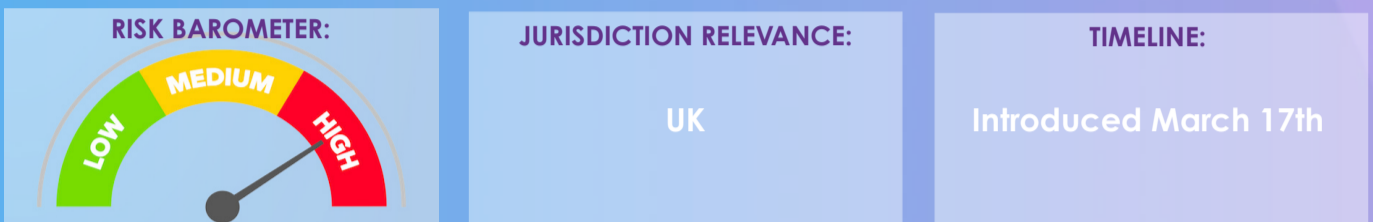




The UK Online Safety Bill Has Been Introduced in Parliament

The long-awaited, world-first bill, replete with 225 pages of text, 126 pages of [Explanatory Notes](#) and several [supporting documents](#) seeks to address harmful online content

Regulator: Ofcom



WHAT YOU SHOULD KNOW

- Almost three years since the [Online Harms White Paper](#), what is now the [Online Safety Bill](#), has finally been presented to the House of Commons – the aim being to “make the UK the safest place in the world to be online,” especially for children.
- It addresses “online harms” and imposes a duty of care on “companies whose services host user-generated content, or which allow UK users to talk with other people online through messaging, comments and forums.”

Scope

- “Some online games” are explicitly [mentioned](#) as being in scope.
- Mobile games that allow users to chat in-game will be classed as a Category 2B service.
- There is a lesser compliance burden than Category 1 services – the biggest internet platforms will be, for instance, required to police so-called “legal but harmful” abuses.¹

Child User Condition

- Mobile games offering chat services that are “likely to be accessed by children” will be required to take or use proportionate steps to effectively protect them from harm.
- The “child user condition” is met if there’s a significant number of children who are users of the service or if it is “of a kind likely to attract a significant number of users who are children.”

Enforcement

- Ofcom will have powers to:
 - » Issue fines of £18 million or 10% of qualifying worldwide revenue (whichever is higher) for non-compliance.
 - » Instruct firms on what technology to use to monitor their platforms and profiles users.
 - » Impose criminal sanctions against senior managers who fail to ensure their company complies with their information requests, or who deliberately destroy or withhold information, should companies fail to take the new rules seriously (within two months of the bill becoming law).
- Furthermore, Ofcom will publish codes of practice, setting out the steps a company should take to comply.

Age Assurance

- Websites that publish pornography will need to ensure that children are not able to see their content, for example, by using age verification.

MOST TELLING

“We expect companies whose sites pose the highest risk of harm to children to use robust measures to prevent children from accessing their services, such as age verification.”

DELANY & CO HOT TAKE:

Further “clarity” has been met with more uncertainty, as the test for “likely to be accessed by a child” appears to conflict with that of the Information Commissioner Office’s (ICO) Children’s Code. Interestingly, the ICO must be consulted by Ofcom, who have been given even more teeth, on matters including age assurance – a subject of increasing prevalence. Still, the omission of loot boxes and so-called “dark patterns” is a positive outcome. A Conservative majority in government suggests that this bill may pass by the end of the year.