



House of Commons  
Digital, Culture, Media and  
Sport Committee

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**Amending the Online  
Safety Bill**

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**First Report of Session 2022–23**

*Report, together with formal minutes relating  
to the Report*

*Ordered by the House of Commons  
to be printed 30 June 2022*

**HC 271**

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## The Digital, Culture, Media and Sport Committee

The Digital, Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Digital, Culture, Media and Sport and its associated public bodies.

### Current membership

[Julian Knight MP](#) (*Conservative, Solihull*) (Chair)

[Kevin Brennan MP](#) (*Labour, Cardiff West*)

[Steve Brine MP](#) (*Conservative, Winchester*)

[Clive Efford MP](#) (*Labour, Eltham*)

[Julie Elliott MP](#) (*Labour, Sunderland Central*)

[Rt Hon Damian Green MP](#) (*Conservative, Ashford*)

[Dr Rupa Huq MP](#) (*Labour, Ealing Central and Acton*)

[Simon Jupp MP](#) (*Conservative, East Devon*)

[John Nicolson MP](#) (*Scottish National Party, Ochil and South Perthshire*)

[Jane Stevenson MP](#) (*Conservative, Wolverhampton North East*)

[Giles Watling MP](#) (*Conservative, Clacton*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

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Committee reports are published on the Committee's website at [www.parliament.uk/dcmscom](http://www.parliament.uk/dcmscom) and in print by Order of the House.

### Committee staff

The current staff of the Committee are Rosie Akeroyd (Committee Specialist), Keely Bishop (Committee Operations Assistant), Andy Boyd (Committee Operations Manager), Joe Briggs (Committee Specialist), Laura Caccia (Second Clerk), Dr Conor Durham (Committee Specialist), Ollie Florence (Senior Media and Communications Officer), Lois Jeary (Committee Specialist), Dr Stephen McGinness (Clerk) and Billy Roberts (Media & Communications Officer).

### Contacts

All correspondence should be addressed to the Clerk of the Digital, Culture, Media and Sport Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6188; the Committee's email address is [dcmscom@parliament.uk](mailto:dcmscom@parliament.uk).

You can follow the Committee on Twitter using [@CommonsDCMS](https://twitter.com/CommonsDCMS).

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# 1 Scrutinising the Bill

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1. The Government published its draft Online Safety Bill on 12 May 2021.<sup>1</sup> We considered the text in parallel to the Joint Committee on the Draft Online Safety Bill, drawing attention to the tensions that needed to be addressed regarding the categorisation of legal but harmful content and activity, Ofcom’s suite of powers and parliamentary oversight of the regime. The Government then introduced its Online Safety Bill in the House of Commons on 17 March 2022 (reintroduced, following prorogation, in the current Session of Parliament on 11 May 2022). We were pleased to see that the Government had listened closely both to us and the Joint Committee and improved the text of the Bill.

2. As might be expected with legislation on such a complex matter, there remain a number of urgent issues that individuals, campaign groups, interested organisations and the industry would like to see further addressed. We decided to take oral evidence to understand what these outstanding issues might be and whether we wished to formally seek to amend the Bill. In oral evidence, a number of issues were raised; three key issues were:

- The potential for the Secretary of State to interfere with the issuing of codes of practice;
- The potential to make individuals in social media companies more directly responsible for ensuring their services were “safer by design”; and
- Whether the Bill should mandate the provision of digital literacy to better enable users to secure their own safety when online.

We have prepared this short Report to set out the case for bringing forward urgent amendments to the Bill as it reaches Report Stage in the House of Commons. We will continue to monitor developments in this area as the Bill progresses through Parliament.

3. Having listened carefully to the evidence, we are convinced that the key issue is to ensure the integrity of Ofcom, the proposed regulator for online safety. We have endorsed Ofcom for this role since the beginning of this Parliament, noting in our Report on Covid-19 misinformation that “Ofcom’s track record of research and expedited work on misinformation in other areas of its remit in this time of crisis as arguments in its favour”.<sup>2</sup> The Bill is structured, through its safety duties and resulting codes of practice, so that everything else flows from the independent functioning of the regulator. William Perrin, Trustee of the Carnegie UK Trust, highlighted how the powers being granted to the Secretary of State by the Bill might impede Ofcom’s ability to discharge its duties in an independent manner:

I feel one of the best measures to protect freedom of expression in the Bill would be to row back a little on some of the powers of the Secretary of State, of the Executive, to interfere in what the independent arm’s length regulator does and the decisions it takes in its regulation because the underpinning convention of regulation of media in Western Europe is that there is an independent regulator and the Executive does not interfere in

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1 DCMS, [Draft Online Safety Bill](#), 12 May 2021

2 Digital, Culture, Media and Sport Committee, Second Report of Session 2019–21, [Misinformation in the COVID-19 Infodemic](#), HC 234, para 76

their day to day decision-making for very good reason. In the regime set out here, there are few too many powers for the Secretary of State to interfere in that manner, rather than merely giving strategic direction on important matters.<sup>3</sup>

Dr Edina Harbinja, Senior Lecturer at Aston University, told us that the powers sought by the Secretary for State in this matter made her “fear that Ofcom’s independence may be compromised” and that “similar powers are creeping into other law reform pieces and proposals, such as the data protection proposal”.<sup>4</sup>

4. Furthermore, William Perrin dismissed the idea that the Bill’s requirements to take proposals to Parliament would act as an appropriate safeguard against these powers:

Clause 40 is explicitly drafted so that the Secretary of State can infinitely reject proposals it receives from Ofcom until it gets the proposal it wants. It is a very unusual power and that is before the Secretary of State then brings the [Statutory Instrument] to Parliament.<sup>5</sup>

As such, Parliament would only be engaged after the Secretary of State had already exercised these powers.

5. We note that, even if the amendments we propose in the Annex to this Report are accepted, the Bill would still:

- mandate that the Secretary of State is consulted when codes of practice are drafted and amended;
- provide for the Secretary of State to draw up guidance on how the regulator exercises its functions in relation to online safety; and
- provide for the Secretary of State to give direction to the regulator in special circumstances involving the health or safety of the public or national security.

6. **There is no need for the Online Safety Bill to provide the Secretary of State, now or in the future, with the power to direct or block the regulator from issuing codes of practice before Parliament considers them. The Government must maintain its approach to ensuring independent, effective and trustworthy regulation that has a proven track record in other sectors. We recommend that the Government accept the amendments presented in the Annex to this Report.**

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3 [Q3](#)  
4 [Q4](#)  
5 [Q5](#)

# Annex: Proposed Amendments

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## *Amendment 1*

Clause 39, page 37, line 25, leave out from beginning to the second “the” in line 20

## *Amendment 2*

Page 38, line 8, leave out Clause 40

## *Amendment 3*

Page 39, line 30, leave out Clause 41

# Formal minutes

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**Thursday 30 June 2022**

## **Members present:**

Julian Knight, in the Chair

Kevin Brennan

Clive Efford

Rt Hon Damian Green

Jane Stevenson

Draft Report (*Amending the Online Safety Bill*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 6 read and agreed to.

Annex agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

## **Adjournment**

Adjourned till Tuesday 5 July 2022 at 9.30 am.

# Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

## Tuesday 7 June 2022

**Dr Edina Harbinja**, Senior lecturer, Aston Law School; **Ellen Judson**, Lead researcher, Demos; **William Perrin OBE FRSA**, Trustee, Carnegie UK; and **Izzy Wick**, Director of UK Policy, 5Rights Foundation

[Q1-48](#)



## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

### Session 2019–21

Number	Title	Reference
1st Special	Major cultural and sporting events: Government Response to Committee's Ninth Report of Session 2021–22	HC 452

### Session 2021–22

Number	Title	Reference
1st	The future of UK music festivals	HC 49
2nd	Pre-appointment hearing for Information Commissioner	HC 260
3rd	Concussion in sport	HC 46
4th	Sport in our communities	HC 45
5th	Pre-appointment hearing for Information Commissioner	HC 260
6th	Pre-appointment hearing for Chair of the Charity Commission	HC 261
7th	Racism in cricket	HC 1001
8th	The Draft Online Safety Bill and the legal but harmful debate	HC 1039
9th	Major cultural and sporting events	HC 259
10th	Another pre-appointment hearing for Chair of the Charity Commission	HC 1200
11th	Pre-appointment hearing for Chair of Ofcom	HC 48
12th	Influencer culture: Lights, camera, inaction?	HC 258
1st Special Report	The future of public service broadcasting: Government Response to Committee's Sixth Report of Session 2019–21	HC 273
2nd Special Report	Economics of music streaming: Government and Competition and Markets Authority Responses to Committee's Second Report	HC 719
3rd Special Report	Sport in our communities: Government Response to Committee's Fourth Report	HC 761
4th Special Report	The future of public service broadcasting: Ofcom Response to Committee's Sixth Report of Session 2019–21	HC 832
5th Special	The Draft Online Safety Bill and the legal but harmful debate: Government Response to the Committee's Eighth	HC 1039

**Session 2019–21**

<b>Number</b>	<b>Title</b>	<b>Reference</b>
1st	The Covid-19 crisis and charities	HC 281
2nd	Misinformation in the COVID-19 Infodemic	HC 234
3rd	Impact of COVID-19 on DCMS sectors: First Report	HC 291
4th	Broadband and the road to 5G	HC 153
5th	Pre-appointment hearing for Chair of the BBC	HC 1119
6th	The future of public service broadcasting	HC 156
1st Special Report	BBC Annual Report and Accounts 2018–19: TV licences for over 75s Government and the BBC's Responses to the Committee's Sixteenth Report of Session 2017–19	HC 98
2nd Special Report	The Covid-19 crisis and charities: Government Response to the Committee's First Report of Session 2019–21	HC 438
3rd Special Report	Impact of Covid-19 on DCMS sectors: First Report: Government Response to Committee's Third Report of Session 2019–21	HC 885
4th Special Report	Misinformation in the COVID-19 Infodemic: Government Response to the Committee's Second Report	HC 894