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To: All Peers

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my Lords,

ONLINE SAFETY BILL: Government Amendments at Third Reading

HM Government is tabling a number of amendments for consideration at Third Reading of the Online Safety Bill, which is due to take place on Wednesday 6 September. These amendments seek to make changes to the Bill in a number of areas which were discussed during our debates at Report Stage. These amendments are as follows.

Secretary of State's powers

These amendments seek to increase the transparency of the use of the Secretary of State's power to issue a direction to Ofcom regarding codes of practice. I would like to thank Baroness Stowell of Beeston for her engagement and considered proposals regarding this issue. The amendments we are making will, in most cases, require a direction to be laid before Parliament at the time it is issued.

There may be some exceptional cases where the Secretary of State thinks it necessary to withhold some information: for example, if disclosing it would be against the interests of national security. Our amendments ensure that, in these cases, the Secretary of State will be required to lay a statement before Parliament setting out that a direction has been made, the type of code for which it has been made, and the reasons for withholding information. Our amendments will make sure that Parliament is always aware a direction has been made.

Remote access for algorithmic testing

Regarding Ofcom's power to view information and observe tests run on companies' systems remotely, I am grateful to Lord Knight of Weymouth, Lord Allan of Hallam, Lord Moylan, and Baroness Fox of Buckley for raising their concerns about the perceived breadth of the power, and their desire for robust safeguards to ensure that it is used appropriately by the regulator. To ensure that the drafting of the power meets the Government's policy intention, we have tabled amendments to change the drafting from a power of 'remote access' to a power 'remotely [to] view information'. This clarifies that Ofcom cannot use the power to require companies to give access to their systems, addressing concerns that the power as drafted was too broad and could be used in a way that might create security risks.



Our amendments would also limit the power so that Ofcom may only remotely view information demonstrating the operation of systems, processes or features, including algorithms, or to observe tests or demonstrations remotely. In addition, this package provides further safeguards by ensuring that this power can only be exercised by persons authorised by Ofcom, and requiring Ofcom to issue a seven-day notice before exercising this power. Our amendments seek to address the concerns raised at Report Stage while ensuring that Ofcom has the powers it needs to assess compliance effectively – in particular, to hold providers to account for their algorithms.

Threatening communications

The Government has tabled an amendment to make it explicit that the threatening communications offence captures threats which could be carried out by third parties. The offence as currently drafted would already capture threats where the recipient fears that someone other than the person sending the message will carry out the threat, but our amendment will put this beyond doubt. I am grateful to Baroness Kennedy of The Shaws for her work and collaboration on this issue.

The Government has also tabled a number of minor and technical amendments to improve drafting quality.

Additionally, Noble Lords have requested that the clarificatory letters which I sent during the Bill's Committee and Report stages be deposited in the House of Lords Library. I am very happy to do that and can confirm that these letters will be deposited in the Library shortly. I will also deposit this letter in the House of Lords Library.

As ever, I am very happy to speak to Noble Lords who have any questions before our debate on Wednesday – and am grateful to all those who have given this important Bill such careful and thoughtful scrutiny.

With best wishes,

Parkinson of Whitley Bay

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Minister for Arts & Heritage