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To: All Peers

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my Lords,

ONLINE SAFETY BILL: FOLLOW UP TO DEBATE ON DAY TWO OF LORDS COMMITTEE

I am pleased to follow up on a number of issues raised during the debate on the second day of Lords Committee Stage. My thanks to everyone who took part in the debate.

Baroness Merron asked whether services such as Skyscanner would be classed as search services for the purposes of the Bill.

Search services are defined by clauses 2(4) and 201 of the Bill as any internet service which is, or includes, a search engine that enables users to search more than one website or database. Skyscanner is therefore a regulated search service as it allows users to search the internet across a variety of websites for airlines, hotels and car rental companies.

The duties on Skyscanner will be proportionate to the risk of harm posed to users, as well as its size and capacity. We anticipate that Skyscanner is low-risk with regard to most types of illegal content and activity, although it may pose a risk from fraudulent content, which it will need to manage.

Lord Allan of Hallam asked whether the business disruption measures could be used to require an app store to de-list a service which Ofcom has determined is non-compliant with its duties under the Bill.

Yes, Ofcom will be able to do this. Ofcom will be given powers to apply to the courts for orders to impose “business disruption measures”. These are court orders that require third parties to withdraw their services from or block access to non-compliant regulated services. There are two types of business disruption measures: “service restriction orders” and “access restriction orders”.

Service restriction orders will require providers of “ancillary services” (services which facilitate the provision of the regulated service - for example, payment or advertising services) to take steps aimed at disrupting the business or revenue of a non-compliant provider’s operations in the United Kingdom.

Access restriction orders will require third parties which provide an “access facility” to take steps or make arrangements to withdraw, adapt, or manipulate their access facility in order to impede UK users’ access to the non-compliant regulated service.

One example of an access facility is an app store. This means that, in cases where a regulated service has failed to comply with its duty under the Bill and the conditions (as set out in the Bill) are met, Ofcom will be able to apply to the court for an order requiring that app stores take steps to impede access to the non-compliant service. Such steps could include ‘de-listing’ services as Lord Allan suggests.



Baroness Kidron asked why the duty on Category 1 services to publish a summary of their risk assessment requires them to do so in their terms of service, rather than in another format.

The Bill confers a number of duties on Category 1 services to ensure that their terms of service are clear and accessible. Ofcom will provide codes of practice and guidance on how companies can achieve this, and will oversee compliance with these duties. Terms of service therefore provide a sensible vehicle for ensuring summary risk assessments are clear and easily accessible to the public. This will enable all users to obtain, review, and understand these summaries.

Lord Bethell asked, if Twitter started publishing pornography on its service, it would be captured under both Part 3 and Part 5 under the Bill.

The duties imposed on providers under Part 3 and Part 5 apply in relation to content on their service. The provider of a service which carries user-generated content and its own published pornographic content will be subject to the Part 3 duties (in relation to user-generated content) and the Part 5 duties (in relation to the pornographic content the provider itself publishes). If the provider of a user-to-user service, such as Twitter, were to publish its own pornographic content directly on the service, that provider would be subject to Part 5 duties in relation to that pornographic content. This would be in addition to the provider's Part 3 duties in relation to any user-generated pornographic content posted on the service by its users.

I look forward to continuing the debate on this Bill over the coming days.

With best wishes,



Lord Parkinson of Whitley Bay
Minister for Arts & Heritage