

Online Safety Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 146

LORD BETHELL

Page 128, line 35, leave out “two years” and insert “six months”

After Clause 146

LORD BETHELL

Insert the following new Clause –

“Access to information by approved independent researchers

- (1) OFCOM may appoint an approved independent researcher to access information from providers of regulated services where OFCOM consider that it is necessary and proportionate to do so for the following research purposes –
 - (a) improving the understanding of the following risks and mitigations in relation to regulated services –
 - (i) risks of illegal content, as set out in section 8, and
 - (ii) risks to children, as set out in section 10;
 - (b) improving the functioning of the following duties, including safeguards to protect the rights of users –
 - (i) user empowerment duties,
 - (ii) duties to protect content of democratic importance,
 - (iii) duties to protect news publisher content,
 - (iv) duties to protect journalistic content,
 - (v) duties about content reporting, and
 - (vi) duties about freedom of expression and privacy.
- (2) Where OFCOM make such an appointment, they must notify the provider or providers about the appointment and the relevant matters to be explored in the research.
- (3) It is the duty of –
 - (a) the provider of the service (“P”),
 - (b) any person who works for (or used to work for) P, or is providing (or used to provide) services to P related to the relevant matters, and

After Clause 146 - continued

- (c) other providers of internet services,
to give the approved independent researcher all such assistance as they may reasonably require to carry out their research.
- (4) For the purposes of this section a person is an independent researcher if the person—
- (a) can demonstrate independence from commercial interests, and
 - (b) can demonstrate that appropriate legal, technical and organisational safeguards are in place to protect the confidentiality of the data and the rights of any individuals affected.
- (5) For the purposes of this section, research must—
- (a) be carried out on behalf of an organisation pursuing scientific research such as educational institutions and non-profit organisations pursuant to a public interest mission,
 - (b) be disseminated publicly free of charge, without prejudice to the protection of the rights to privacy and data protection of any individual, and
 - (c) be clearly linked to the purposes in subsection (1).
- (6) References in this section to “approved” independent researcher are to an independent researcher meeting the requirements of subsection (4) and who—
- (a) has had an application to OFCOM following procedures laid out in the code of practice under section (*Code of practice on access to data by researchers*) approved, and
 - (b) appears to OFCOM to have the skills necessary to carry out the research about the relevant matters.”

Insert the following new Clause—

“Code of practice on access to data by researchers

- (1) OFCOM must prepare and issue a code of practice for researchers and providers of regulated services describing measures and procedures for the purpose of enabling access to information by researchers, including—
 - (a) describing how, and to what extent, persons carrying out independent research into online safety matters and systemic risks from online platforms are currently able to obtain information from providers of regulated services to inform their research,
 - (b) exploring the legal and other issues which currently constrain the sharing of information for such purposes,
 - (c) assessing how access to information for such purposes might be achieved to the greatest extent possible while ensuring the protections of the rights of service users and protection of confidential information, and
 - (d) exploring the appropriate structure and processes for a public organisation to manage and provide oversight of access by researchers.
- (2) The code of practice under subsection (1) must include guidance on relevant issues, including—

After Clause 146 - continued

- (a) criteria for assessing and approving research applications,
 - (b) measures for removing undue barriers to proportionate access by independent researchers to data and information from regulated services,
 - (c) criteria for vetting different researchers,
 - (d) appropriate conditions, processes and interfaces for safe access to information by researchers, and
 - (e) safeguards required, including the protection of personal data, the protection of confidential information, and the security of the services.
- (3) In preparing a draft of a code of practice or amendments to a code of practice under this section, OFCOM must –
- (a) consult persons as mentioned in subsection (4),
 - (b) follow the procedures for issuing codes of practice laid out in section 38,
 - (c) include in each transparency report under section 145 an assessment of the effectiveness of the code.
- (4) The persons that OFCOM must consult are –
- (a) the Information Commissioner,
 - (b) the Centre for Data Ethics and Innovation,
 - (c) United Kingdom Research and Innovation,
 - (d) persons who appear to OFCOM to represent providers of regulated services,
 - (e) persons representing the interests of United Kingdom users of regulated services,
 - (f) persons whom OFCOM consider to have expertise in independent research into regulated services, and
 - (g) such other persons as OFCOM consider appropriate.
- (5) OFCOM must publish the code within the period of six months beginning with the day on which this section comes into force.
- (6) OFCOM must send a copy of the code to the Secretary of State, and the Secretary of State must lay it before Parliament.”

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28 March 2023
