

Online Safety Bill [HL]

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TO

Make provision about the promotion of online safety; to require internet service providers and mobile phone operators to provide a service that excludes adult content; to require electronic device manufacturers to provide a means of filtering content; and for parents to be educated about online safety.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to provide a service that excludes adult content

- (1) Internet service providers must provide to subscribers an internet access service which excludes adult content unless all the conditions of subsection (3) have been fulfilled.
- (2) Where mobile telephone network operators provide a telephone service to subscribers, which includes an internet access service, they must ensure this service excludes adult content unless all the conditions of subsection (3) have been fulfilled. 5
- (3) The conditions are—
 - (a) the subscriber “opts-in” to subscribe to a service that includes adult content; 10
 - (b) the subscriber is aged 18 or over; and
 - (c) the provider of the service has an age verification policy which meets the standards set out by OFCOM and which has been used to confirm that the subscriber is aged 18 or over. 15
- (4) In this section, internet service providers and mobile telephone network operators shall at all times be held harmless of any claims or proceedings, whether civil or criminal, providing that at the relevant time, the internet access provider or the mobile telephone operator was—
 - (a) following the standards and code set out by OFCOM in section 2; and 20
 - (b) acting in good faith.
- (5) In this section—

“adult content” means an internet access service that contains harmful and offensive materials from which persons under the age of eighteen are protected;

“harmful and offensive materials” has the same meaning as in section 3 of the Communications Act 2003;

“material from which persons under the age of eighteen are protected” means material specified in the OFCOM standards under section 319(2)(a) of the Communications Act 2003; and

“opts-in” means a subscriber notifies the service provider of his or her consent to subscribe to a service that includes adult content.

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2 Role of OFCOM

(1) It shall be the duty of OFCOM to set, and from time to time to review and revise, standards for the—

(a) filtering of adult content in line with the standards set out in section 319 of the Communications Act 2003; and

(b) age verification policies to be used under section 1 of this Act.

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(2) The standards set out by OFCOM under this section must be contained in one or more codes.

(3) Before setting standards under subsection (1), OFCOM must publish, in such a manner as they think fit, a draft of the proposed code containing those standards.

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(4) After publishing the draft code and before setting the standards, OFCOM must consult relevant persons and organisations.

(5) It shall be the duty of OFCOM to establish procedures for the handling and resolution of complaints in a timely manner about the observance of standards set under this section.

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(6) OFCOM must prepare a report for the Secretary of State about the operation of this Act—

(a) every three years from the date of this Act coming into force; and

(b) at the direction of the Secretary of State.

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3 Duty to provide a means of filtering online content

Manufacturers of electronic devices must provide customers with a means of filtering content at an age appropriate level from an internet access service at the time the device is purchased.

4 Duty to provide information about online safety

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Internet service providers and mobile telephone network operators must provide prominent, easily accessible and clear information about online safety to customers at the time the internet service is purchased and shall make such information available for the duration of the service.

5 Duty to educate parents of children under 18 on online safety

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The Secretary of State must provide means of educating parents of children under the age of eighteen about online safety.

6 Interpretation

In this Act—

- “age verification policy” is a policy which sets out the steps to be taken to establish the age of the subscriber;
- “electronic device” means a device that is capable of connecting to an internet access service and downloading content; 5
- “internet access service” and “internet service provider” have the same meanings as in section 124N of the Communications Act 2003;
- “OFCOM” has the same meaning as in Chapter 1 of Part 1 of the Communications Act 2003; 10
- “online safety” means the safe and responsible use of the internet by children and young people on an electronic device;
- “subscriber” means a person who receives the service under an agreement between the person and the provider of the service; and
- “telephone service” means a service providing calls (including voice, voicemail and conference and data calls), supplementary services (including call forwarding and call transfer) and messaging and multi-media services (including short message services, enhanced media services and multi-media services). 15

7 Short title, commencement and extent 20

- (1) This Act may be cited as the Online Safety Act 2013.
- (2) This Act comes into force at the end of the period of six months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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Baroness Howe of Idlicote

Ordered to be Printed, 14th May 2013

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

HL Bill 19

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