



## Regulating the Internet: Online Harms White Paper Debate on 30 April 2019

### Summary

On 8 April 2019, the Government published its *Online Harms White Paper*, which set out proposals to introduce a new regulatory framework for online activity. This briefing explores the debate around regulating the internet, beginning by summarising concerns that have been raised about online harms. It then outlines the current approach to online activity, which relies primarily on online platforms to self-regulate. It goes on to consider proposals for regulating the internet, examining various approaches, such as categorising online platforms as publishers or imposing a ‘duty of care’ on them, and proposals for an independent body to oversee regulation. The briefing then summarises the Government’s approach to online safety, culminating with the *Online Harms White Paper*. The briefing summarises the reaction to the white paper, which has received cross-party support and has been welcomed by key stakeholders. Nonetheless some key concerns about the feasibility of such an approach, the implications for freedom of speech, and the impact on smaller technology companies have been raised.

### Online Harms

In 2018, 90% of adults in the UK were recent internet users, including nearly all 16- to 34-year olds (99%).<sup>1</sup> Internet use is also widespread amongst children: nine in ten (92%) of 5- to 15-year olds go online, and this statistic increases with age—99% of 12- to 15-year olds are online.<sup>2</sup> As internet use has risen, so have concerns about harmful content online. According to a 2018 survey by Ofcom and the Information Commissioner’s Office, 69% of adult internet users are concerned about harmful content or conduct online and 26% say they have personally experienced some form of online harm.<sup>3</sup> Children are also exposed to online harms: “16% of children aged 8–11 who go online have ever seen something online that they found worrying or nasty, but at 31%, 12–15s are nearly twice as likely to have experienced this”.<sup>4</sup>

A wide number of issues can be defined as online harms. Some of these are illegal; for example, child sexual exploitation is an area of particular concern: in 2017, the Internet Watch Foundation identified more than 80,000 instances of child sexual abuse images online.<sup>5</sup> Terrorist content is another major issue; in the Government’s 2018 counter-terrorism strategy, it said:

The internet is a powerful tool which terrorists exploit to radicalise, groom and recruit vulnerable individuals, and to incite and enable terrorist attacks. Terrorist groups make extensive use of different online platforms to communicate with thousands of individuals, spreading their pernicious ideology and propaganda.<sup>6</sup>

Other online harms may be not be illegal but harmful to individuals, democracy or society. Following reports of malign interference in electoral events globally, concerns have been raised about the use of the internet to spread disinformation.<sup>7</sup> Launching a report on the topic, chair of the House of Commons

Digital, Culture, Media and Sport Committee, Damian Collins, said:

Democracy is at risk from the malicious and relentless targeting of citizens with disinformation and personalised ‘dark adverts’ from unidentifiable sources, delivered through the major social media platforms we use everyday. Much of this is directed from agencies working in foreign countries, including Russia.<sup>8</sup>

Online abuse has also been identified as a problem for both adults and children. In its report on the intimidation of figures in public life, the Committee on Standards in Public Life argued that social media was the “most significant factor accelerating and enabling intimidatory behaviour in recent years”.<sup>9</sup> Cyberbullying is also a common concern: 11% of 12- to 15-year olds reported being bullied on social media.<sup>10</sup> Social media platforms have also been criticised for failure to tackle content promoting suicide and self-harm, which arose in the case of the death of 14-year old Molly Russell.<sup>11</sup> As concerns about the effect and the extent of online harms has increased, calls for greater action to tackle them have increased.

### **Current Approach in the UK**

UK laws—such as laws on copyright, defamation and criminal law on hate speech, terrorism and child exploitation—apply to online activity to the same extent as offline activity.<sup>12</sup> The EU’s e-Commerce Directive 2000/31/EC states that service providers must not be liable for the content they host, but they have a duty to remove illegal content if they are made aware of it.<sup>13</sup> However, article 15 states that member states must not impose a general obligation on service providers to monitor content on their platform for illegal activity.

Online activity may also fall within the scope of existing UK and EU regulatory frameworks, including:

- General Data Protection Regulation (GDPR) and the Data Protection Act 2018 enforced by the Information Commissioner’s Office. This includes collection and use of personal data, including when online. The GDPR also has extraterritorial scope and can be enforced against companies outside the UK who offer services to UK users.
- The Electoral Commission’s oversight of the activity of political parties, and other campaigners, including activity on social media.
- Forthcoming age verification requirements for online pornography.<sup>14</sup>
- The Equality and Human Rights Commission’s oversight of the Equality Act 2010 and freedom of expression.
- Ofcom’s existing oversight of video-on-demand services.
- The revised EU Audiovisual Media Services Directive, which will introduce new high-level requirements for video sharing platforms such as YouTube.<sup>15</sup>
- The Gambling Commission’s licensing and regulation of online gambling. The Department for Digital, Culture, Media and Sport (DCMS) has been working with the commission to tighten advertising rules on gambling and launched GamStop, the online self-exclusion scheme. Additional age verification requirements are expected to take effect in May 2019.
- The Competition and Markets Authority’s enforcement of consumer protection law online.<sup>16</sup>

For the most part, online platforms are expected to self-regulate; moderating and removing content that breaches their own terms of use.<sup>17</sup> However, many, particularly social media companies, have been

repeatedly criticised for their failure to address a wide range of issues on their platforms, including the online harms outlined above. A series of inquiries into online harms have argued that self-regulation is no longer enough.<sup>18</sup> According to the House of Lords Communications Committee:

Content moderation is often ineffective in removing content which is either illegal or breaks community standards. Major platforms have failed to invest in their moderation systems, leaving moderators overstretched and inadequately trained. There is little clarity about the expected standard of behaviour and little recourse for a user to seek to reverse a moderation decision against them. In cases where a user's content is blocked or removed this can impinge their right to freedom of expression.<sup>19</sup>

## Proposals on Internet Regulation

### *Approaches to Internet Regulation*

A number of UK bodies have made proposals for how to regulate the internet. One proposal is to remove the liability exemption in the e-Commerce Directive. In its report on *Intimidation in Public Life*, the Committee on Standards in Public Life recommended that after the UK left the EU, “legislation could remove the hosting liability exemption for particular types of content, such as death threats, where automatic removal or monitoring does not require disproportionate effort or expense”.<sup>20</sup> The role of online service providers has changed considerably since 2000, when the directive was introduced. Some have argued that online platforms are no longer simply neutral hosts of content, and should be treated more like publishers. Baroness Kidron (Crossbench) put forward this argument in a debate on social media in January 2018:

In common with publishers and broadcasters, these companies use editorial content as bait for advertising. They aggregate and spread the news, and provide data points and key words: behaviours that determine what is most important, how widely it should be viewed and by whom. In common with news publishers, they offer a curated view of what is going on in the world.<sup>21</sup>

However, the House of Commons Digital, Culture, Media and Sport Committee argued against this approach. In its interim report on ‘fake news’, it said although the definition of platform suggested companies had no control over the content, “the definition of ‘publisher’ gives the impression that tech companies have the potential to limit freedom of speech, by choosing what to publish and what not to publish”.<sup>22</sup> It recommended a new category of tech company that “tightens” liability.

The House of Lords Communications Committee raised concerns that making platforms strictly liable for their content may force them to make decisions about what is and is not illegal, which they may be ill-equipped to make. It stated that “technology is not capable of identifying illegal content accurately and can have a discriminatory effect”.<sup>23</sup> The report cited evidence from Germany where the Network Enforcement Act (NetzDG), which came into force in 2018, requires platforms to remove “clearly unlawful” content within 24 hours; failure to do so can result in fines of up to €50 million. The law has been widely criticised for leading to platforms “excessively blocking” content.<sup>24</sup> Shortly after the law came into force, the accounts of the deputy leader of the Alternative für Deutschland party and a German satirical magazine were temporarily suspended.<sup>25</sup>

In examining issues around the regulation of the internet, UCL Constitution Unit's Independent Commission on Referendums stated:

Making social media platforms liable for content requires them to make judgements on material created not by staff or journalists but by private actors and political organisations, and in some circumstances to remove it. Requiring platforms to make a judgement on what is illegal or impermissible content could have dangerous consequences for freedom of expression. It would mean 'outsourcing' to private companies delicate decisions about how best to balance important freedoms. In addition, imposing a timescale and/or financial penalty could encourage platforms to err on the side of caution and remove any dubious or questionable content rather than make a careful judgement that balances harm against freedom of expression, which could lead to undue censorship.<sup>26</sup>

Instead of treating online platforms as publishers, others have proposed they should be treated more like public spaces, where those who own them have a 'duty of care'. This concept of 'duty of care' in a digital context was developed by William Perrin and Professor Lorna Woods for the thinktank, Carnegie UK Trust; in a blog post, they explain:

The law imposes a 'duty of care' on the owners of those spaces. The company must take reasonable measures to prevent harm. While the company has freedom to adopt its own approach, the issue of what is 'reasonable' is subject to the oversight of a regulator, with recourse to the courts in case of dispute. If harm does happen the victim may have rights of redress in addition to any enforcement action that a regulator may take action against the company. By making companies invest in safety the market works better as the company bears the full costs of its actions, rather than getting an implicit subsidy when society bears the costs.<sup>27</sup>

The Lords Communications Committee endorsed this approach, stating that a 'duty of care' "would aim to create a culture of risk management at all stages of the design and delivery of services".<sup>28</sup>

### ***An Independent Body***

As outlined above, there are many regulators whose scope extends into the online sphere. Many reports on online regulation have spoken of the need to establish a new independent body responsible for overseeing the regulation of all online content. For instance, Doteveryone, the technology thinktank founded by tech entrepreneur Baroness Lane-Fox of Soho (Crossbench), argued:

The patchwork of regulation and legislation [...] results in an inconsistent and fragmented system and leads to some significant gaps in ensuring comprehensive oversight and accountability. In addition, there is a marked lack of capacity within existing regulators to address the new issues posed by digital technologies and a slow and reactive approach to them. The effectiveness of regulation is also undermined by the failure to consider the wider, social harms of technology and by a disempowered public which is not able to exploit the regulation which exists.<sup>29</sup>

Doteveryone recommended establishing an 'Office for Responsible Technology' that would sit above existing regulators and support them with technical expertise and advise. It proposed that it would also provide information on the consequences of new technologies and support people in finding redress for harms caused.<sup>30</sup> In its March 2019 report, the House of Lords Communications Committee also proposed a body whose primary function would be to coordinate regulators in the digital world, which

it calls the 'Digital Authority'. It recommended the body have the following functions:

- to continually assess regulation in the digital world and make recommendations on where additional powers are necessary to fill gaps;
- to establish an internal centre of expertise on digital trends which helps to scan the horizon for emerging risks and gaps in regulation;
- to help regulators to implement the law effectively and in the public interest, in line with the ten principles set out in this report;
- to inform Parliament, the Government and public bodies of technological developments;
- to provide a pool of expert investigators to be consulted by regulators for specific investigations;
- to survey the public to identify how their attitudes to technology change over time, and to ensure that the concerns of the public are taken into account by regulators and policy-makers;
- to raise awareness of issues connected to the digital world among the public;
- to engage with the tech sector;
- to ensure that human rights and children's rights are upheld in the digital world; and
- to liaise with European and international bodies responsible for internet regulation.<sup>31</sup>

The House of Commons Digital, Culture, Media and Sport Committee's interim report on 'fake news' recommended a "compulsory code of ethics [...] setting out what constitutes harmful content", which it proposed should be directly enforced by a new independent body.<sup>32</sup> It recommended that the body "should have the ability to launch legal proceedings against them, with the prospect of large fines being administered as the penalty for non-compliance with the code".<sup>33</sup> London School of Economics' Truth, Trust and Technology Commission proposed a body, the 'Independent Platform Agency (IPA)', that would initially have a monitoring and information function only. The commission proposed that the IPA should only assume a regulatory function if the regulatory needs cannot be met by a combination of existing bodies; and that the IPA should advise on whether this is necessary.<sup>34</sup>

## **Government Proposals**

### ***2017 Internet Safety Strategy Green Paper***

In October 2017, the Department for Digital, Culture, Media and Sport (DCMS) published its internet safety strategy green paper. The Government proposed an approach that focused on working with the industry to improve the online environment rather than regulating it directly, it stated:

By working together and setting a clear level of ambition on safety, without prescribing exactly how companies should achieve this, we hope to build online safety without stifling creativity, innovation and growth in the Britain's digital economy. We are clear that our support for a free and open internet remains undimmed, and that we do not want to restrict access to the internet. But we do want to see a much more consistent approach to safety across the industry. We will work closely with the technology industry to develop a framework that helps achieve that consistency, shares best practice, and agrees what will be expected of companies to protect their users from abusive behaviour and content online.<sup>35</sup>

The green paper's section on responding to online harms, focused primarily on the police response to illegal activity in the online sphere.<sup>36</sup>

### **2018 Digital Charter**

The Government launched a digital charter in January 2018. It stated the Government's aspiration to make the UK the "safest place to be online and the best place to start and grow a digital business". The charter made a commitment to "a rolling programme of work to agree norms and rules for the online world and put them into practice".<sup>37</sup> It stated that the Government's work would be guided by the following principles:

- The internet should be free, open and accessible.
- People should understand the rules that apply to them when they are online.
- Personal data should be respected and used appropriately.
- Protections should be in place to help keep people safe online, especially children.
- The same rights that people have offline must be protected online.
- The social and economic benefits brought by new technologies should be fairly shared.<sup>38</sup>

The charter's work programme listed online harms and liability of online platforms as priorities:

- Online harms—protecting people from harmful content and behaviour, including building understanding and resilience, and working with industry to encourage the development of technological solutions.
- Liability—looking at the legal liability that online platforms have for the content shared on their sites, including considering how we could get more effective action through better use of the existing legal frameworks and definitions.<sup>39</sup>

In the original version of the charter, the Government did not announce its intention to introduce a new legal framework. However, the charter was updated upon the publication of the *Online Harms White Paper*, to reflect the Government's new proposals.

### **2019 Online Harms White Paper**

In April 2019, the Government published its white paper, proposing a new regulatory framework for online platforms. Announcing the proposals, the Secretary of State for Digital, Culture, Media and Sport, Jeremy Wright, said:

It can no longer be right to leave online companies to decide for themselves what action should be taken, as some of them are beginning to recognise. That is why my right hon friend the Home Secretary and I have concluded that the Government must act and that the era of self-regulation of the internet must end.<sup>40</sup>

The white paper set out proposals for a "new statutory duty of care", compliance with which will be overseen and enforced by an independent regulator.<sup>41</sup> The paper sets out the harms which would fall within the scope of the duty of care.

## Online Harms in Scope of New Regulatory Framework<sup>42</sup>

Harms with a clear definition	Harms with a less clear definition	Underage exposure to legal content
<ul style="list-style-type: none"> <li>• Child sexual exploitation and abuse.</li> <li>• Terrorist content and activity.</li> <li>• Organised immigration crime.</li> <li>• Modern slavery.</li> <li>• Extreme pornography.</li> <li>• Revenge pornography.</li> <li>• Harassment and cyberstalking.</li> <li>• Hate crime.</li> <li>• Encouraging or assisting suicide.</li> <li>• Incitement of violence.</li> <li>• Sale of illegal goods/services, such as drugs and weapons (on the open internet).</li> <li>• Content illegally uploaded from prisons.</li> <li>• Sexting of indecent images by under 18s (creating, possessing, copying or distributing indecent or sexual images of children and young people under the age of 18).</li> </ul>	<ul style="list-style-type: none"> <li>• Cyberbullying and trolling.</li> <li>• Extremist content and activity.</li> <li>• Coercive behaviour.</li> <li>• Intimidation.</li> <li>• Disinformation.</li> <li>• Violent content.</li> <li>• Advocacy of self-harm.</li> <li>• Promotion of Female Genital Mutilation (FGM).</li> </ul>	<ul style="list-style-type: none"> <li>• Children accessing pornography.</li> <li>• Children accessing inappropriate material (including under 13s using social media and under 18s using dating apps; excessive screen time).</li> </ul>

The duty would apply to:

[...] companies that allow users to share or discover user-generated content or interact with each other online [...] including social media platforms, file hosting sites, public discussion forums, messaging services and search engines.<sup>43</sup>

Although the regulator would take a “risk-based and proportionate approach”, taking into account the scale of the platform, and the seriousness of the harm.<sup>44</sup>

The regulator would be responsible for developing codes of practice—in conjunction with the Home Office and law enforcement where appropriate—to help platforms fulfil their legal duty.<sup>45</sup> Companies may choose to take an alternative approach to meet their duty of care but must justify and explain this to the regulator. Platforms will be required to have a user complaint function, which will be overseen by the regulator, and the Government is consulting on an independent review mechanism. The regulator would also have the power to require annual reports from companies on harmful content, and measures taken to tackle it, as part of proposed transparency measures.<sup>46</sup>

The white paper proposes that the regulator be given powers to ensure effective enforcement, including the power to issue civil fines, serve notices of breaches of standards, require information from companies regarding alleged breaches and publish notices of non-compliance.<sup>47</sup> The Government is also consulting on the possibility of giving the regulator stronger powers for use in the event of serious breaches, including:

- Disruption of business activities by forcing third party companies to withdraw access to services.

- Requiring internet service providers to block non-compliant websites in the UK.
- Holding senior management personally liable for breaches.

The proposed functions of the regulator are summarised as follows:

- Setting out what companies need to do to fulfil the duty of care, including through codes of practice.
- Establishing a transparency, trust and accountability framework, backed by information-gathering powers, to assess companies' compliance with the duty of care and their own relevant terms and conditions.
- Providing support to start-ups and small and medium-sized enterprises (SMEs) to help them fulfil their legal obligations in a proportionate and effective manner.
- Overseeing the implementation of user redress mechanisms.
- Taking prompt and effective enforcement action in the event of non-compliance.
- Promoting education and awareness-raising about online safety to empower users to stay safe online.
- Promoting the development and adoption of safety technologies to tackle online harms.
- Undertaking and commissioning research to improve our understanding of online harms and their impacts on individuals and society.<sup>48</sup>

The Government is consulting on whether the regulator should be a new body—which would have the benefit of a clear remit but would require more time and funding to establish—or an existing body, which would start with regulatory credibility.<sup>49</sup> If the latter, the white paper states the Government would assess which body could most appropriately assume this function based on their record and capacity.

The Government is also consulting on long-term funding options such as fee, charge or levy. In the medium term, the Government proposes that the body be funded by industry.<sup>50</sup>

The consultation on the white paper is due to close on 1 July 2019.<sup>51</sup>

### **Response to Government Proposals**

The white paper has been broadly welcomed by a wide range of stakeholders, including the chair of the Lords Communications Committee, the chair of the Commons Digital, Culture, Media and Sport Committee, the Information Commissioner, the Children's Commissioner, and the UK Safer Internet Centre.<sup>52</sup>

Following a statement on the white paper in the House of Commons from Jeremy Wright, the Secretary of State for Digital, Culture, Media and Sport, the proposals received cross-party support. However, Tom Watson, Shadow Secretary of State for Digital, Culture, Media and Sport, argued that more needed to be done to prevent data monopolies, and Hannah Bardell, SNP Digital, Culture, Media and Sport spokesperson, said that the Government must ensure that the regulator is properly resourced.<sup>53</sup> Following a repeat of the statement in the House of Lords, Labour spokesperson, Lord Griffiths of Burry Port highlighted the challenges of regulating global companies, and Liberal Democrat spokesperson, Lord Clement-Jones, asked the Government if it had given consideration to recent proposals to establish an "Office for Internet Safety".<sup>54</sup>

Jacob Ohvrik-Scott, a researcher at Doteveryone, said the Government's proposal for a 'duty of care' could be "a great step towards tackling harmful content", but warned that the Government must avoid potential pitfalls.<sup>55</sup> He argued that the Government must ensure individuals and groups are "able to appeal take-down decisions to a trusted independent body to avoid social media companies becoming the arbiters of freedom of speech". He contends that the framework should encourage companies to share tools for harm reduction rather than compete against each other; and suggests that a credible leader who can allay public concerns, is needed to lead the work.<sup>56</sup>

The *Guardian* said the proposals were a "welcome step" but "are in some cases too ambitious, and in others unrealistically feeble".<sup>57</sup> Specifically, it argued that the white paper does not address the difficulties of enforcement:

Effective enforcement would demand a great deal of money and human time, which neither the Government nor the tech companies wish to spend. The present system relies on a mixture of human reporting and algorithms. The algorithms can be fooled without too much trouble: 300,000 of the 1.5 million copies of the Christchurch terrorist videos that were uploaded to Facebook within 24 hours of the crime were undetected by automated systems. Meanwhile, detection of the great majority of truly offensive material relies on it being reported by human beings. The problem there is incentives: the people most likely to see such things will have sought them out deliberately, and so they have no reason to report them.<sup>58</sup>

Many criticisms of the white paper have centred around the wide number of harms within scope of the regulatory framework. Alex Krasodomski-Jones, director of the Centre for the Analysis of Social Media at the thinktank Demos, said:

The harms identified by the Government were a mixed bag. There was a lot that was already illegal: terrorism, child abuse imagery and so on. These are crimes, should be treated as such, and there is good evidence that technology companies treat them seriously. Where the waters are muddier are in the second tranche of harms: cyberbullying, trolling, disinformation, broad 'harms' that sit on a spectrum of legality. There remain serious questions as to the role of government in deciding what facts and fictions are acceptable.<sup>59</sup>

Matthew Lesh, head of research at the Adam Smith Institute, the free-market thinktank, went further stating:

The Government's list of "harms with a less clear legal definition", i.e. harms which are entirely legal under certain circumstances, includes "trolling", "intimidation", "extremist content", and "disinformation". The lack of certainty in definitions—one man's trolling is another man's important argument—will lead to perverse results. Will we be allowed to criticise politicians with memes? Would humorously edited photos of the Vote Leave's campaign bus come under "disinformation"? Are questions about the makeup of the UK's immigration intake akin to "extremist content"?

In practice, all this speech and much more will be removed by tech companies to avoid massive fines and jail time, and please the powerful new sector regulator.<sup>60</sup>

The Index on Censorship, a non-profit organisation that monitors freedom of expression worldwide, argued that the proposals "pose serious risks to freedom of expression online", and risk breaching international protocols on freedom of expression.<sup>61</sup> It contends that there is a lack of evidence to

determine whether this approach is likely to be successful in reducing harm. It warns that a failure to define “harmful” content risks restrictions on legal speech, with the risk of sanctions likely leading to an over-removal of lawful content. Jim Kollock and Amy Shepard of the Open Rights Group called on the Government to “design in fundamental rights” to the proposals to prevent this.<sup>62</sup>

Concerns have also been raised about the potential impact of regulation on smaller tech businesses, and their ability to compete with larger companies. Dom Hallas, executive director of the Coalition for a Digital Economy, representing tech startups, said:

In research we published last year, 86 percent of UK investors said that policies targeting the tech giants could hit startups harder. We’ve seen this already with the EU’s General Data Protection Regulation, and are likely to see it again with the Copyright Directive.<sup>63</sup> Where European watchdogs thought that regulation would balance the market, it has actually tilted it further towards the tech giants.<sup>64</sup>

### Further Information

- HM Government, [Online Harms White Paper](#), April 2019, CP 57
- House of Lords Communications Committee, [Regulation in a Digital World](#), 9 March 2019, HL Paper 299 of session 2017–19
- House of Commons Digital, Culture, Media and Sport Committee, [Disinformation and ‘Fake News’: Final Report](#), 18 February 2019, HC 1791 of session 2017–19
- Doteveryone, [Regulating for Responsible Technology: Capacity, Evidence and Redress: A New System for a Fairer Future](#), October 2018

- <sup>1</sup> Office for National Statistics, '[Internet Users, UK: 2018](#)', 31 May 2018.
- <sup>2</sup> Ofcom, '[Children and Parents: Media Use and Attitudes Report 2018](#)', 29 January 2019, p 4.
- <sup>3</sup> Ofcom, '[Internet Users' Experience of Harm Online](#)', 18 September 2018.
- <sup>4</sup> Ofcom, '[Children and Parents: Media Use and Attitudes Report 2018](#)', 29 January 2019, p 12.
- <sup>5</sup> Internet Watch Foundation, '[Internet Watch Foundation: Annual Report 2017](#)', accessed 16 April 2019.
- <sup>6</sup> HM Government, '[CONTEST. The United Kingdom's Strategy for Countering Terrorism](#)', June 2018, p 34.
- <sup>7</sup> European Commission, '[Election Interference in the Digital Age: Building Resilience to Cyber-Enabled Threats](#)', October 2018, p 13.
- <sup>8</sup> UK Parliament website, '[Disinformation And 'Fake News': Final Report Published](#)', 18 February 2019.
- <sup>9</sup> Committee on Standards in Public Life, '[Intimidation in Public Life](#)', December 2017, Cm 9543, p 13.
- <sup>10</sup> Ofcom, '[Children and Parents: Media Use and Attitudes Report 2018](#)', 29 January 2019, p 12.
- <sup>11</sup> Sam Griffiths, '[Molly Russell's Father: Cutting, Biting, Burning—My Daughter Was Shown it all on Social Media](#)', *Times* (£), 27 January 2019.
- <sup>12</sup> House of Lords Communications Committee, '[Regulation in a Digital World](#)', 9 March 2019, HL Paper 299 of session 2017–19, p 9.
- <sup>13</sup> [Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000](#).
- <sup>14</sup> Under section 14(1) of the Digital Economy Act 2017 persons have a duty to ensure that pornographic material "is not normally accessible by persons under the age of 18". The British Board of Film Classification have a duty to provide guidance as to how service providers can comply with this requirement, see: British Board of Film Classification, '[Guidance on Age-verification Arrangements](#)', October 2018. The Government has announced the measure will come into force on 15 July 2019 (Department for Digital, Culture, Media and Sport, '[Age-verification for Online Pornography to Begin in July](#)', 17 April 2019).
- <sup>15</sup> The revised directive extends an obligation to protect minors from harmful content and to protect the general public from incitement of hatred and content constituting criminal offences to video sharing platforms. The directive must be transposed into national legislation by August 2020. See: European Commission, '[Audiovisual Media Services Directive \(AVMSD\)](#)', 9 November 2018.
- <sup>16</sup> HM Government, '[Online Harms White Paper](#)', April 2019, CP 57, p 33.
- <sup>17</sup> BBC News, '[Social Media: How Can Governments Regulate It?](#)', 8 April 2019.
- <sup>18</sup> See: House of Lords Communications Committee, '[The Internet: To Regulate or Not To Regulate? Inquiry](#)', accessed 16 April 2019; House of Commons Digital, Culture, Media and Sport Committee, '[Fake News Inquiry](#)', accessed 16 April 2019; LSE Department of Media and Communications, '[LSE Truth Trust and Technology Commission](#)', accessed 16 April 2019; and Doteveryone, '[Regulating for Responsible Technology](#)', accessed 16 April 2019.
- <sup>19</sup> House of Lords Communications Committee, '[Regulation in a Digital World](#)', 9 March 2019, HL Paper 299 of session 2017–19, p 49.
- <sup>20</sup> Committee on Standards in Public Life, '[Intimidation in Public Life](#)', December 2017, Cm 9543, p 36.
- <sup>21</sup> [HL Hansard, 11 January 2018, col 367](#).
- <sup>22</sup> House of Commons Digital, Culture, Media and Sport Committee, '[Disinformation and 'Fake News': Interim Report](#)', 24 July 2018, HC 363 of session 2017–19, pp 16–17.
- <sup>23</sup> House of Lords Communications Committee, '[Regulation in a Digital World](#)', 9 March 2019, HL Paper 299 of session 2017–19, p 51.
- <sup>24</sup> Reporters Without Borders, '[The Network Enforcement Act Apparently Leads to Excessive Blocking of Content](#)', 3 August 2018.
- <sup>25</sup> House of Lords Communications Committee, '[Regulation in a Digital World](#)', 9 March 2019, HL Paper 299 of session 2017–19, p 49.
- <sup>26</sup> Independent Commission on Referendums, '[Report for the Independent Commission on Referendums](#)', July 2018, p 183.
- <sup>27</sup> William Perrin and Lorna Woods, '[Reducing Harm in Social Media Through a Duty of Care](#)', Carnegie UK Trust, 8 May 2018.
- <sup>28</sup> House of Lords Communications Committee, '[Regulation in a Digital World](#)', 9 March 2019, HL Paper 299 of session 2017–19, p 55.
- <sup>29</sup> Doteveryone, '[Regulating for Responsible Technology: Making the Case for an Independent Internet Regulator](#)', 25 May 2018, p 9.
- <sup>30</sup> Doteveryone, '[Regulating for Responsible Technology: Capacity, Evidence and Redress—A New System for a Fairer Future](#)', October 2018, p 16.
- <sup>31</sup> House of Lords Communications Committee, '[Regulation in a Digital World](#)', 9 March 2019, HL Paper 299 of session 2017–19, p 4.
- <sup>32</sup> House of Commons Digital, Culture, Media and Sport Committee, '[Disinformation and 'Fake News': Interim Report](#)', 24 July 2018, HC 363 of session 2017–19, p 16.
- <sup>33</sup> *ibid.*
- <sup>34</sup> LSE Truth Trust and Technology Commission, '[Tackling the Information Crisis: A Policy Framework for Media System Resilience](#)', November 2018, p 5.
- <sup>35</sup> Department for Digital, Culture, Media and Sport, '[Internet Safety Strategy—Green Paper](#)', October 2017, p 14.

- <sup>36</sup> *ibid.*, pp 37–41.
- <sup>37</sup> Department for Digital, Culture, Media and Sport, [Digital Charter](#), 25 January 2018 (accessed via web archive on 16 April 2019).
- <sup>38</sup> *ibid.*
- <sup>39</sup> *ibid.*
- <sup>40</sup> [HC Hansard, 8 April 2019, col 55.](#)
- <sup>41</sup> HM Government, [Online Harms White Paper](#), April 2019, CP 57, p 7.
- <sup>42</sup> *ibid.*, p 31.
- <sup>43</sup> *ibid.*, p 8.
- <sup>44</sup> *ibid.*
- <sup>45</sup> *ibid.*
- <sup>46</sup> *ibid.*, pp 7–8.
- <sup>47</sup> *ibid.*, pp 59–60.
- <sup>48</sup> *ibid.* p 54.
- <sup>49</sup> *ibid.*, p 57.
- <sup>50</sup> *ibid.*, p 9.
- <sup>51</sup> Department for Digital, Culture, Media and Sport and Home Office, [‘Online Harms White Paper’](#), 8 April 2019.
- <sup>52</sup> UK Parliament website, [‘Chairman Responds to the Online Harms White Paper’](#), 8 April 2019; UK Parliament website, [‘Chair Comments on Publication of the Government’s Online Harms White Paper’](#), 8 April 2019; Information Commissioner’s Office, [‘ICO Response to Government’s Online Harms White Paper’](#), 8 April 2019; Anne Longfield, [‘What Does the Government’s Online Harms White Paper Mean For Children?’](#), Children’s Commissioner website, 8 April 2019; and UK Safer Internet Centre, [‘Government Unveil Online Harms White Paper’](#), 8 April 2019.
- <sup>53</sup> [HC Hansard, 8 April 2019, cols 57, 61, 63 and 69.](#)
- <sup>54</sup> [HL Hansard, 8 April 2019, cols 430–2.](#)
- <sup>55</sup> Jacob Ohrvik-Scott, [‘Will the Government’s Plan to Tackle “Online Harms” Work?’](#), *New Statesman*, 8 April 2019.
- <sup>56</sup> *ibid.*
- <sup>57</sup> *Guardian*, [‘The Guardian View on Online Harms: White Paper, Grey Areas’](#), 8 April 2019.
- <sup>58</sup> *ibid.*
- <sup>59</sup> Alex Krasodomski-Jones, [‘Can the Government Nudge Us Towards a Better Internet?’](#), CapX, 9 April 2019.
- <sup>60</sup> Matthew Lesh, [‘Why Does the Government Want Britain To Be A World Leader in Censorship?’](#), Cap X, 9 April 2019.
- <sup>61</sup> Index on Censorship, [‘Online Harms Proposals Pose Serious Risks to Freedom of Expression’](#), 8 April 2019.
- <sup>62</sup> Jim Killock and Amy Shepherd, [‘The DCMS Online Harms Strategy Must “Design In” Fundamental Rights’](#), Open Rights Group, 8 April 2019.
- <sup>63</sup> The proposed Copyright Directive will require online platforms to block users from uploading copyrighted content or pay copyright holders for it. See: [Proposal for a Directive of The European Parliament and of the Council on Copyright in the Digital Single Market. 2016/0280\(COD\).](#)
- <sup>64</sup> Dom Hallas, [‘The Tech Giants are Welcoming Regulation—That’s A Bad Sign’](#), *City A.M.*, 10 April 2019.

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