

## LEGISLATING FOR INTERNET SAFETY

Last year's Annual Conference of the IALS Information Law and Policy Centre (ILPC) held on 17 November considered the issue of children and digital rights, in particular how to protect a child's rights to privacy, freedom of expression and safety both online and offline. Leading policy makers and regulators joined practitioners, academics and representatives from industry in analysing the opportunities and challenges posed by current and future legal frameworks, and the policies required to balance safeguards and rights.

In the preceding month the government published its *Internet Safety Strategy Green Paper* containing measures designed to tackle a wide range of harms – including cyberbullying, online abuse, harassment, trolling and sexting – which particularly, but not exclusively, affect children. People and organisations were asked for their views on proposed initiatives which included a social media code of practice; transparency reporting for social media companies, a social media levy; and the development of children's online literacy.

The government response to the Green Paper, published on 20 May 2018, notes that public awareness of unacceptable behaviour and content online has grown in recent months. The use of the internet to spread "fake news", the dangers of using artificial intelligence to manipulate public opinion, and the potential for data to be used for unethical or harmful purposes have all gained prominence and demonstrated the importance of establishing a comprehensive approach to improving online safety while ensuring that the UK's digital economy remains buoyant. Now that government has gained an overview of the nature and prevalence of online harms, both from its own researches and the comments of some 600 respondents to the Internet Safety Strategy Online survey, the time for action draws closer. Six in ten respondents said they had witnessed inappropriate or harmful content online, with four in ten saying they had experienced online abuse, and four in ten reporting that concerns they put to social media companies were not taken seriously.

Matt Hancock, the Digital Secretary, has promised publication of a White Paper by the end of this year which will contain plans for legislation covering both harmful and illegal online content. Potential areas where the government will legislate include the social media code of practice, transparency reporting and online advertising. Further work is to be done on areas of safety identified during the consultation process, such as age verification to assist companies to enforce terms and conditions; policies aimed at improving children and young people's mental health, including the impact of screen time; issues related to live-streaming; and identifying harmful content.

A survey of over 6,500 children conducted by the British Computing Society in parallel with the consultation revealed that children feel there is a gap in their digital resilience education that needs to be addressed; they have low expectations of social media platforms, and younger children in particular would like

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to be better protected from abusive content.

The Department for Digital, Culture, Media & Sport (DCMS), working in collaboration with the Home Office and a range of stakeholders, will develop the White Paper. There are still key issues to be resolved. For example, the government's Green Paper response states (on p 14) that the current position concerning the legal liability of social media for illegal content shared on their sites is looking increasingly unsustainable as it becomes clear many platforms are no longer just passive hosts. However, "whilst the case for change is clear, applying publisher standards of liability to all online platforms could risk real damage to the digital economy." Work is in progress "to understand how we can make the existing frameworks and definitions work better, and what a liability regime of the future should look like."

Although the consultation supported the social media code of practice and transparency reporting announced by the Prime Minister in February 2018, there were mixed responses to the proposed social media levy. More time will be taken to gather evidence and analysis on how online safety should be funded.

The impact of long periods of time spent online, and the relationship between social media and the mental health of children and young people, form the subject of a current study by the Chief Medical Officer, Dame Sally Davies, which involves a review of all relevant international research in the area. Her report is due out next year, and therefore will not appear in time for the White Paper to take account of its conclusions.

The Green Paper focused on harmful but potentially legal content and conduct, but the DCMS and Home Office are taking forward initiatives to tackle illegal harms. Collaborative work will also continue on addressing activities which could become illegal, and with a greater focus on preventing potentially harmful online content from being published in the first place. Vulnerable users, particularly children, will remain a central consideration when formulating policies. The scope of the internet safety project continues to broaden, presenting those responsible for setting out legislative proposals in the forthcoming White Paper with an increasingly difficult task.

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