



Coimisiún
na Meán

Article 22 Trusted Flaggers

Application Form and Guidance

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Introduction

Article 22 of the Digital Services Act (“**DSA**”) sets out that providers of online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by Trusted Flaggers (“**TFs**”), acting within their designated area of expertise, through the notice and action mechanisms referred to in Article 16 of the DSA, are given priority and processed and decided upon without undue delay.

The status of ‘trusted flagger’ shall be awarded, on application by any entity, by the Digital Services Coordinator (“**DSC**”) of the Member State where the applicant is established, to an applicant that has demonstrated that it meets all of the following conditions set out in Article 22(2) of the DSA:

- (a) It has particular **expertise and competence** for the purposes of detecting, identifying and notifying illegal content;
- (b) It is **independent** from any provider of online platforms;
- (c) It carries out its activities for the purposes of submitting notices **diligently, accurately and objectively**.

Guide to Award

Coimisiún na Meán has developed this Guide which includes an application form/questionnaire to inform interested entities of its assessment and decision-making process to determine whether an entity meets the conditions set out in Article 22. The Guide supports evidence-based, transparent, consistent, and proportionate decision-making by Coimisiún na Meán in the exercise of its statutory functions.

The aim of the Guide is to help applicant entities (hereinafter referred to as “**you**”/ “**your**”) to understand what is required of your entity for both the application process and your ongoing obligations with which you must continue to comply following the award of trusted flagger status under Article 22.

The Guide is informed by Irish and European legislation, consultation, data-gathering, and independent research. The Guide is not a substitute for any statutory provision(s) and does not constitute legal advice. You are advised to obtain your own independent legal advice on the relevant statutory provisions.

The Guide divides the conditions into four main sections as follows: (1) General Information; (2) Expertise; (3) Independence; (4) Diligence, Accuracy and Objectivity. These matters are relevant to Coimisiún na Meán’s assessment of the conditions set out in Article 22. The application form/questionnaire at page 6 contains a list of **questions** under each section that you must respond to.

Section (1) identifies the **general information** about the entity applying for the award of Trusted Flagger status required by the DSC in order to process and consider your application.

Section (2) focuses on questions relating to the **expertise** of your entity and how you will ensure that this expertise is maintained and enhanced over the period of award.

Section (3) requests information in relation to the arrangements you will put in place to safeguard your entity’s **independence in decision making** (including **financial independence**).

Section (4) requests information on your entity’s **policies and procedures which demonstrate diligence, accuracy and objectivity** in how you have operated or will operate as a TF.

For each section, we also provide **guidance** to help you understand why we are asking these questions. In the Appendix to this Guide, we provide information regarding **eligibility requirements** to apply for TF status



and a list of the **documentary evidence**, records and documents, that you are requested to submit to support and verify the information and representations you have provided in your application.

You are responsible for demonstrating that your entity satisfies the conditions and you must submit all of the information and the documentary evidence specified in this Guide and/or as may be requested at a later stage by Coimisiún na Meán. It is important that you ensure **full and accurate information** is provided to all of the questions to avoid any delays to the application process.

Coimisiún na Meán will have regard to the information submitted and also information available to it from its own independent information-gathering and research that may be relevant to its **verification** of the information submitted by you at this application stage and to its **continuous assessment** of the Certification Conditions.

It should be noted that, in circumstances where it is established following an investigation that an entity no longer meets the Award Conditions, Coimisiún na Meán is required to revoke the award.

Coimisiún na Meán will review this Guidance every 2 years or more regularly as required.

Completed applications or any queries or requests for clarification in relation to the contents of this Guide should be directed to trustedflaggerapplications@cnam.ie.



Application Instructions

The application submitted by you must comply with the requirements set out below:

- **Completed application:** Please ensure you provide **full and accurate** information to all of the questions asked and include any **documentary evidence** referenced in the appended Schedule.
- **Additional Information:** Coimisiún na Meán may also require additional information and/or other documentary evidence following its review of your application in order to assess whether you meet the requirements to be awarded Trusted Flagger status. In addition to the documentary evidence specified you can submit any other information that provides context to the information being supplied or supports the answers provided.
- **Declaration:** Your application should include a Declaration signed by a suitable authorised person certifying that the information contained in the application form and documentary evidence is true and correct to the best of that person's knowledge and belief.
- **Changes:** You must notify, without undue delay, **any changes to your initial application** and/or to any supplemental information that was provided subsequent to the submission of the initial application as requested by Coimisiún na Meán to support its assessment of whether you met the requirements to be awarded Trusted Flagger status.
- **Decision:** Coimisiún na Meán shall endeavour, within three to four months of receipt of all information that enables the application to be processed, to communicate in writing its approval of, or its refusal to approve, the award of Trusted Flagger status. The timeframe indicated is based on Coimisiún na Meán having a complete application and all of the requisite information and supporting evidence to make its determination on certification. Coimisiún na Meán will provide you with a statement of reasons as to why your application for Trusted Flagger status was approved or refused.
- **Publication:** The decision and award granted by Coimisiún na Meán will be published on its website. Coimisiún na Meán is required to notify to the European Commission the bodies it has awarded Trusted Flagger status in accordance with Article 22. The European Commission will also publish a list of Trusted Flaggers on its website.
- **Confidential and Commercially Sensitive Information:** Any information you consider to be commercially sensitive must be included in a Confidential Appendix and clearly cross-referenced to the relevant sections of this Guide. The reasons why you consider the information to be confidential should be clearly set out.
- **Freedom of Information:** Records held by Coimisiún na Meán may be requested by persons under the Freedom of Information Act 2014 ("FOI Act"). The provisions of the FOI Act exempt certain records containing commercially sensitive and other confidential information from publication. Coimisiún na Meán will consult with you in respect of any request received prior to making a decision under the FOI Act.
- **Personal Data:** Coimisiún na Meán is obligated and committed to protecting all personal data submitted in accordance with its obligations under the General Data Protection Regulation, the Data Protection Act 2018 and any other applicable data and privacy laws and regulations. Coimisiún na Meán's published policy is at: [Coimisiún na Meán | Data Protection \(cnam.ie\)](https://www.cnam.ie/en/data-protection) In this notice, Coimisiún na Meán has requested the name and contact details including email addresses of specified persons. The information collected will be used only for the purposes stated herein.

Application Form and Guidance

Section (1) General Information: Applicant Entity

Trading Name of Entity	Name of Entity, Company Number & Registration Number
Entity Type – please tick	Registered address and principal place of business (if different)
Public (non-regulatory) body Private entity NGO Network/Alliance Trade Union	
What is your organisation's mission/purpose ? Describe the activities or (where applicable) services your entity provides and to whom they are made available.	
Provide the reasons why you wish to apply for the award of Trusted Flagger status?	
Outline the structure of your entity/organisation and provide details of the number and roles of staff and/or volunteers that work with you. The structure in diagrammatical format should also be submitted with your application.	
Does your organisation currently undertake or has it previously undertaken activities relating to the detection, identification and notification to online platforms of illegal content? If yes, state the date of commencement and end (if not current).	Please indicate YES or NO here. (Further information is requested in section 2.)



Contact person who will liaise with Coimisiún na Meán in respect of this application.	
Name	
Position	
Email	
Phone	
Address (if different)	

Award Details

Confirm that you wish to apply for Trusted Flagger status for a 3-year period.	Yes
	No – please specify
List the particular areas of illegal content (from the specified list) for which your entity is applying for Trusted Flagger status.	
List the (a) types of online platforms, (b) areas of illegal content and (c) language/s which you will monitor for the purpose of the detection, identification and notification of illegal content?	

<p>Guidance</p> <p><i>The information requested in this section helps us to process your application swiftly and efficiently. The DSA does not impose a maximum period for the award of Trusted Flagger status. Coimisiún na Meán will grant the award of Trusted Flagger status for a period of 3 years. You must continue to comply with the certification conditions and the other obligations under Article 22 for the entire period.</i></p> <p>Note: Further details about your areas of expertise are requested in section 2.</p> <p>A list of documentary evidence that may be requested under this heading is set out in the Schedule at Appendix 1.</p>
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Section (2) Expertise and Competence: Detecting, Identifying and Notifying Illegal content

Previous Experience in detecting, identifying and notifying illegal online content **Where an entity does not have direct previous experience in this field, please provide other relevant experience.*

2.1	List the specific area/s of illegal content (from the specified list) in which your entity has flagging expertise .	
2.2	List any other relevant expertise your entity has that you consider relevant to this application (e.g., digital technologies, legal experience, regional etc.)	
2.3	What relevant prior experience , if any, does your entity have in detecting, identifying and notifying illegal content online under each of the area identified?	
2.4	Where applicable, provide details of the areas of illegal content and types of online platforms you have monitored and/or with whom you have TF or equivalent status.	
2.5	Give a brief description of the methods and technology used for detecting, identifying and notifying illegal content.	



Experience: Personnel detecting and notifying illegal online content

2.6	Confirm your entity will engage with the online platform/s onboarding process and training programmes offered to trusted flaggers.
2.7	Give a brief description of any additional training that will be provided to individuals engaged in flagging activity on behalf of your entity, including technology and assessment tools employed for this activity.
2.8	Summarise the general background and qualifications , if any, of senior managers and director-equivalent roles responsible for overseeing the entity's proposed flagging service.
2.9	Summarise the general expertise, qualifications, or certifications that you require of TF staff or training you will require TF staff to undertake on appointment and over the course of their tenure.



Guidance

Understanding your entity's experience in providing or facilitating access to Trusted Flagger services helps us assess whether you have the knowledge, expertise, and experience to meet the requirements set out in Article 22. You should provide details of all relevant expertise to support your application, for example, legal expertise on relevant Union law, as well as national law(s) of the countries in which you are/intend to be active.

However, if your entity is newly established or does not have prior experience in identifying, detecting and notifying illegal content online this will not necessarily work against you. In this case, we may place a greater emphasis on assessing the capabilities and expertise of your staff and individuals carrying out this activity.

Trusted Flaggers are expected to engage with the platform/s to ensure best practices in flagging activity are followed. Online platforms may request that you engage with their 'onboarding' process and may also as a matter of best practice provide training to enhance your understanding of the platform's technical tools and monitoring. This contributes to the efficiency and effectiveness of the flagging process and the swift removal of illegal content.

A non-exhaustive list of areas of illegal content (with main and subheadings) is available.

You should be as clear as possible when you provide this information as this will determine the scope of the issues for you will be awarded Trusted Flagger status if your application is approved and the scope of any notices submitted to you to online platforms. Trusted Flaggers must maintain flagging activity within the designated area of their expertise to maintain the integrity of the award process. In the case a Trusted Flagger identifies illegal content outside its area of expertise, it could submit it but only through the standard notification and reporting procedure. Where your entity expands its expertise and can demonstrate new/additional Trusted Flagger expertise, it can apply for the award of Trusted Flagger status that permits your entity to identify, detect and/or notify this illegal content.

You should be able to demonstrate and ensure that your staff possess an excellent understanding of the applicable law and the necessary knowledge, expertise and skills in the type of illegal content for which you are seeking Trusted Flagger status. Details of any training you provide (on appointment or ongoing) should be set out and Coimisiún na Meán may also require details of such training activity to be included in your annual report.

A list of documentary evidence that may be requested under this heading is set out in the Schedule at Appendix 1.



Section (3) Independence

Organisational Independence: Flagging activities

3.1	If you are a company limited by shares, who are your shareholders ? If you are a company limited by guarantee or other membership structure, please identify your members . ¹	
3.2	Is your entity a company in a larger company group structure ? If yes, provide details of this group.	
3.3	What is your entity's relationship with, or interests ² in, any other undertakings ?	
3.4	Who are the directors of the Board of your entity and do any of the directors sit on the Board in a representative capacity for any of your shareholders?	
3.5	List any policies, procedures and/or measures you have in place that demonstrate your entity and its personnel are independent of providers of online platforms and will remain so for the duration of this award.	
3.6	Where your entity provides other (non-Trusted Flagger) services , how will you ensure that the provision of these other services, and the remuneration or funding of such services, will not impinge on the independence or impartiality of your Trusted Flaggers?	
3.7	Confirm that individuals engaging in the flagging activity will not be staff or connected to staff of an online platform (or of a consultancy firm working for an online platform) .	Please indicate YES or NO here.
3.8	Provide details of any current relationships or channels with online platforms for the purpose of detecting, identifying and notifying illegal content.	

¹ Members may be the founders of an entity or persons with a monetary or other interest in the entity. The definition of members will depend on the type of legal entity you have established and its founding documents.

² Interests may be direct or indirect and can include directorships and/or shareholdings (including beneficial) held in another entity.



3.9	Confirm you have clear procedures and rules regarding managing conflicts of interest for members of your entity and staff or individuals engaged in flagging activity.	Please indicate YES or NO here.
3.10	How will you appoint flaggers e.g., detail any background/verification checks you carry out and the nature of the legal relationship you will have with them?	
3.11	How will you ensure that: (a) Flaggers are independent of online platforms and will remain so for their term of office. (b) Flaggers undertake their activities in an impartial and objective manner.	
3.12	Confirm if you have a Code of Ethics / Principles or equivalent for flaggers working with your entity.	
3.13	Please outline the funding model for your entity. Details of the following sources (as applicable) should be included: <ul style="list-style-type: none"> • Fees for services provided. • Funding from industry sectors. • Public funding (from the Irish State, EU or other). • Non-public grant income. • Share capital and investors (where applicable). • Other sources. 	
3.14	If the funding model comprises a combination of the above, detail the approximate percentages and proportion of each source of funding and identify each such source.	
3.15	Provide details of any pre-existing contract/agreement with any online platform(s) or other external sources of funding (on a confidential basis if it has a non-disclosure clause).	
3.16	In the case of any funding received from online platforms, you must confirm that funding is not	



	<p>conditional on the relevant online platforms having a right of supervision over your flagging activity, which would limit and/or affect/alter the scope of this activity.</p>	<p>Please indicate YES or NO here.</p>
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Guidance

Article 22 requires that any entity applying for Trusted Flagger status is **independent** of online platforms.

We request information in relation to the members of your entity (as applicable) because it is important for Coimisiún na Meán to understand who owns your entity and the extent of your control or influence over the decision-making and operations of your entity.

We also request information about your Board of Directors (or equivalent) because it is important for Coimisiún na Meán to understand who makes strategic decisions for your entity and whether such decisions may be made on behalf of another person (for example a shareholder in your entity).

It is important that Coimisiún na Meán understands your **formal and informal** relationship/s, if any, with other persons (both individuals and entities) to assess whether the arrangements and controls you put in place to ensure the independence of your entity and the impartiality of your trusted flagging activities are appropriate. Likewise, if you are a public entity, it is important for us to understand your legal objectives and to ensure you do not have obligations that might impact on your independence.

You should have concrete measures and policies in place, in line with best practice, to ensure your entity and anyone who works for it satisfies the **independence requirements** appropriately and will continue to do so for the duration of the certification period.

The funding of the entity is a matter to which Coimisiún na Meán will also have regard when **assessing the independence of your entity**. It is important for us to understand how your entity is financed and any ongoing arrangements and controls you have in place regarding funding to ensure your independence.

An entity may receive public funding or rely on a diversity of funding sources, including funds from third parties/entities. In the latter case, there should be no dependency on any one source of funding that could give rise to a conflict of interest or call into question the independence of the entity or the impartiality of the entity's flagging activities. Where you accept funding from external sources or other entities you must explain how you ensure there is no influence exercised by such entities on your flagging activity.

You must provide full details of any commercial, financial and/or institutional relationship your organisation has with the state, politicians or political parties in the country or countries you cover. Should you have any such relationship, you must set out how you will ensure the independence of your flagging activity.

Coimisiún na Meán will also have regard to information available to it from its own independent information-gathering and research about third-party funders identified and the relationship between the entity and such funders.

A list of documentary evidence that may be requested under this heading is set out in the Schedule at Appendix 1.



Section (4) Trusted Flaggers: Diligent, Accurate, Objective

Here you need to demonstrate you have sufficient human, technical and/or financial resources, where relevant, to flag content on a regular basis. TFs must carry out activities for the purpose of submitting notices in a timely, diligent, and objective manner

Flagging Process: Methodology, Accuracy & Technology

4.1	Provide full details of the methodology to detect, identify (and assess) and notify illegal content. Include here full details of human resources, procedures (including standards of assessment), tools and systems you use or will use.	
4.2	Detail the number and quality of the sources of evidence that will be used in the flagging activity and the sources' possible vested interests (as these could influence the accuracy of the evidence provided).	
4.3	If already providing content flagging services , provide the average number of flags your entity submits on a daily/weekly basis. Include the number of flags rejected by the platform and if available, reasons for any refusals provided.	
4.4	Please detail the correction policy you will use, to correct the possible mistakes in the detection and identification of illegal content.	
4.5	Do you have an online mechanism for the public to report illegal content to your entity?	Please indicate YES or NO here.
4.6	Detail the criteria you will apply for triaging illegal content detected and notified to the platform.	
4.7	Provide details of any reviews conducted in respect of flagging activity (where applicable).	



4.8	What measures will you take to ensure the procedure you provide is secure, user-friendly, accessible and complies with applicable privacy and data protection law (i.e., data protection impact assessment etc.)
4.9	Explain your policies or equivalent in relation to the health, safety and wellbeing for flaggers in your entity.

Guidance

In this section we request details of your flagging methodology, how you select content and platforms to monitor, how you identify and assess the legality of content (including primary and secondary sources of evidence) and notify illegal content to an online platform and how you triage the content to be prioritised and notified. You should also explain how you ensure you do not unduly concentrate your monitoring on any one side, you apply appropriate standards of assessment taking all legitimate rights and interests into account.

The information you provide will enable Coimisiún na Meán to understand how you will make decisions about flagging activities and how you will ensure that all activity is diligent, accurate and conducted in an impartial and objective manner. The criteria you apply for triaging illegal content should not unduly discriminate against certain categories of users or certain illegal content.

Trusted Flaggers and the platforms should also work together to maximise the use of technology and engage all methods available to protect the wellbeing of TFs detecting and identifying grievous forms of illegal content.

A list of documentary evidence that may be requested under this heading is set out in the Schedule in Appendix 1.

Transparency, Reporting and Cooperation

4.10	Confirm that you can comply with the annual reporting obligation .	Please indicate YES or NO here.
4.11	Confirm that all details about your entity (i.e., mission, staff, funding sources etc. will be made available to the public (on your website)).	Please indicate YES or NO here.
4.12	Please detail your policy of publication of information relating to your flagging activity (including methodology, detection statistics, correction and complaints policies etc.)	

Guidance

Full details of your entity, its purpose, areas of expertise, procedures, sources of funding etc must be easily and publicly accessible.

The information that you are required to provide annually in your report is set out in Article 22.3 Coimisiún na Meán may specify additional matters to be reported on. Where Coimisiún na Meán specifies additional information that may be required in an annual report it will provide notice of this requirement.

Coimisiún na Meán may require additional information from you and/or action/s to be taken on foot of the information provided in the report.

Section (5) Declaration

By signing this Declaration, I confirm that:

I have been authorised by [name of entity] to provide the information requested in this application form.

I confirm that all of the information, including statements of facts provided herein and in any appended documentation are true and accurate and no relevant information has been withheld.

I [name of entity] will notify Coimisiún na Meán immediately if there is a material change in the information provided.

Name and Title:	Signed:	Date:

Data Protection

Coimisiún na Meán shall comply with their obligations under the Data Protection Bill 2018 and any other applicable data privacy laws and regulations.



Appendix 1 - Documentary Evidence

1. General Information

Provide your entity's **founding legal documents** or, if you are a public entity, a link to and an outline of the relevant provisions of law that establish your entity and determine its objectives.

Provide the following documentation and information:

- *The entity's certificate of incorporation*
- *The entity's Constitution*
- *Company registration office details*

2. Expertise and Competence - Detecting, Identifying and Notifying Illegal content.

Provide the following documentation and information:

- *Policies / procedures for the appointment of individuals engaged in flagging activity.*
- *Where individuals are identified, a description of the range of experience and expertise (qualifications, accreditations etc.)*
- *Any records or reports published by your or another entity in relation to previous experience in **detecting, identifying and/or notifying illegal content.***

3. Independence

Organisational Independence

Provide the following documentation and information:

- *For all **members, shareholders and directors** please detail any interests or involvement they have in other entities.*
- *Rules of Procedure on terms of office of TFs and rules on conflicts of interest for all directors, members, employees and TFs.*
- *Code of Ethics or Code of Principles or equivalent.*
- *A copy of the Share Register / Commercial Register.*
- *Shareholders' Agreements.*
- *Illustration, in diagrammatic format, of the group structure, in the case of a group of companies.*
- *Copies of policies or other documents to ensure the **Trusted Flaggers** you appoint are independent of online platforms and their recipients and will make decisions impartially.*

Funding and financial independence

Provide the following documentation and information:

- *Financial reports and audited accounts for the preceding financial year.*
- *For newly created organisations, provisional annual budgets and financing plans for 2 years identifying main items of expenditure and expected sources of revenue.*

- Affidavit³ of a director or equivalent position verifying the sources of funding and that no conditions are attached to funding arrangements that would impact on the independence of the bodies or the impartiality of its decision making.
- Letters of financial commitment from third parties (where applicable).
- Copies of written agreements between the entity and funders.
- Copies of the entity's policies on funding.

4. Trusted Flaggers: Diligent, Accurate, Objective

Trusted Flagging Model: Methodologies, Resources and Technology

Provide the following documentation and information:

- If your entity has already worked with platforms in flagging content, **reports or letters of recommendation from platforms** in support of your application.
- Documented procedures for detecting, identifying and notifying illegal content.
- Copies of correction and complaints policies.
- Reports or descriptions of previous activities and campaigns in which the organisation has been involved.
- Sample Data protection Impact Assessment

³ Sworn statement.



Appendix 2 - Who is eligible to be a trusted flagger?

Recital 61 of the DSA:

TF status should only be awarded to **entities**, and not individuals, that have demonstrated, among other things:

- *that they have particular expertise and competence in tackling illegal content*
- *that they work in a diligent, accurate and objective manner*
- *entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol'), or*
- *they can be non-governmental organisations and private or semi-public bodies such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online.*
- *industry associations representing their members' interests are encouraged to apply for the status of TFs, without prejudice to the right of private entities or individuals to enter into bilateral agreements with the providers of online platforms.*

With no claim to be exhaustive, designated TFs may be:

- **Industry federations and trade associations**, e.g., Intellectual Property Owners organisations;
- **NGOs**, e.g., consumer-rights organisations, child-protection organisations, human-rights organisations, environmental organisations, animal-rights organisations, etc.;
- **Members of established fact-checkers networks** (e.g., IFCN);
- **Trade unions**;
- **Non-regulatory public entities** like Internet referral units (Europol) or **regulatory bodies** (with the exception of DSCs);
- **Private or semi-public bodies** (e.g., organisations part of the INHOPE network of hotlines).
- **Networks**, the definition of an entity through Article 22 would not preclude networks or alliances of entities, at national and European levels, from applying.