

Online Safety Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 12

BARONESS MORGAN OF COTES

Page 12, line 9, leave out “if they wish to increase their control over” and insert “to control”

Member’s explanatory statement

This amendment, and another in the name of Baroness Morgan, would require Category 1 providers to ensure that the default options are the safest for users in regard to suicide, self-harm, eating disorders and the abuse and hate content already determined to be harmful as part of the Government’s “triple shield” approach.

Page 12, line 17, at end insert –

“(3A) A duty to ensure that all features included in a service in compliance with the duty set out in subsection (2) apply their safest settings by default.”

Member’s explanatory statement

This amendment, and another in the name of Baroness Morgan, would require Category 1 providers to ensure that the default options are the safest for users in regard to suicide, self-harm, eating disorders and the abuse and hate content already determined to be harmful as part of the Government’s “triple shield” approach.

Clause 16

BARONESS MORGAN OF COTES

Page 18, line 10, at end insert –

“(3A) Content that constitutes a fraudulent advertisement within the meaning of section 33.”

Member’s explanatory statement

This amendment, and others in the name of Baroness Morgan, would extend the current provisions on transparency reporting, user reporting and user complaints to fraudulent advertisements.

Clause 17

BARONESS MORGAN OF COTES

Page 19, line 7, at end insert –

“(aa) 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 33;”

Member’s explanatory statement

This amendment, and others in the name of Baroness Morgan, would extend the current provisions on transparency reporting, user reporting and user complaints to fraudulent advertisements.

Page 19, line 12, at end insert –

“(iv) section 33 (*Duties about fraudulent advertising: Category 1 services*);”

Member’s explanatory statement

This amendment, and others in the name of Baroness Morgan, would extend the current provisions on transparency reporting, user reporting and user complaints to fraudulent advertisements.

Clause 26

BARONESS MORGAN OF COTES

Page 28, line 39, at end insert –

“(3A) Content that constitutes a fraudulent advertisement within the meaning of section 34.”

Member’s explanatory statement

This amendment, and others in the name of Baroness Morgan, would extend the current provisions on transparency reporting, user reporting and user complaints to fraudulent advertisements.

Clause 27

BARONESS MORGAN OF COTES

Page 30, line 3, at end insert –

“(e) 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.”

Member’s explanatory statement

This amendment, and others in the name of Baroness Morgan, would extend the current provisions on transparency reporting, user reporting and user complaints to fraudulent advertisements.

Schedule 8

BARONESS MORGAN OF COTES

Page 206, line 12, after first “content” insert “, fraudulent advertisements”

Member’s explanatory statement

This amendment, and others in the name of Baroness Morgan, would extend the current provisions on transparency reporting, user reporting and user complaints to fraudulent advertisements.

Page 206, line 14, after first “content” insert “, fraudulent advertisements”

Page 206, line 16, after “content” insert “, fraudulent advertisements”

Page 206, line 21, after first “content” insert “, fraudulent advertisements”

Page 206, line 23, after first “content” insert “, fraudulent advertisements”

Page 207, line 2, after first “content” insert “, fraudulent advertisements”

Page 207, line 10, after “content” insert “, fraudulent advertisements”

Page 207, line 13, after first “content” insert “, fraudulent advertisements”

Page 207, line 26, after first “content” insert “, fraudulent advertisements”

Page 207, line 29, after first “content” insert “, fraudulent advertisements”

Page 207, line 33, after first “content” insert “, fraudulent advertisements”

Page 207, line 38, after first “content” insert “, fraudulent advertisements”

Page 208, line 9, after first “content” insert “, fraudulent advertisements”

Page 208, line 17, after “content” insert “, fraudulent advertisements”

Page 208, line 20, after first “content” insert “, fraudulent advertisements”

Page 208, line 38, leave out “Chapter 2 or 3 of”

Page 209, line 23, at end insert –

““fraudulent advertisements” has the same meaning as in Part 3 (see sections 33 and 34);”

After Clause 84

LORD CLEMENT-JONES

Insert the following new Clause—

“General duties in relation to privacy

- (1) Subsection (2) applies where OFCOM is deciding whether to exercise any powers under this Act.
- (2) OFCOM must have regard to—
 - (a) whether what is sought to be achieved by the relevant exercise of powers under this Act could reasonably be achieved by other less intrusive means,
 - (b) the public interest in the integrity and security of telecommunication services, and
 - (c) any other aspects of the public interest in the protection of privacy.
- (3) The duties under subsection (2)—
 - (a) apply so far as they are relevant in the particular context, and
 - (b) are subject to the need to have regard to other considerations that are also relevant in that context.
- (4) The other considerations may, in particular, include—
 - (a) the requirements of the Human Rights Act 1998, and
 - (b) other requirements of public law.”

Member’s explanatory statement

This new Clause requires that OFCOM has a duty in relation to privacy when exercising powers granted to it under the provisions of the Online Safety Bill.

Schedule 11

BARONESS MORGAN OF COTES

Page 216, line 30, after “service” insert “, including significant risk of harm,”

Member’s explanatory statement

There are some platforms which, whilst attracting small user numbers, are hubs for extreme hateful content and should be regulated as larger user-to-user services.

After Clause 110

LORD CLEMENT-JONES
LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Approval of notices under section 110(1) by a judge

- (1) OFCOM may not issue a notice under section 110(1) unless it has been approved by a judge.
- (2) In deciding whether to approve a decision to give a notice under section 110(1) the judge must review OFCOM’s decision as to the following matters—
 - (a) whether the notice is necessary, and

After Clause 110 - continued

- (b) whether the notice is proportionate to what is sought to be achieved.
- (3) In doing so the judge must –
 - (a) apply the same principles as would be applied by a court on an application for judicial review, and
 - (b) consider the matters referred to in subsection (2) with a sufficient degree of care to ensure that the judge complies with the duties imposed by section (*General duties in relation to privacy*).
- (4) In this section “judge” means –
 - (a) in relation to England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;
 - (b) in relation to Scotland, a judge of the High Court of Justiciary or the sheriff;
 - (c) in relation to Northern Ireland, a Crown Court judge.”

Member’s explanatory statement

This new Clause is part of a series of amendments by Lord Clement-Jones that are intended to introduce safeguards around the issue of Technology Notices by ensuring privacy is considered before a notice is given, and strengthening the review and appeals process.

After Clause 118

LORD BETHELL

Insert the following new Clause –

“Notice by OFCOM to payment-services providers and ancillary services

- (1) Where OFCOM have issued a provisional notice of contravention to a regulated service, which specifies the person has failed, or is failing, to comply with a duty or requirement in section 72 (duties about regulated provider pornographic content), it must give notice of that fact to any payment-services provider or ancillary service.
- (2) A notice under subsection (1) must –
 - (a) identify the regulated service in such manner as OFCOM considers appropriate,
 - (b) state whether the provisional notice of contravention relates to a duty under subsection (2) or (3) of section 72, or duties under both,
 - (c) give OFCOM’s reasons for their opinion that the regulated service has failed, or is failing, to comply with it, and
 - (d) provide such further particulars as OFCOM consider appropriate.
- (3) When OFCOM give notice under this section, OFCOM must inform the regulated service, by notice, that they have done so.
- (4) In this section –
 - “ancillary service” has the same meaning as in section 131(11);

After Clause 118 - continued

“payment-services provider” means a person who appears to OFCOM to provide services, in the course of a business, which enable funds to be transferred in connection with the payment by any person for access to pornographic content made available on the internet by the regulated service;

“pornographic content” has the meaning given by section 70(2);

“provisional notice of contravention” has the same meaning as in section 118(1).”

Member’s explanatory statement

This new Clause requires OFCOM to notify payment-service providers and ancillary services of a regulated service which is found to have breached duties relating to pornographic content.

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8 March 2023
