

## **ONLINE SAFETY BILL [HL]**

### **EXPLANATORY NOTES**

1. The objective of this Bill is to reduce the ability for children and young people to access inappropriate material online.
2. It seeks to have a three pronged approach to improving online safety:
  - Internet Service Providers (ISPs) and mobile phone operators (MPOs) would by default provide an Internet service without access to adult content, with adult subscribers able to opt-in to receive such material;
  - Electronic device manufacturers would provide a means of filtering Internet content at the time of purchase; and
  - ISPs/MPOs would make available information about online safety and schools would educate parents about online safety.

#### ***Clause 1: Duty to provide a service that excludes adult content***

3. **Clause 1(1)** requires all ISPs to provide an Internet service that excludes adult content, unless a subscriber opts in and meets the criteria set out in clause 1(3).
4. **Clause 1(2)** requires all MPOs who provide an Internet service as part of their telephone service to exclude adult content from that service, unless a subscriber opts in and meets the criteria set out in clause 1(3). It would standardise the way MPOs deal with customers accessing adult content.
5. Adult content is defined as containing “harmful and offensive material from which persons under the age of eighteen are protected” where:
  - “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.
6. **Clause 1(3)** sets out the three conditions whereby a subscriber may receive adult content as part of their Internet service. They must opt in to receive adult content, be 18 or over; and have their age verified by the service provider’s policy on age verification, which meets the standards set by Ofcom on age verification policies.

7. **Clause 1(4)** prevents ISPs and MPOs from being sued should material be accessed by the wrong person as long as they were following the standards and code set out by Ofcom in clause 2 and acting in good faith.

***Clause 2: Role of Ofcom***

8. **Clause 2** gives Ofcom a new responsibility to set standards in this area of media consumption. **Clause 2(1)** requires Ofcom to set standards on filtering of adult content and age verification policies. The standards should be reviewed and revised from time to time.
9. **Clause 2(2)** requires the standards set under 2(1) to be set out in one or more codes of practice.
10. **Clause 2(3)** requires a draft code of standards to be published.
11. **Clause 2(4)** requires there to be a consultation on the draft code with relevant people/organisations.
12. **Clause 2(5)** requires Ofcom to establish a process for handling and resolution of complaints regarding the standards in this section.
13. **Clause 2(6)** requires Ofcom to prepare a report to the Secretary of State about the operation of this Act every three years and at the direction of the Secretary of State.

***Clause 3: Duty to provide a means of filtering content***

14. **Clause 3** requires manufacturers of electronic devices that are capable of internet access to provide a means of filtering content at the time of purchase. The objective of this additional filtering level is so that parents can choose to exclude material they deem inappropriate for their child at different ages (e.g. gambling information, violence etc).
15. The requirement does not anticipate on-going support from the manufacturer after purchase, nor does it set out how the filtering must take place: each type of device can be different.

***Clause 4: Duty to provide information about online safety***

16. **Clause 4** requires ISPs and MPOs to provide prominent, easily accessible and clear information about online safety to customers at the time of the purchase of a service and to make such information available for the duration of the service, e.g. it could contain information for parents about safe use of social networking sites.

*These notes refer to the Online Safety Bill [HL]  
as introduced in the House of Lords on 14th May 2013 [HL Bill 19]*

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

17. **Clause 5** sets out a duty of the Secretary of State to provide means of educating parents of children under the age of 18 about online safety.

***Clause 6: Interpretation***

18. **Clause 6** sets out the interpretation of phrases in the Bill.

***Clause 7: Short title, commencement and extent***

19. **Clause 7** sets out that the Act will come into force six months after Royal Assent and apply across the UK, in the same way as the Communications Act 2003 and the Digital Economy Act 2010. The Bill would extend to England, Wales, Scotland and Northern Ireland.

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