

Online Safety Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 12

BARONESS STOWELL OF BEESTON
BARONESS BULL
BARONESS FEATHERSTONE

Insert the following new Clause—

“Adult risk assessment duties

- (1) This section sets out the duties about risk assessments in respect of adult users which apply in relation to Category 1 services.
- (2) A duty to carry out a suitable and sufficient adults’ risk assessment.
- (3) A duty to take appropriate steps to keep an adults’ 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 adults’ risk assessment relating to the impacts of that proposed change.
- (5) An “adults’ 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 adults who are users of the service encountering, by means of the service, each kind of content specified in section 12(10) to (12), taking into account (in particular) algorithms 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 functionalities of the service, including user empowerment tools, which facilitate the presence, identification, dissemination, and likelihood of users encountering or being alerted to, content specified in section 12(10) to (12);
 - (d) the extent to which user empowerment tools might result in interference with users’ right to freedom of expression within the law (see section 18);

After Clause 12 - continued

- (e) 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.”

Member's explanatory statement

This and other amendments in the name of Baroness Stowell relate to risk assessments for adults in relation to platforms' new duties to provide user empowerment tools. They would require platforms to provide public risk assessments in their terms of service and be transparent about the effect of user empowerment tools on users' freedom of expression.

Insert the following new Clause –

“Safety duties protecting adults

- (1) This section sets out the duties to protect adults' online safety which apply in relation to Category 1 services.
- (2) A duty to summarise in a publicly available statement the findings of the most recent adults' risk assessment of a service (including the extent to which there is any interference with the right to freedom of expression within the law).
- (3) A duty to include provisions in the terms of service specifying, in relation to the kind of content and treatment under user empowerment tools specified in section 12, which of those kinds of treatment is to be applied, and the extent to which there is any interference with the right to freedom of expression within the law.
- (4) A duty to explain in the terms of service the provider's response to the risks relating to content specified in section 12(10) to (12) (as identified in the most recent adults' risk assessment of the service), by reference to –
 - (a) any provisions of the terms of service included in compliance with the duty set out in subsection (3), and
 - (b) any other provisions of the terms of service designed to mitigate or manage those risks.
- (5) If provisions are included in the terms of service in compliance with the duty set out in subsection (3), a duty to ensure that those provisions –
 - (a) are clear and accessible, and
 - (b) are applied consistently in relation to content which the provider reasonably considers is content specified under section 12.”

Member's explanatory statement

See the explanatory statement for Baroness Stowell's new Clause after Clause 12 on 'Adult risk assessment duties'.

Clause 18

BARONESS STOWELL OF BEESTON
BARONESS BULL
BARONESS FEATHERSTONE

Page 21, line 26, at end insert –

“(ca) sections (*Adult risk assessment duties*) and (*Safety duties protecting adults*),”

Member’s explanatory statement

See the explanatory statement for Baroness Stowell’s new Clause after Clause 12 on ‘Adult risk assessment duties’.

Clause 39

BARONESS STOWELL OF BEESTON
VISCOUNT COLVILLE OF CULROSS
LORD CLEMENT-JONES

Page 39, line 6, leave out “direct OFCOM to modify” and insert “write to OFCOM with observations on”

Member’s explanatory statement

This amendment, and others in the name of Baroness Stowell, would remove the Secretary of State’s ability to direct Ofcom on a draft code of practice. The Secretary of State may instead write to Ofcom with non-binding observations to which Ofcom must have regard.

Page 39, line 37, leave out paragraph (a) and insert –

“(a) have regard to the letter,”

Member’s explanatory statement

See explanatory statement to Baroness Stowell’s amendment at page 39, line 6.

BARONESS STOWELL OF BEESTON
VISCOUNT COLVILLE OF CULROSS

Page 40, line 1, leave out “or more further directions requiring OFCOM to modify” and insert “further letter providing observations on”

Member’s explanatory statement

This and other amendments in the name of Baroness Stowell would remove the Secretary of State’s power to issue unlimited directions to Ofcom on a draft code of practice, replacing it with a maximum of two exchanges of letters.

Page 40, line 6, leave out “is satisfied that no further modifications to the draft are required” and insert “has received a draft from OFCOM (with or without modifications) following the Secretary of State’s letter”

Member’s explanatory statement

See explanatory statement to Baroness Stowell’s amendment at page 40, line 1.

Clause 40

BARONESS STOWELL OF BEESTON
 VISCOUNT COLVILLE OF CULROSS
 LORD CLEMENT-JONES

Page 40, line 31, leave out “negative” and insert “affirmative”

Member’s explanatory statement

See explanatory statement to Baroness Stowell’s amendment at page 40, line 1.

Clause 49

LORD MCNALLY
 LORD LIPSEY

Page 47, line 6, at end insert –

“(2A) Subsection (2)(e) does not apply in respect of a regulated user-to-user service which is operated by an organisation which –

- (a) is a relevant publisher (within the meaning of section 41 of the Crime and Courts Act 2013), and
- (b) has an annual UK turnover in excess of £100 million.”

Member’s explanatory statement

This amendment seeks to ensure the comment sections of the largest newspaper websites are subject to the Online Safety Bill’s regulatory regime.

Clause 50

LORD LIPSEY
 LORD MCNALLY

Page 48, line 29, leave out from “which” to end of line 30 on page 49 and insert “is a member of an approved regulator within the meaning of section 42 of the Crime and Courts Act 2013.”

Clause 144

LORD MCNALLY
 LORD LIPSEY

Page 127, line 3, at end insert “, and on the impact the recognised news publisher exemption and journalistic content duties have on –

- (a) the efficacy of the Act’s regulatory framework, and
- (b) the securing of public safety from online harms.”

Member’s explanatory statement

This amendment seeks to extend the terms of Ofcom’s reporting on the OSB regime’s effect on news publisher content to also include an assessment of whether the news publisher exemption (and journalistic content duties) is adversely affecting the regime in any way, and its objective of protecting the public.

After Clause 159

LORD MOYLAN

Insert the following new Clause –

“Transparency of government representations to regulated service providers

- (1) The Secretary of State must produce a report setting out any relevant representations His Majesty’s Government have made to providers of Part 3 services to tackle the presence of misinformation and disinformation on Part 3 services.
- (2) In this section “relevant representations” are representations that could reasonably be considered to be intended to persuade or encourage a provider of a Part 3 service to –
 - (a) modify the terms of service of a regulated service in an effort to address misinformation or disinformation,
 - (b) restrict or remove a particular user’s access to accounts used by them on a regulated service, or
 - (c) take down, reduce the visibility of, or restrict access to content that is present or may be encountered on a regulated service.
- (3) The first report must be laid before both Houses of Parliament within six months of this Act being passed.
- (4) Subsequent reports must be laid before both Houses of Parliament at intervals not exceeding six months.
- (5) The Secretary of State is not required by this section to include in the report information that the Secretary of State considers would be against the interests of national security.
- (6) If the Secretary of State relies upon subsection (5) they must as soon as reasonably practicable send a report containing that information to the Intelligence and Security Committee of Parliament.”

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27 February 2023
