

Briefing Paper Online Safety Bill

The News Media Association (the “NMA”) is the voice of UK national, regional and local news media in all their print and digital forms - a £4 billion sector read by more than 47.9 million adults every month. Our members publish around 900 news media titles - from The Times, The Guardian, The Daily Telegraph and the Daily Mirror to the Manchester Evening News, Kent Messenger, and the Monmouthshire Beacon.

Key Points:

- The Online Safety Bill is a far-reaching piece of legislation which intends to crack down on online harms;
- In order to safeguard press freedom, Government has been clear that content from recognised news publishers and broadcasters must sit firmly outside the scope of the new regime; and
- When the legislation is reintroduced to Parliament, the vital protections for press freedom built into the Online Safety Bill must be maintained.

1. Protections in the Online Safety Bill

- 1.1. Government intention is clear - content from recognised news publishers and broadcasters must sit firmly outside the regulatory scope of the Online Safety Bill (the “Bill”). The Bill, as introduced, intends to provide two forms of exemption for news publishers: (i) one for news publisher content from some of the duties of care, where that content appears on, or is shared via, in-scope services; and (ii) one for news publishers’ websites (including below the line comments) from the scope of the legislation generally.
- 1.2. The NMA has welcomed [amendments](#) to the Bill, introduced at Report Stage, to ensure that recognised news publishers are not inadvertently caught by the new regime resulting in double regulation that could impact consumer access to trusted news sources. It is vital that these amendments are retained as the Bill progresses through Parliament.
- 1.3. In summary, the amendments now ensure:
 - Sanctions analogous to breaches of duties of care if platforms take down or restrict news publishers’ content, including appropriate fines for non-compliance;
 - Platforms must notify news publishers if they want to take-down news publisher content and, if disputed, must not remove it until resolved;
 - Ofcom must review the efficacy of how well platforms are protecting news publisher content on their sites; and
 - Protection for below-the-line comments on publisher websites are clarified.

2. Why Must We Retain the Amendments?

- 2.1. Without a water-tight exemption for recognised news publishers, there is every incentive (including large fines and criminal sanctions) for platforms to take down journalistic content, either via blanket application of algorithms that may not distinguish journalistic or news publisher content or by human moderators domiciled outside of the UK. They would face no

repercussions for removing or downrating content, with scant redress for reinstatement of that content available to affected publishers. The risk is significant given publishers cover subjects of controversy as a matter of course. Reporting on contentious or 'harmful' content does not amount to a harm in itself, but is a recognised public good.

- 2.2. Important amendments introduced at Report Stage to the recognised news publisher exemption seek to address an improper balance of decision making over editorial content placed with platforms. If these were to be reversed, publishers would risk double-regulation under the regime, undermining the robust and complex systems of law, regulation and editorial codes to which publishers are currently subject. In addition, UK citizens would be impacted by a paucity of reliable news and information, creating a landscape where fake news may flourish and undoing one of the core aims of the Bill.

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