[GB] DCMS launches Online Harms White Paper - consultation period ends 1 July 2019

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Julian Wilkins
Wordley Partnership

On 8 April 2019, the Department for Digital, Culture and Media and Sport (DCMS) launched its consultative Online Harms White Paper, which sets out the United Kingdom's proposals for regulations that would enable the UK to be the safest place in the world to go online, as well as the best place to start and grow a digital business.

The main online problems concern the misuse of online sites by terrorist groups and sex offenders, online bullying, and the use of disinformation that risks undermining democratic values and principles. Social media platforms use algorithms, which lead to "echo chambers" or "filter bubbles", where a user is presented with only one type of content instead of a diverse range of opinions. Rival criminal gangs use social media to promote and incite violence, as has seen by the recent rise in the UK of knife crime.

DCMS considers that current regulatory and voluntary initiatives have not gone far enough to tackle the various online problems; international partners are developing various regulations, but not a regulatory framework that would address a range of harms in a holistic manner. The UK wishes to lead the way in developing a proportionate and effective approach to enhancing a free, open and secure Internet.

Part of the solution lies in technology that is designed to help build a safe online environment. However, the wider goal is to develop rules and norms for the Internet, including protecting personal data, supporting competition in digital markets, and promoting sensible and secure digital design.

The large social media platforms have significant power and influence and are akin to publishers; some of these companies recognise their responsibility to comply with norms and rules.

DCMS wishes to create clear regulatory standards that balance the protection of freedom of expression without transgressing criminality such as content and activities that are damaging to children.

The UK will establish a new statutory duty of care to make companies take more responsibility for the safety of their users and address harm caused by content or

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activities on their services. Compliance with this duty of care will be overseen and enforced by an independent regulator. Companies will have to demonstrate their compliance with their duty of care; for instance, relevant terms and conditions will be required to be sufficiently clear and accessible to everyone - including children and vulnerable users.

The regulator will measure the effectiveness of companies in enforcing their terms and conditions. It is proposed that the regulator's powers of enforcement will include substantial fines and even holding senior management personally responsible.

The regulator will provide a code of practice, but companies can also develop their own principles, provided that they explain and justify any alternative approach. Codes of practice regarding tackling terrorist activity or child sexual exploitation and abuse (CSEA) online must be approved by the Home Secretary.

The regulators will expect companies to address the magnitude of different threats. A culture of transparency, trust and accountability will be vital to the regulatory framework; as such, the regulator will be able to require from companies annual transparency reports on the prevalence of harmful material on their respective sites and counteraction being undertaken.

The regulator will work on a risk-based approach, with priority to be given to terrorist threats and child abuse. The regulator will have a legal duty to pay due regard to innovation while ensuring the preservation of privacy and freedom of expression. However, the regulator will aim to tackle a comprehensive set of online harms, ranging from illegal activity and content to behaviour that is harmful but not necessarily illegal.

The White Paper consultation process includes a series of questions designed to help to develop a range of practical but effective regulations. Also, the government will work with industry and other regulators to innovate technologies that support online safety, with such systems being embedded in new products and services.

The consultation will be open to the public but particularly encourage responses from stakeholders with relevant views, insights or evidence - including broadcasters, media organisations and the education sector. The White Paper regards online media literacy and awareness on the part of children, young people and adults as necessary for ensuring safe online use.

The consultation's aim is to gather opinions on various aspects of the proposed regulatory framework including the online services; options for appointing an independent regulatory body to implement, oversee and enforce the new regulatory framework; the enforcement powers of an independent regulatory body; potential redress mechanisms for online users; and measures to ensure that

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any regulation is targeted and proportionate. The consultation process closes on 1 July 2019.

Online Harms White Paper

https://www.gov.uk/government/consultations/online-harms-white-paper

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