

**Memorandum of Understanding**  
**The British Board of Film Classification**  
**and**  
**The Internet Watch Foundation**

**Introduction**

1. This Memorandum of Understanding (MoU) establishes a framework for co-operation and information sharing between the British Board of Film Classification (the BBFC) and the Internet Watch Foundation (the IWF) in connection with the sharing of relevant information and intelligence, set out below insofar as this is permitted by relevant legislation. It sets out the role of each organisation and documents the practical working level arrangements between the BBFC and the IWF.
2. The BBFC and the IWF will monitor the operation of this memorandum and will review it, initially after one year from the date of this document, and subsequently from time to time as necessary.
3. Any changes to this memorandum identified between reviews may be agreed in writing between the parties.
4. The Parties hereby agree to endeavour to resolve any disputes by negotiation in good faith. Any issues arising in relation to this memorandum will be notified to the point of contact for each organisation (referred to in 24 below).
5. This memorandum is not intended to be, and is not, legally binding but the Parties are committed to working in accordance with its provisions.

**Functions of the British Board of Film Classification Relevant to this MoU**

6. The BBFC is an independent, not-for-profit company designated by the Secretary of State to be the age-verification Regulator under Part 3 of the Digital Economy Act 2017 (the Act) with responsibility for regulating the requirement in the Act that online pornographic

material made available to persons in the UK on a commercial basis should not normally be accessible by persons under the age of 18.

7. The BBFC is responsible pursuant to the Act for assessing and determining whether the arrangements for making pornographic material available online comply with the requirements of section 14(1) of the Act.
8. The BBFC is also responsible pursuant to the Act for assessing and determining whether a person is making extreme pornographic material available on the internet to persons in the United Kingdom.
9. The BBFC is responsible for identifying and notifying non-compliant providers of online commercial pornography of any contravention of the Act, and notifying ancillary service providers and payment service providers of the same. The BBFC may also direct internet service providers to block access to the material being made available in contravention of the Act by non-compliant providers of online commercial pornography.
10. Where the BBFC is satisfied that the requirements of section 14(1) of the Act have been breached, it may serve an enforcement notice on a non-compliant person requiring them to end the contravention of section 14(1). A person on whom an enforcement notice has been served may appeal to the Independent Appeals Panel.

#### **The role of the IWF**

11. The IWF is a not for profit self-regulatory industry body and registered Charity.
12. The IWF is an international hotline with a mission to eliminate online child sexual abuse. The remit of the IWF is to take actions on (a) child sexual abuse content hosted anywhere in the world and (b) non-photographic images of child sexual abuse hosted in the UK.
13. The IWF is independent of government and law enforcement but works closely with both. The IWF's status as a relevant authority for reporting, assessing and removing child sexual abuse material on the internet is recognised in a Memorandum of Understanding between the Crown Prosecution Service (CPS) and the Association of Chief Police Officers (ACPO) - now the National Police Chief's Council (NPCC) - linked to Section 46 of the Sexual Offences Act 2003.

14. In June 2009 the Ministry of Justice asked the IWF to extend its remit to enable the public to report online non-photographic visual depictions of the sexual abuse of children, covered by Sections 62 to 69 of the Coroners and Justice Act 2009.
15. The IWF receives reports from the public and also searches the internet for online child sexual abuse. As well as providing the Hotline service, the IWF provides a range of technical services to the internet industry which enables them to disrupt and remove access to online child sexual abuse imagery.

#### **Cooperation between the Internet Watch Foundation and the British Board of Film Classification**

16. As stated in chapter 2.5 of the Secretary of State Guidance to the Regulator:  
*The regulator should report child sexual abuse images, and non-photographic child sexual abuse images hosted in the UK, which it finds in the course of its investigations, to the Internet Watch Foundation. The regulator should seek to agree a Memorandum of Understanding with the IWF and, if possible, make this publicly available.*
17. The IWF will investigate and deal with any reports by the BBFC within 24 hours of receipt.
18. The IWF will report to the BBFC on action taken against images reported by the BBFC and the results of that action.
19. The IWF will inform the BBFC where it is known by the IWF that child sexual abuse images, which appear to be adult pornographic content, not obviously featuring a child, are circulating on online adult services.
20. Subject to any legal restrictions on the disclosure of information (whether imposed by statute or otherwise) and at their discretion, both parties will:
  - a) Communicate regularly to discuss matters of mutual interest as and when required, but at least every six months.
  - b) Consult one another on any issues which might have significant implications for the other organisation.

## Sharing information

21. Subject to any legal restrictions on the disclosure of information (whether imposed by statute or otherwise) and at its discretion, the BBFC agrees that it will alert the IWF to any potential breaches, or information relevant to the IWF's functions set out above, discovered whilst undertaking its duties, provide relevant supporting information and keep the IWF updated on the progress of these cases.
22. Subject to any legal restrictions on the disclosure of information (whether imposed by statute or otherwise) and at its discretion, the IWF agrees that it will alert the BBFC to any potential breaches, or information relevant to the BBFC's functions set out above, discovered whilst undertaking its duties, provide relevant supporting information and keep the BBFC updated on the progress of these cases.
23. Unless required by law to do so, the BBFC and the IWF agree that there will be no further dissemination of information disclosed by one party to the other pursuant to this MOU without the express consent in writing of the party that disclosed the information.

## Points of contact

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**Chief Executive**



David Austin

Date: 27/6/18

**Chief Executive**



Susie Hargreaves

Date: 27/6/18