

Online Safety Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 10

BARONESS HARDING OF WINSCOMBE
BARONESS STOWELL OF BEESTON
LORD KNIGHT OF WEYMOUTH
LORD CLEMENT-JONES

Page 8, line 37, after “services” insert “and application stores”

Member’s explanatory statement

This amendment subjects application stores to risk assessments equal to user-to-user services due to their role in distributing online content through apps to children and as a primary facilitator of user-to-user experiences for children.

Clause 11

BARONESS HARDING OF WINSCOMBE
BARONESS STOWELL OF BEESTON
LORD KNIGHT OF WEYMOUTH
LORD CLEMENT-JONES

Page 10, line 5, after “services” insert “and application stores”

Member’s explanatory statement

This amendment mandates application stores to use proportionate and proactive measures, such as age assurance, to prevent children of any age from encountering primary priority content that is harmful to children, due to their role in distributing online content through apps to children and as a primary facilitator of user-to-user experiences for children.

Clause 18

LORD MOYLAN

Page 20, line 37, at end insert –

“(3A) When deciding on, and implementing, safety measures and policies relating to the treatment of content that is misinformation or disinformation, a duty to have regard to the principles that –

Clause 18 - continued

- (a) the treatment should be proportionate to the risk of harm presented by the content, and
- (b) where possible, preference should be given to treatment other than taking down or restricting users' access to that content."

Member's explanatory statement

This amendment would amend the duties in Clause 18 (duties about freedom of expression and privacy) so as to require platforms to have regard to the need to address harmful misinformation and disinformation on their platforms proportionately through treatment other than content restriction or take down wherever possible.

Clause 36

BARONESS PRASHAR

Page 37, line 4, at end insert –

“(4A) OFCOM must prepare and issue a code of practice for providers of Part 3 services describing measures recommended for the purpose of compliance with duties set out in section (OFCom duty to promote media literacy).”

Member's explanatory statement

This amendment would require Ofcom to produce a code of practice to help platforms comply with the new requirement to promote media literacy to be inserted by another amendment in the name of Baroness Prashar.

After Clause 147

LORD STOREY

Insert the following new Clause –

“OFCom duty to promote media literacy

As part of their duty to promote media literacy under section 11 of the Communications Act 2003, OFCOM must take such steps as they consider appropriate to improve the media literacy of the public in relation to regulated services, including by encouraging educational initiatives in schools.”

BARONESS PRASHAR

Insert the following new Clause –

“CHAPTER 8

MEDIA LITERACY

OFCom duty to promote media literacy

- (1) OFCOM must take such steps as they consider appropriate to improve the media literacy of the public in relation to regulated services.
- (2) OFCOM's performance of their duty in subsection (1) must include pursuit of the following objectives –
 - (a) to reach audiences who are less engaged with, and harder to reach through, traditional media literacy initiatives;

After Clause 147 - continued

- (b) to address gaps in the availability and accessibility of media literacy provisions in relation to regulated services targeted at vulnerable users;
 - (c) to build the resilience of the public to disinformation and misinformation by using media literacy in relation to regulated services as a tool to reduce the harm from that misinformation and disinformation;
 - (d) to promote greater availability and effectiveness of media literacy initiatives in relation to regulated services and other measures, including by –
 - (i) carrying out, commissioning or encouraging educational initiatives designed to improve the media literacy of the public in relation to regulated services;
 - (ii) seeking to ensure, through the exercise of OFCOM’s online safety functions, that providers of regulated services take appropriate measures to improve users’ media literacy;
 - (iii) seeking to improve the evaluation of the effectiveness of the initiatives and measures mentioned in paragraph (d)(i) and (ii) (including by increasing the availability and adequacy of data to make those evaluations);
 - (e) to promote better coordination within the media literacy sector in relation to regulated services.
- (3) OFCOM may prepare such guidance about the matters referred to in subsection (2) as they consider appropriate.
- (4) Where OFCOM prepare guidance under subsection (3) they must –
- (a) publish the guidance (and any revised or replacement guidance), and
 - (b) keep the guidance under review.
- (5) OFCOM must co-operate with the Secretary of State in the exercise and performance of their duty under this section.”

Insert the following new Clause –

“Media Literacy Strategy

- (1) OFCOM must prepare a strategy which sets out how they intend to undertake their duty to promote media literacy in relation to regulated services under section (*OFCOM duty to promote media literacy*).
- (2) The strategy must –
 - (a) set out the steps OFCOM propose to take to achieve the pursuit of the objectives set out in section (*OFCOM duty to promote media literacy*);
 - (b) set out the organisations, or types of organisations, that OFCOM propose to work with in undertaking the duty;
 - (c) explain why OFCOM consider that the steps they propose to take will be effective;
 - (d) explain how OFCOM will assess the extent of the progress that is being made under the strategy.
- (3) In preparing the strategy OFCOM must have regard to the need to allocate adequate resources for implementing the strategy.

After Clause 147 - continued

- (4) OFCOM must publish the strategy within the period of 6 months beginning with the day on which this section comes into force.
- (5) Before publishing the strategy (or publishing a revised strategy), OFCOM must consult—
 - (a) persons with experience in or knowledge of the formulation, implementation and evaluation of policies and programmes intended to improve media literacy,
 - (b) the advisory committee on disinformation and misinformation, and
 - (c) any other person that OFCOM consider appropriate.
- (6) If OFCOM have not revised the strategy within the period of 3 years beginning with the day on which the strategy was last published, they must either—
 - (a) revise the strategy, or
 - (b) publish an explanation of why they have decided not to revise it.
- (7) If OFCOM decide to revise the strategy they must—
 - (a) consult in accordance with subsection (5), and
 - (b) publish the revised strategy.”

Insert the following new Clause—

“Media literacy strategy: progress report

- (1) OFCOM must report annually on the delivery of the strategy required under section (*Media Literacy Strategy*).
- (2) The report must include—
 - (a) a description of the steps taken in accordance with the strategy during the year to which the report relates, and
 - (b) an assessment of the extent to which those steps have had an effect on the media literacy of the public with regards to regulated services in that year.
- (3) The assessment referred to in subsection (2)(b) must be made in accordance with the approach set out by OFCOM in the strategy (see section (*Media Literacy Strategy*)(2)(d)).
- (4) OFCOM must—
 - (a) publish the progress report in such manner as they consider appropriate, and
 - (b) send a copy of the report to the Secretary of State who must lay a copy before both Houses of Parliament.”

Clause 207

BARONESS HARDING OF WINSCOMBE
BARONESS STOWELL OF BEESTON
LORD KNIGHT OF WEYMOUTH
LORD CLEMENT-JONES

Page 170, line 14, at end insert –

““app” means a software application or electronic service that may be run or directed by a user on a computer, a mobile device, or any other general purpose computing device;”

Member’s explanatory statement

This amendment and another in the name of Baroness Harding of Winscombe incorporates standardised definitions of both apps and application stores as recognised in the US Open App Markets Act. These definitions allow both apps and their distributing platforms to be defined and identified within the scope of the Bill as entities subject to duties, due to their role in distributing online content through apps to children and as a primary facilitator of user-to-user experiences for children.

Page 170, line 14, at end insert –

““application store” means a publicly available website, software application, or other electronic service that distributes apps from third-party developers to users of a computer, a mobile device, or any other general purpose computing device;”

Member’s explanatory statement

This amendment and another in the name of Baroness Harding of Winscombe incorporates standardised definitions of both apps and application stores as recognised in the US Open App Markets Act. These definitions allow both apps and their distributing platforms to be defined and identified within the scope of the Bill as entities subject to duties, due to their role in distributing online content through apps to children and as a primary facilitator of user-to-user experiences for children.

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24 February 2023
