

Parliamentary briefing: Committee Stage (Lords) of the Online Safety Bill

This briefing sets out the key challenges that Full Fact finds with the Online Safety Bill and amendments that can tackle harmful misinformation online.

We believe the Bill needs to be changed to support an open society approach to tackling misinformation, with transparency and risk assessments required from internet companies; effective media literacy measures; and 'content neutral' interventions to reduce the harm from misinformation while protecting freedom of expression online.

Full Fact can support you with briefings, amendments and advice. Please contact Alison Trew, Policy and Parliamentary Relations Manager, alison.trew@fullfact.org.

Despite the experiences of the pandemic and the invasion of Ukraine, the Online Safety Bill does not effectively tackle harmful misinformation and disinformation. This risks continued harm to individuals, the undermining of public health, and long-term damage to public debate.

- **Adult risk assessments and transparent reporting requirements for Category 1 services must be put back into the Bill.** Both are essential for identifying harm on their platforms and setting out clear policies on those risks in their terms of service.
- **The Government has reneged on its promise to include protections for harmful health misinformation in the Bill.** This must be addressed so that platforms are required to have a clear policy on harmful health misinformation in their terms of service.
- **The Bill should be amended so that Ofcom has a new statutory duty on media literacy,** a strategy for delivering on it, and reports on progress made. The largest platforms must be required to promote media literacy and the safe use of the service to their users.
- **The Advisory Committee on Disinformation and Misinformation must be enhanced,** to oversee Ofcom's research, produce reports, and advise Ofcom on Codes of Practice.
- **The Bill should be strengthened to protect freedom of expression online,** by prioritising the promotion of good information over restricting content, and by introducing a transparent framework for Government efforts to influence platforms' content moderation decisions.

Adult risk assessments and transparency

The Government has scrapped the requirement for platforms to do an adult risk assessment or transparently explain the findings of those risk assessments to their users, as they do for children in Clauses 10 and 11.

This means **the regulator will be unaware of the extent of harmful content online, including misinformation, and the impact it has on adult users**. It will be very unclear how platforms are responding to this harm or protecting or empowering their users. Transparent access to this information will enable Ofcom, and civil society, to better advocate for changes to reduce the impact harmful content can have. The fact that Ofcom could use its transparency reporting powers to require a platform to provide information on certain types of content is no substitute for a proactive and comprehensive assessment of potential harms on the platform.

The Government must reinstate the requirement for companies to do adult risk assessments to identify potential harm on their platform. They must explain those risks, and then set out transparently what their policy on those risks are in their terms of service. It is essential that these risk assessments include harmful false and misleading health information.

Health misinformation

Health misinformation and disinformation has the potential to be harmful and can negatively impact people's physical and mental health and delay the provision of care.

Health misinformation undermines public health, and the Government has not learned lessons from the last two years, where misinformation had a devastating impact during the Covid-19 pandemic. For example in 2021, Royal College of Obstetricians and Gynaecologists found that [only 40% of women offered the vaccine had accepted it](#), with many waiting for more evidence that it was safe. In October 2021, [1 in 5 of the most critically ill Covid patients were unvaccinated pregnant women](#).

Beyond Covid-19, we see harmful misinformation affect other aspects of health, such as [cancer](#), [mental health](#), [sexual health](#), and [children's health](#).

Harmful false health content had previously been included in the [Government's indicative list of priority harmful content](#) that companies would have been required to address under the adult safety duties. Unfortunately, the **Government has reneged on its promise and dropped**

protections on harmful false health content from the Bill. There are now very limited protections for the public on harmful health misinformation.

Rather than ensuring that platforms have clear policies for dealing with health misinformation in their terms of service, platforms will be left to their own devices. Options available to platforms will continue to range from leaving it completely unmitigated to removing it at scale, all without appropriate regulatory oversight. This threatens not just people's health, but their freedom of expression. This dangerous u-turn must be reconsidered.

Full Fact is calling on Peers and the Government to tackle harmful health misinformation in the Bill by supporting a new Clause that will:

- [place a duty on Category 1 platforms to undertake a health misinformation risk assessment, and set out a policy on their treatment of health misinformation content.](#)

The false communication offence in Clause 160 is not the answer as it only covers a user sending a knowingly false communication with the intention of causing harm, this means it will likely exclude most health misinformation Full Fact sees online.

Media literacy

Good media literacy is the first line of defence from bad information online. It can make the difference between decisions based on sound evidence, and decisions based on poorly informed opinions, that can harm health and wellbeing, social cohesion, and democracy. **But the UK has a vast literacy skills and knowledge gap which leaves us all at risk of harm.**

- In 2022, Ofcom found that [a third of internet users are unaware of the potential for inaccurate or biased information online.](#)
- In 2022 Ofcom also found that [61% of social media users who say they are confident in judging whether online content is true or false actually lack the skills to do so.](#)

The draft Bill presented for pre-legislative scrutiny proposed a new media literacy duty for Ofcom (replacing the one in section 11 of the Communications Act - which dates back to 2003). Unfortunately the Government then scrapped that duty from the version introduced to Parliament.

Media literacy initiatives in the Online Safety Bill are now obliquely mentioned in the safety duties in the context of the risk assessments, but there are no active requirements for internet companies to promote media literacy. The draft Bill's media literacy provisions needed to be strengthened, not cut.

Full Fact is calling on Peers and the Government to support amendments to the Bill that will improve the media literacy of the public by:

- [introducing a new, stronger media literacy duty on Ofcom,](#)
- [have Ofcom publish a strategy setting out how they would perform that duty,](#)
- [and see Ofcom produce a report on the delivery of that strategy,](#)
- [additionally, place a duty on Category 1 service providers and Category 2A search services to promote media literacy to their users.](#)

The Advisory Committee on Misinformation and Disinformation

The only direct reference to misinformation in the Online Safety Bill is to set up a committee to advise Ofcom in Clause 139. However, this Advisory Committee has no identifiable powers or active role in tackling harmful misinformation and disinformation.

It is unclear how this Committee will fit with Ofcom's wider regulatory functions - which are currently very limited when it comes to misinformation and disinformation. At present there are no guarantees about when the Committee will even be up and running. If the Committee is going to serve a useful purpose it must be prioritised and its status and role strengthened.

Full Fact is calling on Peers and the Government to support amendments to the Bill that will enhance the remit of the Advisory Committee on Disinformation and Misinformation by ensuring that:

- [it is established within six months of Royal Assent,](#)
- [it has an independent Chair to avoid the risk of 'regulatory capture' by the platforms,](#)
- [it is consulted by Ofcom when the regulator drafts its Codes of Practice,](#)
- [and that it produces a report on whether there should be a code of practice on misinformation.](#)

Additionally, Full Fact would also like the remit of the Advisory Committee expanded so that it oversees Ofcom's research on the harms caused by bad information, as well as producing its own reports on emerging patterns of behaviour, effects, and proportionate responses.

Addressing harmful content whilst protecting freedom of expression

In Clauses 64 and 65, the Government sets out its approach to deal with content that is harmful to adults. Regulated services will now have to decide what content is not allowed on their platforms, display this in their terms of service, and apply a consistent approach in how they manage content that is in breach of their terms of service.

The Government is leaving it to the platforms to decide what harms to address in their terms of service and how they tackle them. The lack of regulatory oversight will both not prevent misinformation from spreading, nor will it protect freedom of expression.

- It leaves unaccountable power in the hands of platforms based overseas, rather than Parliament and the independent regulator.
- Companies will continue to remove and restrict content that should be tackled through 'content neutral' approaches that protect freedom of expression.
- It could incentivise a 'race to the bottom' on company terms of service as platforms seek to give themselves maximum flexibility and minimise their risk of breach.

There are a growing number of 'content neutral' methods for reducing harm from misinformation that mean that restricting or removing content should rarely be necessary. Internet companies can promote good information (such as the Covid-19 information centres Facebook), have friction-introducing initiatives (such as read-before-you-share prompts introduced by Twitter), or highlighting independent fact checking.

Full Fact is calling on Peers and the Government to support content neutral approaches to misinformation (over removing or restricting content) via amendments to Clause 18, so that:

- [platforms would have to address harmful misinformation and disinformation on their platforms proportionately in ways that protect freedom of expression online.](#)

Oversight of government influence on content moderation decisions

The Online Safety Bill should be amended to protect us all from harmful misinformation and disinformation, but this should be done in a way that protects freedom of expression and improves transparency of internet platforms' approaches to moderation, and government efforts to influence them.

An absence of adequate regulation of how platforms deal with misinformation and disinformation will leave us with the status quo - under which initiatives such as the Government's Counter Disinformation Unit regularly lobby internet companies about content on their platforms, including asking them to remove content, without transparency or scrutiny. Something that was a marked feature of the Government's response to the Covid-19 pandemic.

The Government undertakes valuable work on misinformation and disinformation, but with little parliamentary or legal scrutiny of their work, this is a threat to freedom of expression. Continued silence from Government on how it seeks to influence platforms creates a form of 'censorship-by-proxy' as the new normal.

Full Fact is calling on Peers and the Government to support amendments on transparency of government attempts to influence platforms' content moderation, including:

- [a requirement for the Government to publish details of its attempts to influence platform decisions about specific items of content, user accounts, or terms of service, including under the Government's Counter Disinformation Unit.](#)

Full Fact recognises that some information, including matters of national security, may need protecting, but appropriate mechanisms of oversight could be established.

Access to data

Access to good data about the operation of social media platforms is vital in holding internet companies to account and tracking the extent of online harms, building understanding of them and how they might be addressed.

Currently, access to this data is very limited, and companies can remove or restrict access at their discretion. Too often it has taken a whistleblower or a tragedy to expose safety critical

issues in the operation of these platforms. The Online Safety Bill will do nothing to change this situation.

It must not be left to the companies to decide whether information about the risks on their platforms are made available for public interest focussed research.

Full Fact is calling on Peers and the Government to support amendments that will:

- [increase and accelerate data access for accredited researchers and civil society organisations under provisions in the Online Safety Bill,](#)
- [and require Ofcom to produce a Code of practice on access to data by researchers.](#)

For more information or advice, please contact Alison Trew, Policy and Parliamentary Relations Manager, alison.trew@fullfact.org.