



Department for
Digital, Culture
Media & Sport

Lord Gilbert of Panteg
Chair, Communications and Digital Committee
House of Lords
London
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12 May 2021

Dear Lord Gilbert,

I am writing to you as chair of the Communications and Digital Committee.

Today, DCMS and the Home Office are publishing the [draft Online Safety Bill](#) for pre-legislative scrutiny. In 2019 we committed in our manifesto to make the UK the safest place in the world to be online, to protect users from online abuse and to defend freedom of expression. This groundbreaking legislation delivers on that commitment.

The need for this legislation is clear. In recent weeks we have seen the sporting community hold a mass boycott of social media to demonstrate the cost of abhorrent online racist abuse, while at the same time we have heard legitimate concerns that social media platforms have arbitrarily removed content or blocked users online. It is crucial that we bring consistency, transparency and fairness into the online sphere.

Overview

In December 2020 we published the full government response to the Online Harms White Paper consultation, which set out the online harms regulatory framework in detail. The aims of this legislation are to ensure platforms keep their promises by:

1. Protecting children
2. Tackling criminal activity
3. Upholding freedom of expression

Our new laws will close the gap between what companies say they do, and what they will actually do. The draft legislation is proportionate and risk-based, with exemptions for low risk businesses, such as online retailers who simply have a comment function.

The strongest protections in the Bill are for children. All companies in scope of this legislation will need to consider the risks that their sites may pose to the youngest and most vulnerable members of society, and take steps to protect children from inappropriate content and harmful activity online. Our legislation also makes clear that all in-scope companies must tackle criminal content and activity on their platforms, and remove and limit the spread of illegal and harmful content such as terrorist material and suicide content.

This legislation tackles harmful content, whilst protecting our core democratic rights - in particular the right to free expression. For the first time, the major platforms will be held to account for the effective enforcement of their terms and conditions. This legislation will not prevent adults from accessing or posting legal content. Companies will not be able to arbitrarily remove controversial viewpoints, and users will be able to seek redress if they feel content has been removed unfairly.

The draft legislation establishes the statutory duties of care that will require companies to take reasonable steps to improve safety online, whilst also supporting innovation and a thriving digital economy. It gives flexible and future-proofed definitions of the services and harms that will be in scope. It provides for 'duties of care' on platforms which will apply to both users' safety, and their users' rights online.

The draft legislation also provides for the functions and powers of OFCOM to oversee and enforce the regulatory framework. OFCOM will have a suite of investigatory and enforcement powers available to ensure their effective oversight of the regime, and to ensure the regime can remain flexible to future challenges.

We have engaged extensively on our proposals, and following feedback after the publication of the full government response in December 2020, have made some changes to the legislation.

User generated fraud

In particular, there has been real concern about the exclusion of online fraud from the legislation. This government understands the devastating effect that online fraud can have on its victims, so today we are announcing that the Online Safety Bill brings user-generated fraud into the scope of the regulatory framework.

This change will aim to reduce some specific types of damaging fraudulent activity, including romance scams. In tandem, the Home Office will be working with other departments, law enforcement and the private sector to develop the Fraud Action Plan, including the potential for further legislation if necessary. DCMS is also leading the Online Advertising Programme, which will look at, among other things, changes to the regulation of advertising to reduce the prevalence of online fraud. We will be consulting on this issue later this year.

Journalistic & democratic content

The draft Bill also sets out further detail on the new protections included for journalistic content, as well as content of democratic importance. These protections will defend media freedom and ensure that there is space for robust debate online.

Next steps

I am pleased to confirm that the draft legislation will be subject to pre-legislative scrutiny in this session. I would like to thank all colleagues across both Houses for their continued engagement and valuable contributions that they have made to the policy debate.

The threat posed by harmful and illegal content and activity is a global one and the government remains committed to building international consensus around shared approaches to improve internet safety. Under the UK's presidency of the G7, the world's leading democracies committed to a set of Internet Safety Principles in line with the main themes in the UK Government's Online Harms White Paper. This is the first time that an approach to internet safety has been agreed in the G7. During the remainder of the UK's presidency of the G7, I will take forward agreed action to share information and best practice on safety technology with G7 partners and invited guests to improve international internet safety. We will continue to engage with international partners to learn from their experiences and build consensus around shared approaches to tackling online harms that uphold our democratic values and promote a free, open and secure internet. I also look forward to continued engagement with you and your committee as we shape this legislation over the coming months.

Yours sincerely,



Rt Hon Oliver Dowden CBE MP
Secretary of State for Digital,
Culture, Media and Sport