[IE] Communications Minister proposes new law to protect children online

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On 4 March 2019, the Minister for Communications, Climate Action and Environment, Richard Bruton, announced that he would introduce a new Online Safety Act to improve online safety and ensure that children can be protected online.

In announcing the proposed law, the Minister stated that while "digital technology is transforming the world in which we work and live and learn" and "provides huge opportunities for us all", it also "presents new risks which did not exist previously."

Minister Bruton asserted that the "situation at present where online and social media companies are not subject to any oversight or regulation by the state for the content which is shared on their platforms is no longer sustainable." The Minister added that he believed that "the era of self-regulation in this area is over and a new Online Safety Act is necessary."

The Minister affirmed that he would bring forward an Online Safety Act which sets out how to ensure that children are safe online and that this would involve "setting a clear expectation for service providers to take reasonable steps to ensure the safety of the users of their service." To this end, the Minister proposed that a regulator, an Online Safety Commissioner, oversee the new system.

The Minister further proposed a number of categories of harmful online content that need to be targeted under the plan, such as serious cyber bullying of a child, including content which is seriously threatening, intimidating, harassing or humiliating; material which promotes self-harm or suicide; and material designed to encourage prolonged nutritional deprivation that would have the effect of exposing a person to the risk of death or endangering their health.

The Minister stated that an Online Safety Act would place new requirements on operators to operate an Online Safety Code which would require them to set out the steps they are taking to keep their users safe online and include a number of issues, such as the prohibition of cyber bullying material and the provision of a complaints mechanism through which users can request material to be taken down within certain time frames.

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The Minister further proposed that a number of powers be granted to the Online Safety Commissioner, including, inter alia, the power to certify that each Online Safety Code is either "fit for purpose" or “requires changes to it” and the power to require regular reports from industry on a range of issues, including content moderation, and the review and adjudication of appeals. The Online Safety Act would also give the Online Safety Commissioner the power to order internet and social media firms to take down content that breaches agreed codes within a set time frame on receipt of an appeal from a user who is dissatisfied with the response they have received to a complaint submitted to the service provider, following an adjudication by the Online Safety Commissioner. Furthermore, it has been proposed that the Online Safety Commissioner be granted the power to impose administrative fines in relation to failures of compliance by service operators

The Minister announced that he would commence a “short six-week consultation period” whose aim would be to seek the view of citizens and stakeholders regarding an “achievable, proportionate and effective approach to regulating harmful content, particularly online.” The Minister added that, following the consultation period, he would bring a draft heads of bill before government setting out a detailed plan as to how progress will be made.

Department of Communications, Climate Action and Environment, “Minister Bruton Proposes New Law to Protect Children Online”, Press Release, 4 March 2019

https://www.dccae.gov.ie/en-ie/news-and-media/press-releases/Pages/Minister-Bruton-Proposes-New-Law-to-Protect-Children-Online.aspx

Department of Communications, Climate Action and Environment, “Public Consultation on the Regulation of Harmful Online Content and the Implementation of the revised Audiovisual Media Services Directive”, 4 March 2019

https://dccae.gov.ie/en-ie/communications/consultations/Pages/Regulation-of-Harmful-Online-Content-and-the-Implementation-of-the-revised-Audiovisual-Media-Services-Directive.aspx

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