

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 47.3 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 (the “**Bill**”) is a far-reaching piece of legislation which intends to crack down on online harms present on tech platforms and search engines;
- In order to ensure UK citizens can access trusted journalism, Government has always been clear that content from recognised news publishers and broadcasters must sit firmly outside the scope of the new regime; and
- As the Bill progresses through the Lords, the vital protections for press freedom built into the Bill must be maintained. Any change could see Silicon Valley become a censor for UK journalism.

1. The Bill introduces new rules specifically focused on firms which host user-generated content (such as social media platforms like Facebook) and for search engines. These firms will have duties focussed on minimising the presentation of harmful content to users. The government states that the Bill is intended to “*usher in a new era of accountability for tech companies*” whilst defending the “*invaluable role of the press*”.¹
2. Without watertight protections, UK news media would be subject to statutory content regulation for the first time in over four centuries. The UK’s press is already subject to numerous criminal and civil laws, as well as adhering to rigorous independent standards codes, that inform news gathering and reporting, covering everything from defamation and harassment to data protection and terrorism.
3. Therefore, the Bill contains the following necessary provisions to ensure that recognised news publishers are not inadvertently caught by the new regime resulting in double regulation that could impact public access to trusted news sources:
 - News publisher content on their own websites is not in-scope of the regulation (**Clause 49**);
 - If platforms take-down or restrict access to trusted news sources, they will face sanctions including significant fines (**Clause 119**);

¹ UK Government, “[Fact sheet on enhanced protections for journalism within the Online Safety Bill](#)”, August 2022

- Platforms must notify recognised news publishers if they want to take-down their content. If the publisher disputes this, the platform must not remove it until resolved (**Clause 14**);
 - Ofcom must review the efficacy of how well platforms protect news publisher content on their sites (**Clause 144**); and
 - Protections for below-the-line comments on publisher websites (**Schedule 1, Part 1, Paragraph 4**).
4. These provisions are vital to ensure that UK citizens can access trusted news sources; the key antidote for mis/disinformation online. Indeed, the cross-party Joint Committee which scrutinised the Draft Bill agreed that these protections were necessary², and they were subsequently strengthened in the Commons.
 5. The Bill does not only protect newspaper publishers online, but also the BBC and commercial broadcasters and current affairs magazines. Without such protections, opaque algorithms could restrict citizens’ access to trusted content at times of crisis, with Silicon Valley acting as a censor for UK journalism.
 6. To qualify as a recognised news publisher, press publishers must meet stringent criteria set out in **Clause 50**, including:
 - Being subject to a standards code that regulates the conduct of publishers;
 - Having legal responsibility for material published, and subject to editorial control;
 - Having policies and procedures for handling complaints; and
 - Having publication of news-related material (i.e. news, information, or comment about current affairs) as its principal purpose.
 7. Reputable news publishers are pleased that the bar to receive protection has been set high. The same recognised news publisher definition has been replicated in the soon to be passed National Security Bill, sufficiently watertight to prevent bad actors that aim to endanger national security. Likewise, Government amendments prevent sanctioned outlets such as RT (formerly Russia Today) from access to the protections in the Online Safety Bill. It is right that the protections will also disapply to content which amounts to a relevant offence as defined by the Bill, or to any content where the platform would incur criminal or civil liability in leaving it on the site.
 8. The finely tuned protections for news publisher content, and the criteria by which news publishers are recognised, are critical to preserve the public access to trusted news sources. Maintaining the protections as they stand as the Bill goes through the Lords is, therefore, essential.

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² Draft Online Safety Bill (Joint Committee), “[Draft Online Safety Bill, Report of Session 2021-22](#)”, December 2021