

# Online Safety Bill [UK]

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# Q: To Regulate Online Content or Not?

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- *1st Phase:* private platforms
- *2nd Phase:* civil society & academia
- *3rd Phase:* governments? How?

Current debate in many countries (context)

# UK

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- Debate for at least 10+
- Global ambition
- April 2019: White Paper on Online *Harms*
- May 2021: Draft Online *Safety* Bill (all documents = just over 400 pp)
- March 2022: Bill formally introduced to Parliament

# Scope

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- User-to-user services
- Search engines
  
- Proportionality
  - Category 1: large user-to-user services
  - Category 2a: search
  - Category 2b: smaller user-to-user services
  
- ‘Links with the UK’
  
- *Exempt*: email, SMS & MMS, voice calls, internal business services, news publisher content, comment & review sections

# CONTENT

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- Illegal
- Legal but harmful
  - To children
  - To adults (Category 1)

# Content harmful to adults

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- (a) priority content that is harmful to adults  
content of a description designated in *regulations made by the Secretary of State* as priority content that is harmful to adults

OR

- (b) content, not within paragraph (a), of a kind which presents a *material risk of significant harm* to an *appreciable number* of adults in the United Kingdom

[emphasis added]

# Press exemptions 1

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1. content generated by a ‘**recognised news publisher**’ or content that reproduces or links to the full version of an article originally published by a recognised news publisher.

## Criteria

- hold a broadcasting licence, OR
- have a business address in the UK
- publish news-related material, subject to editorial control and in accordance with a standards code (?) as its principal purpose ...

Foreign news publishers?

## Press exemptions 2

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2. excludes news publishers from the status of “User-to-User Service”
  - Comments sections are excluded

Additional thoughts:

- Press regulation in the UK: very weak
- Impact on citizen journalism

# How? Duty of care

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- Origins
- Some oppose the very concept
- Others support it in principle

# Duties

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- Risk assessment
  - Extensive content monitoring
  - Annual transparency reports
  - Children's access assessments
- Protect privacy & freedom of expression (all services)
- Protect content of democratic importance & journalistic content (Cat.1)
- User empowerment (Cat.1)

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- **No power over content**
- Codes of conduct
- Oversees compliance (risk assessments and transparency reports)
- Information and investigative powers

## Penalties:

- Fines up to GBP18m or 10% of global turnover
- Suspension of services in the UK
- Up to 2 years prison sentence for executives

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- Super-regulator
- Market-based
- Independence?

# Conclusion

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- Questions about regulatory structures and processes
- Regulation of speech & impact on democracy
- Multistakeholder regulation
- Role of (& impact on) competition