

## **Internet Association—written evidence (FEO0057)**

### **House of Lords Communications and Digital Committee inquiry into Freedom of Expression Online**

#### **1. Introduction**

Internet Association (“IA”) welcomes the opportunity to provide written evidence to the House of Lords Communications and Digital Committee inquiry into freedom of expression online.

IA represents over 40 of the world’s leading internet companies<sup>1</sup> and is the only trade association that exclusively represents leading global internet companies on matters of public policy. IA’s mission is to foster innovation, promote economic growth, and empower people through the free and open internet. In 2018, IA established a London office to constructively engage in the internet public policy debate in the UK.

We are firm believers in the benefits that technology brings to everyday life and the economy, and for the potential that internet innovation has to transform society for the better. IA economic analysis shows that the internet sector contributes £45 billion to the UK economy each year and is responsible for nearly 80,000 businesses and around 400,000 jobs.<sup>2</sup> Recent IA polling found that three-quarters of British people believe that the internet “made their lives easier and more enjoyable.”<sup>3</sup> IA believes that the internet sector needs a balanced policy and regulatory environment to continue, and grow, its contribution to the UK economy, consumers, and society in the future, and we believe that policymakers should focus on enabling the internet sector to: 1) drive UK economic growth; 2) provide services that people value highly; and 3) make a positive contribution to society.

In this evidence, IA discusses the positive impact of the internet as a vital enabler of freedom of expression, and highlights the efforts made by internet companies to ensure both freedom of expression and that users have a safe online experience on their platforms and services. IA believes that freedom of expression online has been underpinned in law by intermediary liability protections, and that these protections should be maintained by countries as they consider further internet platform regulation. Further, IA sets out, with reference to the UK’s Online Harms White Paper process, that internet companies are committed to improving digital safety, but notes that any reforms to platform regulation must also continue to enable freedom of expression online.

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<sup>1</sup> IA Member Company List: <https://uk.internetassociation.org/our-members/>

<sup>2</sup> <https://uk.internetassociation.org/publications/measuring-the-uk-internet-sector/>

<sup>3</sup> <https://uk.internetassociation.org/publications/uk-digital-nation-an-internet-enabled-recovery/>

## 2. Internet Association Written Evidence

### 2.1 The Internet Has Been – And Continues To Be – A Vital Enabler Of Freedom Of Expression

The fundamental strength of the internet is its openness, and the unprecedented ability it gives to everyone to have a voice. Every day, around 700,000 hours of video are uploaded to YouTube, 350 million photos uploaded to Facebook, 500 million new Tweets added and 65 billion WhatsApp messages sent. This sheer scale shows not only how platforms have unlocked human creativity, but also how the internet is a fundamental enabler of freedom of expression. It is no longer the case that decisions about which voices and opinions are disseminated are left in the hands of a handful of media gatekeepers – the internet has been transformative in allowing a diverse range of voices to reach a wider audience.

In addition to their important role as platforms for user-generated content, it's important to recognise internet companies also enhance freedom of expression by providing access to different viewpoints in more traditional content – for example through surfacing journalistic reporting, or through online marketplaces offering physical books or magazines for sale.

The UK is committed to ensuring that freedom of expression is protected, including in an online context. For example, the Conservative Party's 2019 General Election Manifesto pledged to "legislate to make the UK the safest place in the world to be online" and specifically added that it would do so "at the same time **defending freedom of expression** and in particular recognising and defending the invaluable role of a free press."<sup>4</sup> More recently, the government reaffirmed this commitment as part of its full response to the Online Harms White Paper, with the Secretary of State for Digital, Culture, Media and Sport stating that one aim of the proposed regulatory regime is to "preserve ... one of the cornerstones of our democracy – freedom of expression" and noting that "robust and free debate is what gives our democracy its historic strength."<sup>5</sup>

Further the planned UK online harms regulator, the Office of Communications ("Ofcom"), has also recently set out its commitment to freedom of expression online, in the context of video-sharing platform ("VSP") regulation. Ofcom proposed the following as one of its regulatory principles for VSP regulation: "safeguarding freedom of expression – people should be able to freely share and receive ideas and information without unnecessary interference."<sup>6</sup>

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<sup>4</sup> [2019 Conservative Party Manifesto](#)

<sup>5</sup> <https://hansard.parliament.uk/commons/2020-12-15/debates/1B8FD703-21A5-4E85-B888-FFCC5705D456/OnlineHarmsConsultation>

<sup>6</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0030/198327/call-for-evidence-vsp-regulation.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0030/198327/call-for-evidence-vsp-regulation.pdf)

Internet companies share the UK government and Ofcom’s commitments to freedom of expression, and will continue to play a key role in enabling free speech online.

## **2.2 Internet Companies’ Terms And Conditions Seek To Ensure Both Freedom Of Expression And A Safe User Experience**

The policy and regulatory debate around freedom of expression online often centres on the approach that internet companies take to content moderation on their platforms. Many internet companies set out their approach to this issue, including their commitment to freedom of expression, in their terms and conditions.

For example, Facebook’s Community Standards<sup>7</sup> set out its “commitment to voice”, stating that the goal of its Community Standards “has always been to create a place for expression and give people a voice ... Building community and bringing the world closer together depends on people's ability to share diverse views, experiences, ideas and information. We want people to be able to talk openly about the issues that matter to them, even if some may disagree or find them objectionable.”

YouTube, in its Community Guidelines,<sup>8</sup> states that it works “hard to ensure that [its] systems are not designed to be biased” and that YouTube’s “platform has always been about sharing information everywhere and giving many different people a voice.” Twitter, in its Rules and Policies,<sup>9</sup> states that “defending and respecting the user’s voice is one of [its] core values”, and that this involves a “two-part commitment to freedom of expression and privacy.” Other internet platforms make similar commitments in their terms and conditions.

Internet companies are also committed to digital safety, and recognise that there are legitimate concerns about illegal and harmful content. So while they support freedom of expression, they also take meaningful steps to protect their users from harm on their services, including the following initiatives:

- Investing significant resources in both human content moderation and, partnering with third sector organisations and researchers, developing machine-learning technology to detect and remove harmful material more quickly.
- Working closely with law enforcement, and forming the Global Internet Forum to Counter Terrorism (GIFCT) to curtail the spread of terrorism

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<sup>7</sup> <https://en-gb.facebook.com/communitystandards/>

<sup>8</sup> [https://www.youtube.com/intl/ALL\\_uk/howyoutubeworks/our-commitments/preventing-bias/](https://www.youtube.com/intl/ALL_uk/howyoutubeworks/our-commitments/preventing-bias/)

<sup>9</sup> <https://help.twitter.com/en/rules-and-policies/defending-and-respecting-our-users-voice>

and violent extremism online.

- Partnering with a number of organisations across the globe, including the Internet Watch Foundation, to work together to remove harmful CSAM from the internet.
- Forming internal online safety councils and designating employee teams to improve online safety and promote a productive and welcoming environment online.
- Creating clear pathways for people to report inappropriate or harmful content, so that it can be addressed under companies' terms and conditions.
- Investing in fact-checking services and using AI and other technology to tackle false information.
- Publishing detailed transparency reports which help people understand the prevalence of harmful content on their services and action taken by companies to remove that content.
- Educating users about how online services operate and how to make the best use of them. Efforts to educate people on what is appropriate on online platforms helps guide behaviour and can help minimise the need for moderation.

IA believes that it is important that internet companies are enabled to balance important decisions about freedom of expression and digital safety in relation to content moderation, particularly as governments consider further platform regulation, for example as set out in the UK's Online Harms White Paper proposals.

### **2.3 Intermediary Liability Protections Underpin Freedom Of Expression Online**

Freedom of expression online is underpinned in law by intermediary liability protections, which in a UK context are set out in the EU's e-Commerce Directive ("ECD"), as adopted into UK law. Articles 12-14 of the ECD contain protection from liability for those acting as "mere conduits", and those who are caching, or performing hosting services; and Article 15 prohibits general obligations being imposed on providers to monitor the information transmitted/stored, or actively to seek facts or circumstances indicating illegal activity.

IA believes that it is vital to maintain strong intermediary liability protections in law to enable freedom of expression online. The internet has flourished in part because platforms permit users to post and share information without fear that those platforms will be held liable for third-party content. Dilution of

intermediary liability protections would encourage internet companies to engage in over-censorship for fear of being held liable for content, with a consequential impact on freedom of speech. Intermediary liability protections also play a critical role in driving economic growth, by enabling new companies to invest and launch new services in the UK and enabling existing companies to innovate, scale and grow their businesses.

Section 2.4 below discusses the UK's Online Harms White Paper and potential unintended consequences for intermediary liability protections and online freedom of expression.

## **2.4 Internet Companies Are Committed To Improving Digital Safety, But Any Reforms To Platform Regulation Must Also Continue To Enable Freedom Of Expression Online**

The UK government has recently published its full response to the Online Harms White Paper, where it reaffirmed its position that “the regulator would not compel companies to undertake general monitoring on their online services, as this would place a disproportionate burden on companies and raise concerns about freedom of expression and user privacy.” It also said that “the new regulatory framework would increase the responsibility of online services in a way that is compatible with the European Union’s e-Commerce Directive, which limits their liability for illegal content until they have knowledge of its existence, and have failed to remove it from their services in good time.”<sup>10</sup>

IA is studying closely the UK government’s full response. While it is welcome that the government believes that its proposals are compatible with the ECD, we remain concerned that the overall regulatory framework may undermine the intermediary liability protections that have enabled the internet to deliver benefits to the UK. One particular worry is that in practice, the only way to meet many of the demands of the new obligations will be through the introduction of mandatory filtering.

The government also proposes a legal duty on Ofcom to “protect users’ rights online, taking particular care not to infringe privacy or freedom of expression”. IA supports this duty, as it is vital that regulation does not undermine people’s rights, in particular the right to freedom of expression online, and stands ready to work with Ofcom as it considers how to fulfil this duty in practice.

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<sup>10</sup> <https://www.gov.uk/government/consultations/online-harms-white-paper/outcome/online-harms-white-paper-full-government-response>

### **3. Conclusion**

IA welcomes the opportunity to provide written evidence to the House of Lords Communications and Digital Committee's inquiry into freedom of expression online.

In this evidence, IA discussed the positive impact of the internet as a vital enabler of freedom of expression, and highlighted the efforts made by internet companies to ensure both freedom of expression and that users have a safe online experience on their platforms and services.

IA set out how freedom of expression online has been underpinned in law by intermediary liability protections, and argued that these protections should be maintained by countries as they consider further internet platform regulation. Further, IA set out, with reference to the UK's Online Harms White Paper process, that internet companies are committed to improving digital safety, but that any reforms to platform regulation must also continue to enable freedom of expression online.

IA hopes that this evidence is useful to the Committee as it undertakes its inquiry.

*15 January 2021*