Members cannot choose to opt-out of the Code; it is compulsory for Members in this category to adhere to the Code when they join.

- 6.2 Full Members are defined as IWF subscribers that have the ability to take down on-line content.
- 6.3 The IWF has other categories of membership, but such Members are not bound by the obligations of the Code because they do not host Internet content or provide access to newsgroups, and therefore do not have the capabilities to remove such content from the Internet. However, they agree to uphold the principles of the Code and must not act in such a way as to bring the IWF into disrepute.

## 7. **Full Member Requirements**

- 7.1 All Full Members agree to provide the IWF with contact details for relevant staff, in particular operational staff who will receive notifications from the IWF. Each Full Member agrees to inform the IWF of any changes to this information as soon as possible.
- 7.2 Upon receipt of notifications from the IWF all Full Members agree to act within a reasonable time to take down the relevant content.
- 7.3 Full Members are obliged to inform the IWF if there are reasonable grounds for not reacting to a notice within a reasonable time, or if they believe an error has been made in the notice.
- 7.4 Law enforcement agencies and prosecuting authorities will make the final judgement should any dispute arise over the assessment of whether content is potentially illegal.
- 7.5 All Full Members agree to abide by the IWF newsgroup policy recommendations detailed above and ensure that they regularly check the updated newsgroup lists.
- 7.6 Full Members will make best efforts to ensure their news feeds are cleaned and updated with any changes on a periodic basis in accordance with IWF recommendations.

## 8. **Failure to Comply**

- 8.1 The IWF will check Full Members' compliance with take down notifications for all web based content and respond to third party complaints that notifications have not been acted upon with regard to Usenet content.
- 8.2 Any complaints with regard to failure to comply should be made to the IWF Secretariat via: [secretariat@iwf.org.uk](mailto:secretariat@iwf.org.uk)
- 8.3 If a Full Member fails to take down the relevant content within a reasonable time following an IWF notification and, following an investigation by the IWF executive, fails to provide reasonable grounds for doing so, the Full Member will receive a formal warning and a report may be filed with the relevant LEA.

8.4 The IWF reserves the right to suspend from membership any Member company that acts in such a way as to bring the IWF into disrepute.

8.5 The procedure for dealing with complaints, breaches of the Code and appeals can be found in the annexe below.

9. **Right to Appeal**

9.1 Upon receipt of a warning or notification of suspension of IWF membership, a Full Member can appeal to the IWF Board.

9.2 A sub-committee of the IWF Board will hear all such appeals associated with a warning, and will follow procedures laid out in the Board handbook.

9.3 Full IWF Board will hear all such appeals associated with suspension of membership, and will follow procedures laid out in the Board Handbook.

9.4 The procedure for dealing with appeals can be found in the annexe attached.

10. **Amendments to this code**

10.1 The Code may be amended by the IWF through a Board resolution following appropriate consultation.

## **Annexe to Code of Practice Compliance and Complaints procedure**

### **1. Compliance with the Code of Practice**

- 1.1 The IWF will check Full Members' compliance with take-down notifications for all web based content and respond to third party complaints that take-down notifications have not been acted upon.
- 1.2 Full Members are obliged to inform the IWF if there are reasonable grounds for not reacting to a notice within a reasonable time, or if they believe an error has been made in the notice.
- 1.3 Law enforcement agencies and prosecuting authorities will make the final judgement should any dispute arise over the assessment of whether content is potentially illegal.
- 1.4 Any complaints with regard to failure to comply with the Code of Practice will be received by the IWF Secretariat via [secretariat@iwf.org.uk](mailto:secretariat@iwf.org.uk)
- 1.5 The IWF Secretariat will investigate any complaints received in connection with the Code of Practice or any cases resulting from the Hotline checking, where a Full Member appears to have failed to remove content within a reasonable time. The Secretariat will notify the Member company of the complaint or the apparent failure to remove content within a reasonable time.
- 1.6 Following notification to the Member company, an investigation will be completed within 10 days. Law enforcement agencies and prosecuting authorities will make the final judgement should any dispute arise over the assessment of whether content is potentially illegal. Such judgements will be fully recorded and auditable. In such circumstances, only if the final judgement was in favour of the IWF would the Member therefore be in breach of the code. The Secretariat will report the outcome of any investigation to the Chief Executive who will review the findings and ensure the investigation has taken place in accordance with the procedures of the IWF.

### **2. Failure to comply with the Code of Practice**

- 2.1 Following an investigation by the IWF Secretariat, if a Full Member fails to provide grounds for not removing content within a reasonable time, then the Full Member will be deemed to have failed to comply with the requirements of the Code.
- 2.2 A Full Member that has failed to comply with the requirements of the Code will be reported to the IWF Executive Committee, receive a formal warning and a report may be filed with the relevant law enforcement authority.

### **3. Right of appeal in connection with a formal warning**

- 3.1 Upon receipt of a warning, a Full Member can appeal to the IWF Board. Notification of an appeal must be made within 28 days of the date of the formal warning.
- 3.2 A sub-committee of the IWF Board will hear all such appeals, and will follow procedures laid out in the Board handbook. The sub-committee will comprise of a minimum of three Board members and will not include members of the Executive Committee.
- 3.3 The sub-committee may invite the Member company to make representations to it in person in order to clarify any matter or the Member company may request the opportunity to make such representations to the sub-committee. The sub-committee may also invite the Secretariat to attend the appeal in order to clarify any matters.
- 3.4 The sub-committee will notify the Secretariat and Member company in writing of the sub-committee decision within 10 days.

### **4. Serious breach of the Code of Practice**

- 4.1 The IWF reserves the right to suspend from membership any Member company that acts in such a way as to bring the IWF into disrepute.
- 4.2 Bringing the IWF into disrepute will include the repeated failure to comply with take down notifications without any reasonable grounds for not doing so and include a formal warning, as described above, for a previous breach of code. Law enforcement agencies and prosecuting authorities will make the final judgement should any subsequent failure to comply with a take down notification be based upon a dispute over an assessment. Such judgements will be fully recorded and auditable. In such circumstances, only if the final judgement was in favour of the IWF would the Member therefore be in breach of the code.
- 4.3 The Executive Committee of the IWF Board will consider any serious breach of the Code presented to them by the Chief Executive and will follow procedures laid out in the Board handbook.
- 4.4 The Chief Executive will notify a Member in writing of suspension and the reasons which resulted in that decision within 10 days.

### **5. Right of appeal in connection with suspension of membership**

- 5.1 Upon receipt of notification of suspension, the Member company can appeal to the IWF Board. Notification of an appeal must be made within 28 days of the date of notification of suspension.
- 5.2 Full IWF Board will hear all such appeals, and will follow procedures laid out in the Board handbook.

- 5.3 Board may invite the suspended Member to make representations to it in person in order to clarify any matter or the suspended Member may request the opportunity to make such representations to the Board. The Board may also invite the Chief Executive to attend the appeal in order to clarify any matters.
- 5.4 Board will notify the Chief Executive and suspended Member in writing of their decision within 10 days.

6. **Suspension of IWF membership**

- 6.1 When a suspension of membership has been confirmed the suspended company's logo and name will be removed from IWF web site and the company contact addresses will be removed from IWF circulation lists. Suspension from membership will be shown on the news section of the IWF web site.
- 6.2 All reference to IWF membership and any use of the IWF name or logo by the suspended company will cease immediately.
- 6.3 At the time of suspension any outstanding pro rata portion of the suspended company's annual subscription will be retained by the IWF.
- 6.4 Following a period of suspension, reinstatement will only be considered when IWF have received assurances about improvements in company procedures with regard to the causes of suspension and reassurances have been received from the company with regard to their future behaviour.
- 6.5 Any decision with regard to reinstatement will be considered at a full IWF Board meeting following a period of suspension from membership of one year.