



Revised Online Safety Bill Returns to Parliament after Five-Month Delay

QUICK READ:

- Yesterday, DCMS Secretary Michelle Donelan shared a revised [Online Safety Bill](#) to Parliament. The nearly 80 amendments to the long-awaited Bill will now focus on prioritising child safety and rolling back what some argue was an overreach by the government to police expression online.
- For mobile games businesses, the revised Bill means that companies with social, multiplayer and chat functionalities will have added duties to remove terrorism and CSEA content. Most other amendments are targeted towards the largest platforms, namely social media platforms.

RISK BAROMETER



JURISDICTION RELEVANCE

United Kingdom

REGULATOR

Ofcom

TIMELINE

Expected to be passed by Q1 2023

KEY INSIGHTS:

- The Department for Digital, Culture, Media and Sport (DCMS) has unveiled a major revision of the Online Safety Bill, which serves as the latest development in a nearly four year-long effort by the UK Government to regulate online content. During this time, the Bill has gone through multiple transformations by various administrations, and was most recently tabled in July 2022 due to changing leadership.
- The new Tory Government aims to address concerns that the existing Bill aggressively limits freedom of expression by removing provisions that would require in scope services to remove 'legal but harmful' content, and providing what Secretary Donelan has dubbed a 'triple shield' of online protection.
- The 'triple shield', which is most strongly focused on protecting children, legally requires services in scope of regulation to:
 - » Remove illegal content.
 - » Take down material in breach of their own terms of service.
 - » Provide adults with greater choice over the content they see and engage with.
- Specifically, the latest amendments aim to:
 - » Give Ofcom, the UK communications regulator, the power to regulate how user-to-user services, including certain mobile games, "deal with terrorism or CSEA content" (eg: Ofcom may require services to use "accredited technology" to deal with such content).
 - » Allow Ofcom to require a service to comply with the duties in the Bill even if the service is not included in the register of regulated services.
 - » Make in scope services publish the results of certain risk assessments.
 - » Criminalise a range of abusive behaviour (eg: the sharing of deepfakes).
- The Government has not amended the categorisations for services in scope of regulation. Thus, mobile games with social, multiplayer and chat functionalities are in scope as Category 2B services.

MOST TELLING:

'There were unintended consequences associated with it [the Bill]. It was really the anchor that was preventing this bill from getting off the ground... Now, the whole point around this bill fundamentally is about protecting children.'

- Michelle Donelan, to [The Guardian](#)

DELANY & CO HOT TAKE:

The government is on a very tight deadline to pass the Online Safety Bill as it would be dropped entirely if not passed by April 2023. As such, we can expect Parliament to move fast to debate and approve amendments, and we can continue to expect ambiguity around important areas like the thresholds for categorisation. This poses a high risk for mobile games businesses, and may require a proactive and reactive campaign by the industry to secure clarity