Department for Digital, Culture, Media & Sport

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Lord Puttnam CBE
House of Lords
London
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Dear Lord Puttnam,

Thank you for your letter dated 22 January regarding Government action to date on Democracy and Digital Technologies. I am pleased to hear that the Committee has been re-established as this is an important area of work. As you know, in the previous parliament senior officials from DCMS, Cabinet Office and Department for Education gave oral evidence, and the Government has also provided written evidence to the Committee. We are grateful for the findings of your initial analysis and look forward to receiving the recommendations of your final report. The letter set out four questions from the Committee which I have answered in turn below.

'Whether you agree with the conclusions our analysis comes to, and if not, could you explain the Government's thinking?'

The analysis concludes that the Government plans to address most issues relating to the impact of digital technologies on democracy either through 'existing action' or 'new action to be advanced through the Online Harms White Paper'. Your letter suggests that the White Paper will be the 'primary vehicle' for action in this area, however, as the analysis found, there are a number of other new or existing workstreams which will address or take forward some of the key recommendations.

While the measures proposed in the Online Harms White Paper will address some of the issues highlighted in the reports, the Online Harms framework will specifically focus on user-generated content and conduct which is illegal or harmful to individuals. As outlined in the White Paper, we intend to establish in law a new duty of care on companies towards their users, overseen by an independent regulator. The duty of care will ensure companies have appropriate systems and processes in place to deal with harmful content on their services to keep their users safe. Further detail on these proposals will be published in the coming weeks.

As set out in my recent speech on how we can make technology work for everyone, Government is developing a new strategic approach for regulating and governing digital technologies. This includes making sure our regulations and regulators are equipped for the digital age.

The Manifesto set clear ambitions for the UK to develop a forward-looking regulatory regime to ensure we fully actualise the benefits of digital technologies, whilst ensuring the UK is the safest place in the world to be online. In particular, we want to make sure digital technologies are governed and regulated in a way that ensures:

- Fair and efficient markets, with the benefits of technology shared widely across communities;
- Safety and security for those online, including protections for the most vulnerable; and
- A thriving democracy and society, promoting and protecting pluralism and freedom of expression.

Over the coming months we will engage experts, regulators, and industry to ensure our regulatory regime for digital technologies is fully coherent, efficient, and effective. Through this work we will ensure our overarching regulatory regime is fundamentally pro-innovation and agile, adapting dynamically to the rapid emergence of new technologies. We would welcome the Committee's engagement on this work as it develops further.

A key component of our strategy, relates to the announcement the Department made in February 2019 relating to the review of the regulation of online advertising in the UK. The review aims to foster fair, accountable and ethical online advertising that works for citizens, businesses and society as a whole. The government-led assessment is focusing on the underlying drivers of harm in the online advertising market, considering how the current regulatory regime is equipped to tackle the challenges posed by developments in online advertising. The work will closely collaborate with other related initiatives across government and relevant regulators (for example the Centre for Data Ethics and Innovation's review into Online Targeting and the CMA's online platforms and digital advertising market study), to ensure our response to the the issues is clear, coherent and effective.

Although the review will not directly address challenges which are specific only to political advertising there will be interventions explored that will aim to increase transparency and accountability across the wider sector.

The Government is committed to increasing transparency in digital campaigning to maintain a fair and proportionate democratic process. On 5th May 2019 the Cabinet Office announced a range of measures to better safeguard UK elections by cracking down on intimidation, malign influence, interference and disinformation. This included commitments to launch a consultation on electoral integrity and implement a digital imprints regime for online election material.

Alongside this work, we are reviewing the institutional landscape, including to consider the issues you cite of coordination amongst existing regulators. We are working closely with Ofcom, the ICO, the CMA and others to ensure the regulators' remits are fit for the digital age. We will look to build on commitments Government has made through the Regulation for the Fourth Industrial Revolution White Paper, to help businesses navigate the regulatory landscape and bring their ideas to market.

'Why the Government has only managed to respond to seven of the 14 reports to date?'

The Government has carefully considered the recommendations made across these reports, and in many cases these have helped to inform our ongoing policy development in this area.   The Government response to the Cairncross Review was published last week, and we have already started to take forward some of the interventions proposed, such as committing up to £2 million for the pilot of the Future News Fund.

Although the Government has not issued a formal response to all reports, officials have held discussions with the Electoral Commission on their recommendations in their report on digital campaigning, including the Government's commitment to expand the digital imprint regime. Ministers have also held discussions with Lord Hodgson on his recommendations, which have helped clarify Government's position on third-party campaigning; and with the Information Commissioner in relation to the recommendations in her report entitled "Democracy Disrupted?". We will consider the final report carefully in due course.

The House of Commons Science and Technology Committee Digital Government report was listed as having not received a Government response in the analysis. This has now received a response which is available on the [Committee website](#). As set out by the Speaker's Commission on Digital Democracy, the recommendations in 'Open Up! Report of the Speaker's Commission on Digital Democracy', were primarily directed to the House of Commons Service and Members of Parliament, rather than the Government so we are not planning to issue a direct response.

'What the Government's intentions are for the Online Harms agenda and how it intends to address such a diverse range of topics within any forthcoming Bill?'

The Government committed to delivering Online Harms legislation to establish a new duty of care on online platforms to improve internet safety for all, overseen by an independent regulator. The regulator will ensure that companies have appropriate systems and processes in place to protect users from harm, especially children and the most vulnerable users.

We recognise that this is a complex and difficult task, and have consulted extensively with stakeholders on a variety of issues, including which services should be in scope.

Throughout the consultation period we received over 2300 consultation responses, and engaged with a variety of organisations from across different sectors in over 100 meetings to better understand their views. We are confident of delivering proposals which are effective, risk based and proportionate. We intend to publish an initial response to the consultation shortly, which will indicate the direction of travel of this work.

As set out in the White Paper, the 'duty of care' will only apply to companies that provide services which facilitate the sharing of user generated content or user interactions, for example through comments, forums or video sharing. However, the list of harms outlined in the White Paper is indicative and is not exhaustive or fixed. A static list of harms in scope could prevent swift regulatory action to address new forms of online harm, new technologies, as an when they emerge.

The White Paper does, however, set some boundaries to the scope by setting out some areas that will not be covered, such as harms to companies, which will be addressed elsewhere.

The White Paper also includes commitments to a range of user and business support measures including an online media literacy strategy, a 'safety by design' framework, and efforts to scope and support the UK's safety tech sector.

'How much importance the Government places on a fully-functioning British democracy in a digital world, and what steps they are taking to protect and preserve this?'

The Government believes that it is vitally important to maintain a fully-functioning democracy in a digital world. As you are aware, officials last year gave evidence to the committee in which they outlined existing and upcoming work in this crucial area.

As referred to in your letter, the Defending Democracy programme has been established to pull together existing work and expertise from across Government departments. The programme has four priorities: to protect and secure UK democratic processes, systems and institutions from interference; to strengthen the integrity of UK elections; to encourage respect for open, fair and safe democratic participation; and to promote fact-based and open discourse. Though this is a Government programme, we want to work with people from a range of perspectives to inform our work, including this committee. This scrutiny has informed the range of ongoing work in government, including the measures we have outlined in the Online Harms White Paper.

We are committed to ensuring digital technology continues to grow and that the UK remains at the forefront of international innovation. The Government takes very seriously the need to identify both the opportunities, as well as potential risks, associated with emerging technologies. We believe the Online Harms White Paper can lead towards a new, global approach for online safety that support our democratic values, and promote a free, open and secure internet. However, we recognise that there is more to be done.

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