

Tougher protections for journalism added to online safety laws

- Further boost to journalism protections in world-leading internet safety laws
- Requirement to keep news articles up even if under review by moderators
- Platforms must notify news publishers and offer a right of appeal before taking any action

People's access to trusted, high-quality journalism online is to get a further boost as the government adds stronger press protections to its pioneering Online Safety Bill.

An amendment to the Bill tabled by ministers last night is designed to guard against the arbitrary removal of articles from journalists at recognised news outlets when shared on social media platforms.

[According to Ofcom](#), half of UK adults use social media for news, with Facebook, Twitter and Instagram the most popular platforms for this purpose. The internet is the most-used platform for news consumption among 16-24 year-olds and people from minority ethnic groups. □

But news content has been removed or made less visible by social media moderators or algorithms for unclear reasons, often at the height of news cycles. For example, last year Youtube suddenly removed TalkRadio's channel then reinstated it 12 hours later, admitting the move had been a mistake.

The measures will help address this situation and are an extra layer of protection to the safeguards already written into the Bill for online journalism.

The Bill currently would not stop platforms from removing news publishers' content or making it less visible if they decided to review it for potential breaches of their terms and conditions, even if they eventually found no fault with it.

Under the new amendment, Category 1 companies – including the largest and most popular social media platforms – will now be required to ensure recognised news publishers' articles remain viewable and accessible on their sites even if they are under review by moderators.

They will be required to notify news publishers and offer them a right of appeal before removing or moderating their content or taking any action against their accounts.

This will reduce the risk of platforms taking arbitrary or accidental moderation decisions against news publisher content which plays an invaluable role in UK society and democracy. News publishers will benefit from greater awareness and advance warning about possible action being taken against their content, and more transparency about the decision-making behind it.

Digital Secretary Nadine Dorries said:

“ Our democracy depends on people’s access to high quality journalism and our world-leading internet safety law brings in tough new safeguards for freedom of speech and the press online.

“ Yet we’ve seen tech firms arbitrarily remove legitimate journalism with a complete lack of transparency and this could seriously impact public discourse. These extra protections will stop that from happening.”

The amendment follows concerns raised by the news industry and the Joint Committee that the Bill could indirectly incentivise platforms to be overzealous in removing or moderating news publishers’ content due to fear of sanctions by the regulator Ofcom. This could damage the commercial sustainability of news publishers, many of which rely on the advertising revenue they receive through people accessing their content on social media channels.

The government has listened to these concerns and strengthened the protections to prevent this happening. The new requirement means that, unless it is illegal under the Bill or platforms would have a criminal or civil liability for hosting it, content from recognised news publishers will remain online even while a review by moderators and any subsequent appeal takes place.

Platforms can still take immediate action on content posted by normal users, who can appeal the removal of their content after it has been taken down under the Bill’s existing complaints procedures.

Instead of being informed after their content has been taken down for review, news publishers will be told in advance while it remains up on users’ news feeds, giving them time to lodge an appeal.

The government has acted to stop the spread of RT and Sputnik’s disinformation about Russia’s invasion of the Ukraine in the UK and sanctioned news outlets will not benefit from these protections. Ministers intend to amend the criteria for determining which organisations qualify as recognised news publishers to explicitly exclude organisations that are subject to sanctions.

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FURTHER INFORMATION

Existing protections for journalism in the Online Safety Bill

The Online Safety Bill is groundbreaking legislation to make tech companies accountable to the independent regulator Ofcom for keeping their users safe.

The exemption for news publisher content in the Bill includes news articles on publishers’ own websites as well as the comment sections underneath them, and the articles when they are shared on social media platforms.

The news publisher exemption only applies to organisations that meet the robust criteria set out in clause 50 of the Bill.

It means there is no requirement at all on in-scope companies to consider whether news publishers' content could be harmful to their users or act on it

In addition, Category 1 companies will have a duty to put in place safeguards for all journalistic content shared on their platforms.

These safeguards will ensure that platforms consider the importance of journalism when moderating, setting out clearly in their terms of service how they have considered the importance of journalism and enforcing this consistently. This will ensure that platforms can be held to account for the decisions they make, including decisions made by automated moderation tools.

Platforms will also need to put in place fast-tracked appeals processes for producers of journalistic content.

Further amendments to the Bill to protect journalism

As well as the temporary must carry amendment, three further amendments have been made to the Bill by the government to further strengthen protections for journalism online.

The government will strengthen the exemption for 'below-the-line' comment sections on news publishers' websites by making sure a future Secretary of State cannot use so-called 'Henry VIII powers' to remove the exemption. Henry VIII powers are clauses in primary legislation which enable ministers to amend or repeal provisions using secondary legislation.

An amendment tabled yesterday will remove the Henry VIII powers in relation to below the line comments. It will mean the exemption can only be repealed via an Act of Parliament, requiring full debate and scrutiny from both Houses of Parliament. It will reassure press industry stakeholders that the exemption cannot easily be rescinded.

A further amendment adds a requirement on Category 1 companies to carry out and publish an assessment of the impact that fulfilling their safety duties under the Bill has on journalistic content, including news publishers' content. They will be required to publish this impact assessment once the Bill is in force and keep it up to date to reflect the impact of changes to their policies and practices.

Similarly, Ofcom will be given a new duty to undertake a review and publish a report on the impact of online safety regulation on news publisher content and the effectiveness of the protections for journalistic content. Ofcom will be required to undertake the review within two years after the relevant provisions of the Bill are in force.