



Department for
Digital, Culture,
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My Lords,

I would like to take this opportunity to once again thank all the noble Lords and Baronesses who contributed to the debate on 30 April on the Online Harms White Paper. This is a really important document and I am delighted we had the opportunity to debate it so soon after publication. We are now consulting publicly on the White Paper, and I will make sure your input is taken into account as we move towards a formal government response later this year. The consultation is open until 1 July.

As promised, I am writing to address some of the points which I could not fully address at the end of the debate due to time constraints.

Regarding the question raised by the Bishop of St Albans on whether companies could have their licences revoked, I would like to clarify that we are not envisaging a licence-based regime for companies in scope of the new regulatory regime for online harms. However, we are proposing (and consulting on) strong enforcement measures that the regulator will have at its disposal to ensure that those companies failing to fulfil their duty of care are properly held accountable, including, as a last resort, blocking the website. He also raised the issue of online gambling. Gambling has a dedicated regulator in Great Britain (devolved to Northern Ireland), and operators have to be licensed before they can offer products to customers. The Gambling Commission has the power to revoke licences and where regulation already exists, we will not duplicate that regime.

A number of peers raised the issue of gaming addiction, including the Bishop of St Albans, Lord Colville of Culross, Lord Brooke of Alverthorpe, Baroness Greender, and Lord Stevenson of Balmacara. The scope of the White Paper includes harms arising from hosting, sharing and discovery of user-generated content and interaction between users online. On this basis gaming platforms will fall within scope only insofar as they enable users to interact with each other online.

Around half the UK population plays games online and offline and for the vast majority, it is an enjoyable recreational activity. But it is important that people enjoy games as part of a healthy, balanced lifestyle. While there is no clear consensus from video games research, some studies suggest a small number of people can develop excessive behaviours that can become harmful. We continue to monitor and support research in this area, and welcomed the recent study by the Chief Medical Officer into screen time that reiterated the importance of a healthy, balanced lifestyle while providing broad guidelines to help manage this.

Both Lord Storey and Baroness Benjamin raised the important issue of the right to childhood, and the need to educate children about how to use social media responsibly and to empower parents to protect their children through digital literacy advice.

We agree and the government is ensuring that children get high quality education at school to develop their digital literacy. The Department for Education (DfE) continues to incorporate online safety into the school curriculum to help children and young people understand healthy relationships online, and to improve their digital literacy to equip them to manage the different and escalating risks that young people face. As part of this, DfE is making Relationships Education compulsory for all primary pupils, Relationships and Sex Education compulsory for all secondary pupils and Health Education compulsory for all pupils in all primary and secondary state-funded schools in England.

The Department recently consulted on draft guidance for these subjects which includes teaching about respectful relationships, including online, as well as health and mental wellbeing. Government will produce supporting information for schools on how to teach about all aspects of internet safety, not just those relating to relationships, sex and health, to help schools deliver this in a coordinated and coherent way across their curriculum.

Government is also committed to continuing to support parents in preventing and dealing with online harms. The new regulator will have a responsibility to promote online media literacy. Ahead of the new regulator, the government will develop an online media literacy strategy. The media literacy field is a broad one, and we will therefore consult widely, possibly through a new taskforce, in order to ensure the new strategy's objectives are well informed by evidence and take account of existing work.

I would also like to address a number of points raised by Baroness Howe of Idlicote.

The noble Lady asked about Age Verification under the Digital Economy Act and the exemption of social media. This question was also raised by Baroness Greener and Baroness Benjamin. During the passage of the Bill it was established that the focus of the policy should be commercial pornography sites as opposed to popular social media platforms where the overwhelming majority of content is not pornographic.

If less than a third of the content of a website is pornography, we feel that pornography does not make up a significant portion of the overall commercial benefit derived from that website, and as such a person who is making available pornographic material on that website should not be considered to be doing so on a commercial basis.

We recognise that there is some pornography available on some social media platforms. Therefore the White Paper states that, in order to fulfil their duty of care to users, companies will be required to take robust action where there is evidence that children are accessing inappropriate content via their service (p.76). Companies will also need to respond quickly and proportionately where new risks of children accessing inappropriate content emerge. We will of course keep this policy issue under review.

Lady Howe also asked about the definition of “extreme pornography” within the Digital Economy Act and how Ministers would keep the House informed of the success of the new policy of age verification for online pornography. During the passage of the Digital Economy Bill, Parliament agreed with the very clear definition of ‘extreme pornography’ based on the Criminal Justice and Immigration Act 2008. Any website which contains this material (regardless of whether they make it available on a commercial basis or not) will be sanctioned by the regulator. The primary legislation requires the Secretary of State to consult on the impact and effectiveness of the regulatory framework, including the definitions used, within 12-18 months of the powers coming into force. The Age Verification regime is coming into force on 15 July.

Lady Howe raised another point about the link between the social media code of practice and the government commitment to better understand whether links exist between consumption of online pornography and harmful attitudes towards women. As I said, the government will develop an online media literacy strategy. The first step will be a comprehensive mapping exercise to identify what actions are already underway, and to determine the objectives of an online media literacy strategy. This process will involve convening representatives from tech companies, regulators, libraries, civil society, academics and government to identify ways to strengthen existing provisions, as well as to identify what additional activity is needed to make progress against key objectives, which may include developing media literacy approaches to tackling violence against women and girls online.

The Government Equalities Office is commissioning qualitative research that will help us better understand possible relationships between online pornography use and negative attitudes and behaviours towards women and girls. This research will be delivered in Summer 2019.

Concerns about large numbers of children aged under 13 being on social media and the scope for age verification to apply at this age was also raised by Baroness Greender. The government expects social media companies, and others, to have robust processes in place to protect children. We want the UK to be the safest place to be online, especially for children. It is therefore important that platforms are enforcing their terms of use, especially when children under the minimum required age are using social media platforms. The government will work with industry to ensure their terms and conditions are easily understood and upheld. We will also work with the technology sector to identify new tools and approaches that could be used to verify the age of users.

Lord Knight of Weymouth asked about redress measures and whether the duty of care will generate civil action in the courts by people against technology operators for the damage allegedly caused by their algorithms. The new regulatory framework will include a requirement for companies to have an effective internal complaints process, including an appeals mechanism, where appropriate. We are also consulting on other options, such as the option to introduce a ‘super-complaints’ mechanism, which would mean that designated bodies could raise concerns with the regulator.

Individuals can already bring private action against companies through the courts where they are negligent or breach their contract. We do not intend the new legislation to remove individuals' existing rights to bring such actions. And, if the regulator has found a breach of the statutory duty of care, that decision and the evidence that has led to it will be available to the individual to use in any private legal action.

He also asked whether public and government bodies will be subject to the measures set out in the White Paper. All services "that allow users to share or discover user-generated content or interact with each other online" will be in scope of the regulatory framework, including government services where applicable.

Lord Knight also raised the issue of algorithmic bias. The Centre for Data Ethics and Innovation is investigating the issue of algorithmic bias in various sectors, which may include: financial services, local government, recruitment, and crime and justice. The Centre is likely to focus on bias against characteristics protected under the Equality Act 2010, but may extend the scope of the Review to understand bias against other characteristics such as digital literacy. An interim report will be published by Summer 2019, and a final report, including recommendations to government, by March 2020.

Lord Stevenson of Balmacara asked about the definition of "private channels" and their exclusion from the scope of the Online Harms White Paper. This is an important issue, and we must get the balance right between tackling harms and preserving people's privacy online. Our approach should also reflect the broad range of online services that can be considered private communication channels. This is why we are consulting on the approach to and definition of private channels.

He also asked why UK Research and Innovation (UKRI) was referred to specifically in the White Paper in terms of working closely with the regulator, when there are many other organisations working in this area.

We expect the work of the regulator will be informed by high-quality evidence from a broad range of sources, at national and international levels. UK Research and Innovation (UKRI) is the UK's largest public funder of research, and provides funds for a broad range of organisations to undertake research. It brings together the Research Councils and Innovate UK to work in partnership with universities, research organisations, businesses, charities, and government to create the best possible environment for research and innovation to flourish. As such, UKRI is well-placed to help facilitate the type of interdisciplinary, multi-stakeholder response that is needed to combat online harms - for example, through helping to build a collective understanding of the evidence base for online harms, and by ensuring targeted research by relevant bodies. Nevertheless the regulator will take account of good quality research from any reputable source.

Department for Digital, Culture, Media & Sport

I am copying this to everyone who spoke in the debate and placing a copy in the Library of the House.

Johns

Henry Ashton

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Parliamentary Under Secretary of State