
Committee Stage: Thursday 9 June 2022

Online Safety Bill (Amendment Paper)

This document lists all amendments tabled to the Online Safety Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

★ New Amendments.

New Amendment: 127

Barbara Keeley
Alex Davies-Jones

30

Clause 23, page 23, line 24, after "facilitating" insert "the production of illegal content and"

Member's explanatory statement

This amendment requires the illegal content risk assessment to consider the production of illegal content.

Barbara Keeley
Alex Davies-Jones

31

Clause 24, page 24, line 2, after "individuals" insert "producing or"

Member's explanatory statement

This amendment expands the safety duty to include the need to minimise the risk of individuals producing certain types of search content.

Barbara Keeley
Alex Davies-Jones

16

Clause 25, page 25, line 10, at end insert—

- “(3A) A duty for the children’s risk assessment to be approved by either—
- (a) the board of the entity; or, if the organisation does not have a board structure,
 - (b) a named individual who the provider considers to be a senior manager of the entity, who may reasonably be expected to be in a position to ensure compliance with the children’s risk assessment duties, and reports directly into the most senior employee of the entity.”

Member’s explanatory statement

This amendment seeks to ensure that regulated companies’ boards or senior staff have responsibility for children’s risk assessments.

Barbara Keeley
Alex Davies-Jones

13

Clause 25, page 25, line 13, at end insert—

- “(4A) A duty to publish the children’s risk assessment and proactively supply this to OFCOM.”

Member’s explanatory statement

This amendment creates a duty to publish the children’s risk assessment and supply it to Ofcom.

Barbara Keeley
Alex Davies-Jones

32

Clause 25, page 25, line 31, after “facilitating” insert “the production of illegal content and”

Member’s explanatory statement

This amendment requires the children’s risk assessment to consider risks relating to the production of illegal content.

Barbara Keeley 33
Alex Davies-Jones

Clause 26, page 26, line 18, at end insert—

“(c) prevent the sexual or physical abuse of a child by means of that service.”

Member’s explanatory statement

This amendment establishes a duty to prevent the sexual or physical abuse of a child by means of a service.

John Nicolson 78
Kirsty Blackman

Clause 28, page 28, line 28, leave out “affected” and replace with “any other”

Member’s explanatory statement

This amendment allows those who do not fit the definition of “affected person” to make a complaint about search content which they consider to be illegal.

John Nicolson 79
Kirsty Blackman

Clause 28, page 28, line 30, leave out “affected” and replace with “any other”

Member’s explanatory statement

This amendment allows those who do not fit the definition of “affected person” to make a complaint about search content which they consider not to comply with sections 24, 27 or 29.

Barbara Keeley 22
 Alex Davies-Jones
 Kirsty Blackman

Clause 31, page 31, line 17, leave out subsection (3)

Member's explanatory statement

This amendment removes the condition that applies a child use test to a service or part of a service.

Barbara Keeley 23
 Alex Davies-Jones
 Mrs Sharon Hodgson
 Dr Rupa Huq

Clause 34, page 33, line 41, after "service" insert "that targets users"

Alex Davies-Jones 45
 Barbara Keeley

Clause 35, page 34, line 2, leave out subsection (1) and insert—

- "(1) A provider of a Category 2A service must operate the service using proportionate systems and processes designed to—
- (a) prevent individuals from encountering content consisting of fraudulent advertisements by means of the service;
 - (b) minimise the length of time for which any such content is present;
 - (c) where the provider is alerted by a person to the presence of such content, or becomes aware of it in any other way, swiftly take down such content."

Member's explanatory statement

This amendment brings the fraudulent advertising provisions for Category 2A services in line with those for Category 1 services.

Chris Philp 91

Clause 35, page 34, line 3, leave out from "to" to end of line 5 and insert—

- "(a) prevent individuals from encountering content consisting of fraudulent advertisements in or via search results of the service;

- (b) if any such content may be encountered in or via search results of the service, minimise the length of time that that is the case;
- (c) where the provider is alerted by a person to the fact that such content may be so encountered, or becomes aware of that fact in any other way, swiftly ensure that individuals are no longer able to encounter such content in or via search results of the service."

Member's explanatory statement

This amendment alters the duty imposed on providers of Category 2A services relating to content consisting of fraudulent advertisements so that it is in line with the corresponding duty imposed on providers of Category 1 services by clause 34(1).

Chris Philp 92
 Clause 35, page 34, line 16, leave out "reference" and insert "references"

Member's explanatory statement

This amendment is consequential on Amendment 91.

Chris Philp 93
 Clause 35, page 34, line 18, leave out "is a reference" and insert "are references"

Member's explanatory statement

This amendment is consequential on Amendment 91.

Chris Philp 94
 Clause 35, page 34, line 22, leave out "does not include a reference" and insert "do not include references"

Member's explanatory statement

This amendment is consequential on Amendment 91.

Barbara Keeley 24
 Alex Davies-Jones
 Mrs Sharon Hodgson
 Dr Rupa Huq
 Clause 35, page 34, line 34, after "service" insert "that targets users"

Alex Davies-Jones 44
Barbara Keeley

Clause 36, page 35, line 10, at end insert—

“(4A) An offence under Part 3 of the Consumer Protection from Unfair Trading Regulations 2008.”

Member’s explanatory statement

This amendment adds further offences to those which apply for the purposes of the Bill’s fraudulent advertising provisions.

Kim Leadbeater 106

Clause 37, page 35, line 30, at end insert—

“(2A) OFCOM must prepare and issue a code of practice for providers of Category 1 and 2(a) services describing measures recommended for the purpose of compliance with duties set out in section 15 concerning the safety of people taking part in elections.”

Carla Lockhart 96

Clause 37, page 35, line 35, at end insert—

“(3A) In preparing the codes of practice under subsection (3), OFCOM must set out the minimum standards which providers must follow in meeting a duty through the provision of age verification or age assurance.”

Member’s explanatory statement

This amendment requires that the codes of practice issued by Ofcom must set out minimum standards for age verification/age assurance which are binding on providers.

Alex Davies-Jones 65
Barbara Keeley

Clause 37, page 36, line 27, at end insert—

“(ia) organisations that campaign for the removal of animal abuse content, and”

Member’s explanatory statement

This amendment would add organisations campaigning for the removal of animal content to the list of bodies Ofcom must consult.

Alex Davies-Jones
Barbara Keeley

63

Schedule 4, page 176, line 29, at end insert “and

- (x) there are adequate safeguards to monitor cruelty towards humans and animals;”

Member’s explanatory statement

This amendment would ensure that ensuring adequate safeguards to monitor cruelty towards humans and animals is one of the online safety objectives for user-to-user services.

Alex Davies-Jones
Barbara Keeley

64

Schedule 4, page 177, line 4, at end insert “and

- (vii) the systems and process are appropriate to detect cruelty towards humans and animals;”

Member’s explanatory statement

This amendment would ensure that ensuring systems and processes are appropriate to detect cruelty towards humans and animals is one of the online safety objectives for search services.

Alex Davies-Jones
Barbara Keeley

48

Clause 39, page 37, line 17, at beginning insert—

- “(A1) OFCOM must prepare the draft codes of practice required under section 37 within the period of six months beginning with the day on which this Act is passed.”

Member’s explanatory statement

This amendment requires Ofcom to prepare draft codes of practice within six months of the passing of the Act.

Carla Lockhart

97

Clause 39, page 37, line 43, at end insert—

- “(7A) But subsection (7B) applies, instead of subsection (3), when a draft code of practice is laid before Parliament under subsection (2) and no previous code of practice has been issued under subsection (4)(a) by OFCOM.
- (7B) OFCOM must not issue a code of practice guidance in the form of the draft laid before Parliament unless the draft has been approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment requires that the first time codes of practice are issued by Ofcom they must be agreed by both Houses of Parliament.

John Nicolson
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

84

Clause 40, page 38, line 5, leave out subsection (a)

Member's explanatory statement

This amendment would remove the ability of the Secretary of State to modify Ofcom codes of practice 'for reasons of public policy'.

John Nicolson
Kirsty Blackman

89

Clause 49, page 45, line 16, leave out subsection (e)

Member's explanatory statement

This amendment would remove the exemption for comments below news articles posted online.

Alex Davies-Jones
Barbara Keeley

43

Clause 49, page 45, line 19, at end insert—

“(2A) Subsection (2)(e) does not apply in respect of a user-to-user service which is operated by an organisation which—

- (a) is a relevant publisher (as defined in section 41 of the Crime and Courts Act 2013); and
- (b) has an annual UK turnover in excess of £100 million.”

Member's explanatory statement

This amendment removes comments sections operated by news websites where the publisher has a UK turnover of more than £100 million from the exemption for regulated user-generated content.

Kim Leadbeater

107

Clause 50, page 46, line 46, leave out from end to end of Clause and insert "is a member of an approved regulator (as defined in section 42 of the Crime and Courts Act 2013)."

Member's explanatory statement

This amendment expands the definition of a recognised news publisher to incorporate any entity that is a member of an approved regulator.

John Nicolson

86

Kirsty Blackman

Alex Davies-Jones

Barbara Keeley

Clause 50, page 47, line 3, after "material" insert "or special interest news material"

John Nicolson

87

Kirsty Blackman

Alex Davies-Jones

Barbara Keeley

Clause 50, page 47, line 28, leave out the first "is" and insert "and special interest news material are"

John Nicolson

88

Kirsty Blackman

Alex Davies-Jones

Barbara Keeley

Clause 50, page 47, line 42, at end insert—

"“special interest news material” means material consisting of news or information about a particular pastime, hobby, trade, business, industry or profession.”"

Alex Davies-Jones 60
Barbara Keeley

Clause 52, page 49, line 5, at end insert—

“(e) an offence, not within paragraph (a), (b) or (c), of which the subject is an animal.”

Member’s explanatory statement

This amendment brings offences to which animals are subject within the definition of illegal content.

Alex Davies-Jones 61
Barbara Keeley

Clause 52, page 49, line 5, at end insert—

“(4A) An offence referred to in subsection (4) is deemed to have occurred if it would be an offence under the law of the United Kingdom regardless of whether or not it did take place in the United Kingdom.”

Member’s explanatory statement

This amendment brings offences committed overseas within the scope of relevant offences for the purposes of defining illegal content.

Chris Philp 116

Schedule 7, page 183, line 11, at end insert—

“1A An offence under section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20 (N.I.)) (assisting suicide etc).”

Member’s explanatory statement

This amendment adds the specified offence to Schedule 7, with the effect that content amounting to that offence counts as priority illegal content.

Chris Philp 117

Schedule 7, page 183, line 29, at end insert—

“4A An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially-aggravated harassment).”

Member’s explanatory statement

This amendment adds the specified offence to Schedule 7, with the effect that content amounting to that offence counts as priority illegal content.

Chris Philp 118

Schedule 7, page 183, line 36, at end insert—

“5A An offence under any of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9))—

- (a) Article 4 (harassment);
- (b) Article 6 (putting people in fear of violence).”

Member’s explanatory statement

This amendment adds the specified offences to Schedule 7, with the effect that content amounting to those offences counts as priority illegal content.

Chris Philp 119

Schedule 7, page 184, line 2, at end insert—

“6A An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)—

- (a) section 38 (threatening or abusive behaviour);
- (b) section 39 (stalking).”

Member’s explanatory statement

This amendment adds the specified offences to Schedule 7, with the effect that content amounting to those offences counts as priority illegal content.

Chris Philp 120

Schedule 7, page 184, line 38, at end insert—

“12A An offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))—

- (a) Article 53 (sale etc of knives);
- (b) Article 54 (sale etc of knives etc to minors).”

Member’s explanatory statement

This amendment adds the specified offences to Schedule 7, with the effect that content amounting to those offences counts as priority illegal content.

Chris Philp 121

Schedule 7, page 184, line 42, at end insert—

“13A An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))—

- (a) Article 24 (sale etc of firearms or ammunition without certificate);
- (b) Article 37(1) (sale etc of firearms or ammunition to person without certificate etc);
- (c) Article 45(1) and (2) (purchase, sale etc of prohibited weapons);

- (d) Article 63(8) (sale etc of firearms or ammunition to people who have been in prison etc);
- (e) Article 66A (supplying imitation firearms to minors)."

Member's explanatory statement

This amendment adds the specified offences to Schedule 7, with the effect that content amounting to those offences counts as priority illegal content.

Chris Philp

122

Schedule 7, page 184, line 44, at end insert—

"14A An offence under any of the following provisions of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10)—

- (a) section 2 (requirement for air weapon certificate);
- (b) section 24 (restrictions on sale etc of air weapons)."

Member's explanatory statement

This amendment adds the specified offences to Schedule 7, with the effect that content amounting to those offences counts as priority illegal content.

Chris Philp

123

Schedule 7, page 185, line 8, at end insert—

"16A An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))—

- (a) Article 62 (causing or inciting prostitution for gain);
- (b) Article 63 (controlling prostitution for gain)."

Member's explanatory statement

This amendment adds the specified offences to Schedule 7, with the effect that content amounting to those offences counts as priority illegal content.

Chris Philp

124

Schedule 7, page 185, line 14, at end insert—

"18A An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (disclosing, or threatening to disclose, an intimate photograph or film)."

Member's explanatory statement

This amendment adds the specified offence to Schedule 7, with the effect that content amounting to that offence counts as priority illegal content.

Chris Philp 125

Schedule 7, page 185, line 28, at end insert—

“20A An offence under section 49(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (articles for use in fraud).”

Member’s explanatory statement

This amendment adds the specified offence to Schedule 7, with the effect that content amounting to that offence counts as priority illegal content.

John Nicolson 90
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

Schedule 7, page 185, line 39, at end insert—

“Human trafficking

22A An offence under section 2 of the Modern Slavery Act 2015.”

Member’s explanatory statement

This amendment would designate Human Trafficking as a priority offence.

Alex Davies-Jones 59
Barbara Keeley

Schedule 7, page 185, line 39, at end insert—

“Animal Welfare

22A An offence under any of the following provisions of the Animal Welfare Act 2006—

- (a) section 4 (unnecessary suffering);
- (b) section 5 (mutilation);
- (c) section 7 (administration of poisons);
- (d) section 8 (fighting);
- (e) section 9 (duty of person responsible for animal to ensure welfare).

22B An offence under any of the following provisions of the Animal Health and Welfare (Scotland) Act 2006—

- (a) section 19 (unnecessary suffering);
- (b) section 20 (mutilation);
- (c) section 21 (cruel operations);
- (d) section 22 (administration of poisons);
- (e) section 23 (fighting);
- (f) section 24 (ensuring welfare of animals).

22C An offence under any of the following provisions of the Welfare of Animals Act (Northern Ireland) 2011—

- (a) section 4 (unnecessary suffering);
- (b) section 5 (prohibited procedures);
- (c) section 7 (administration of poisons);
- (d) section 8 (fighting);
- (e) section 9 (ensuring welfare of animals).

22D For the purpose of paragraphs 22A, 22B or 22C of this Schedule, the above offences are deemed to have taken place regardless of whether the offending conduct took place within the United Kingdom, if the offending conduct would have constituted an offence under the provisions contained within those paragraphs.”

Member’s explanatory statement

This amendment adds certain animal welfare offences to the list of priority offences in Schedule 7.

Carla Lockhart

98

Clause 53, page 49, line 43, at end insert “and content that meets the definition of pornographic material in clause [*Definition of pornographic content*]”

Member’s explanatory statement

This amendment ensures that pornography is considered primary priority content that is harmful to children and allows Ofcom to bring in regulation of this material sooner than if it is defined in regulations.

John Nicolson
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

83

Clause 54, page 50, line 39, at end insert—

“(2A) Priority content designated under subsection (2) must include content that contains health-related misinformation and disinformation, where such content is harmful to adults.”

Member’s explanatory statement

This amendment would amend Clause 54 so that the Secretary of State’s designation of “priority content that is harmful to adults” must include a description of harmful health related

misinformation or disinformation (as well as other priority content that might be designated in regulations by the Secretary of State).

Alex Davies-Jones
Barbara Keeley

62

Clause 55, page 52, line 4, after "OFCOM" insert "and other stakeholders, including organisations that campaign for the removal of harmful content online"

Member's explanatory statement

This amendment requires the Secretary of State to consult other stakeholders before making regulations under clause 53 or 54.

Siobhan Baillie

108

Clause 58, page 53, line 18, leave out from "of" until the end of line 20 and insert—

- "(a) ensuring providers offer forms of identity verification which are likely to be accessible to vulnerable adult users and users with protected characteristics under the Equality Act 2010,
 - (b) promoting competition, user choice, and interoperability in the provision of identity verification,
 - (c) the protection of rights, including rights to privacy, freedom of expression, safety, access to information, and the rights of children, and
 - (d) alignment with other relevant guidance and regulation, including with regards to age assurance and age verification.
- (2A) In producing the guidance (including revised or replacement guidance), OFCOM must set minimum standards for the forms of identity verification which Category 1 services must offer, addressing—
- (a) effectiveness,
 - (b) privacy and security,
 - (c) accessibility,
 - (d) time-frames for disclosure to Law Enforcement in case of criminal investigations,
 - (e) transparency for the purposes of research and independent auditing, and
 - (f) user appeal and redress mechanisms."

Member's explanatory statement

This amendment would require Ofcom to set a framework of principles and minimum standards for the User Verification Duty.

Siobhan Baillie

109

Clause 58, page 53, line 23, at end insert—

“(aa) the Digital Markets Unit”

Member's explanatory statement

This amendment would require Ofcom to also consult the Digital Markets Unit when preparing its guidance for the User Verification Duty.

Carla Lockhart

99

Clause 60, page 54, line 26, after “59” insert “and section [*Requirement on Part 5 service to report CSEA*]”

Member's explanatory statement

This amendment is consequential on NC22.

Carla Lockhart

100

Clause 62, page 55, line 7, after “59” insert “and section [*Requirement on Part 5 service to report CSEA*]”

Member's explanatory statement

This amendment is consequential on NC22.

Chris Philp

1

Clause 62, page 55, line 14, leave out “maximum summary term for either-way offences” and insert “general limit in a magistrates’ court”

Member's explanatory statement

Amendments 1 to 5 relate to the maximum term of imprisonment on summary conviction of an either-way offence in England and Wales. Amendments 1 to 4 insert a reference to the general

limit in a magistrates' court, meaning the time limit in section 224(1) of the Sentencing Code, which, currently, is 12 months.

Alex Davies-Jones
Barbara Keeley

54

Clause 64, page 56, line 29, leave out "Once" and insert "Twice"

Member's explanatory statement

This amendment would change the requirement for transparency report notices from once a year to twice a year.

Alex Davies-Jones
Barbara Keeley

55

Schedule 8, page 188, line 42, at end insert—

"31A The notice under section 64(1) must require the provider to provide the following information about the service—

- (a) the languages in which the service has safety systems or classifiers;
- (b) details of how human moderators employed or engaged by the provider are trained and supported;
- (c) the process by which the provider takes decisions about the design of the service;
- (d) any other information that OFCOM considers relevant to ensuring the safe operation of the service."

Member's explanatory statement

This amendment sets out details of information Ofcom must request be provided in a transparency report.

Carla Lockhart 101

Clause 66, page 58, line 34, leave out from “content” to end of line 36 and insert “has the same meaning as section [*Definition of pornographic content*].”

Member’s explanatory statement

This amendment defines pornographic content for the purposes of the Part 5 and ensures that the same definition would apply to user-to-user services and commercial pornographic content.

Carla Lockhart 102

Clause 68, page 60, line 12, leave out “for example, by using” and insert “by robust”.

Member’s explanatory statement

This amendment requires robust age verification to be used to prevent children from encountering pornographic content on commercial pornographic websites.

Carla Lockhart 103

Clause 68, page 60, line 13, at end insert—

- “(2A) A duty to operate an internet service using proportionate systems and processes designed to—
- (a) prevent individuals from encountering priority illegal content that amounts to an offence in either Schedule 6 or paragraphs 17 and 18 of Schedule 7 by means of the service;
 - (b) minimise the length of time for which the priority illegal content referred to in subsection (a) is present;
 - (c) where the provider is alerted by a person to the presence of the illegal content referred to in subsection (a), or becomes aware of it in any other way, swiftly take down such content.”

Member’s explanatory statement

This amendment ensures that commercial pornographic websites have the same duties as services in Part 3 to remove child sexual abuse content, extreme pornographic content and private sexual photographs.

Carla Lockhart 104

Clause 68, page 60, line 13, at end insert—

- “(2B) A duty to meet the conditions set out in Schedule [*Additional duties on pornographic content*].”

Member's explanatory statement

This amendment ensures that commercial pornographic websites must meet the new duties set out in the Schedule [Additional duties on pornographic content].

Dame Diana Johnson 114
 Alex Davies-Jones
 Barbara Keeley

Clause 68, page 60, line 13, at end insert—

- “(2A) A duty to verify that every individual featured in regulated provider pornographic content is an adult before the content is published on the service.
- (2B) A duty to verify that every individual featured in regulated provider pornographic content that is already published on the service when this Act is passed is an adult and, where that is not the case, remove such content from the service.
- (2C) A duty to verify that each individual appearing in regulated provider pornographic content has given their permission for the content in which they appear to be published or made available by the internet service.
- (2D) A duty to remove regulated provider pornographic content featuring an individual if that individual withdraws their consent, at any time, to the pornographic content in which they feature remaining on the service.”

Dame Diana Johnson 115
 Alex Davies-Jones
 Barbara Keeley

Clause 68, page 60, line 17, after “(2)” insert “to (2D)”

Alex Davies-Jones 127
 Barbara Keeley

- ★ Clause 69, page 60, line 26, after “must” insert “within six months of this Act being passed”
-

John Nicolson 80
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley
Kim Leadbeater

Schedule 10, page 192, line 19, at end insert—

“(c) the assessed risk of harm arising from that part of the service.”

Member’s explanatory statement

This amendment, together with Amendments 81 and 82, widens Category 1 to include those services which pose a very high risk of harm, regardless of the number of users.

John Nicolson 81
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley
Kim Leadbeater

Schedule 10, page 192, line 39, after “functionality” insert “and at least one specified condition about the assessed risk of harm”

Member’s explanatory statement

This amendment is linked to Amendment 80.

John Nicolson 82
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley
Kim Leadbeater

Schedule 10, page 192, line 41, at end insert—

“(4A) At least one specified condition about the assessed risk of harm must provide for a service assessed as posing a very high risk of harm to its users to meet the Category 1 threshold.”

Member’s explanatory statement

This amendment is linked to Amendment 80, it widens Category 1 to include those services which pose a very high risk of harm, regardless of the number of users.

Barbara Keeley 34
Alex Davies-Jones

Clause 83, page 72, line 12, at end insert—

“(d) the risk of harm posed by individuals in the United Kingdom in relation to adults and children in the UK or elsewhere through

the production, publication and dissemination of illegal content.”

Member’s explanatory statement

This amendment requires the Ofcom’s risk assessment to consider risks to adults and children through the production, publication and dissemination of illegal content.

Alex Davies-Jones 71
Barbara Keeley

Clause 83, page 72, line 12, at end insert—

“(1A) For each of the above risks, OFCOM shall identify and assess the level of risk of harm which particularly affects people with certain characteristics or membership of a group or groups.”

Member’s explanatory statement

This amendment requires Ofcom as part of its risk register to assess risks of harm particularly affecting people with certain characteristics or membership of a group or groups.

Chris Philp 4

Schedule 11, page 202, line 17, leave out “maximum summary term for either-way offences” and insert “general limit in a magistrates’ court”

Alex Davies-Jones 70
Barbara Keeley

Clause 96, page 83, line 7, after “section” insert “6(6D),”

Chris Philp 2

Clause 96, page 83, line 15, leave out “maximum summary term for either-way offences” and insert “general limit in a magistrates’ court”

Barbara Keeley 35
Alex Davies-Jones

Clause 104, page 88, line 39, leave out “prevalence” and insert “presence”

Member’s explanatory statement

This amendment requires that Ofcom considers the presence of relevant content, rather than its prevalence.

Barbara Keeley 36
Alex Davies-Jones

Clause 104, page 88, line 43, leave out “prevalence” and insert “presence”

Member’s explanatory statement

This amendment requires that Ofcom considers the presence of relevant content, rather than its prevalence.

Barbara Keeley 37
Alex Davies-Jones

Clause 104, page 89, line 13, at end insert—

“(k) risk of harm posed by individuals in the United Kingdom in relation to adults and children in the UK or elsewhere through the production, publication and dissemination of illegal content.”

Member’s explanatory statement

This amendment requires the Ofcom’s risk assessment to consider risks to adults and children through the production, publication and dissemination of illegal content.

Chris Philp 6

Clause 104, page 89, line 14, after “(2)(f)” insert “, (g)”

Member’s explanatory statement

This amendment ensures that subsection (3) of this clause (which clarifies what “relevant content” in particular paragraphs of subsection (2) refers to in relation to different kinds of services) applies to the reference to “relevant content” in subsection (2)(g) of this clause.

Alex Davies-Jones 53
Barbara Keeley

Clause 111, page 94, line 24, at end insert—

| | |
|------------------|-------------------------------------|
| "Section 136(7C) | Code of practice on access to data" |
|------------------|-------------------------------------|

Member's explanatory statement

This amendment is linked to Amendment 52.

Alex Davies-Jones 56
Barbara Keeley

Clause 111, page 94, line 24, at end insert—

| | |
|---|--------------------------------|
| "Section [Supply chain risk assessment duties] | Supply chain risk assessments" |
|---|--------------------------------|

Member's explanatory statement

This amendment is linked to NC11.

Barbara Keeley 39
Alex Davies-Jones

Clause 116, page 98, line 37, leave out "prevalence" and insert "presence"

Member's explanatory statement

This amendment requires that Ofcom considers the presence of relevant content, rather than its prevalence.

Barbara Keeley 40
Alex Davies-Jones

Clause 116, page 98, line 39, leave out "prevalence" and insert "presence"

Member's explanatory statement

This amendment requires that Ofcom considers the presence of relevant content, rather than its prevalence.

Barbara Keeley 38
Alex Davies-Jones

Clause 116, page 99, line 12, at end insert—

“(j) the risk of harm posed by individuals in the United Kingdom in relation to adults and children in the UK or elsewhere through the production, publication and dissemination of illegal content.”

Member’s explanatory statement

This amendment requires Ofcom to consider risks to adults and children through the production, publication and dissemination of illegal content before imposing a proactive technology requirement.

Alex Davies-Jones 50
Barbara Keeley

Clause 123, page 106, line 36, at end insert—

“(9A) OFCOM may apply to the court for service restriction orders against multiple regulated services with one application, through the use of a schedule of relevant services which includes all the information required by subsection (5).”

Member’s explanatory statement

This amendment would give Ofcom the ability to take action against a schedule of non-compliant sites, while still preserving the right of those sites to oppose the application for, and/or appeal through the courts against any, orders to block access or support services.

Alex Davies-Jones 51
Barbara Keeley

Clause 125, page 110, line 20, at end insert—

“(7A) OFCOM may apply to the court for service restriction orders against multiple regulated services with one application, through the use of a schedule of relevant services which includes all the information required by subsection (6).”

Member’s explanatory statement

This amendment would give Ofcom the ability to take action against a schedule of non-compliant

sites, while still preserving the right of those sites to oppose the application for, and/or appeal through the courts against any, orders to block access or support services.

Chris Philp

7

Clause 129, page 114, line 3, at end insert—

“(aa) the Information Commissioner, and”

Member’s explanatory statement

This amendment ensures that before Ofcom produce guidance about their exercise of their enforcement powers, they must consult the Information Commissioner.

Alex Davies-Jones
Barbara Keeley

57

Clause 130, page 115, line 4, leave out “18” and insert “6”

Member’s explanatory statement

This amendment changes the period by which the advisory committee must report from 18 months to 6.

Alex Davies-Jones
Barbara Keeley

58

Clause 130, page 115, line 5, at end insert—

“(6) Following the publication of the report, OFCOM must produce a code of practice setting out the steps services should take to reduce disinformation across their systems.”

Member’s explanatory statement

This amendment requires Ofcom to produce a code of practice on system-level disinformation.

Alex Davies-Jones
Barbara Keeley

52

Clause 136, page 118, line 6, at end insert—

- “(7A) Following the publication of the report, OFCOM must produce a code of practice on access to data setting out measures with which regulated services are required to comply.
- (7B) The code of practice must set out steps regulated services are required to take to facilitate access to data by persons carrying out independent research.
- (7C) Regulated services must comply with any measures in the code of practice.”

Member’s explanatory statement

This amendment would require Ofcom to produce a code of practice on access to data.

Alex Davies-Jones
Barbara Keeley

66

Clause 140, page 121, line 8, at end insert—

“(d) causing harm to any human or animal.”

Member’s explanatory statement

This amendment ensures groups are able to make complaints regarding animal abuse videos.

John Nicolson
Kirsty Blackman

77

Clause 140, page 121, line 9, leave out subsection (2)

Member’s explanatory statement

This amendment removes the tests that complaints have to be of particular importance in order to be admissible.

Alex Davies-Jones
Barbara Keeley

67

Clause 140, page 121, line 20, at end insert “, or a particular group that campaigns for the removal of harmful online content towards humans and animals”.

Member's explanatory statement

This amendment makes groups campaigning against harmful content eligible to make supercomplaints.

Alex Davies-Jones
Barbara Keeley 68

Page 124, line 40, leave out Clause 147

Kim Leadbeater 112

Clause 150, page 127, line 28, at end insert "and;
 "(b) physical harm that has been acquired as a consequence of
 receiving the content of a message sent online."

Member's explanatory statement

This amendment would expand the definition of harm for the purposes of the harmful communications offence to incorporate physical harm resulting from messages received online.

Paul Maynard 113

Clause 150, page 127, line 28, at end insert "; or
 "(b) physical harm resulting from an epileptic seizure, where the
 seizure has been triggered by the intentional sending of flashing
 images to a person with epilepsy."

Alex Davies-Jones
Barbara Keeley 41

Clause 156, page 131, line 15, at end insert—
 "(za) B has not consented for A to share the photograph or film with
 B, or"

Member's explanatory statement

This amendment makes it an offence to send an image of genitals to another person if the recipient has not given consent to receive the image.

Alex Davies-Jones
Barbara Keeley

42

Clause 156, page 131, line 20, at end insert—

“(1A) A person consents if the person agrees by choice, and has the freedom and capacity to make that choice.”

Member's explanatory statement

This amendment is linked to Amendment 41.

Chris Philp

3

Clause 156, page 131, line 37, leave out “12 months” and insert “the general limit in a magistrates’ court”

Chris Philp

5

Clause 156, page 131, leave out lines 40 to 42

Member's explanatory statement

This amendment is consequential on Amendment 3.

Chris Philp

126

Clause 176, page 145, line 4, at end insert—

“(5A) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (3) which—

- (a) add an offence that extends only to Scotland, or
- (b) amend or remove an entry specifying an offence that extends only to Scotland.

(5B) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under subsection (3) which—

- (a) add an offence that extends only to Northern Ireland, or
- (b) amend or remove an entry specifying an offence that extends only to Northern Ireland.”

Member's explanatory statement

This amendment ensures that the Secretary of State must consult the Scottish Ministers or the

Department of Justice in Northern Ireland before making regulations which amend Schedule 7 in connection with an offence which extends to Scotland or Northern Ireland only.

John Nicolson
Kirsty Blackman

76

Clause 189, page 154, line 34, after “including” insert “but not limited to”

Member’s explanatory statement

This amendment clarifies the definition of “content” in the bill in order that anything communicated by means of an internet service is considered content, not only those examples listed.

Alex Davies-Jones
Barbara Keeley

47

Clause 189, page 155, line 1, at end insert—

““Identity Verification” means a system or process designed to enable a user to prove their identity, for purposes of establishing that they are a genuine, unique, human user of the service and that the name associated with their profile is their real name.”

Member’s explanatory statement

This amendment adds a definition of Identity Verification to the terms defined in the Bill.

Siobhan Baillie

111

Clause 189, page 155, line 47, after “United Kingdom users” insert—

““user identity verification” means a system or process designed to enable a user to prove their identity, for purposes of establishing that they are a genuine, unique, human user of the service and that the name associated with their profile is their real name.”

Member’s explanatory statement

This amendment adds a definition of User Identity Verification to the terms defined in the Bill.

Alex Davies-Jones
Barbara Keeley

49

Clause 193, page 160, line 27, leave out subsection (2) and insert—

- “(2) Subject to subsection (3) below, the other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) The provisions of Part 5 shall come into force at the end of the period of three months beginning with the day on which this Act is passed.”

Member’s explanatory statement

This amendment would bring Part 5 into force three months after the Act is passed.

Alex Davies-Jones
Barbara Keeley

NC1

To move the following Clause—

“Report on redress for individual complaints

- (1) The Secretary of State must publish a report assessing options for dealing with appeals about complaints made under—
 - (a) section 18; and
 - (b) section 28of this Act.
- (2) The report must—
 - (a) provide a general update on the fulfilment of duties about complaints procedures which apply in relation to all regulated user-to-user services and regulated search services;
 - (b) assess which body should be responsible for a system to deal with appeals in cases where a complainant considers that a complaint has not been satisfactorily dealt with; and
 - (c) provide options for how the system should be funded, including consideration of whether an annual surcharge could be imposed on user-to-user services and search services.
- (3) The report must be laid before Parliament within six months of the commencement of this Act.”

Dame Diana Johnson
Alex Davies-Jones
Barbara Keeley

NC2

To move the following Clause—

“Duties regarding user-generated pornographic content: regulated services

- (1) This section sets out the duties which apply to regulated services in relation to user-generated pornographic content.
- (2) A duty to verify that each individual featuring in the pornographic content has given their permission for the content in which they feature to be published or made available by the service.
- (3) A duty to remove pornographic content featuring a particular individual if that individual withdraws their consent, at any time, to the pornographic content in which they feature remaining on the service.
- (4) For the meaning of “pornographic content”, see section 66(2).
- (5) In this section, “user-generated pornographic content” means any content falling within the meaning given by subsection (4) and which is also generated directly on the service by a user of the service, or uploaded to or shared on the service by a user of the service, may be encountered by another user, or other users, of the service.
- (6) For the meaning of “regulated service”, see section 2(4).”

Barbara Keeley
Alex Davies-Jones

NC3

To move the following Clause—

“Establishment of Advocacy Body

- (1) There is to be a body corporate (“the Advocacy Body”) to represent interests of child users of regulated services.
- (2) A “child user”—
 - (a) means any person aged 17 years or under who uses or is likely to use regulated internet services; and
 - (b) includes both any existing child user and any future child user.
- (3) The work of the Advocacy Body may include—
 - (a) representing the interests of child users;
 - (b) the protection and promotion of these interests;
 - (c) any other matter connected with those interests.
- (4) The “interests of child users” means the interest of children in relation to the discharge by any regulated company of its duties under this Act, including—
 - (a) safety duties about illegal content, in particular CSEA content;
 - (b) safety duties protecting children;
 - (c) “enforceable requirements” relating to children.

- (5) The Advocacy Body must have particular regard to the interests of child users that display one or more protected characteristics within the meaning of the Equality Act 2010.
- (6) The Advocacy Body will be defined as a statutory consultee for OFCOM's regulatory decisions which impact upon the interests of children.
- (7) The Secretary of State may appoint an organisation known to represent children to be designated the functions under this Act, or may create an organisation to carry out the designated functions."

Member's explanatory statement

This new clause creates a new advocacy body for child users of regulated internet services.

Barbara Keeley
Alex Davies-Jones

NC4

To move the following Clause—

"Duty to disclose information to OFCOM

- (1) This section sets out the duties to disclose information to OFCOM which apply in relation to all regulated user-to-user services.
- (2) A regulated user-to-user service must disclose to OFCOM anything relating to that service of which that regulator would reasonably expect notice.
- (3) This includes —
 - (a) any significant changes to its products or services which may impact upon its performance of its safety duties;
 - (b) any significant changes to its moderation arrangements which may impact upon its performance of its safety duties;
 - (c) any significant breaches in respect of its safety duties."

Member's explanatory statement

This new clause creates a duty to disclose information to Ofcom.

Barbara Keeley
Alex Davies-Jones
Mrs Sharon Hodgson
Dr Rupa Huq

NC5

To move the following Clause—

"Duty to distinguish paid-for advertisements

- (1) A provider of a Category 2A service must operate the service using systems and processes designed to clearly distinguish to users of that service paid-for advertisements from all other content appearing in or via search results of the service.
- (2) The systems and processes described under subsection (1)—

- (a) must include clearly displaying the words “paid-for advertisement” next to any paid-for advertisement appearing in or via search results of the service, and
 - (b) may include measures such as but not limited to the application of colour schemes to paid-for advertisements appearing in or via search results of the service.
- (3) The reference to paid-for advertisements appearing “in or via search results of a search service” does not include a reference to any advertisements appearing as a result of any subsequent interaction by a user with an internet service other than the search service.
- (4) If a person is the provider of more than one Category 2A service, the duties set out in this section apply in relation to each such service.
- (5) The duties set out in this section extend to the design, operation and use of a Category 2A service that hosts paid-for advertisements targeted at users of that service in the United Kingdom.
- (6) For the meaning of “Category 2A service”, see section 81 (register of a categories of service).
- (7) For the meaning of “paid-for advertisement”, see section 189 (interpretation: general).”

Barbara Keeley
Alex Davies-Jones
Mrs Sharon Hodgson
Dr Rupa Huq

NC6

To move the following Clause—

“Duty to verify advertisements

- (1) A provider of a Category 2A service must operate an advertisement verification process for any relevant advertisement appearing in or via search results of the service.
- (2) In this section, “relevant advertisement” means any advertisement for a service or product to be designated in regulations made by the Secretary of State.
- (3) The verification process under subsection (1) must include a requirement for advertisers to demonstrate that they are authorised by a UK regulatory body.
- (4) In this section, “UK regulatory body” means a UK regulator responsible for the regulation of a particular service or product to be designated in regulations made by the Secretary of State.
- (5) If a person is the provider of more than one Category 2A service, the duties set out in this section apply in relation to each such service.
- (6) For the meaning of “Category 2A service”, see section 81 (register of a categories of service).
- (7) Regulations under this section shall be made by statutory instrument.

- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Alex Davies-Jones
Barbara Keeley

NC7

To move the following Clause—

“Report on duties to protect content of democratic importance and journalistic content

- (1) The Secretary of State must publish a report which—
- (a) reviews the extent to which Category 1 services have fulfilled their duties under—
 - (i) Clause 15; and
 - (ii) Clause 16;
 - (b) analyses the effectiveness of Clauses 15 and 16 in protecting against—
 - (i) foreign state actors;
 - (ii) extremist groups and individuals; and
 - (iii) sources of misinformation and disinformation.
- (2) The report must be laid before Parliament within one year of this Act being passed.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a report reviewing the effectiveness of Clauses 15 and 16.

Alex Davies-Jones
Barbara Keeley

NC8

To move the following Clause—

“OFCOM’s guidance about user identity verification

- (1) OFCOM must produce guidance for providers of Category 1 services on how to comply with the duty set out in section 57(1).
- (2) In producing the guidance (including revised or replacement guidance), OFCOM must have regard to—
- (a) ensuring providers offer forms of identity verification which are likely to be accessible to vulnerable adult users and users with protected Characteristics under the Equality Act 2010,
 - (b) promoting competition, user choice, and interoperability in the provision of identity verification,
 - (c) protection of rights, including rights to privacy, freedom of expression, safety, access to information, and the rights of children,

- (d) alignment with other relevant guidance and regulation, including with regards to Age Assurance and Age Verification.
- (3) In producing the guidance (including revised or replacement guidance), OFCOM must set minimum standards for the forms of identity verification which Category services must offer, addressing—
 - (a) effectiveness,
 - (b) privacy and security,
 - (c) accessibility,
 - (d) time-frames for disclosure to Law Enforcement in case of criminal investigations,
 - (e) transparency for the purposes of research and independent auditing,
 - (f) user appeal and redress mechanisms.
- (4) Before producing the guidance (including revised or replacement guidance), OFCOM must consult—
 - (a) the Information Commissioner,
 - (b) the Digital Markets Unit,
 - (c) persons whom OFCOM consider to have technological expertise relevant to the duty set out in section 57(1),
 - (d) persons who appear to OFCOM to represent the interests of users including vulnerable adult users of Category 1 services, and
 - (e) such other persons as OFCOM considers appropriate.
- (5) OFCOM must publish the guidance (and any revised or replacement guidance)."

Member's explanatory statement

This new clause would require Ofcom to set a framework of principles and minimum standards for the User Verification Duty.

Alex Davies-Jones
Barbara Keeley

NC9

To move the following Clause—

"Risk assessments: submission to OFCOM and publication

Whenever a Category 1 service carries out any risk assessment pursuant to Part 3 of this Act, the service must—

- (a) submit the risk assessment to OFCOM; and
- (b) publish the risk assessment on the service's website."

Member's explanatory statement

This new clause requires any risk assessment carried out by a Category 1 service under Part 3 to be submitted to Ofcom and published.

Alex Davies-Jones
Barbara Keeley

NC10

To move the following Clause—

“Special circumstances

- (1) This section applies where OFCOM has reasonable grounds for believing that circumstances exist that present a threat—
 - (a) to the health or safety of the public, or
 - (b) to national security.
- (2) OFCOM may, in exercising their media literacy functions, give priority for a specified period to specified objectives designed to address the threat presented by the circumstances mentioned in subsection (1).
- (3) OFCOM may give a public statement notice to—
 - (a) a specified provider of a regulated service, or
 - (b) providers of regulated services generally.
- (4) A “public statement notice” is a notice requiring a provider of a regulated service to make a publicly available statement, by a date specified in the notice, about steps the provider is taking in response to the threat presented in the circumstances mentioned in subsection (1).
- (5) OFCOM may, by a public statement notice or a subsequent notice, require a provider of a regulated service to provide OFCOM with such information as they may require for the purpose of responding to that threat.
- (6) If OFCOM takes any of the steps set out in this Chapter, they must publish their reasons for doing so.
- (7) In subsection (2) “media literacy functions” means OFCOM’s functions under section 11 of the Communications Act (duty to promote media literacy), so far as functions under that section relate to regulated services.”

Member’s explanatory statement

This new clause gives Ofcom the power to take particular steps where it considers that there is a threat to the health and safety of the public or to national security, without the need for a direction from the Secretary of State.

Alex Davies-Jones
Barbara Keeley

NC11

To move the following Clause—

“Supply chain risk assessment duties

- (1) This section sets out duties to assess risks arising in a provider’s supply chain, which apply to all Part 3 services.
- (2) A duty to carry out a suitable and sufficient assessment of the risk of harm arising to persons employed by contractors of the provider, where the role of such persons is to moderate content on the service.

- (3) A duty to keep the risk assessment up to date.
- (4) Where any change is proposed to any contract for the moderation of content on the service, a duty to carry out a further suitable and sufficient risk assessment.
- (5) In this section, the “risk of harm” includes any risks arising from—
 - (a) exposure to harmful content; and
 - (b) a lack of training, counselling or support.”

Member’s explanatory statement

This new clause introduces a duty to assess the risk of harm in the supply chain.

Alex Davies-Jones
Barbara Keeley

NC12

To move the following Clause—

“Secretary of State’s powers to suggest modifications to a code of practice

- (1) The Secretary of State may on receipt of a code write within one month of that day to OFCOM with reasoned, evidence-based suggestions for modifying the code.
- (2) OFCOM shall have due regard to the Secretary of State’s letter and must reply to the Secretary of State within one month of receipt.
- (3) The Secretary of State may only write to OFCOM twice under this section for each code.
- (4) The Secretary of State and OFCOM shall publish their letters as soon as reasonably possible after transmission, having made any reasonable redactions for public safety and national security.
- (5) If the draft of a code of practice contains modifications made following changes arising from correspondence under this section, the affirmative procedure applies.”

Member’s explanatory statement

This new clause gives the Secretary of State powers to suggest modifications to a code of practice, as opposed to the powers of direction proposed in clause 40.

Alex Davies-Jones
Barbara Keeley

NC13

To move the following Clause—

“Liability for companies associated with regulated services

- (1) A relevant regulated entity (“C”) is liable for penalties set out in the Bill where a person or company (“A”) associated with C and considered by a user to be a component of C does not comply with the duties established in the Bill.

- (2) Subsection (1) applies whether or not C has made A aware of the duties established in the Bill.
- (3) But it is a defence for C to prove that C had in place adequate procedures designed to prevent persons associated with C from undertaking such conduct.
- (4) In this section a “relevant regulated entity” means a regulated service as defined in section 3(4) of this Act.
- (5) For the purposes of this section, A is associated with C if A is a person who performs services for or on behalf of C notwithstanding—
 - (a) the capacity in which A performs services for or on behalf of C;
 - (b) whether or not A is an employee, agent or subsidiary of C.
- (6) Whether or not A is a person who performs services for or on behalf of C is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between A and C.
- (7) If A is an employee of C, it is to be presumed unless the contrary is shown that A is a person who performs services for or on behalf of C.”

Alex Davies-Jones
 Barbara Keeley
 John Nicolson
 Kirsty Blackman
 Kim Leadbeater

NC14

To move the following Clause—

“Duty to promote media literacy: regulated user-to-user services and search services

- (1) In addition to the duty on OFCOM to promote media literacy under section 11 of the Communications Act 2003, OFCOM must take such steps as they consider appropriate to improve the media literacy of the public in relation to regulated user-to-user services and search services.
- (2) This section applies only in relation to OFCOM’s duty to regulate—
 - (a) user-to-user services, and
 - (b) search services.
- (3) OFCOM’s performance of its duty in subsection (1) must include pursuit of the following objectives—
 - (a) to reach audiences who are less engaged with, and harder to reach through, traditional media literacy initiatives;
 - (b) to address gaps in the availability and accessibility of media literacy provisions targeted at vulnerable users;
 - (c) to build the resilience of the public to disinformation and misinformation by using media literacy as a tool to reduce the harm from that misinformation and disinformation;
 - (d) to promote greater availability and effectiveness of media literacy initiatives and other measures, including by—

- (i) carrying out, commissioning or encouraging educational initiatives designed to improve the media literacy of the public;
 - (ii) seeking to ensure, through the exercise of OFCOM's online safety functions, that providers of regulated services take appropriate measures to improve users' media literacy;
 - (iii) seeking to improve the evaluation of the effectiveness of the initiatives and measures mentioned in sub paras (2)(d)(i) and (ii) (including by increasing the availability and adequacy of data to make those evaluations);
- (e) to promote better coordination within the media literacy sector.
- (4) OFCOM may prepare such guidance about the matters referred to in subsection (2) as it considers appropriate.
- (5) Where OFCOM prepares guidance under subsection (4) it must—
- (a) publish the guidance (and any revised or replacement guidance); and
 - (b) keep the guidance under review.
- (6) OFCOM must co-operate with the Secretary of State in the exercise and performance of their duty under this section."

Member's explanatory statement

This new clause places an additional duty on Ofcom to promote media literacy of the public in relation to regulated user-to-user services and search services.

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Kim Leadbeater

NC15

To move the following Clause—

"Media literacy strategy

- (1) OFCOM must prepare a strategy which sets out how they intend to undertake their duty to promote media literacy in relation to regulated user-to-user services and regulated search services under section (Duty to promote media literacy: regulated user-to-user services and search services).
- (2) The strategy must—
- (a) set out the steps OFCOM propose to take to achieve the pursuit of the objectives set out in section (Duty to promote media literacy: regulated user-to-user services and search services),
 - (b) set out the organisations, or types of organisations, that OFCOM propose to work with in undertaking the duty;
 - (c) explain why OFCOM considers that the steps it proposes to take will be effective;

- (d) explain how OFCOM will assess the extent of the progress that is being made under the strategy.
- (3) In preparing the strategy OFCOM must have regard to the need to allocate adequate resources for implementing the strategy.
- (4) OFCOM must publish the strategy within the period of 6 months beginning with the day on which this section comes into force.
- (5) Before publishing the strategy (or publishing a revised strategy), OFCOM must consult—
 - (a) persons with experience in or knowledge of the formulation, implementation and evaluation of policies and programmes intended to improve media literacy;
 - (b) the advisory committee on disinformation and misinformation, and
 - (c) any other person that OFCOM consider appropriate.
- (6) If OFCOM have not revised the strategy within the period of 3 years beginning with the day on which the strategy was last published, they must either—
 - (a) revise the strategy, or
 - (b) publish an explanation of why they have decided not to revise it.
- (7) If OFCOM decides to revise the strategy they must—
 - (a) consult in accordance with subsection (3), and
 - (b) publish the revised strategy.”

Member’s explanatory statement

This new clause requires Ofcom to publish a strategy related to their duty to promote media literacy of the public in relation to regulated user-to-user services and search services.

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Kim Leadbeater

NC16

To move the following Clause—

“Media literacy strategy: progress report

- (1) OFCOM must report annually on the delivery of the strategy required under section (Duty to promote media literacy: regulated user-to-user services and search services).
- (2) The report must include—
 - (a) a description of the steps taken in accordance with the strategy during the year to which the report relates; and
 - (b) an assessment of the extent to which those steps have had an effect on the media literacy of the public in that year.
- (3) The assessment referred to in subsection (2)(b) must be made in accordance with the approach set out by OFCOM in the strategy (see

section (Duty to promote media literacy: regulated user-to-user services and search services) (2)(d).

- (4) OFCOM must—
- (a) publish the progress report in such manner as they consider appropriate; and
 - (b) send a copy of the report to the Secretary of State who must lay the copy before Parliament.”

Member’s explanatory statement

This new clause is contingent on NC15.

John Nicolson
Kirsty Blackman

NC17

To move the following Clause—

“Algorithmic prompts: prohibition of protected characteristics

- (1) A search service which uses an algorithm to suggest search terms to users, an “algorithmic prompt”, must not apply any algorithm where any of the words in the search term relate to any protected characteristic as defined in the Equality Act 2010.
- (2) If the word relating to a protected characteristic is not the first word input, the algorithmic prompt must cease as soon as the word relating to a protected characteristic is input by the user.”

Member’s explanatory statement

This new clause removes the ability of search services to allow their algorithms to create prompts in relation to protected characteristics. This removes entirely the possibility that a prompt would contain discriminatory language toward an individual or group with protected characteristics.

John Nicolson
Kirsty Blackman

NC18

To move the following Clause—

“Identification of information incidents by Ofcom

- (1) OFCOM must maintain arrangements for identifying and understanding patterns in the presence and dissemination of harmful misinformation and disinformation on regulated services.
- (2) Arrangements for the purposes of subsection (1) must in particular include arrangements for—
 - (a) identifying, and assessing the severity of, actual or potential information incidents; and
 - (b) consulting with persons with expertise in the identification, prevention and handling of disinformation and misinformation online (for the purposes of subsection (2)(a)).

- (3) Where an actual or potential information incident is identified, OFCOM must as soon as reasonably practicable—
 - (a) set out any steps that OFCOM plans to take under its online safety functions in relation to that situation; and
 - (b) publish such recommendations or other information that OFCOM considers appropriate.
- (4) Information under subsection (3) may be published in such a manner as appears to OFCOM to be appropriate for bringing it to the attention of the persons who, in OFCOM’s opinion, should be made aware of it.
- (5) OFCOM must prepare and issue guidance about how it will exercise its functions under this section and, in particular—
 - (a) the matters it will take into account in determining whether an information incident has arisen;
 - (b) the matters it will take into account in determining the severity of an incident; and
 - (c) the types of responses that OFCOM thinks are likely to be appropriate when responding to an information incident.
- (6) For the purposes of this section—

“harmful misinformation or disinformation” means misinformation or disinformation which, taking into account the manner and extent of its dissemination, may have a material adverse effect on users of regulated services or other members of the public;

“information incident” means a situation where it appears to OFCOM that there is a serious or systemic dissemination of harmful misinformation or disinformation relating to a particular event or situation.”

Member’s explanatory statement

This new clause would insert a new clause into the Bill to give Ofcom a proactive role in identifying and responding to the sorts of information incidents that can occur in moments of crisis.

John Nicolson
Kirsty Blackman

NC19

To move the following Clause—

“Research conducted by regulated services

- (1) OFCOM may, at any time it considers appropriate, produce a report into how regulated services commission, collate, publish and make use of research.
- (2) For the purposes of the report, OFCOM may require services to submit to OFCOM—
 - (a) a specific piece of research held by the service, or
 - (b) all research the service holds on a topic specified by OFCOM.”

Alex Davies-Jones
Barbara Keeley

NC20

To move the following Clause—

“Use of proactive technology in private messaging: report

- (1) OFCOM must produce a report—
 - (a) examining the case for the use of proactive technology in private messaging where the aim is to identify CSEA content; and
 - (b) making recommendations to whether or not proactive technology should be used in such cases.
- (2) The report must be produced in consultation with organisations that have expertise and experience in tackling CSEA.
- (3) The report must be published and laid before both Houses of Parliament within six months of this Act being passed.”

Carla Lockhart

NC21

To move the following Clause—

“Meaning of “pornographic content”

- (1) In this Act “pornographic content” means any of the following—
 - (a) a video work in respect of which the video works authority has issued an R18 certificate;
 - (b) content that was included in a video work to which paragraph (a) applies, if it is reasonable to assume from its nature that its inclusion was among the reasons why the certificate was an R18 certificate;
 - (c) any other content if it is reasonable to assume from its nature that any classification certificate issued in respect of a video work including it would be an R18 certificate;
 - (d) a video work in respect of which the video works authority has issued an 18 certificate, and that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal;
 - (e) content that was included in a video work to which paragraph (d) applies, if it is reasonable to assume from the nature of the content—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the certificate was an 18 certificate;
 - (f) any other content if it is reasonable to assume from its nature—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that any classification certificate issued in respect of a video work including it would be an 18 certificate;

- (g) a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if—
 - (i) it includes content that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal, and
 - (ii) it is reasonable to assume from the nature of that content that its inclusion was among the reasons why the video works authority made that determination;
- (h) content that was included in a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if it is reasonable to assume from the nature of the content—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the video works authority made that determination;
- (i) any other content if it is reasonable to assume from the nature of the content—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it.

(2) In this section—

“18 certificate” means a classification certificate which—

- (a) contains, pursuant to section 7(2)(b) of the Video Recordings Act 1984, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and
- (b) does not contain the statement mentioned in section 7(2)(c) of that Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“classification certificate” has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);

“content” means—

- (a) a series of visual images shown as a moving picture, with or without sound;
- (b) a still image or series of still images, with or without sound; or
- (c) sound;

“R18 certificate” means a classification certificate which contains the statement mentioned in section 7(2)(c) of the Video Recordings Act 1984 that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“the video works authority” means the person or persons designated under section 4(1) of the Video Recordings Act 1984 as the authority responsible for making arrangements in respect of video works other than video games;

“video work” means a video work within the meaning of the Video Recordings Act 1984, other than a video game within the meaning of that Act.”

Member’s explanatory statement

This new clause defines pornographic content for the purposes of the Act and would apply to user-to-user services and commercial pornographic content.

Carla Lockhart

NC22

To move the following Clause—

“Requirement on Part 5 service to report CSEA

- (1) This section sets out a requirement which applies in relation to internet services within section 67(2).
- (2) A UK service must operate the service using systems and processes which secure (so far as possible) that the provider reports all detected and unreported CSEA content present on the service to the NCA.
- (3) A non-UK service must operate the service using systems and processes which secure (so far as possible) that the provider reports all detected and unreported UK-lined CSEA content present on the service to the NCA (and does not report to the NCA CSEA content which is not UK-linked).
- (4) Providers’ reports under this section—
 - (a) must meet the requirements set out in regulations under section 60, and
 - (b) must be sent to the NCA in the manner, and within the time frames, set out in those regulations.
- (5) Terms used in this section are defined in section 63.
- (6) This section applies only in relation to CSEA content detected on or after the date on which this section comes into force.”

Member’s explanatory statement

This new clause requires commercial pornographic websites to follow the same requirements as services in Part 3 on notification of child sexual abuse content.

Alex Davies-Jones
Barbara Keeley

NC23

To move the following Clause—

“Priority illegal content: violence against women and girls

- (1) For the purposes of this Act, any provision applied to priority illegal content should also be applied to any content which—

- (a) constitutes,
 - (b) encourages, or
 - (c) promotes
- violence against women or girls.
- (2) “Violence against women and girls” is defined by Article 3 of the Council of Europe Convention on Preventing Violence Against Women and Domestic Violence (“the Istanbul Convention”).”

Member’s explanatory statement

This new clause applies provisions to priority illegal content to content which constitutes, encourages or promotes violence against women and girls.

Alex Davies-Jones
Barbara Keeley

NC24

To move the following Clause—

“Civil claims for breach of duty

A user may bring civil proceedings against the provider of a regulated service in respect of a breach by a provider of any of its duties under Part 3 of this Act.”

Member’s explanatory statement

This new clause would enable users to bring civil proceedings against providers when providers fail to meet their duties under Part 3.

Kim Leadbeater

NC25

To move the following Clause—

“Annual reporting by OFCOM to Parliament

- (1) OFCOM must publish and lay before Parliament an annual report on the operation of its regulatory functions under this Act.
- (2) The report must include—
 - (a) an overall assessment of the continued effectiveness of this Act in reducing harm online;
 - (b) figures of the volume of content removed by category 1 services in compliance with their duties under this Act;
 - (c) details of the exercise of any powers by OFCOM under Chapter 4, Part 7 of this Act, including—
 - (i) the number of times each power has been exercised, and
 - (ii) the service providers subject to the power;
 - (d) the number of reports received by OFCOM from regulated services in compliance with their duties under this Act, including details of the type of content that the reports concern.”

Member's explanatory statement

This new clause would require Ofcom to publish and lay before Parliament an annual report on the operation of its regulatory functions under the Act.

Alex Davies-Jones
Barbara Keeley

NC26

To move the following Clause—

“Report on synthetic media content harms

- (1) The Secretary of State must publish and lay before Parliament a report on the harms caused to users by synthetic media content appearing on regulated services.
- (2) The report must contain analysis of the harms caused specifically to individuals working in the entertainment industry, including, but not limited to, infringements of their intellectual property rights.
- (3) The report must be published within six months of this Act being passed.
- (4) In this section, “synthetic media content” means any content that has been produced or modified by automated means.”

Member's explanatory statement

This new clause would require the Secretary of State to publish and lay before Parliament a report on the harms caused to users by synthetic media content (aka “deepfakes”). The report must contain particular reference to the harms caused to those working in the entertainment industry.

Order of the House

[19 April 2022]

That the following provisions shall apply to the Online Safety Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 30 June 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee

[24 May 2022, as amended 26 May 2022]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 24 May) meet—
- (a) at 2.00 pm on Tuesday 24 May;
 - (b) at 11.30 am and 2.00 pm on Thursday 26 May;
 - (c) at 9.25 am and 2.00 pm on Tuesday 7 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 9 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 14 June;
 - (f) at 11.30 am and 2.00 pm on Thursday 16 June;
 - (g) at 9.25 am and 2.00 pm on Tuesday 21 June;
 - (h) at 11.30 am and 2.00 pm on Thursday 23 June;
 - (i) at 9.25 am and 2.00 pm on Tuesday 28 June;
 - (j) at 11.30 am and 2.00 pm on Thursday 30 June;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

| Date | Time | Witness |
|----------------|------------------------------|--|
| Tuesday 24 May | Until no later than 10.05 am | Ofcom |
| Tuesday 24 May | Until no later than 10.50 am | Dame Rachel de Souza, Children's Commissioner for England; Barnado's; National Society for the Prevention of Cruelty to Children (NSPCC) |
| Tuesday 24 May | Until no later than 11.25 am | TikTok; Twitter |
| Tuesday 24 May | Until no later than 2.45 pm | Meta; Microsoft; Google |
| Tuesday 24 May | Until no later than 3.30 pm | Professor Clare McGlynn, Professor of Law, Durham University; Refuge; End Violence Against Women |
| Tuesday 24 May | Until no later than 4.15 pm | techUK; Online Safety Tech Industry Association (OSTIA); Crisp |
| Tuesday 24 May | Until no later than 5.00 pm | Match Group; Bumble; TrustElevate |

| Date | Time | Witness |
|-----------------|------------------------------|--|
| Tuesday 24 May | Until no later than 5.30 pm | Marie Collins Foundation; Internet Watch Foundation (IWF) |
| Tuesday 24 May | Until no later than 6.00 pm | Demos; FairVote |
| Thursday 26 May | Until no later than 12.15 pm | Catch22; Full Fact; Carnegie UK Trust |
| Thursday 26 May | Until no later than 1.00 pm | Antisemitism Policy Trust; Clean up the Internet; HOPE not hate |
| Thursday 26 May | Until no later than 2.25 pm | Information Commissioner's Office |
| Thursday 26 May | Until no later than 2.55 pm | Kick It Out; Barnardo's |
| Thursday 26 May | Until no later than 3.25 pm | Center for Countering Digital Hate; Reset |
| Thursday 26 May | Until no later than 3.55 pm | News Media Association; Guardian Media Group |
| Thursday 26 May | Until no later than 4.40 pm | Personal Investment Management & Financial Advice Association (PIMFA); Which?; Money Saving Expert |
| Thursday 26 May | Until no later than 5.05 pm | Frances Haugen |

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 3; Schedules 1 and 2; Clauses 4 to 32; Schedule 3; Clauses 33 to 38; Schedule 4; Clauses 39 to 52; Schedules 5 to 7; Clauses 53 to 64; Schedule 8; Clauses 65 to 67; Schedule 9; Clauses 68 to 80; Schedule 10; Clauses 81 to 91; Schedule 11; Clauses 92 to 122; Schedule 12; Clauses 123 to 158; Schedule 13; Clauses 159 to 161; Schedule 14; Clauses 162 to 194; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 30 June.

Withdrawn Amendments

The following amendments were withdrawn on 6 June 2022:

8 and 9
