

# OFCOM (Duty regarding Prevention of Serious Self-harm and Suicide) Bill [HL]

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Require OFCOM to establish a unit to advise the Secretary of State regarding the use of social media platforms to encourage or assist serious self-harm and activities associated with risk of suicide; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Duty to establish a unit

- (1) OFCOM must establish a unit to advise the Secretary of State for Digital, Culture, Media and Sport regarding—
- (a) the extent of content on social media platforms which could be seen to—
    - (i) incite, encourage, provoke or assist serious self-harm, and
    - (ii) incite, encourage, provoke or assist activities associated with the pursuance of suicidal ideation and associated activities,
  - (b) the effectiveness of current regulation in addressing the content described in paragraph (a), and
  - (c) recommendations for changes in regulation regarding the use of social media platforms in order to increase efficacy of prevention of serious self-harm and the prevention of suicide.
- (2) The unit must also advise the Secretary of State regarding the use of search engines to access to the content described in subsection (1)(a).

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## 2 Content likely to incite, encourage, provoke or assist serious self-harm or risk of suicide

Content on social media platforms could be seen to incite, encourage, provoke or assist serious self-harm, or incite, encourage, provoke or assist activities associated with the pursuance of suicidal ideation and associated activities, if it is a communication which is sent or posted by a person (A) to an individual or to a group of individuals (whether or not the individual or group of individuals is a specific person, group of persons, or class of persons known to or identified by A), and it—

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- (a) intentionally incites, encourages, provokes or assists an individual or group of individuals to cause themselves serious physical harm, or
  - (b) intentionally incites, encourages or provokes suicidal ideation, or assists activities associated with the pursuance of suicidal ideation or associated activities, in an individual or group of individuals, 5
- and is sent or posted with malicious intent and without reasonable excuse, whether or not serious physical harm occurs in consequence.

### 3 Interpretation

In this Act—

“social media platforms” include platforms providing user-to-user services; 10

“physical harm” is serious if it would amount to grievous bodily harm under the Offences Against the Person Act 1861;

“reasonable excuse”, for the purposes of section 2, includes—

- (a) the sharing of content for the sole purpose of self-expression, 15
- (b) provision of social support to counter risk factors with the intention of decreasing the risk of serious self-harm or suicide,
- (c) seeking social support by a person at risk of serious self-harm or suicide,
- (d) activities consistent with national evidence-based approaches to the prevention of serious self-harm or suicide. 20

### 4 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the OFCOM (Duty regarding Prevention of Serious Self-harm and Suicide) 2022. 25



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*Baroness Finlay of Llandaff*

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