



Department for  
Digital, Culture,  
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The Rt Hon Yvette Cooper MP  
Chair  
Home Affairs Committee

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Dear Yvette

Thank you for inviting Baroness Williams and I to your committee on Wednesday 13 May to discuss Online Harms. As agreed during the session, I am writing to provide further details on closed groups, fact checking, enforcement, and concerns around algorithms.

### **Information on closed groups and coordination/incitement of illegal activity on these groups**

We recognise concerns raised about closed groups. Such groups should not be used to coordinate and incite illegal activity, nor should they serve as forums through which illegal material is disseminated. The Online Harms White Paper (OHWP) made it clear that users should be protected from harmful content or behaviour wherever it occurs online, and criminals should not be able to exploit the online space to conduct illegal activity in either private or public areas.

Our new online harms regulatory framework will set out expectations for companies to do what is reasonably practicable to counter harmful activity or content, depending on the nature of the harm, the risk of the harm occurring on their services, and the resources and technology available to them. The framework will be overseen by an independent regulator. The White Paper proposed a differentiated regulatory approach for private channels and consulted on what these requirements should be. We will set out further detail on this policy in our full Government response.

### **Enforcement of regulatory non-compliance vs law enforcement action against those that post illegal content.**

The regulator will take enforcement action against services in scope that fail to fulfil the duty of care towards their users. The duty of care will ensure companies have appropriate systems and processes in place to deal with harmful content on their services. Codes of Practice will provide more detail about how companies can meet the duty of care in terms of the steps they need to take. Therefore any enforcement action will be based on the compliance with this duty, rather than relating to specific pieces of content.

Services in scope will be able to decide what type of legal content or behaviour is acceptable on their services, but must take reasonable steps to protect children from harm. They will need to set this out in clear and accessible terms and conditions, and enforce these effectively, consistently and transparently.

In terms of illegal content, in scope services will need to ensure this is removed expeditiously, and that the risk of it appearing is minimised by effective systems. There will be some scenarios where companies should be expected to report illegal content, for example terrorist content or child abuse content, to law enforcement. We will set out further details in the full government response.

## **Algorithms**

The committee asked about the powers of the regulator in relation to the operation of algorithms and the risk of harm associated with companies' use of tools which recommend content. Under the duty of care, companies will be expected to take reasonable and proportionate steps to protect users. The steps that companies need to take will vary according to the organisation's associated risk, size and the resources available to it. One such step is that, where relevant, companies will need to understand the risks associated with the operation of their algorithms and recommendation tools and put in place measures to mitigate these risks.

We will ensure that the regulator is equipped with the powers and expertise it needs to determine whether companies are fulfilling the duty of care, including in relation to the operation of their algorithms. If a company did not put adequate systems in place to mitigate the risk of harm to users, e.g. in relation to the way users are recommended content, the regulator would have a range of enforcement tools at its disposal. Further details on these powers will be set out in the full government response.

It is worth reiterating that in all cases where there is illegal content, companies in scope will need to ensure that it is removed expeditiously, and that the risk of it appearing is minimised by effective systems.

## **Fact checking on platforms and discrepancies across platforms**

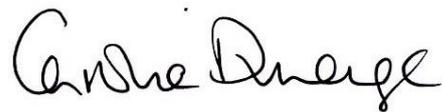
The DCMS Secretary of State spoke with major platforms in April about what they are doing to tackle misinformation and disinformation related to COVID-19. Whilst platforms are already taking positive steps, he asked them to explore how they can further limit the spread of harmful, false information on their platforms. This is further improving our understanding of the issues and the speed with which they are addressed as well as making it harder for misinformation to spread.

Some platforms are engaging directly with civil society organisations, who have a huge amount of expertise in this space. For example, Facebook and Instagram are supported by third-party fact-checkers, such as Full Fact, a fact-checking charity, to identify false claims related to COVID-19. The platforms have put in place measures to limit the spread of any content verified as false. For example, anyone attempting to share an article verified as false on Facebook is notified that it has been fact-checked before it can be shared. The Google News Initiative is providing funding to fact-checkers and nonprofits working to address misinformation related to Covid-19, including Full Fact and First Draft, an information integrity nonprofit. Twitter has launched a prompt that directs people searching for information about 5G and Covid-19 to Gov.uk information. The World

Health Organisation and national health authorities have also been granted free advertising credit by Facebook and Twitter, and have been offered help by Google to run advertisements promoting health advice.

Whilst fact checking is important, we have seen a number of other positive steps taken by social media platforms to curtail the spread of harmful and misleading narratives related to COVID-19, and to promote the Government and NHS messaging. As you know, we are working closely with social media platforms to help them identify and remove incorrect claims about the virus, in line with their terms and conditions, and promote authoritative sources of information. Government does not mandate the removal of any content, only indicating to platforms where we have identified dangerous and incorrect claims about the virus, for platforms to make a decision on. Where this content breaches their own terms and conditions, we expect platforms to remove it promptly. Many platforms have also updated their terms of service and introduced new measures to tackle misinformation and disinformation related to Covid-19. Government welcomes such measures to ensure the public has access to reliable and trusted information and we will continue to explore with the social media companies how they can further limit the spread of misinformation on their platforms.

With best wishes,

A handwritten signature in black ink, reading "Caroline Dinenage". The signature is written in a cursive style with a large initial 'C'.

**CAROLINE DINENAGE MP**  
Minister of State for Digital and Culture