

MindGeek

BY EMAIL (ETHI@PARL.GC.CA)

February 1, 2021

The Honourable Members
STANDING COMMITTEE ON ACCESS TO INFORMATION, PRIVACY AND ETHICS
COMITÉ PERMANENT DE L'ACCÈS À L'INFORMATION, DE LA PROTECTION DES
RENSEIGNEMENTS PERSONNELS ET DE L'ÉTHIQUE
131 Queen Street, Room 6-37
Ottawa, Ontario K1A 0A6

Re: ETHI – Invitation to Appear | February 5, 2021

Dear Honourable Members,

Thank you for inviting us to speak to you about MindGeek's commitment to trust and safety. We share this Honourable Committee's concern about the proliferation of unlawful content online, and about those whose private images have been shared without their consent. In this brief submission, we hope to assure you that as the operator of one of the world's largest adults-only social media platforms, we are committed to the trust and safety of the public, our users, partners, and our over 1,800 employees and their families.

MindGeek has built a successful technology company with the help of our highly skilled employees and one of the most engaged, inclusive online adult audiences. Our platforms allow consenting adults to explore content that adheres to our core values: consent, freedom of sexual expression, authenticity, originality, and diversity. Child sexual abuse material and non-consensual content have no place on our platforms and are antithetical to our values and business model.

As we will explain further, MindGeek is constantly enhancing its existing measures to combat illegal content on the internet. The significant measures we have taken over the course of the last year, including our strengthened compliance program, have set the bar for trust and safety in the adult social media industry.

About MindGeek

MindGeek's Canadian subsidiary is a proud and leading member of Montreal's tech and creative communities. MindGeek employs over 1,000 people in Canada and over 1,800 people worldwide.

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In Montreal, Entreprise MindGeek Canada brings together talent from various backgrounds to help create one of Canada's most dynamic and successful technology companies. Our team includes designers, engineers, analysts, developers, editors, marketers, and legal and compliance professionals. We share a drive for excellence working alongside the brightest in our fields.

Business Lines

MindGeek's businesses are similar in their technology to mainstream social media platforms. Our primary businesses are free and subscription-only video streaming sites on which we sell advertising and collect membership fees. We also run TrafficJunky, a service that manages advertising on some of the world's largest websites.

Our flagship video sharing platform is Pornhub. Created in 2007, Pornhub is a leading free, ad-supported, adult content hosting and streaming website, offering visitors the ability to view content uploaded by verified users, models, and third-party adult entertainment companies. Pornhub Premium, our subscription service, provides subscribers with additional exclusive studio-produced content in an ad-free environment.

Demand for online adult entertainment is as old as the internet. Demand for MindGeek's content rivals that of some of the largest social media platforms. For example, in 2020, Pornhub averaged over 4 million unique user sessions per day in Canada alone, equivalent to over 10% of the adult Canadian population.

MindGeek's Commitment to Safety

Running one of the world's most popular websites is a responsibility that we do not take lightly. We allow verified users to put content on our platforms that adheres to our terms of service, our community guidelines, and our core values: consent, freedom of sexual expression, authenticity, originality, and diversity. Following these guidelines, as well as respecting and reflecting our values, helps to ensure Pornhub remains a safe, secure, and positive space for sexual expression.

As we will explain in more detail below, MindGeek has a zero-tolerance policy for non-consensual and child sexual abuse material (CSAM). It is contrary to our values, to the expectations of our employees and partners, and to our business. We can only continue to be one of the world's largest adult entertainment companies if we have the trust and respect of our stakeholders and the public. It is for this reason that specially trained MindGeek employees visually inspect *each and every* piece of content before it is made available on any of our sites. We layer employee

moderation with community and third-party flagging moderation as well as specialized artificial intelligence designed to detect content that violates our standards. We are constantly improving our trust and safety protocols to ensure that our terms of service are strictly enforced.

MindGeek is more aggressive in its moderation than many other popular platforms – both within and outside of the adult space. A 2020 report by the Canadian Centre for Child Protection confirmed that Pornhub’s reporting functions for CSAM were better than many of its tech peers.¹

No moderation process is infallible, however, and we are always seeking to improve our technology and practices. In April 2020, we retained Kaplan Hecker & Fink LLP to conduct an independent review of our moderation practices and other procedures so we can further prevent unlawful content from being uploaded to MindGeek’s platforms and achieve a “best-in-class” content compliance program.

MindGeek’s Content Controls

User-generated content

In December 2020, MindGeek disabled free and member access to all user-generated content from *unverified* user accounts. Today, only professional studios and verified users whose personal identity and date of birth have been confirmed may upload content. We are the first and only major social media platform—adult or mainstream—to introduce this policy. Personal user verification is a fundamental shift in the way any social platform operates on the internet. We hope and expect that the entire social media industry will follow our lead.

Our user verification standards are already advanced and will soon be even stricter. Currently, to become a verified user, a person must provide government-issued identification and a unique photograph of themselves (*i.e.* one that cannot otherwise be found on the internet). A trained human moderator reviews both the identification and the photo to ensure that they match and are valid. Through our recent partnership with Yoti, an age and identity verification service, we will supplement our verification process. Yoti’s tools will enhance our ability to detect attempts by people to provide false identification—whether fake or belonging to another person—during the moderation process.

¹ Canadian Centre for Child Protection, *Reviewing Child Sexual Abuse Material Reporting Functions on Popular Platforms*, September 23, 2020, https://protectchildren.ca/pdfs/C3P_ReviewingCSAMMaterialReporting_en.pdf.

Banned terms

MindGeek also limits how visitors can interact on our website. While we value freedom of sexual expression, we maintain a list of thousands of banned terms to prevent any visitor from searching for content that could violate our terms of service. Banned terms cannot be used on our platforms for functions such as comments, titles, searches, or auto-complete searches. This list continues to grow with over a thousand words added in the last year alone.

Employee moderation

In addition to verifying each uploader, and limiting how visitors can interact on our website, MindGeek employees review every single photograph and video before it is authorized for public or member access on our platforms. We have trained our moderators to recognize content that violates our terms of service or that may be illegal, including for signs of consent and underage content. All offending content caught by our first level review team is referred to our second level review team for confirmation. In addition, our second level review team is trained to engage our CSAM and non-consent reporting protocols, as described further below.

Technological moderation

Our human moderators are supported by a growing suite of technical tools, which fall into two broad categories: those that detect previously identified CSAM and non-consensual content using a fingerprint technology and those that use artificial intelligence to detect unreported CSAM content.

MindGeek's fingerprinting tools rely on a unique digital fingerprint to match a video or photograph to those already identified in a database of banned content. These tools include YouTube's CASI Match, Microsoft's Photo DNA, Vobile's MediaWise, and MindGeek's own SafeGuard. All items caught by these tools as CSAM or non-consensual are immediately blocked from the website and handled by our second level review team.

MindGeek's artificial intelligence tools use machine learning to detect content that may contain a person under 18 years of age. Unlike fingerprinting tools, which rely on an existing database of known CSAM, our predictive tools can detect and flag previously unreported CSAM. We employ two separate AI tools to assess incoming content: Google's Content Safety API, and a machine learning tool developed by a third party (and trained in part using MindGeek's copyrighted content).

Community moderation

We are pleased with how effective our in-bound employee- and technology-based moderation process is at identifying CSAM and reported non-consensual content before it ever becomes available on our platforms. Despite our best efforts, content violating our terms of service, including CSAM or non-consensual content, may make its way onto our platforms. For this reason, we empower our community members, third parties, law enforcement, and the public with tools to permit the flagging and/or removal of violating content.

Registered community members can flag any content on our platforms and specify the reason for flagging it. Where a community member flags content as CSAM, the content is immediately sent to a trained MindGeek employee to be reviewed on a priority basis. If the content is CSAM, it is disabled, typically within hours of the content being flagged.

Registered community members and non-registered visitors (*i.e.* any member of the public) can contact our support team or fill out our take down forms to request that content be removed. A content removal form which identifies CSAM or non-consensual content will result in the automatic disabling of the content. In addition, any requests from law enforcement are specially handled by our legal team.

In 2020, we also launched our Trusted Flagger Program. This initiative empowers our non-profit partners to alert us to content they believe may violate our terms of service. The Trusted Flagger Program consists of more than 40 leading non-profit internet and child-safety organizations. Our partners have a direct line of access to MindGeek's moderation team, and any content identified by a Trusted Flagger is immediately disabled.

MindGeek's CSAM Procedure

All content confirmed by MindGeek as being probable CSAM engages our CSAM procedures.

Any user account uploading CSAM is immediately disabled and banned. The offending user's previous interactions with our platforms are also reviewed, including any other content uploaded by the user.

All CSAM identified in this process is fingerprinted using MindGeek's fingerprinting tools, and the digital fingerprint—not the content itself—is transmitted to Microsoft, YouTube, and Vobile to be added to their databases. This

process prevents the same content from being uploaded to our platforms and any third-party platforms that use these technologies.

MindGeek reports every instance of CSAM on Pornhub to the National Center for Missing and Exploited Children (NCMEC). Started in 1964, NCMEC operates as a clearinghouse and comprehensive reporting center for all issues related to the prevention of and recovery from child victimization. NCMEC refers reported CSAM to the appropriate law enforcement agency around the world. In Canada, the RCMP's National Child Exploitation Coordination Centre receives referrals from NCMEC.

MindGeek preserves data related to all identified and reported CSAM incidents to permit law enforcement investigation. This includes the content itself, the user's details, and, where available, the IP addresses associated with the user's access to our platforms. We store all preserved data in a secure, limited-access location. If law enforcement does not request the information within 90 days, or otherwise require us to keep that information for longer, it will be deleted.

MindGeek's Non-Consensual Material Procedure

Material identified as non-consensual (meaning that the images depict non-consensual activities or the content was uploaded without consent of the participants) is subject to our non-consent procedure. We immediately disable access to all identified non-consensual content, fingerprint it so that it cannot be uploaded to our websites again, and ban the user who uploaded it. The content is also deleted as soon as the process is complete unless we are required to preserve it according to law.

MindGeek's Commitment to Improving Trust and Safety

In addition to the existing policies and procedures described above, MindGeek continues to reinforce and improve its governance and content moderation procedures.

Lucy Faithfull Foundation

Recently, MindGeek entered into a partnership with the Lucy Faithfull Foundation, a leading child protection organization in the United Kingdom. The partnership will help us develop messaging on our platforms proven to deter visitors from searching for sexual imagery of minors. This partnership will build on the utility of our list of banned words: searches that may indicate a visitor's intent

to find CSAM will show deterrence messages in response, including links to Lucy Faithfull's resources and online self-help materials.

SafeGuard

Over the last 24 months, MindGeek has been developing a tool called SafeGuard to enhance its ability to identify, remove, and report non-consensual material. SafeGuard employs fingerprinting technology to identify previously reported non-consensual material and will make the fingerprinting database available to other social media platforms at no charge. Non-consensual material fingerprinted and registered by SafeGuard will allow MindGeek and other platforms that use SafeGuard to prevent the material from being reuploaded to any of these platforms.

Over time, we will expand access to SafeGuard through partner organizations so it can be used as a pro-active tool to fight the distribution of non-consensual content. We will allow individuals to pro-actively fingerprint their own content to help prevent it from being shared without their consent. Pro-actively fingerprinted content, like any content that is fingerprinted, will never reach our website or any other platform that uses SafeGuard.

MindGeek is proud to be developing SafeGuard, which will be the first database of fingerprints (though not content) of non-consensual material that third parties can access. We are optimistic that our non-adult peers, including Facebook, YouTube, and Reddit, will implement SafeGuard and contribute to its fingerprint database. Such cooperation will be a major step to limit the spread of non-consensual material on the internet.

Independent Review

As mentioned previously, MindGeek retained Kaplan Hecker & Fink LLP in April 2020, to conduct an independent review to build a best-in-class content compliance program. Kaplan Hecker & Fink LLP is focusing on MindGeek's moderation practices and other procedures for preventing users from uploading non-consensual content, CSAM, and any other content that lacks the consent of all parties depicted on Pornhub and other MindGeek websites. MindGeek is already working to implement changes as a result of Kaplan Hecker & Fink LLP's ongoing review.

Conclusion

We await the opportunity to discuss MindGeek's commitment to trust and safety, including our work to stamp out CSAM and non-consensual material on our

platforms and on the internet as a whole. We are proud to be leaders in this effort not only among adult entertainment platforms but among our peers in social media. Our commitment to trust and safety is vital not only to our employees, partners, community members and the public at large, but also to our mission to become the world's largest and most trusted adult entertainment company.

We look forward to answering the questions of this Honourable Committee.

Sincerely,



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David Tassillo