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Jayne Bryant MS
Chair of the Children, Young People and
Education Committee
Welsh Parliament

13 June 2022

MC2022/08202/DC

SeneddChildren@senedd.wales

Dear Jayne,

I was concerned to read about the findings of your ongoing inquiry into peer on peer sexual harassment among learners. The impact of this harmful activity online can be particularly damaging for children and young people, and can impact on their mental health and wellbeing.

Your letter asks how the Online Safety Bill may address these concerns. Let me reassure you that the strongest protections in the forthcoming Online Safety Bill are for children and the legislation will make the UK the safest place to be a child online. All companies in scope will need to do far more to protect children from illegal content and activity on their services. In addition, services which are likely to be accessed by children will also need to introduce measures to protect children from content and activity which is legal but harmful to children, such as pornography, and bullying.

We expect companies to use age verification technologies designed to prevent children from accessing services which pose the highest risk of harm to children and age assurance technologies and other measures to provide children with an age appropriate experience on their service.

I have addressed each of the students' individual concerns in turn in further detail below.

Social media and social networking websites have made sharing explicit and inappropriate images more common among young people.

I know that self-generated explicit images can have a devastating impact on young people, putting them at risk of blackmail, coercion and abuse. That is why we are already working across government and with partners and industry to prevent and tackle this issue. Our response to COVID-19 has included amplifying messages to help teachers, parents and carers to help children to stay safe online. We also support the IWF and the NSPCC in developing their Report Remove initiative which will enable children to self-refer images and videos of themselves with the aim for it to be taken down. We believe this could be a really important tool in the fight against the spread of this imagery online.



The Online Safety Bill will also ensure that platforms take action to remove self-generated indecent imagery of children circulating. If they do not do this then they will face tough enforcement action by Ofcom, the independent regulator. This will not change existing law enforcement processes to help ensure that children are not criminalised for sending explicit images of themselves. Parents and children will be able to report self-generated explicit images to the platform, and should expect to see platforms take appropriate action in response to reports.

The companies responsible for social media platforms, websites containing pornographic material, gaming platforms and social networking websites have a duty of care to protect children and young people from inappropriate content. Largely, we have heard concerns that they are not discharging that duty of care effectively.

I agree with you and your students - social media companies must do more to keep their users safe online. Social media platforms, websites and gaming platforms which allow user-to-user interactions will all be in scope of the Online Safety Bill. They will all have responsibilities to remove and limit the spread of illegal content and, where they are likely to be accessed by children, provide safety measures for child users. In addition, all websites containing pornographic material will also have to prevent children from accessing this content.

We expect Ofcom to prioritise its enforcement action to ensure the strongest protections possible for children. They will have a range of robust enforcement powers to tackle companies which are not complying with their duties and putting children at risk of harm online. This includes fines for companies of up to £18m or 10% of qualifying annual global turnover (whichever is higher) and business disruption measures. Ofcom will also be required to set out in enforcement guidance how it will take into account any impact on children due to a company's failure to fulfil its duty of care.

Once the regime is in force, if a child does encounter harmful content and activity, parents and children will be able to report it easily and, where appropriate, receive support. Our new laws will raise the bar on how companies respond to complaints, as Ofcom will set clear expectations for user reporting mechanisms.

It is often not clear enough for children and parents when particular platforms, services or websites have minimum age limits. Where age limits are in place and are clear, they are not enforced effectively.

If a service says in its terms of service that it is for adults or for children over a certain age, then they will have to enforce those terms of service consistently under the Bill's requirements. The Bill will also prevent companies saying their service is for users aged 13+/16+, and doing nothing to prevent younger children accessing it. Ofcom will set out in its codes of practice the steps service providers need to take to deliver this objective.

Where children are likely to access a service, providers will have to set out in terms and conditions their approach to tackling harmful content to children, and ensure that these terms of service are easily accessible and consistently applied.

I hope that the above has reassured you that the protection of children and young people is at the heart of the Online Safety Bill. The Bill is currently undergoing passage in Parliament and has now passed second reading. I look forward to continuing to work with you as we progress this vital legislation.

My officials will be in touch separately in regards to arranging a technical briefing on the Bill and its provisions.

With best wishes,

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

Chris Philp MP
Minister for Tech and the Digital Economy