

Online Safety Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Third Marshalled List]

Amendment
No.

After Clause 198

LORD BETHELL
LORD CLEMENT-JONES

237ZA★ Insert the following new Clause –

“Power to make provision about access to information by researchers

After the report prepared under section 148 is laid before Parliament, the Secretary of State may by regulations –

- (a) make provision for the proportionate and safe access by independent researchers to information about the systems and processes of regulated services;
- (b) make provision enabling persons that meet certain conditions to become vetted independent researchers;
- (c) make provision designating a public body to manage and provide oversight of access by researchers.”

Member’s explanatory statement

This new Clause provides powers to the Secretary of State to introduce new subsequent regulations giving effect to any recommendations in OFCOM’s report about researchers’ access to information which is required under section 148.

Clause 122

LORD BETHELL
LORD CLEMENT-JONES

262AA★ Page 107, line 32, at end insert –

“(4A) When including a requirement to take steps in a confirmation decision, OFCOM must consider whether it would be appropriate to require the person to whom the confirmation decision is given to take steps in compliance with any guidance prepared under section 148(7).”

Member's explanatory statement

This amendment requires OFCOM to have its own guidance in mind when taking certain enforcement action, making an explicit consideration of imposing a legal requirement to comply with researcher access to data guidance part of the process of issuing a confirmation notice.

Clause 148

LORD BETHELL

LORD CLEMENT-JONES

- 272AB★** Page 131, line 43, at end insert “, including through legally enforceable incentives, duties or requirements for regulated services”

Member's explanatory statement

This amendment requires OFCOM to give explicit consideration to whether greater researcher access to data should be achieved by creating legal requirements or incentives for regulated services (as opposed to merely by providing non-binding guidance).

- 272E★** Page 132, line 24, at end insert –

- “(10) In exercising powers under section 89 (risk assessments of Part 3 services), or Chapter 5 (notices to deal with terrorism and CSEA content) or 6 (enforcement powers) of Part 7, OFCOM must have regard, where relevant, to the extent to which the provider of a regulated service has complied with any guidance prepared under subsection (7) in determining –
- (a) whether or not the provider has contravened any enforceable requirement,
 - (b) whether to impose any penalty or requirement, and
 - (c) the amount of any penalty.”

Member's explanatory statement

This amendment gives greater weight to OFCOM's guidance on researcher access to data by requiring OFCOM to take compliance with that guidance into account (where relevant) when assessing risks from regulated services, whether to take enforcement action and, if so, what enforcement action to take.

After Clause 149

LORD KNIGHT OF WEYMOUTH

LORD CLEMENT-JONES

As an amendment to Amendment 274B

- 274BA★** In subsection (3), in inserted subsection (1A), at end insert –
- “(g) understand how the business models of the service providers operate, their use of personal data, and the operation of algorithmic systems and processes.”

Member's explanatory statement

This amendment is to ensure that media literacy encompasses systems and processes as well as content.

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11 July 2023
