

Government minded to appoint Ofcom as online harms regulator

- Initial response to Online Harms White Paper consultation published
- More details on businesses in scope of regulation and freedom of speech protections

Digital Secretary Nicky Morgan and Home Secretary Priti Patel have announced the government is minded to appoint communications watchdog Ofcom as the regulator to enforce rules to make the internet a safer place.

The announcement comes as the government publishes its [initial response to the public consultation](#) on the Online Harms White Paper.

The move is part of plans to protect children and vulnerable people online and give consumers greater confidence to use technology. It will provide the certainty technology businesses need to flourish and innovate while creating a fair and proportionate regulatory environment.

The regulator will play a key role in enforcing a statutory duty of care to protect users from harmful and illegal terrorist and child abuse content. It is another step towards achieving the government's pledge to make the UK the safest place in the world to be online.

Ofcom will get new powers to carry out its extended responsibilities. This will include making sure online companies have the systems and processes in place to fulfil the duty of care to keep people using their platforms safe.

DCMS Secretary of State Nicky Morgan said:

With Ofcom at the helm of a proportionate and strong regulatory regime, we have an incredible opportunity to lead the world in building a thriving digital economy, driven by groundbreaking technology, that is trusted by and protects everyone in the UK.

We will give the regulator the powers it needs to lead the fight for an internet that remains vibrant and open but with the protections, accountability and transparency people deserve.

Home Secretary Priti Patel, said:

While the internet can be used to connect people and drive innovation, we know it can also be a hiding place for criminals, including paedophiles, to cause immense harm.

It is incumbent on tech firms to balance issues of privacy and technological advances with child protection.

That's why it is right that we have a strong regulator to ensure social media firms fulfil their vital responsibility to vulnerable users.

Barnardo's Chief Executive Javed Khan said:

The backbone of an internet that is safe for children is regulation, which is why this announcement is so important.

Children face growing risks online, including cyber-bullying, sexual grooming, and exposure to self-harm forums. Two thirds of the vulnerable children supported through our sexual exploitation services were groomed online before meeting their abuser in person.

We cannot expect children to protect themselves. Instead we need a regulator to act without delay. To do so, it will need the necessary powers to carry out work effectively and to hold tech companies to account.

Barnardo's looks forward to working with the Government to ensure children are safe online.

The government today sets out how different approaches to legal and illegal content will be taken and freedom of speech will be protected, as well as the businesses that are likely to be in scope.

The government is minded to legislate to appoint Ofcom and believes that with its experience of overseeing the broadcasting and telecoms sectors, it has the expertise and independence needed to take on the challenge of regulating online harms.

The regulator will hold companies to account if they do not tackle internet harms such as child sexual exploitation and abuse and terrorism.

The initial response also sets out decisions the government has taken on a number of the other proposals put forward in the Online Harms White Paper:

Platforms will need to ensure that illegal content is removed quickly and minimise the risk of it appearing, with particularly robust action on terrorist content and online child sexual abuse.

The government will ensure Ofcom has a clear responsibility to protect users' rights online. This will include paying due regard to safeguarding free speech, defending the role of the press, promoting tech innovation and ensuring businesses do not face disproportionate burdens.

To protect freedom of expression, the regulations will not stop adults from accessing or posting legal content that some may find offensive. Instead companies will be required to explicitly state what content and behaviour is acceptable on their sites in clear and accessible terms and conditions and

enforce these effectively, consistently and transparently.

The regulation will only apply to companies that allow the sharing of user-generated content – for example, through comments, forums or video sharing. Fewer than 5 per cent of UK businesses will be in scope.

Ofcom will provide guidance to help businesses understand whether the services they provide would fall into the scope of the regulation. Business-to-business services which pose a low risk to the general public will not be in scope. A business simply having a social media presence does not necessarily mean it will be in scope.

The government will set the direction through legislation, but decisions on processes and procedures will be taken by Ofcom. This will mean regulation is flexible and can adapt to the rapid emergence of new harms and technologies. It will be up to Ofcom to monitor new and emerging online dangers and take appropriate enforcement action.

The government will publish a full consultation response in Spring 2020. This will set out further details of the potential enforcement powers Ofcom may have. The government will carefully consider the full impacts of this potential change both for Ofcom and to inform broader work on the regulatory landscape.

As set out in the Queen's Speech, the government is in parallel developing legislation at pace and will bring it forward once Parliamentary time allows.

As well as today's announcement that the Government is minded to appoint Ofcom as the regulator for online harms, the Ofcom Board has appointed Dame Melanie Dawes as its new Chief Executive.

Given the Government will be considering the detail of this new regulatory agenda and the role Ofcom will have, and now that the new Chief Executive is in place, the Secretary of State has indicated that the Government would like a Chair to be in place who is able to oversee the successful implementation of any changes in full.

Lord Burns has therefore agreed to step down to enable a new Chair to be in place by the end of this year. He has agreed to stay on until the new Chair is in place to ensure a smooth transition.

Notes to Editors:

There is widespread public concern that online platforms aren't doing enough to ensure their services are safe for all users, particularly children. A recent Ofcom report showed that 61% of adults and 79% of 12-15 year old internet users reported having had at least one potentially harmful experience online in the previous 12 months.

The Online Harms White Paper set out world-leading proposals to tackle these issues by introducing a statutory duty of care enforced by an independent regulator, with tough powers to hold platforms to account. The public consultation on the Online Harms White Paper ran from 8 April 2019 to 1 July

2019. It received over 2,400 responses ranging from companies in the technology industry including large tech giants and small and medium sized enterprises, academics, think tanks, children's charities, rights groups, publishers, governmental organisations and individuals. In parallel to the consultation process, we have undertaken extensive engagement over the last 12 months with representatives from industry, civil society and others.

The initial Government response provides an overview of the consultation responses and wider engagement on the proposals in the White Paper. It includes an in-depth breakdown of the responses to each of the 18 consultation questions asked in relation to the White Paper proposals, and an overview of the feedback in response to our engagement with stakeholders.