



**ATVOD: GUIDANCE NOTES**  
**Revised 21 July 2008**

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ATVOD: **Scope**

**Guidance Note No 1**  
*Adopted: 16 July 2007*

The remit of ATVOD includes all On Demand audiovisual content that is delivered through any fixed line or wireless delivery mechanism. This can be content that is:

- (i) streamed or downloaded to a device, Set Top Box or personal computer,
- (ii) pushed to a device or Set Top Box through either broadcast or IP,
- (iii) delivered by any other means so that a programme or other prepared content can be viewed at any time of the viewer's choosing.

Such content may be paid for or offered free. It can be provided by public service enterprises or supported by commercial organisations. It competes with television broadcasts and with "TV like services". These are all services that would lead a user reasonably to expect regulatory protection<sup>1</sup>.

The remit does not include private websites, user generated content for the purposes of sharing and exchange within communities of a similar interest, any services whose principal purpose is not the provision of programmes and whose content is incidental to the service and is not its principal purpose<sup>2</sup> and electronic versions of newspapers and magazines<sup>3</sup>.

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<sup>1</sup> Audio Visual Media Services Directive Clause 13a

<sup>2</sup> Audio Visual Media Services Directive Clause 13

<sup>3</sup> Audio Visual Media Services Directive Clause 15



**ATVOD: Retention of On Demand Audiovisual Content**  
**Guidance Note No 2**  
*Revised: 15 October 2007*

1. ATVOD Members recognise that complaints might arise from one of the following types of content:
  - (a) promotional material (including that appearing on a barker channel);
  - (b) a programme;
  - (c) advertising within a Member's service;
  - (d) navigation, including:
    - (i) navigational approach;
    - (ii) a menu (including a content information screen and certification);
    - (iii) metadata or other such material;
    - (iv) linear barker channels;
  - (e) printed material concerning a Member's service.
  
2. So that complaints may be investigated, Members agree to ensure availability of the content for 90 days:
  - (a) from the date such content is last available on the Member's service, content comprising promotional material and/or programmes and/or advertising;
  - (b) from their date of dispatch, printed material concerning the Member's service;
  - (c) from the date of delivery of content, usage data reasonably sufficient to confirm the content requested by a user; and
  - (d) from the end date of each user billing period (e.g. a month) relevant billing data.
  
3. Where content is the subject of an on-going and unresolved complaint as determined by ATVOD, the content must be retained until the complaint is resolved or discontinued.
  
4. Where a navigational item is the subject of an on-going and unresolved complaint as determined by ATVOD, change-logs identifying the changes made to navigation, metadata, transmission logs for linear barker channels and menu items must be available for 90 days from the Member's action or until the complaint is resolved or discontinued.
  
5. Where a complaint arises from the quality of either the audio or video/picture elements of a piece of content, and although it is at the discretion of the Member as to whether they credit or compensate the customer in the first and or second instance, should the problem continue for more than 7 days without resolution or compensation, logs and notes must be kept as to the actions taken by the Member to try to rectify the situation until the complaint is resolved or discontinued.



**ATVOD – Access to Content**  
**Guidance Note No 3**  
*Revised: 15 October 2007*

ATVOD Members believe that it is important to:

- take all reasonable measures to protect children and young people from unsuitable content.
- ensure that all users are protected from advertising and other commercial communications which are not legal, decent, honest and truthful.
- ensure that adequate information about the nature of content is available before it is viewed.
- make sure that service providers keep their promises to users.

To fulfill these obligations Members are required to have in place adequate content access control systems (*CAC Systems*). Members of ATVOD recognize that the provision of reliable, secure and easily understood forms of Content Access Control is an important feature of service provision which differentiates on-demand services from other forms of audiovisual content services. The diligent management of CAC system provision is recognized by Members as being critical, especially when related to the use of services by children and young people.

ATVOD does not wish to be prescriptive in defining the means used in providing a CAC system. Instead ATVOD expects its Members to implement CAC systems:

- (i) which ensure access control can be applied as required for:
  - different types of content and their suitability for different users; and
  - any action that implies a commercial commitment.
- (ii) which can be applied to individual or packaged content and to whole services or service sub-sections.

The use of PIN numbers is accepted by ATVOD Members as being a suitable means of controlling content access. Other methods, such as user self-declaration, credit card ownership, or proof of account ownership, can be used and, in combination with other technical tools, they can enhance the protection of children and young people that use these services.

It is a key principle in ATVOD's Code of Practice that services and content provided by Members must be clearly labelled. Such labelling allows users to make an informed choice and to take any measures they might see as necessary to avoid access to content they might regard as inappropriate or otherwise offensive either to themselves or to others in their household. It also informs them about the nature and origin of commercial content.

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ATVOD Members will decide the most appropriate way to label or signpost their content but the system used should be readily understood by users and consistent in its application across the

Member's service. From time to time ATVOD will audit the provision and use Members make of labelling systems.

Members agree that there will be a direct and consistent link between the CAC system and the content information provided.

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**ATVOD – Promotional Material**  
**Guidance Note No 4**  
*Revised: 15 October 2007*

ATVOD Members will undertake all reasonable efforts to ensure that the content of promotional channels, promotional trailers and services take account of the audience, particularly the likelihood of the presence of children.

Members will take account of the following:

- (a) The context in which the promotional material is being provided;
- (b) The requirement to provide accurate information;
- (c) The form of navigation and promotion used to locate promotion channels, services or trailers; and
- (d) Any advice or warnings provided prior to using promotional channels, trailers or services.



**ATVOD – Protection of human dignity and against harm and offence**  
**Guidance Note No 5**  
*Revised: 21 July 2008*

ATVOD Members' services will comply with the law. However, in the absence of express provisions to the contrary, the ATVOD Board will not deal with complaints concerning the legality of content. In such cases, the complainant will be advised to contact the relevant law enforcement agency.

Members will undertake all reasonable efforts to ensure that:

- a) The access of Children and Young People to content generally considered as unsuitable for them can be restricted; or that
- b) Services do not include content which is generally considered as unsuitable for Children and Young People.

This obligation applies to *all* on-demand content which is provided as part of a service (i.e., to text and audiovisual material, and to still and moving images).

Where Members have editorial control, Members will assess the likely impact of an item of content where offence against human dignity may occur (such as a racial or religious reference used in such a way as to cause serious offence to viewers) and will undertake all reasonable efforts to ensure that such use is justified.

Where Members have editorial control, and before allowing access to a service that may include content which is unsuitable for children and young people or has the potential to offend against human dignity, Members will consider the context in which the particular material is included such as:

- the Content Access Control System(s) used by the Member to control access to particular types of content;
- the extent to which the nature of the content can be brought to the attention of the user, for example by giving information; and
- the effect of the material on viewers or listeners who may come across it unawares.

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Where Members or the ATVOD Board need to decide on the suitability of content for children and young people, the criteria applied should be consistent with standards for other audiovisual media services such as

- (i) those complied under the Ofcom Broadcasting Code,
- (ii) those complied by the British Broadcasting Corporation (BBC),
- (iii) films and associated material classified for distribution in the UK by the British Board of Film Classification (BBFC),
- (iv) content supplied by producers of content under foreign regulatory processes as specified in the ATVOD List of Approved Regulatory Authorities.

Examples of content that may give rise to questions about their suitability **for children and young people** include:

- The use of images or representations or language that is not justifiable within context (such as in certain depictions of violence).
- Behaviour that is easily imitable by children in a manner that is harmful or dangerous.
- The use of illegal drugs, the abuse of drugs, smoking, solvent abuse and the misuse of alcohol.
- Frequent and repetitive use of strong offensive language.
- Representations of sexual activity that are not justified in context.

Examples of content that may give rise to questions about their potential **to cause harm or offence to users** include:

- Portrayal of factual matters which may materially mislead the audience.
- Simulated news (for example in drama or in documentaries) that may mislead the audience into believing that they are listening to, or watching, actual news.
- Material which is not justified in context and would be considered offensive according to generally accepted standards. Such material may include violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation).
- Material which is not justified in context and would be considered to condone or glamorise violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour.
- Methods of suicide and self-harm.
- Use of techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds without their being aware, or fully aware, of what has occurred.
- Flashing lights and/or patterns which represent a risk to viewers who have photosensitive epilepsy.

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### **Third Party Content**

In the case where ATVOD Members do not have editorial control, Members will implement mechanisms and procedures which offer a reasonable level of protection consistent with the nature of the content in question, and the nature of the Member's relationship with the content supplier.



**ATVOD – Third Party Content/Channels on Members’ Services**  
**Guidance Note No 6**  
*Revised: 21 July 2008*

**Statement of Principle**

Users of on-demand services have far greater freedom to exercise individual choice and control over the content they view than viewers of scheduled television broadcasts. Access to on-demand content is therefore largely a matter of individual responsibility, and this is generally accepted by users. As such ATVOD members believe it is important to ensure that users of their services are informed in advance about the nature of the content being offered, and they will take all reasonable measures to ensure that children and young people are protected from unsuitable content.

**Third Party Content/Channels**

Where Members provide content on their services that has been complied by the following third-party producers or distributors (whether within clearly identified channel brands, or as series or even individual programmes), they are entitled in the first instance to rely on those compliance processes, and any written or encoded description about the nature of that content (“metadata”).

- (a) Content supplied or produced by one ATVOD Member to or for another ATVOD Member.
- (b) Content supplied by producers/distributors of content which has been broadcast in the UK and complied under the Ofcom Broadcasting Code, by the British Broadcasting Corporation (BBC) or films and associated material which have been classified for distribution in the UK by the British Board of Film Classification (BBFC).
- (c) Content supplied by producers of content under foreign regulatory processes as specified in any ATVOD List of Approved Regulatory or Classificatory Authorities.

This entitlement does not remove or replace a Member’s responsibility for the provision of content access control systems, such as PIN verification mechanisms.

**Complaints Procedures**

Where a Member has provided such pre-complied material on its service, ATVOD will consider such reliance reasonable in those circumstances and any complaints received in respect of such material will be dealt with in accordance with ATVOD’s Customer Complaints procedures.

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If a Customer or third party (*a Complainant*) wants to make a complaint concerning a service provided by a Member, or asserts that a third party provider of content on the service carried

on their platform has acted in breach of the Code, they should make that complaint within 20 working days of it coming to their attention. Upon receipt of the complaint, the following procedure will apply:

Where the complaint is notified to ATVOD, the Secretariat will direct the complainant to contact the relevant Member direct if he/she has not already done so, with information about

- a. the nature of the complaint;
  - b. how and when the complaint arose.
2. In the case of pre-complied channels/content, and where the complaint is made to the Member or where the complaint is forwarded to the Member by ATVOD, the Member is responsible for responding to the complainant.

The Member will write to the complainant within five working days to acknowledge receipt and to explain the way in which they will be dealing with the complaint. The Member will provide the complainant with a copy of the ATVOD Complaints Procedure.

The Member should deal with the complaint directly and should ask the provider of the content for an explanation or response to the complainant, copying in the Member on any correspondence.

The Member will provide ATVOD with copies of all correspondence with all parties and any other documents relating to the complaint.

3. Where a Complainant informs ATVOD that his/her complaint has not been resolved to his/her satisfaction by the Member or the Member wishes the complaint to be considered by ATVOD, and provided that not more than 3 calendar months have passed since the cause of the complaint arose, the Secretariat will inform the Complainant of the ATVOD Appeals Procedure.
4. Each Member will provide ATVOD with a single point of Contact, authorised to deal with complaints under the Code.

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