

Second reading briefing – Representation of the People Bill

Upgrade the Online Safety Act to safeguard the UK's democracy

The government's [policy paper](#) for electoral reform recognised that our democracy “is being threatened by misinformation”. The Prime Minister [has said he is](#) “very worried about the potential for misinformation in future elections in this country.” However, the [Representation of the People Bill](#) does not address this serious and growing threat, and risks being [a missed opportunity](#) to safeguard UK democracy and restore public trust.

In particular, the Bill continues to leave UK democracy exposed to online harms. Without upgrading the Online Safety Act (OSA) 2023 and introducing key safeguards, falsehoods will continue to spread at scale and distort public debate – undermining trust in the foundations of our democratic system.

Weaknesses in the Online Safety Act

In March 2021, [the then Prime Minister said](#) the OSA would tackle threats to democracy. The [previous government noted](#) “that misinformation and disinformation surrounding elections are a risk to democracy and it is vital to address this issue.” However, this was not included in the OSA.

- [There is no explicit duty on platforms](#) or search engines to assess and mitigate systemic risks to democratic processes or electoral integrity as a defined category of harm.
- There is no explicit requirement for them to consider how they amplify election-related falsehoods.
- There is no structured transparency requirement for platforms focused on harms to democracy.

By contrast, under the EU Digital Services Act, very large online platforms must [assess and mitigate](#) systemic risks to civic discourse and electoral processes. The UK's framework currently contains no equivalent duty.

Where political misinformation does not fall within a specific criminal offence, involve a specific harm to children or involve an individual victim, it is not covered by the OSA and platforms and search engines are not required to tackle it. The [Science, Innovation and Technology Committee](#) concluded, following an inquiry, last year that the OSA “cannot keep the UK public safe as it was not designed to tackle misinformation.”

Why this matters

The law has not kept pace with changes in digital campaigning and the evolving information environment. False claims, fabricated media, and coordinated attempts to suppress or mislead voters can spread rapidly at scale, including where content is spread through digitally manipulated or synthetic media.

Even when such material is not criminal, it could still distort voters' understanding of candidates' positions or conduct, undermine trust in the fairness of the process, and reduce confidence in electoral outcomes. The government's [policy paper](#) highlighted the need to “guard newly enfranchised young people against the potential effects of online mis- and disinformation”. The UK's laws need to reflect that reality.

Managing the risks of existing offences

Offences exist to protect candidates and the integrity of elections, including:

- Making or publishing a false statement of fact about a candidate before or during an election for the purpose of affecting their return (section 106 of the Representation of the People Act).
- Undue influence, which includes forcing a person to vote in a particular way (section 114A of the RPA).

However, they are not currently designated as ‘priority offences’ under the OSA.

[The government has indicated that](#) platforms are already required to assess the risk of these offences. However, under the OSA, companies are deemed compliant if they follow Ofcom's Codes of Practice. The Codes do not address these offences and Ofcom's Illegal Content Judgments Guidance does not focus on them.

As a result, online platforms are not expressly required to assess and manage the risk of harm from these offences. Nor do they engage the [enhanced duties](#) that apply to priority offences, including platforms' duties to minimise the risk of users encountering that content or the offences being committed on their services.

Recommendations

(1) Designate key electoral offences as priority offences

The government should amend the OSA to designate 'false statements' and 'undue influence' (including its equivalents in devolved nations) as priority offences. This could be achieved with secondary legislation.

This would require regulated services to: assess the risk that their platforms are being used to commit these offences; put in place proportionate systems and processes to reduce that risk; prevent users from encountering that content; and manage the risk of their services being used to commission or facilitate the offences.

(2) Address systemic risks to electoral integrity

Large online platforms and search engines shape public debate and perceptions through design choices, recommender systems and advertising tools. These features can unintentionally amplify misleading material.

The Bill should introduce a duty on the largest online platforms and search engines to assess and mitigate any actual or foreseeable negative effects that their services pose to civic discourse, electoral processes and public security. These are measures that they will be undertaking in countries within the EU.

This duty should focus on systems and processes rather than adjudication of individual items of content. It should be accompanied by a code of practice to provide clarity and safeguard freedom of expression.

(3) Strengthening Ofcom's oversight

Ofcom already has information-gathering powers under Schedule 8 to the OSA. The Bill should ensure that these powers are extended to cover information relevant to electoral risk assessments and mitigation in relation to these additional priority offences and systemic democratic risks.

Conclusion

The Representation of the People Bill presents Parliament with a clear opportunity to ensure that online safety law reflects the realities of digital campaigning and the contemporary information environment. By integrating key offences into the OSA priority offences framework, and introducing a proportionate duty focused on systemic risks, MPs can significantly develop the safeguards to protect UK democracy.

This is one in a series of briefings by Full Fact on measures to strengthen the Bill:

1. [Upgrade the Online Safety Act to safeguard the UK's democracy.](#)
2. [Create stronger rules to deal with political deepfakes.](#)
3. [Establish a comprehensive public library of political adverts.](#)
4. [Regulate to prevent misinformation and disinformation in political campaigns.](#)
5. [Create a transparent system for dealing with electoral information incidents.](#)
6. [Increase the investigative powers of the Electoral Commission.](#)
7. [Give platforms a statutory duty to support effective media and political literacy.](#)

For more information, please see our [policy paper](#). To discuss the issues raised in this briefing, please contact George Havenhand, Policy Manager at Full Fact, on george.havenhand@fullfact.org.