

Parliamentary briefing: Committee Stage of the Online Safety Bill, May - June 2022

This briefing gives an overview of the key challenges that Full Fact needs to see addressed at Committee Stage of the Online Safety Bill. [More detail can be found in the 2022 Full Fact report](#), and case study examples can be found at the end of the briefing.

Full Fact can support you with briefings, amendments and advice. Please contact Alison Trew, Policy and Parliamentary Relations Manager, alison.trew@fullfact.org or 07455906359

There is no credible plan to tackle the harms from online misinformation and disinformation through the Online Safety Bill. At present it will leave the public vulnerable and exposed to online harms. Full Fact is calling for the following changes to be made:

1. Enhance the safety duties, the remit of the Advisory Committee, and Ofcom's role in information incidents, to better tackle harmful **misinformation and disinformation**
2. Strengthen **media literacy** with a new duty and requirements for the digital age so everyone in the UK is better protected from bad information online
3. Protect **freedom of expression** online by minimising content restriction or 'take down'; address loopholes in the protections for content of democratic importance and journalistic content; and introduce greater transparency for Government interventions

Without this we risk continued harms to individuals and communities, the undermining of public health, and unintentional but long-term damage to public debate.

The safety duties

The Online Safety Bill sets out how Category 1 service providers, those with the highest risk and reach, will tackle content harmful to adults in their core adult safety duties. It will designate certain legal but harmful content as "priority content harmful to adults" in Secondary Legislation.

It is vital that the Online Safety Bill is amended to include effective measures to protect us from harmful misinformation and disinformation:

- “Always having to be on guard is wasteful and fretful. And we had a very difficult last Christmas because our 50-year-old son is driven by all sorts of conspiracy theories, not least about vaccination.” **Full Fact supporter, 2022**
- “Being a member of the LGBTQ+ community we are particularly affected by certain types of misinformation that feeds discrimination and hatred against us.” **Full Fact supporter, 2022**
- **1 in 2 people report being targeted with disinformation ‘often’**, and 1 in 4 falsely believe a news story that wasn’t real ([Full Fact, 2021](#)).
- **74% of people are worried about the spread of misinformation** and believe false information online has a negative effect on democracy in the UK. ([Full Fact, 2021](#)).

The only potential protection for adults from harmful misinformation and disinformation is the hope that the Government designates certain forms of it as ‘priority content’ in the Bill. **Full Fact wants some priority content to be set out now, rather than waiting for Secondary Legislation. At the very minimum, the Government should guarantee that harmful health misinformation and disinformation is designated as priority content.** This will give Parliament time to scrutinise what content is in scope, and ensure that regulation is in place to promote proportionate and effective responses.

The Bill has no proposals to directly address harms to our society or democracy. The legislation only covers content linked to individual physical or psychological harm. **Disinformation undermining the integrity of our elections is left out of scope.**

Even if some forms of harmful misinformation and disinformation are in scope as ‘priority content’, **there is no obligation on service providers to put in place systems and processes to mitigate and manage the risks.** Service providers can decide what kind of legal but harmful content is allowed on their sites, risk assess for it and set out in their terms of service how it will be dealt with. The only thing they will have to do about non-priority harmful content is alert Ofcom if they become aware of it.

The adult safety duties in Clauses 12 and 13 only apply to the potentially small number of services within Category 1. Thus, the vast majority of services will not even have to do a risk assessment for misinformation or disinformation that is harmful to adults, even where it is designated as priority content presenting a material risk of significant harm.

The false communication offence

The government claims that the Bill will address ‘illegal disinformation’, but Full Fact believes this is misleading. In our view, **the new false communication offence (Clause 151) will not play a significant role in regulating harmful misinformation and disinformation online.** It is not designated as priority illegal content in the Bill, and a lot of harmful misinformation is not obviously criminal in nature and would be out of scope of the offence. The offence also relies on proving the intent of the individuals who send knowingly false communications to cause psychological or physical harm. This means it will be difficult for providers to appropriately and proactively regulate it at internet scale, and attempts to do so could risk the over moderation of lawful content, raising freedom of expression concerns.

The Advisory Committee on Disinformation and Misinformation

Clause 130 has the only direct reference to misinformation and disinformation in the Online Safety Bill. This sets up an Advisory Committee, **but gives it no identifiable powers or active role in tackling harmful misinformation and disinformation,** and it is unclear how this will fit with Ofcom’s wider regulatory functions - which at present are very limited when it comes to addressing harmful misinformation and disinformation. **As it stands the Clause on the Advisory Committee serves limited practical purpose.**

Alongside improving the safety duties as set out above, Full Fact would like the Advisory Committee’s remit to be enhanced to effectively tackle harmful misinformation and disinformation. It should oversee Ofcom’s research on the harms caused, as well as producing its own reports on emerging patterns of behaviour, effects, and proportionate responses. We also want Ofcom to be required to consult the Committee when drafting Codes of Practice.

Information incidents

Misinformation and disinformation that arises during periods of uncertainty - either acutely, such as during a terror attack, or over a long period, as with a pandemic (see case study below) - often includes information gaps and a proliferation of inaccurate claims that spread quickly. **These information incidents create confusion and affect our online or offline behaviour towards the issue:**

- “My former partner has spiralled downward mentally after reading and believing all the misinformation. It has made things very difficult particularly concerning getting our children vaccinated.” **Full Fact supporter, 2022**
- Of those who said they saw news about Covid-19 on social media, **49% say they mostly saw conflicting facts about it** ([Reuters, 2020](#)).

Information incidents are not effectively dealt with in the Online Safety Bill, which is focussed on regulating the day to day online environment. Clause 146 gives the Secretary of State powers of direction during certain ‘special circumstances’, but they will be ineffective in real time. The only powers the Secretary of State will have is to ask Ofcom to prioritise its media literacy function or make internet companies report on what they are doing in response to a crisis.

The Bill should be amended to give Ofcom a responsibility for identifying and addressing information incidents. This would include Ofcom introducing a system whereby emerging incidents can be publicly reported, and different actors can request the regulator to convene a response group.

Media literacy

Clause 103 of the draft Bill contained a proposed new media literacy duty to replace Ofcom’s existing media literacy duties, which date back to 2003. **The Government has now scrapped the new duty and dropped it from the Bill.** Media literacy initiatives in the Online Safety Bill are now only mentioned in the context of the risk assessments, but there is no active requirement for internet companies to promote media literacy.

The UK has a vast literacy skills and knowledge gap that leaves a population and society at risk of harm in the digital era. **Good media literacy is the first line of defence for us all from bad information online that can harm health and wellbeing, social cohesion, and democracy:**

- “My brother fell for every piece of nonsense there is on YouTube. His mental health was already fragile but, eventually, he was living in a fantasy world where Covid wasn't real. Awful.” **Full Fact supporter, 2022**
- **A third of internet users were unaware of the potential for inaccurate or biased information online** ([Ofcom, 2022](#)).

Full Fact wants to see a new, stronger, media literacy duty reinstated to the Bill, with Ofcom required under the legislation to produce a statutory strategy for delivering on it. Ofcom should also report on progress made towards increasing the media literacy of the public.

Freedom of expression

An open society should aim to inform people's decisions, not control them - but the Online Safety Bill does not yet effectively protect freedom of expression. **The Bill risks letting in-scope companies 'mark their own homework' when it comes to decisions around freedom of expression.** Companies will have to set out how they will deal with "priority content harmful to adults" in their terms of service, but the Bill does not say how they should mitigate such content.

As well as ensuring that risks of harm from misinformation and disinformation are mitigated, the Bill should clearly set out the need for proportionate responses to those risks. There are a growing number of resources and methods that can be used to avoid unnecessarily restricting or removing content. Internet companies can promote good information (such as the Covid-19 information centres on Facebook), have friction-introducing initiatives (such as read-before-you-share prompts introduced by Twitter), or highlight independent fact checking.

This should be integrated into the regulatory regime, either through a legal requirement in the Bill and/or through clear requirements in Ofcom's Codes of Practice.

Content of democratic importance and journalistic content

Under the Online Safety Bill, Category 1 services will have a duty to protect journalistic content and content of democratic importance. Many concerns around these protections were expressed during pre-legislative scrutiny, but they remain unaddressed.

Although these provisions appear to provide protections against overly restrictive content moderation decisions by platforms, **the definitions are too vague and run the risk of being used to spread harmful misinformation and disinformation under the guise of journalism or democratically important speech.**

- "Content of democratic importance" is unclear about what "is or appears to be specifically intended to contribute to democratic political debate".

- “Recognised new publisher” is too easy to meet, and includes any publisher which publishes news, has a UK business address, and has a standards code and complaints process.

Further, if the Bill requires special protections to make journalism possible under its rules, then its restrictions on ordinary users go too far. Full Fact believes freedom of expression is better protected by specific concrete duties. Better promotion of good quality, accurate information and other alternatives to content restriction or ‘take down’ should be preferred by law.

Unless these provisions can be strengthened to prevent the risk of abuse, **Clauses 15 and 16**, and the exemption for recognised news publishers should be removed, and all users given equal protections under **Clauses 19 and 29**, “Duties about freedom of expression and privacy”.

Government transparency

The Government regularly lobbies internet companies about content on their platforms, including on content removal - 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, this is a threat to freedom of expression**. Continued silence from Government on how it seeks to influence platforms will lock in unnecessary secrecy and a form of “censorship-by-proxy” as the new normal.

The Online Safety Bill should introduce a transparent framework for such interventions, including a reporting requirement for the Government to publish details of the efforts it takes to influence internet company decisions about specific items of content, user accounts, or terms of service. Full Fact recognises that some information, including matters of national security, may need protecting, but appropriate mechanisms of oversight could be identified.

Case study: Covid misinformation and pregnancy

There have been numerous information gaps during the pandemic, where scientific evidence did not yet exist or was contradictory. This included the safety of vaccines for pregnant women. **Online discussion quickly became dominated by speculation, low quality or partial information, and misinformation**. Both women and vaccination centres received mixed messages and pregnant women were not given second doses or thought they needed to start their course again. This caused widespread confusion, fear and inaction among pregnant women.

In the [first half of 2021](#), the Royal College of Obstetricians and Gynaecologists found that

only 40% of women offered the vaccine had accepted it. Of those not yet offered, 40% planned not to take it, and 20% were undecided. **The main reason for not getting the vaccine was waiting for more evidence to reassure them that it is safe for their baby.**

Pregnant women are at risk of getting severely ill with Covid-19. In [October 2021](#), 1 in 5 of the most critically ill Covid patients were unvaccinated pregnant women.

Full Fact has partnered with [Pregnant Then Screwed](#) to tackle this kind of misinformation. As of February 2022, more than 1,100 unique queries had been answered via our service, showing the extent of the gaps in good information.

Effective regulation could have ensured information vacuums on the safety of vaccines during pregnancy were addressed early on - vaccine centres could have been provided with better information, women could have made informed choices on their health, and those with Covid-19 symptoms admitted to intensive care could have been reduced.

Case study: **Information incidents from terror attacks**

The London Bridge attack, the Manchester Arena bombing and Westminster car attack all led to immediate demand for and production of news, with the press and social media saturated with updates, commentary and pulsing 'Live' red buttons within hours. As with most terror incidents **there is often a gap before information is confirmed, which may lead to a surge in false information, often with a hateful edge.**

Information incidents like this can cause real harm, including threats to physical safety and civil order, with targeted radicalisation of vulnerable users and inspiring further attacks, or risk of actual abuse with attacks on minority groups.

Technology itself can amplify harm during terror-related information incidents. During the **Christchurch mosque attack** a white supremacist gunman murdered 51 people in New Zealand and **live-streamed the attack, which spread and was viewed around 4,000 times before being removed.** In the aftermath, governments and internet companies committed to measures to reduce the risks from terrorist and violent extremist content being disseminated through livestreaming, with regular transparent public reporting, and ensuring cross-industry efforts are coordinated and smaller platforms are supported to remove terrorist and violent content.

[Principle 1 of the Interim Code of Practice on Terrorist Content and Activity Online](#) sets out provisions on terrorist content and its dissemination, providing detailed guidance to help companies understand how to mitigate risks from online terrorist content and activity.

However, terror attacks arrive rapidly, and even if risks have been assessed and preparation has taken place, there are often rushed and uncoordinated responses. It is not clear how the Online Safety Bill will ensure that the Government, Ofcom, the internet companies and others can effectively respond to information incidents and reduce the harm from terror-related events when harmful misinformation and disinformation is not from online terrorist content or activity, but is in response to events that may be or are terror-related in the UK, or such events in other countries which people in the UK are affected by.

Case study: **Online conspiracy theories around 5G leading to offline harms**

5G conspiracy theories believe there are adverse health impacts from exposure to 5G radio frequency. **In 2019 Full Fact highlighted the information gap around the safety of 5G, long before it led to attacks on infrastructure and harassment of telecoms engineers.**

This was not acted upon by the Government or public health authorities in time, allowing the information vacuum to be filled by harmful conspiracy theories, which draw selective attention to official statements or academic studies. **The severity and scale of misinformation worsened when conspiracy theories about 5G converged with the Covid-19 pandemic in January 2020.** This included claims that Covid-19 symptoms were a “mass injury” from 5G, or that Covid-19 was a hoax to enable the Government to install 5G under the cover of lockdown.

In just a few weeks, we saw posts about 5G go from a niche corner of the internet to several fully fledged conspiracy theories and endorsed by celebrities. **This led to telecoms engineers being filmed or berated at work on new infrastructure which was seen as evidence that the Government was hiding something.**

The Government acknowledged this information gap in April 2020 and worked with health bodies and mobile infrastructure companies to create materials on the safety of 5G, and internet companies to promote the information on their sites. However, the prior response was insufficient to stem the tide of increasingly severe and harmful misinformation.

5G rumours have been remarkably **successful at infiltrating a variety of online communities – from anti-vaccination groups to climate change sceptics** – as well as offline spaces including UK parliamentary debates about the potential effects on health, or councils planning to block 5G as a result of misinformation.