

Written evidence from Evidence from Richard Watts (OSB0231)

This is a transcript of a teams call with Mr Watts on Friday, 26 November 2021. Mr Watts had been in touch with the Committee clerks by phone. He is visually impaired, and wanted an opportunity to submit evidence on the impact of the draft Bill on the visually impaired and severely disabled. The Teams call was recorded and transcribed by Hansard. Mr Watts was happy for this to be checked by me and submitted to you. Because of his disability he is unable to check it himself.

Andrea Dowsett

My name is Richard Watts. I am registered visually impaired and severely disabled. I would like to put some information together from a disabled point of view about the online harms Bill.

First, I would like to question whether the definition of the online harms Bill goes far enough. I wonder—and I have spoken to a number of people about this—whether the online harms Bill should specifically mention the blind and visually impaired with severe disabilities in the actual text itself, to provide awareness not only for this text, but for subsequent texts and reviews. The definition includes children, but we believe that the word “children” is too narrowly framed, and the reference should be changed to the word “minor”. This includes people with diminished capacity or legal protection.

Moving on down, I would like to look at enforcement, because this is problem for severely disabled blind people, as we have our own primary legislative framework. First, on Ofcom, it would seem that Ofcom is involved as a Government regulator, but a lot of things covered by disability, severe disability and blindness are in international law, and some are under High Court proceedings. The question is, of course, whether Ofcom acts only as a referrer to the court, or in legislative sitting. I do not believe Ofcom can do this, and there is a conflict here.

The next thing is that we have tried in the past, as a community, to access Ofcom independently, and it does not have a method or pathway for disabled blind people to actually even interface with it. It seems to come down to internet-only which, of course, is a real problem about enforcement.

With regard to the Bill, there is reference to funding as neutral, but I do not believe that the action necessary for disabled blind people can be enforced without funds—ring-fenced funds—to refer for court enforcement actions by Ofcom. We think that that should be included in the Bill: a reference to additional funds specifically ring-fenced for the blind and severely disabled.

One of the largest areas that we have discussed is exclusion for the severely disabled blind, and visually impaired minors and adults. Excluding them, either purposely or by accident, should be recognised as a criminal offence and an online harm. You cannot understand the harm caused by total exclusion in an area of commerce that is fast moving, and will only result in further exclusions.

One thing that has actually got a lot of problems attached to it is the interpretation by ISPs and search engines of inclusion and accessibility. That is the problem with opt-in or opt-out. From the visually impaired point of view, the law is very clear: you can opt in, but you cannot opt out, for really very obvious reasons. This causes what I call accessibility barriers, which are not acceptable. That would cause excluding specifically disabled people from using products, services, websites etc. to be interpreted by some people as a hate crime.

We think that the online Bill should be extended to the algorithms. They are mentioned in the Bill, but more detail is needed regarding the algorithms. The algorithms should be audited once a year, with the annual accounts, to make sure that the law is implemented, and that the regulators' protestations are implemented within the algorithm itself. As more and more capitalisation takes place, we think that algorithms become more and more important in everything we do in life, and the exclusion of disabled blind people because of these algorithms, which are presumably written for the sighted by the sighted, will become a major issue of exclusion. We do not think the opportunity of putting that into the Act itself should be missed.

We notice that the blocking of disabled blind people who have very tentative access to the internet can only expand, and therefore we think that it should be mentioned as not only a hate crime, but a criminal offence, if there is purposeful blocking out of access to the internet for disabled blind people, either because of hatred or due to ignorance. We take the courts' view that the last piece of legislation in 2010 should have been implemented by now and should be part of the cultural aspect of setting up and running a business.

The final thing is basically the scope. We are in a position where international law and global corporations are set against a number of countries with a very similar outlook. I suspect the lawmakers have looked at the now very fertile legislation coming out of Europe and European countries versus the global corporations, which are well funded and will try to be, let us say, nimble in excluding themselves from that legislation. Enforcement is very important. Perhaps a question should be put in on aligning the UK with those European conventions—I am not saying sign up to them; I am saying align ourselves—so that we can be part of the European market and also of a major lobby group, because this will not be something that will get any better for the disabled blind, as we will just be excluded more and more from all sorts of services.

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