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TO

Assign certain functions to OFCOM in relation to online harms regulation.

**B**E 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 OFCOM: report on duty of care regime**

In the Communications Act 2003, after section 2 insert—

**“2A Functions and general powers of OFCOM: online harms regulation**

- (1) OFCOM shall have the following functions relating to online harms regulation. 5
- (2) OFCOM is to prepare and publish a report containing recommendations for the introduction of an Online Harms Reduction Regulator.
- (3) The report under subsection (2) must include recommendations for a duty on online platform service operators operating in the United Kingdom to ensure that— 10
  - (a) service users are free from harm arising from the service’s operation or use, and
  - (b) the service is provided so that people who are not users of that service but may be affected by it are not harmed as a result of its operation or use, 15as far as is reasonably practicable and the harms are reasonably foreseeable.
- (4) For the purposes of subsection (3), the report must include recommendations for matters to which an online platform service operator’s duty may relate, including the prevention of— 20
  - (a) terrorism;
  - (b) dangers to persons aged under 18 and vulnerable adults;
  - (c) racial hatred, religious hatred, hatred on the grounds of sex or hatred on the grounds of sexual orientation; 25

- (d) discrimination against a person or persons because of a protected characteristic;
  - (e) fraud or financial crime;
  - (f) intellectual property crime;
  - (g) threats which impede or prejudice the integrity and probity of the electoral process; and 5
  - (h) any other harms that OFCOM deem appropriate.
- (5) A report under subsection (2) is to be published within one year of this section coming into force, and each year thereafter. The Secretary of State must lay each report under subsection (2) before both Houses of Parliament. 10
- (6) The Secretary of State must, within one year of the first report being laid before both Houses of Parliament under this section, publish a draft bill to create an Online Harms Reduction Regulator in accordance with the recommendations in the reports made under subsection (2).” 15

## 2 Interpretation

In this Act –

- “hatred on the grounds of sex” means hatred or hostility against a person or group of persons defined by reference to their sex;
- “hatred on the grounds of sexual orientation” has the meaning given in section 29AB (meaning of “hatred on the grounds of sexual orientation”) of the Public Order Act 1984; 20
- “online platform service operator” is a service provided to users in the United Kingdom using an electronic communications network which – 25
- (a) as a principal purpose of the service organises and displays publicly or to a selected audience content (including but not limited to text, music, sounds, images and videos) provided by users of the service, whether or not created by the user;
  - (b) is not a service for which the provider has editorial responsibility for or editorial control over the content included in the service; and 30
  - (c) is not a one-to-one telephony service;
- “protected characteristics” has the meaning given in Chapter 1 (protected characteristics) of the Equality Act 2010; 35
- “racial hatred” has the meaning given in section 17 (meaning of “racial hatred”) of the Public Order Act 1986;
- “religious hatred” has the meaning given in section 29A (meaning of “religious hatred”) of the Public Order Act 1986;
- “vulnerable adults” has the meaning given in section 59 (vulnerable adults) of the Safeguarding Vulnerable Groups Act 2006. 40

## 3 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Online Harms Reduction Regulator (Report) Act 2020. 45



# Online Harms Reduction Regulator (Report) Bill [HL]

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## B I L L

To assign certain functions to OFCOM in relation to online harms regulation.

*Lord McNally*

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