



Department for
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22 November 2021

Julian Knight MP
Chair, DCMS Select Committee
House of Commons
London
SW1A 0AA

MC2021/20094/DC

Dear Julian,

Thank you for your letter of 11 November on the 'conflicting remits between DCMS Committee and new joint committee' in relation to the draft Online Safety Bill.

Firstly, I greatly appreciate the contribution made by the Digital, Culture, Media and Sport Committee during the development of this policy and legislation, resulting in the draft Online Safety Bill. The Committee's insight and expertise has been invaluable and I look forward to seeing the findings of the Online Harms and Disinformation Sub-Committee's inquiry.

As I said to the Joint Committee on the Draft Online Safety Bill on 4 November, working as a team is really important when creating legislation for a new regulatory framework of this magnitude. That team goes beyond my Department and we have taken a deliberative and open approach in developing this policy, in consultation with Parliament, in light of the complexity of the issues.

I want this to continue, and specifically to address my concerns that the Bill does not go far enough in terms of ongoing scrutiny. Once the draft Online Safety Bill becomes law, it will represent a huge step forward in terms of safety online. However, this will just be the start of the real challenge as the regulatory framework comes into force. Scrutiny of the government's role, Ofcom's delivery and the landscape of how services in-scope are responding will be vital to providing reassurance on the efficacy of the legislation that Parliament has agreed.

I think it is right that we take this moment to consider how to utilise the great deal of expertise we have in both Houses, including among the membership of your committee, to address this unique challenge. As I said to the Joint Committee, this is something I have asked my officials to work on and I remain open to identifying the best solution.

I am looking forward to a constructive discussion on this on 23 November and will welcome your thoughts on the future role of the DCMS Select Committee and its Sub-Committee on Online Harms and Disinformation.

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Rt Hon Nadine Dorries MP
Secretary of State for Digital, Culture, Media and Sport



Digital, Culture, Media and Sport Committee

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By email

11 November 2021

Dear Secretary of State,

Conflicting remits between DCMS Committee and new joint committee

My committee noted your comments to the Joint Committee on the Draft Online Safety Bill last week. We have discussed those comments, in Committee, and I am writing to express our disquiet at these proposals.

You told the Joint Committee that there was a need for ongoing scrutiny of online safety by a committee like the joint committee. You said that you would be mandating the creation of a committee within the Bill and cited the example of the Joint Committee on Human Rights as a precedent. You did not, however, indicate on what the need for a new joint committee would be, with the consequent additional pressure on Parliamentary resources (such as expenditure, space and Members' time).

Unlike the Joint Committee on Human Rights, you gave no indication that the proposed committee would have any procedural rights or responsibilities. You talked only about the need for ongoing scrutiny and the value of engaging both MPs and Peers, a task that we consider has been effectively conducted for several years by both this Committee and the Communications and Digital Committee in the House of Lords.

The DCMS Committee has the remit to examine the policies of the DCMS Department and its associated arms-length bodies, which includes online safety, the regulation of tech polices and the work of Ofcom, including the pre-appointment of its Chair. We would consider a joint committee that duplicated our work as a waste of time and resource and could potentially introduce some uncertainty about responsibilities and priorities amongst stakeholders and the bodies we scrutinise.

Most crucially, the Joint Committee on Human Rights was not mandated by the Human Rights Act. The Leader of the House at that time announced the establishment of the joint committee in the usual fashion. Indeed, it was the additional scrutiny and powers mandated by the Human Rights Act, such as requirements to report to Parliament on any remedial order made under the Act, that created the need for a new joint committee: additional scrutiny and powers that do not appear in the current Online Safety Bill.

We question the need for a new joint committee in this area if it will simply replicate the scrutiny that this Committee already carries out through its Sub-Committee on Online Harms. Indeed, our Committee would be reassured by a clear endorsement that our Sub-

Committee could (continue to) fulfil this role, either as it exists or potentially in collaboration with the Communications and Digital Committee.

Given our concerns, we intend to scrutinise this in further depth. You have agreed to appear before us on 23 November. After the usual, broader questions that feature in a regular scrutiny session, we anticipate spending an additional 45 minutes to explore your proposals for a joint committee in this area, how it will appear in the Bill, your intentions on how it should be comprised and resourced, what its role will be (including its relationship with arms-length bodies) and why it should be established independently of our Committee given our extensive work in this area.

We would appreciate any comment and further details you may have on this issue, prior to the session, to be with us in writing by noon on Friday 19 November.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Julian Knight'.

Julian Knight MP
Chair, DCMS Committee