

Content Regulation Playbook Development

Digital safety is a fast-growing regulatory area. Numerous US states and markets around the world have recently adopted laws targeting content moderation, teen safety online, and product design. Future-focused companies are developing customized playbooks that outline procedures and policies for regulatory compliance related to illegal and harmful content, product safety, transparency reporting, and risk assessment.

In-house teams, particularly those in social media, gaming, AdTech, generative AI, dating, and e-commerce, should regularly review and update guidelines based on regulatory developments to ensure that Trust & Safety policies, processes, and tools remain responsive to emerging requirements.

The following is an outline of ten key components companies should consider including in their content regulation playbook.

- 1. Policy Insights.** Concise overviews of high-impact content moderation laws and relevant codes of practice. This resource should include laws relevant to a variety of subjects and tailored to specific industries. Example laws can include the EU's Digital Services Act (DSA), Australia's Online Safety Act (and Industry Codes), India's Intermediary Guidelines, the UK and California Age-Appropriate Design Codes, Singapore's Online Safety Act, the UK's Online Safety Act, and California's AB 587, among others.
- 2. Content Moderation Guidelines.** Step-by-step instructions on how to comply with the moderation requirements of specific content laws, including government takedown, human-review, and proportionality obligations.
- 3. Global Content Mapping.** An overview of the global legal requirements by category of content, customized to focus on the requirements most relevant to their industry. The overview could include content categories such as child sexual abuse and exploitation material (CSAM), violence, hate speech, misinformation, suicide/self-harm, counterfeiting/brand protection, trademark/copyright, drug transactions, and adult content.
- 4. Child Safety Requirements.** Guidance on the specific preservation, reporting, and disclosure requirements associated with child safety and CSAM laws.
- 5. Training Materials.** Guidance on standardized processes and procedures for employees to follow to ensure compliance with global content laws.
 - **Employee Training Materials.** Offer presentations and guides that provide an overview of global, regional, and/or industry-specific regulatory requirements for operations specialists and moderators.
 - **C-Suite One Sheets.** Develop one sheets that highlight the critical aspects of content moderation laws for senior executives.
- 6. Transparency Reporting Guidelines + Model Transparency Report.**
 - **Transparency Reporting.** Guidance for building a compliant transparency report (and/or reporting tools) that features (1) the requirements specific to each transparency law and (2) an analysis that identifies key overlaps and distinctions between laws.
 - **Model Transparency Reports.** Develop a report that highlights a model approach to meeting the obligations of one or more transparency laws worldwide.
- 7. Model Risk Assessments.** Standardized methodology for conducting content and safety risk assessments (or how to build compliant risk-assessment tools) under various global content laws, including the EU DSA, the Australian Online Safety Act, the UK Online Safety Act, and the UK and California Age-Appropriate Design Codes. Model risk assessments are customized to fit the risk profile and operational capacity of different industries and services.

8. User Notice Templates. User notice templates that comply with the EU's DSA and other global laws.

9. Regulatory Readiness Template. A template for reviewing new online safety and content laws that enables cross-functional and streamlined review.

10. Generative AI and Algorithmic Moderation. Guidance on content and safety requirements specific to generative AI arising from existing and proposed regulatory frameworks.

HOW WE CAN HELP

Perkins Coie's Digital Safety & Human Rights lawyers have extensive experience advising on the safety and privacy dimensions of policy and product development. We have deep technical, policy, and in-house experience counseling on risk assessments, safety by design, and responsible innovation. We help providers create, implement, and maintain comprehensive content moderation programs, including strategies for addressing CSAM, terrorism, violence, misinformation, hate speech, spam, harassment, and other forms of abuse. We also counsel online service providers on all aspects of their child safety, privacy, and anti-child exploitation programs.

Our team has significant experience representing clients facing law enforcement requests, regulatory investigations, and litigation in challenging markets. We counsel clients on their obligations, requests for information, and investigations under online safety laws around the world, including the EU's DSA and Terrorist Content Regulation, Australia's Online Safety Act, the UK's Online Safety Act, Singapore's Online Safety Code, California's AB 587, and various age-appropriate design and youth safety laws in the US and around the world.

We advise clients on human rights in relation to a broad spectrum of transactional, risk management, due diligence, litigation, and compliance matters that affect environmental, social, and governance (ESG) factors. We also understand the United Nations Guiding Principles on Business and Human Rights (UNGPs) and their application in diverse sectors, including technology, communications, healthcare, digital media, entertainment, and gaming.

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