

Your response

Opening Statement

Booking.com operates an online reservation system that includes a wide range of accommodations and other travel-related products and services, such as flights, attractions, rental cars and other transportation services.

Our service allows partners (who have travel-related services they want to advertise) to post listings which are made available to travellers (who may want to book those services). We only allow partners who offer accommodation or other travel services on our platform and travellers to upload a limited range of content, and such content is confined to specific areas of the service (like guest reviews for accommodation properties). We also have a partner to traveller messaging utility which allows, for example, a hotel to send messages to a traveller ahead of or during their stay. We recognise that we have responsibilities in respect of these user-to-user interactions on our service.

However, we think the level of risk posed to users of our service is limited because the interactions between them are solely for the purpose of arranging travel-related bookings. By their very nature, the services offered by Booking.com do not pose significant risks to the safety of users, nor is the user-generated content that is prevalent on Booking.com (for instance listings and reviews of listings) or the functionalities of the platform inherently likely to be harmful.

Nevertheless, Booking.com is vigilant in guarding against our platform being used to cause harm and we have not waited for legislation to put in place robust tools and processes to protect people using our service. We have a range of content moderation policies and enforcement options in place, which address potential harm arising on and arising from use of the platform. We also have our Content Standards and Guidelines in place which set out our expectations of acceptable content and provide that the information displayed on Booking.com needs to be confined to appropriate travel-related topics.

A key feature of the Booking.com platform is that users are only permitted to upload content in specific circumstances and provided that certain conditions are met:

- **Travellers** are only able to submit reviews and photos of their travel experiences. Travellers can only review products that were booked through our platform if they are genuine customers, which means that they actually commenced their travel experience. We have a dedicated team that verifies guest reviews in accordance with our content moderation policies to make sure that they are legitimate and appropriate.
- We also moderate content generated by our **partners**, including replies to reviews, photos, product names and community entries.

These measures help to ensure any content uploaded to Booking.com is relevant to the service and reduces the risk of exposure to potentially harmful content.

We think it is important that the online safety regulatory framework overseen by Ofcom is proportionate and risk-based such that it recognises the very different level of risk posed by different types of services, including by taking into account the primary purpose of a service. We support the Bill's approach of ensuring that Category 1 and Category 2B designations are made, not just on the basis of user numbers, but also functionalities and other relevant factors and characteristics relating

to user-to-user services. We think this is important as certain services may give rise to a significant risk of harm due to the nature of the content uploaded to those services and the ways in which the services allow content to be shared.

In relation to transaction-focused platforms, particularly those focused on a single sector (in our case, travel), there is a fundamentally different level of risk to that which arises in relation to content-focused platforms, which prioritise and highlight content based on user engagement. The risk of harm to users, particularly child users, varies accordingly and will typically be much greater on user-to-user services such as content-focused platforms, file hosting sites, public discussion forums and messaging services. We think the regulatory response must reflect this, including in respect of the categorisation thresholds.

Question	Your response
Question 1: How do you measure the number of users on your service?	[Whole answer redacted: confidential]
Question 2: If your service comprises a part on which user-generated content is present and a part on which such content is not present, are you able to distinguish between users of these different parts of the service? If so, how do you make that distinction (including over a given period of time)?	[Whole answer redacted: confidential]
Question 3: Do you measure different segments of users on your service? • Do you segment user measurement by different parts of your service? For example, by website vs app, by product, business unit. • Do you segment user measurement into different types of users? For example: creators, accounts holders, active users. • How much flexibility does your user measurement	[Whole answer redacted: confidential]

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system have to define new or custom segments?	
Question 4: Do you publish any information about the number of users on your service?	[Whole answer redacted: confidential]
Question 5: Do you contribute any user number data to external sources/databases, or help industry measurements systems by tagging or sharing user measurement data? If not, what prevents you from doing so?	[Whole answer redacted: confidential]
Question 6: Do you have evidence of functionalities that may affect how easily, quickly and widely content is disseminated on U2U services? • Are there particular functionalities that enable content to be disseminated easily on U2U services? • Are there particular functionalities that enable content to be disseminated quickly on U2U services? • Are there particular functionalities that enable content to be disseminated widely on U2U services? • Are there particular functionalities that prevent content from being easily, quickly and widely disseminated on U2U services?	[Whole answer redacted: confidential]

Question	Your response
Question 7: Do you have evidence relating to the relationship between user numbers, functionalities and how easily, quickly and widely content is disseminated on U2U services?	Certain features will facilitate content being shared easily, quickly and widely. For example, if a service makes available functionality that allows a user to share a piece of content with others off-platform (e.g. via other apps or email), that feature would facilitate the content (including potentially harmful content) being shared easily, quickly and widely. However, as explained above, it is the nature of the content, not necessarily a service's functionalities, which will result in content being shared easily, quickly and widely. For example, someone is very unlikely to share a listing on Booking.com with numerous people (they are only likely to do so with their fellow travellers). By contrast, on social media or messaging platforms, users may forward on and share content with several other people. On those services, the content is also much more at risk of being harmful than content on Booking.com, where all content is necessarily travel-related. In addition, we have put in place restrictions around who can submit reviews, and we have content moderation systems in place to ensure that in the instances it may occur, misleading content is removed from Booking.com.
Question 8: Do you have evidence of other objective and measurable factors or characteristics that may be relevant to category 1 threshold conditions?	There are numerous obligations applicable to Category 1 services which are not appropriate or necessary in relation to a travel-focused platform such as Booking.com because our service does not have the characteristics which those obligations target. For example, Category 1 services will be subject to obligations in respect of "content of democratic importance", "news publisher content", and "journalistic content". Such content is not available on Booking.com. Category 1 services will also have obligations in relation to fraudulent advertising but there is no advertising content on our service as defined by the OSB¹. Further, Category 1 services will have a duty to give adult users more control over certain types of content (such as suicide and self-injury content and abusive content which

¹ Although we have paid-for "sponsored listings" on the service, these are regulated user-generated content and so could not constitute a "fraudulent advertisement" under the OSB.

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	targets particular characteristics). Such content is highly unlikely to appear on our service. Finally, we consider it would be disproportionate to the risk and nature of Booking.com (as a platform on which the types of harms addressed by the Category 1 duties largely do not manifest) to invest significant cost and resourcing into the compliance infrastructure and reporting envisaged by the Category 1 duties.
Question 9: Do you have evidence of factors that may affect how content that is illegal or harmful to children is disseminated on U2U services? • Are there particular functionalities that play a key role in enabling content that is illegal or harmful to children to be disseminated on U2U services? • Do you have evidence relating to the relationship between user numbers, functionalities and how content that is illegal or harmful to children is disseminated on U2U services?	[Whole answer redacted: confidential]
Question 10: Do you have evidence of other objective and measurable characteristics that may be relevant to category 2B threshold conditions?	Category 2B services will be subject to a requirement to publish annual transparency reports based on Ofcom's transparency notices. We take transparency extremely seriously and will publish a transparency report every six months in line with the transparency obligations under the Digital Services Act. While we recognise that the OSB transparency reports will be of a different scope and format to those required under the Digital Services Act, given the relatively low risk posed by content on our service (as explained above), we think our DSA transparency report will largely satisfy the purpose of the OSB's transparency requirements. We recognise the importance of the riskiest services publishing transparency reports of the kind envisaged by

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	the OSB, to allow, for example, researchers and regulators to understand how illegal and harmful content may be disseminated and amplified on those services and how the design, features and functionalities of services can exacerbate the problem. However, for all the reasons described above, our service does not create the risks to the public that require this detailed understanding. Therefore, it would be disproportionate for lower-risk services which have the characteristics of Booking.com to be required to publish transparency reports of the kind envisaged by the Bill.
Question 11: Do you have evidence of matters that affect the prevalence of content that (once the Bill takes effect) will count as search content that is illegal or harmful to children on particular search services or types of search service? For example, prevalence could refer to the proportion of content surfaced against each search term 16 that is illegal or harmful to children, but we welcome suggestions on additional definitions. Do you have evidence relating to the measurement of the prevalence of content that is illegal or harmful to children on search services?	N/A
Question 12: Do you have evidence relating to the number of users on search services and the level of risk of harm to individuals from search content that is illegal or harmful to children? Do you have evidence regarding the relationship between user numbers on search services and the prevalence of search content	N/A

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that is illegal or harmful to children?	
Question 13: Do you have evidence of other objective and measurable characteristics that may be relevant to category 2A threshold conditions?	N/A

Please complete this form in full and return to os-cfe@ofcom.org.uk.