

Online Safety Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 11

LORD CLEMENT-JONES

Page 11, line 25, at end insert –

“(c) the benefits of the service to children’s rights and well-being.”

Member’s explanatory statement

This amendment would include reference to children’s rights and well-being in determining what is proportional in relation to the safety duties protecting children.

After Clause 35

BARONESS FINLAY OF LLANDAFF
LORD KNIGHT OF WEYMOUTH

Insert the following new Clause –

“Suicide or self-harm content duties

- (1) This section sets out the duties about harmful suicide or self-harm content which apply to all regulated user-to-user services and providers of search services.
- (2) This section applies in respect of all service users.
- (3) A duty to include provisions in the terms of service specifying the treatment to be applied in relation to harmful suicide or self-harm content.
- (4) The possible kinds of treatment of content referred to in subsection (3) are –
 - (a) taking down the content;
 - (b) restricting users’ access to the content;
 - (c) limiting the recommendation or promotion of the content.
- (5) A duty to explain in the terms of service the provider’s response to the risks relating to harmful suicide or self-harm content 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.

After Clause 35 - continued

- (6) 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 meets the definition in section 207.”

Member’s explanatory statement

This creates a duty for providers of regulated user-to-user services and search services to manage harmful suicide or self-harm content, applicable to both children and adults.

Schedule 4

LORD CLEMENT-JONES

Page 195, line 18, after “ages” insert “, including the benefits of the service to their rights and well-being,”

Member’s explanatory statement

This amendment would include reference to children’s rights and well-being in the online safety objectives.

After Clause 147BARONESS FINLAY OF LLANDAFF
LORD KNIGHT OF WEYMOUTH

Insert the following new Clause –

“Duty to report about suicide and harm

- (1) OFCOM must produce a report to advise the Secretary of State regarding –
- (a) the extent of content, content prioritisation and delivery methods on regulated user-to-user services and providers of search services which could be seen to –
 - (i) incite, encourage, provoke or assist serious self-harm,
 - (ii) incite, encourage, provoke or assist activities associated with encouraging the pursuit of a desire for someone else to kill themselves and associated activities, and
 - (iii) incite, encourage, provoke or assist serious harm against others;
 - (b) the extent to which new communications and internet technologies could be seen to –
 - (i) incite, encourage, provoke or assist serious self-harm in a way equivalent, even if through different means, to (a)(i),
 - (ii) incite, encourage, provoke or assist activities associated with suicidal ideation in a way equivalent, even if through different means, to (a)(ii), and
 - (iii) incite, encourage, provoke or assist serious harm against others in a way equivalent, even if through different means, to (a)(iii);
 - (c) the effectiveness of current regulation in addressing the content described in paragraphs (a) and (b);

After Clause 147 - continued

- (d) recommendations for changes in regulation regarding regulated user-to-user services and providers of search services and new communications and internet technologies in order to increase efficacy of prevention of serious self-harm, suicide and harm to others.
- (2) Content for the purpose of subsection (1) 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 which –
- (a) incites, encourages, provokes or assists an individual or group of individuals to cause themselves serious physical harm;
 - (b) incites, encourages, provokes or assists suicidal ideation, or assists activities associated with the suicidal ideation of associated activities, in an individual or group of individuals;
 - (c) incites, encourages, provokes or assists an individual or group of individuals to commit serious harm against another person (or group of persons);
- and is sent without reasonable excuse whether or not serious physical harm occurs in consequence.”

Member’s explanatory statement

Subsection (1)(a) would ensure OFCOM are aware of how social media platforms, as they currently exist, can encourage suicidal behaviour, self-harm behaviour and behaviour that harms others. Subsection (1)(b) ensures OFCOM can carry out the task set out in subsection (1)(a) when new technologies arise.

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause –

“Duty to report on behaviours using new technologies

OFCOM must report to the Secretary of State regarding –

- (a) the extent to which new communications and internet technologies allow for behaviours which would be in breach of the law if the equivalent behaviours were committed in the physical world;
- (b) the effectiveness of current regulation in addressing the content described in paragraph (a);
- (c) recommendations for legislative revision in response to findings under paragraphs (a) and (b).”

Member’s explanatory statement

This amendment, and the consequential definition inserted into Clause 207, attempts to solve the problem arising whereby new communications and internet technologies are developed at an ever-quicker pace, allowing criminal codes to be updated.

After Clause 206

BARONESS FINLAY OF LLANDAFF
LORD KNIGHT OF WEYMOUTH

Insert the following new Clause—

“Harmful suicide or self-harm content

- (1) This section applies for the purposes of this Act.
- (2) “Harmful suicide or self-harm content” means content which—
 - (a) encourages or promotes suicide or an act of deliberate self-injury;
 - (b) provides instructions for suicide or an act of deliberate self-injury;
 - (c) seeks or encourages an agreement to undertake mutual acts of suicide or deliberate self-injury.
- (3) References to “harmful suicide or self-harm content” include references to such content which has the potential to cause harm to an individual.”

Clause 207

BARONESS FINLAY OF LLANDAFF

Page 170, line 47, at end insert—

““new technology” means anything which constitutes a change to existing communications and internet technologies;”

Member’s explanatory statement

This amendment and the new Clause in Baroness Finlay of Llandaff’s name after Clause 147 attempts to solve the problem arising whereby new communications and internet technologies are developed at an ever-quicker pace, allowing criminal codes to be updated.

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10 March 2023
