

# Written Evidence submitted by Which? (OSB05)

## Public Bill Committee on the Online Safety Bill

### Introduction

Online fraud facilitated through social media platforms and search engines is one of the most prevalent forms of crime taking place in the UK today. Reported instances increased significantly during the pandemic and often resulted in victims losing life changing sums of money. In addition to the financial impact of being scammed, this type of crime has serious consequences on victims' emotional and physical wellbeing.

It is right that the Government is seeking to tackle this through the Online Safety Bill. Which? welcomed the publication of the Online Safety Bill and the Government's intention to make the UK the safest place in the world to be online. The inclusion of fraud and fraudulent advertising within the Bill is an important step to protecting consumers and achieving this goal.

We welcome the inclusion of specific duties to tackle fraudulent advertising outlined in chapter 5 and that a number of fraud and financial services offences are included as priority offences in schedule 7 of the Bill.

Which? strongly recommends that Ofcom be adequately resourced to tackle this expanded remit and has identified a number of areas where duties need to be improved and better integrated into the Bill as a whole.

To ensure the Bill fully delivers for consumers, meaningful changes are required in six areas:

- 1. Search providers must be subject to the same strict requirements to prevent individuals encountering fraudulent advertising as social media companies.**
- 2. Loopholes must be removed from the definitions of fraud and fraudulent advertising.**
- 3. Risk assessments and transparency reporting must include fraudulent advertising to ensure that platforms are monitoring the extent of the problem on their services.**
- 4. The Bill must be clear that users have the opportunity to report fraudulent advertising and complain where platforms are not living up to their duties.**
- 5. The Bill must be clear that Ofcom can require Proactive Technology which analyses advertising.**
- 6. The Government must provide more detail on how it will ensure effective enforcement of the Bill.**

At Which? we regularly undertake investigations and consumer research which uncover harms to consumers. Our work in the area of online safety has exposed that online fraud perpetrated by fake and fraudulent content is one of the most frequent and damaging types of consumer harm experienced online.

We welcome the opportunity to share this insight and to provide written evidence to the Public Bill Committee.

## **Why are these changes important?**

The Government has stated its ambition to be the safest place in the world to be online. Yet, the UK has been described as the scam capital of the world.<sup>1</sup> UK consumers are being targeted by fraudsters across the globe.

Scams and fraud are now some of the most prevalent forms of crime in the UK<sup>2</sup>, with reported incidents up by 41% compared to before the pandemic and 9% of adults reported as being victims of fraud.<sup>3</sup> In 2021 victims lost £2.6bn to fraud.<sup>4</sup> In addition to the financial impact of being scammed, Which? research has found this type of crime to have serious consequences on victims' emotional and physical wellbeing with a value equivalent to £9.3bn per year.<sup>5</sup>

Consumers are not adequately protected from fraud online. Whilst some online platforms have taken some voluntary measures to address this, they have not done enough to protect consumers and to stop fraudsters from exploiting their sites in the first place. This Bill will need to ensure platforms prevent scams like the following case study reported to us by a customer scammed through an advert on a search engine.

---

1 <https://www.reuters.com/world/uk/welcome-britain-bank-scam-capital-world-2021-10-14/>

2 <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/fraud-and-economic-crime>

3 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdecember2021#overall-estimates-of-crime>

4 <https://colp.maps.arcgis.com/apps/dashboards/0334150e430449cf8ac917e347897d46>

5 <https://www.which.co.uk/news/article/scams-impact-on-victims-costs-9-3-billion-a-year-a5mNq6i9316q#:~:text=When%20applied%20to%20the%203.7,amounting%20to%20%C2%A37.2bn.>

### **Search advert scam case study<sup>6</sup>**

Fraudsters were able to take out at least three Google adverts impersonating e-money provider Revolut in 2020, appearing in searches such as "Revolut customer services" and "Revolut help desk". When victims clicked on the ad, they were shown a website featuring the Revolut logo and a fake 0800 phone number to call.

Which? first reported these malicious adverts to both Revolut and Google in March 2020 and then again in May 2020. A third advert materialised in August 2020, once again aiming to trick users into calling a number answered by scammers.

Anyone who dialed the fake numbers heard an automated message telling them "thank you for calling Revolut" before they were put through to someone who claimed to work for the firm.

Gabrielle was one of over a dozen victims of this scam who came to Which? for help after losing £12,000.

She had a problem loading her Revolut card with money and used Google to look for the helpline. She called the number shown and was put through to scammers who told her to download a screen-sharing tool and tricked her into moving the money to a "new account" in her own name. In reality, the money ended up in an account controlled by the fraudsters.

Revolut initially said it would not reimburse her because she had given the criminals access to her phone, however, it later reviewed her case and issued a full refund.

## **Which?'s proposed amendments**

### **1. Fraudulent advertising duties for search and social**

Search engines and social media platforms are the most popular and widely used online services, with adverts featuring prominently across these platforms and listed at the top of every search result.

We welcome the duties applied to large social media platforms, firms defined as 'Category 1', to use 'proportionate systems' to prevent fraudulent paid-for advertising from appearing on their sites, restrict the length of time a the fraudulent paid-for advert is present and when alerted to such content, swiftly take down the fraudulent paid-for advert.

A critical Which? concern is that large search engines such as Google, or platforms defined as 'Category 2a', are only required to minimise the risk of individuals encountering fraudulent advertising, with no requirement to **prevent** a fraudulent advert from appearing on their service or remove it once reported to them.

Despite social media and search platforms having different functionalities, their advertising mechanisms are similar, and as such, there is no justifiable reason as to why they have been given different duties in the Bill. Which? believes this difference creates an opportunity for fraudsters to exploit by focusing on platforms with lesser protections.

---

<sup>6</sup> <https://www.which.co.uk/news/article/google-fails-to-stop-scam-ad-targeting-revolut-users-for-a-third-time-aC6gN2L4AvQF>

The Government must amend the Bill to include a clear duty for search services to swiftly remove fraudulent advertising when it is reported, and to prevent fraudulent advertising from appearing. All platforms - regardless of whether a search engine or social media firm - must be responsible for **preventing** fraudulent content from appearing on their sites, rather than just focussing on removing it once it has been identified and reported to them by users, the majority of whom struggle to differentiate between legitimate and illegitimate content.

There's a risk we'll see an increase in fraud enabled by paid-for advertising on search engines if subject to weaker duties than their social media counterparts, undermining the Government's otherwise robust efforts to protect consumers from online scams. **We recommend amendment 1.1 in the annex to address this.**

## **2. Closing the loopholes in the definition of fraud and fraudulent advertising**

The Bill's current definitions of fraud and fraudulent advertising include loopholes that could allow fraudsters to continue to operate online. The Bill must ensure that boosted content cannot be used to evade checks on advertising and that platforms must be required to tackle fraud whether that is undertaken by individuals or companies.

### ***2.1 Fraudulent advertising definition loophole***

The Bill defines fraudulent advertising as advertising that amounts to a fraud offence and is not user generated content. However, some types of content are both advertising and user generated content and the Bill risks allowing these to avoid the stringent checks being introduced to tackle fraudulent advertising.

The Bill's impact assessment suggests that platforms could be required to ensure that due diligence checks are done to verify the identity of advertisers before they can publish adverts on a platform. This would be a powerful tool to prevent fraudulent advertising and mirror the rules to prevent scammers in financial services. As currently drafted the Bill could allow scammers to avoid these checks by initially posting their scam as user generated content then paying to promote/boost that post and effectively turning it into an advert. The Bill would only include the lesser obligations that apply to user generated content on this boosted content rather than the due diligence checks that other advertising will be required to undertake. **We recommend amendment 2.1 in the annex to address this.**

### ***2.2 Fraud definition loophole***

The Bill defines fraudulent advertising and fraudulent content by whether it amounts to one of a list of fraud offences. Which? believes this list is incomplete. The list includes section 9 of the Fraud Act 2006 on participating in fraudulent business carried on by a sole trader. It omits the corresponding offence in the Companies Act 2006 (section 993) for participating in fraudulent business by a company. Platforms should be required to protect their users from fraud whether that fraud is being carried out by an individual or a company. **We recommend amendment 2.2 in the annex to address this.**

### ***2.3 Fraud by omission***

An additional offence should be added to the Bill to protect consumers against scams that are misleading by omitting key information. The absence of key information that a website is legally required to include can be a key part of certain types of scams. For example, the legal requirement to provide an accurate business name and contact details. This failure as part of a scam will then be illegal under section 3 of the Fraud Act 2006 which covers fraud through the failure to disclose information. By including this offence in the Bill it will ensure that when users spot a scam by its failure to provide information the platform will be obliged to remove it. This offence should be added to the list of fraud offences covered by the Bill. **We recommend amendment 2.3 in the annex to address this.**

## **3. Risk assessments and transparency reporting for fraudulent advertising**

As currently drafted the Bill includes no explicit provision to ensure that platforms are monitoring the level of fraudulent advertising that exists on their services. This could allow scams to proliferate on certain platforms without any obligation for the platform or the regulator to be aware of it. This will prevent them from adequately tackling the harm caused by scam adverts.

### ***3.1 Risk assessment***

Risk assessments ensure that platforms attempt to understand the risk that users face from their service and how this might be affected by potential changes to a service's design or operation. These inform platforms' efforts to tackle harms on their services.

We welcome the Bill's requirement for platforms to produce risk assessments, which include the level of risk for users of encountering each type of illegal content that the Bill designates as priority illegal content including fraud. However, these illegal content risk assessments focus on user generated content and in the case of search explicitly exclude advertiser content. There is currently no equivalent duty for platforms to assess the risk of users encountering fraudulent advertising.

The clear intent in all other areas of the Bill is that these risk assessments inform platforms' actions to mitigate these risks as required by the Bill's duties for platforms to protect users. However, fraudulent advertising lacks this coherent approach with no consideration of the risks to accompany the duties to protect users from fraudulent advertising. This could mean that measures are introduced without reference to the level of risk of fraudulent advertising that exists on each service. The Government has presented no rationale for why the process that applies in other priority illegal areas does not apply to fraudulent advertising. **We recommend amendment 3.1 in the annex to address this.**

### ***3.2 Transparency reporting***

Transparency reports will require platforms to publish information on the amount of illegal content on their services and the action they are taking to deal with that illegal content.

They provide an important mechanism for Ofcom to understand the harms that exist on particular platforms and how they are tackling them, which will be essential for ensuring platforms are taking adequate measures to mitigate harm.

The Bill allows Ofcom to ask for a variety of different types of information about different types of harmful content including fraud. However, the Bill limits the type of information that can be requested to user-to-user information and search engine information. This appears to exclude information about advertising from being requested as part of the transparency reporting process. This could prevent Ofcom from asking platforms to include information about the level of fraudulent advertising on their platforms or what actions they are taking to tackle fraudulent advertising. As a result, Ofcom could lack the basic information it needs to ensure platforms are protecting their users from fraudulent advertising. **We recommend amendment 3.2 in the annex to address this.**

#### **4. Clarifying user reporting and user complaints for fraudulent advertising**

The Bill includes important provisions that require platforms to allow users to report harmful content and complain when platforms are failing in their duties to protect users. Which? believes that as the Bill is currently drafted it is unclear whether these duties apply to fraudulent advertising.

##### ***4.1 User reporting***

The Bill requires platforms to allow users to easily report content which they consider to be illegal. This ensures that platforms are made aware of illegal content as soon as possible and are therefore in a better position to take action and protect their users. It is currently unclear whether this applies only to illegal user generated content and unpaid search content or if it also applies to illegal fraudulent advertisements. **We recommend amendment 4.1 in the annex to address this.**

##### ***4.2 Complaints***

The Bill requires platforms to allow users to complain if a platform is failing to comply with its duties to protect users from illegal content and allow content reporting. It is currently unclear whether this applies only to illegal user generated content and search content or if it also applies to illegal fraudulent advertisements. **We recommend amendment 4.2 in the annex to address this.**

#### **5. Clarifying 'proactive technology' for fraudulent advertising**

Where platforms are failing to meet their duties to protect users, the Bill gives Ofcom the ability to require them to use specific 'proactive technology' to improve their services. For example, automated tools which scan content on a service to look for and remove types of harmful content. This power ensures that the best available technologies can be used to keep people safe online.

The Bill includes limits on what sorts of technology can be used. It requires that where the technology analyses user generated content (for example, technology that monitors trending

topics to prevent these being used for targeted harassment) only public user generated content and metadata about that public content can be analysed. The Bill is not clear on how this applies to technology that analyses advertising and metadata about that advertising. For example, it is not clear if Ofcom could require a service provider to use technology that monitors the location of the advertiser or other potential red flags where advertising is privately shown to an individual. The ability to require this sort of technology will be a crucial tool for Ofcom in preventing fraudulent advertising online. **We recommend amendment 5.1 in the annex to address this.**

## **6. Detail needed on enforcement**

To ensure that this Bill will be effectively enforced more detail is needed in a number of areas and parts of the Bill need to be tightened up:

- there must be a robust super-complaint process that includes consumer representatives,
- the Bill should not weaken protections set out in other existing laws,
- it needs to be easier to ensure that companies based outside of the UK are held accountable for the duties set out in this Bill,
- fraudulent advertising should be part of the determination of what services fit into category 1 and 2A,
- the Bill should not exclude the possibility of including the Consumer Protection Regulations in the future.

### ***6.1 Super-complaints***

Super-complaints allow designated groups to make a complaint directly to Ofcom where there is a significant harm to users and instigate an investigation into that issue by Ofcom. The Bill leaves much of the detail on how this process will work to secondary legislation. For this power to be meaningful there must be a strict deadline for Ofcom to respond to super-complaints. Without a deadline, complaints could sit in limbo indefinitely waiting for the regulator to respond. For example, the Enterprise Act 2002 gives a 90 day deadline for the CMA to respond. In Which?'s experience of making these super-complaints this deadline has proved to be an effective mechanism to ensure action from the regulator. The Bill specifies that super-complaints can be made to Ofcom by bodies representing users or members of the public. Consumer representatives should also be included in this list as an eligible entity that can make super-complaints as they are a key source of information about widespread instances of harm to users of online services that would be regulated by this legislation. **We recommend amendment 6.1 in the annex to address this.**

### ***6.2 Keeping existing protections***

As currently drafted, the Bill risks undermining the protections offered by other existing laws, which in some areas exceed those in the Bill. On the basis of the current text, platforms may use complying with the codes of practice in this Bill as evidence that they have fulfilled their legislative obligations in other areas not directly set out in the Bill (for example data protection or competition law). The Bill should be amended to explicitly state that compliance with this act is separate to and does not affect any other legislation that imposes more extensive duties or liabilities on platforms. **We recommend amendment 6.2 in the annex to address this.**

### ***6.3 Legal representatives***

The Bill seeks to protect users in the UK from companies based across the globe. Which? believes that in order to be effective in doing this the Bill must ensure that companies covered by this regime have a representative in the UK. This UK representative will ensure that it is easy to communicate with Ofcom and reduce barriers to effectively enforcing the Bill against an online business. **We recommend amendment 6.3 in the annex to address this.**

### ***6.4 Considering online advertising when making regulations***

The Bill delegates, to the Secretary of State, the power for deciding which services are classified as requiring special attention due to their size or the risk of harm that they pose. This decision places platforms in special categories (category 1 and category 2a) that have additional obligations in the Bill including the obligations to tackle fraudulent advertising. In making that decision the Bill requires the Secretary of State to consider illegal content and content affecting children, but it fails to include fraudulent advertising. As the Bill imposes requirements relating to fraudulent advertising on these larger and more harmful services, Which? believes that it is important for the Secretary of State to also consider fraudulent advertising when making that decision. Without this change there is the potential for platforms with a structure that particularly facilitates fraudulent advertising from not being included in duties to prevent fraudulent advertising. **We recommend amendment 6.4 to address this.**

### ***6.5 Consumer Protection Regulations***

The Consumer Protection from Unfair Trading Regulations (CPRs) protect consumers from misleading statements and other unfair practices by businesses. The Bill, as it currently stands, excludes the CPRs from the types of illegal content covered in the Bill and even expressly prevents the Secretary of State from introducing them at a later date as illegal content or priority illegal content through secondary legislation. Which? believes that singling out the CPRs as inappropriate for potential inclusion in the scope of the Bill is a mistake at this time. Other relevant types of offences that individuals may fall victim to (such as data protection offences) have not similarly been excluded, and any perceived risk of potential conflicts with other legislation could easily be addressed by a clause such as that we have proposed as **amendment 6.2**. There is currently no timetable or proposal for broader platform responsibility obligations towards consumers to be adopted. The Government must ensure that platforms take greater responsibility for consumer rights online, whether it is done through this Bill or another. It would be a mistake to remove the option of using this Bill in the future to protect consumers. **We recommend amendment 6.5 in the annex to address this.**

For more information, please contact Camilla Eason at [Camilla.Eason@which.co.uk](mailto:Camilla.Eason@which.co.uk)

**May 2022**



## Annex (proposed amendments to the Online Safety Bill)

### **Amendment 1.1:** Different obligations for search and social platforms

#### Clause 35

Page 34, line 3, after "to" leave out to end of line 5 and insert—

- (a) prevent individuals from encountering content consisting of fraudulent advertisements in or via search results of the service;
- (b) minimise the length of time for which any such content consisting of fraudulent advertisements is accessible in or via search results of the service;
- (c) where the provider is alerted by a person to the presence of such content, or becomes aware of it in any other way, swiftly take down such content."

Page 34, line 31, after "has" insert "or may reasonably be expected to have"

### **Amendment 2.1:** Closing loopholes in the definitions of fraud and fraudulent advertising: Boosted content

#### Clause 34

Page 33, line 23 at end insert—

"(3A) But an advertisement shall not be regarded as regulated user-generated content and precluded from being a "fraudulent advertisement" by reason of the content constituting the advertisement being generated directly on, uploaded to, or shared on a user-to-user service before being modified to a paid-for advertisement."

Page 33, line 33, after "has" insert "or may reasonably be expected to have"

### **Amendment 2.2:** Closing loopholes in the definitions of fraud and fraudulent advertising: Companies Act

#### Clause 36

Page 35, line 6, at end insert—

"(3A) An offence under section 993 of the Companies Act 2006 (fraudulent trading)."

Page 35, line 12, after "(3)" insert ", 3(A)"

Page 35, line 14, after "(3)" insert ", 3(A)"

Page 35, line 17, after "(3)" insert ", 3(A)"

Schedule 7

Page 185, line 28, at end insert—

"20A An offence under section 993 of the Companies Act 2006 (fraudulent trading)."

**Amendment 2.3:** Closing loopholes in the definitions of fraud and fraudulent advertising:  
Fraud by omission

Clause 36

Page 35, line 2, at end insert—

"(ab) section 3 (fraud by failing to disclose information);"

Schedule 7

Page 185, line 24, at end insert—

"(ab) section 3 (fraud by failing to disclose information);"

**Amendment 3.1:** Risk assessment and transparency reporting: Risk assessments

New clause

To move the following Clause—

**"Risk assessment duties about fraudulent advertisements: Category 1 services**

(1) This section sets out the duties about risk assessments about "fraudulent advertisements" within the meaning of section 34 which apply in relation to Category 1 services (in addition to the duties about risk assessments set out in section 8, section 10 and section 12).

(2) A duty to carry out a suitable and sufficient risk assessment about fraudulent advertisements at time set out in, or as provided by, Schedule 3.

(3) A duty to take appropriate steps to keep a fraudulent advertisements risk assessment up to date, including when OFCOM make any significant change to a risk profile that relates to services of the kind in question.

(4) Before making any significant change to any aspect of a service's design or operation, a duty to carry out a further suitable and sufficient fraudulent advertisements risk assessment relating to the impacts of that proposed change.

(5) A "fraudulent advertisements risk assessment" of a service of a particular kind means an assessment of the following matters, taking into account the risk profile that relates to services of that kind—

(a) the user base;

(b) the level of risk of individuals who are users of the service encountering content consisting of fraudulent advertisements by means of the service, taking into account (in particular) algorithms, platforms and technologies used by the service including options of promoting pre-existing content for payment, and how easily, quickly and widely content may be disseminated by means of the service;

(c) the level of risk of harm to individuals presented by fraudulent advertisements of different kinds;

(d) the level of risk of functionalities of the service facilitating the presence or dissemination of fraudulent advertisements, identifying and assessing those functionalities that present higher levels of risk;

(e) the different ways in which the service is used, and the impact of such use on the level of risk of harm that might be suffered by individuals;

(f) the nature, and severity, of the harm that might be suffered by individuals from the matters identified in accordance with paragraphs (b) to (e);

(a) how the design and operation of the service (including the business model, governance, use of proactive technology, measures to promote users' media literacy and safe use of the service, and other systems and processes) may reduce or increase the risks identified.

(6) In this section references to risk profiles are to the risk profiles for the time being published under section 83 which relate to the risk of harm to individuals presented by fraudulent advertisements.

(7) See also—

(a) section 20(2) (records of risk assessments), and

(b) Schedule 3 (timing of providers' assessments)."

#### Clause 20

Page 20, line 42, after "12", insert ", (**Risk assessment duties about fraudulent advertisements: Category 1 services**)"

Page 21, line 19, after "(3)" insert "or 34(1) or (2)"

Page 21, line 45, at end insert ", and

(i) section 34 (fraudulent advertisements)."

#### New clause

To move the following Clause—

## **"Risk assessment duties about fraudulent advertisements: Category 2A services**

(1) This section sets out the duties about risk assessments about "fraudulent advertisements" within the meaning of section 35 which apply in relation to Category 2A services (in addition to the duties about risk assessments set out in section 23 and section 25).

(2) A duty to carry out a suitable and sufficient risk assessment about fraudulent advertisements at time set out in, or as provided by, Schedule 3.

(3) A duty to take appropriate steps to keep a fraudulent advertisements risk assessment up to date, including when OFCOM make any significant change to a risk profile that relates to services of the kind in question.

(4) Before making any significant change to any aspect of a service's design or operation, a duty to carry out a further suitable and sufficient fraudulent advertisements risk assessment relating to the impacts of that proposed change.

(5) A "fraudulent advertisements risk assessment" of a service of a particular kind means an assessment of the following matters, taking into account the risk profile that relates to services of that kind—

(a) the user base;

(b) the level of risk of individuals who are users of the service encountering content consisting of fraudulent advertisements in or via search results of the service, taking into account (in particular) algorithms, platforms and technologies used by the service, and how easily, quickly and widely content may be disseminated by means of the service;

(c) the level of risk of harm to individuals presented by fraudulent advertisements of different kinds;

(d) the level of risk of functionalities of the service facilitating the presence or dissemination of fraudulent advertisements, identifying and assessing those functionalities that present higher levels of risk;

(e) the different ways in which the service is used, and the impact of such use on the level of risk of harm that might be suffered by individuals;

(f) the nature, and severity, of the harm that might be suffered by individuals from the matters identified in accordance with paragraphs (b) to (e);

(a) how the design and operation of the service (including the business model, governance, use of proactive technology, measures to promote users' media literacy and safe use of the service, and other systems and processes) may reduce or increase the risks identified.

(6) In this section references to risk profiles are to the risk profiles for the time being published under section 83 which relate to the risk of harm to individuals presented by fraudulent advertisements.

(7) See also—

(a) section 30(2) (records of risk assessments), and

(b) Schedule 3 (timing of providers' assessments)."

Clause 30

Page 30, line 6, after "25", insert ", (**Risk assessment duties about fraudulent advertisements: Category 2A services**)"

Page 30, line 26, after "(3), insert "or 35(1) or (2)"

Page 31, line 45, at end insert ", and

(i) section 35 (fraudulent advertisements)."

Schedule 3

Page 172, line 12, after "content" insert "or fraudulent advertisements"

Page 172, line 14, after "content" insert "or fraudulent advertisements"

Page 172, line 21, after "content" insert "*or fraudulent advertisements*"

Page 172, line 28, after "content" insert "or fraudulent advertisements"

Page 172, line 31, after "content" insert "or fraudulent advertisements"

Page 172, line 36, after "content" insert "*or fraudulent advertisements*"

Page 173, line 1, after "content" insert "or fraudulent advertisements"

Page 173, line 4, after "content" insert "or fraudulent advertisements"

Page 173, line 6, after "content" insert "*or fraudulent advertisements*"

Page 173, line 11, after "content" insert "or fraudulent advertisements"

Page 173, line 14, after "content" insert "or fraudulent advertisements"

Page 174, line 24, at end insert “;

“fraudulent advertisements risk assessment guidance” means OFCOM’s guidance under section 84(2A).”

Page 174, line 29, at end insert—

“(ab) references to a fraudulent advertisements risk assessment are to a fraudulent advertisements risk assessment as defined by (**Risk assessment duties about fraudulent advertisements: Category 1 services**);”

Page 174, line 30, after “content”, insert “or to a fraudulent advertisements, as applicable,”

Page 174, line 31, leave out “illegal content”

Page 174, line 35, at end insert—

“(ab) references to a fraudulent advertisements risk assessment are to a fraudulent advertisements risk assessment as defined by (**Risk assessment duties about fraudulent advertisements: Category 2A services**);”

Page 174, line 34, after “content”, insert “or to a fraudulent advertisements, as applicable,”

Page 174, line 37, leave out “illegal content”  
Clause 83

Page 72, line 8, at end insert—

“(ab) the risk of harm to individuals in the UK presented by fraudulent advertisements;”

Page 73, line 13, at end insert—

““fraudulent advertisements” has the same meaning as in Part 3 (see sections 34 and 35);”

Clause 84

Page 73, line 20, at end insert—

“(2A) As soon as reasonably practicable after OFCOM have published the first risk profiles relating to the risk of harm from fraudulent advertisements, OFCOM must produce

guidance to assist providers of Category 1 and Category 2A services in complying with their duties to carry out fraudulent advertisements risk assessments under sections “(Risk assessment duties about fraudulent advertisements: Category 1 services)” or “(Risk assessment duties about fraudulent advertisements: Category 2A services)” as applicable.”

Page 73, line 43, at end insert—

“risk of harm from fraudulent advertisements” means the risk of harm mentioned in section 83(1)(ab);”

**Amendment 3.2:** Risk assessment and transparency reporting: Transparency reporting

Schedule 8

Page 186, line 15, after first “content” insert “, fraudulent advertisements”

Page 186, line 17, after first “content” insert “, fraudulent advertisements”

Page 186, line 19, after “content” insert “, fraudulent advertisements”

Page 186, line 24, after first “content” insert “, fraudulent advertisements”

Page 186, line 28, after first “content” insert “, fraudulent advertisements”

Page 186, line 30, after “content” insert “or fraudulent advertisements”

Page 187, line 4, after first “content” insert “, fraudulent advertisements”

Page 187, line 12, after first “content” insert “, fraudulent advertisements”

Page 187, line 16, after first “content” insert “, fraudulent advertisements”

Page 187, line 32, after first “content” insert “, (for Category 2A only) fraudulent advertisements”

Page 187, line 36, after first “content” insert “, (for Category 2A only) fraudulent advertisements”

Page 187, line 41, after first “content” insert “, (for Category 2A only) fraudulent advertisements”

Page 188, line 11, after first “content” insert “, (for Category 2A only) fraudulent advertisements”

Page 188, line 19, after “content” insert “, (for Category 2A only) fraudulent advertisements”

Page 188, line 22, after first “content” insert “, (for Category 2A only) fraudulent advertisements”

Page 188, line 36, after first "content" insert ", (for Category 2A only) fraudulent advertisements"

Page 188, line 40, leave out "Chapter 2 or 3 of"

Page 189, line 15, at end insert—

""fraudulent advertisements" has the same meaning as in Part 3 (see sections 34 and 35);"

**Amendment 4.1:** Clarifying user reporting and user complaints for fraudulent advertising: user reporting

Clause 17

Page 17, line 15, at end insert—

"(5A) Content that constitutes a "fraudulent advertisement" within the meaning of section 34."

Clause 27

Page 17, line 15, at end insert—

"(3A) Content that constitutes a "fraudulent advertisement" within the meaning of section 35."

**Amendment 4.2:** Clarifying user reporting and user complaints for fraudulent advertising: user complaints

Clause 18

Page 19, line 9, at end insert—

"(ab) complaints by users and affected persons about content present on a service which they consider to be content that constitutes a "fraudulent advertisement" within the meaning of section 34;"

Page 19, line 16, at end insert ", and

(vi) section 34 (duties about fraudulent advertising: Category 1 services)."

Clause 28

Page 29, line 3, at end insert—

"(4A) complaints by users and affected persons about content present on a service which



they consider to be content that constitutes a "fraudulent advertisement" within the meaning of section 35.

**Amendment 5.1:** Clarifying Proactive technology for fraudulent advertising

Clause 116

Page 98, line 29, at end insert ", and

(c) user-generated content communicated, or intended to be communicated as a paid-for advertisement.

(d) metadata relating to user-generated content communicated, or intended to be communicated as a paid-for advertisement."

**Amendment 6.1:** Enforcement - Super complaints

Clause 140

Page 121, line 1, after "services" insert ", consumers"

Page 121, line 2, after "users" insert ", consumers"

Page 121, line 4, after "services" insert ", consumers"

Page 121, line 5, after "users" insert ", consumers"

Page 121, line 6, at end insert ", consumers"

Page 121, line 7, after "users" insert ", consumers"

Page 121, line 14, after "service" insert ", consumers"

Page 121, line 18, at end insert " consumers"

Page 121, line 19, after "users" insert ", consumers"

Page 121, line 29 at end insert ";

"consumers" means individuals in the United Kingdom acting for purposes that are wholly or mainly outside the trade, business, craft or profession of the individuals concerned."

Clause 141

Page 121, line 32, after "140" insert ", which must include the requirement that OFCOM must respond to such complaints within 90 days"

**Amendment 6.2:** Enforcement - Existing protections

New Clause

To move the following Clause—

**"Other legal rules or enactments**

Nothing in this Act affects the interpretation, application or enforcement of any enactment or rule of law that imposes additional or stricter duties or liabilities on providers of internet services."

**Amendment 6.3:** Enforcement - Legal representatives

Clause 166

Page 136, line 22, at end insert—

"(1A) The provider of a regulated service within the meaning of section 3 but which does not have its main or principal establishment in the United Kingdom must nominate in writing a natural or legal person as its representative in the United Kingdom for the purpose of assisting with compliance with the provisions of this Act on behalf of the provider."

**Amendment 6.4:** Enforcement - Consideration of fraudulent advertising

Schedule 10

Page 193, line 6, after first "content" insert ", fraudulent advertisements"

Page 193, line 10, after first "content" insert ", fraudulent advertisements"

Page 196, line 8, at end insert—

"'fraudulent advertisements' has the same meaning as in Part 3 (see sections 34 and 35);"

**Amendment 6.5:** Enforcement - Consumer Protection Regulations

Clause 52

Page 49, line 22, leave out paragraph (b)

Clause 173

Page 140, line 44, leave out paragraph (b)

Clause 176

Page 145, leave out lines 3 and 4