

## EXPLANATORY MEMORANDUM TO

### THE STATEMENT OF STRATEGIC PRIORITIES FOR ONLINE SAFETY

#### 1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Science, Innovation and Technology and is laid before Parliament by Command of His Majesty.

#### 2. Declaration

- 2.1 Baroness Jones of Whitchurch, Parliamentary Under-Secretary of State for the Future Digital Economy and Online Safety at the Department for Science, Innovation and Technology confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Daniel Okubo, Deputy Director for Security and Online Harms, at the Department for Science Innovation and Technology confirms that this Explanatory Memorandum meets the required standard.

#### 3. Contact

- 3.1 Niamh Shortland at the Department for Science, Innovation and Technology Telephone: 07511162781 or email: [osaimplementation@dsit.gov.uk](mailto:osaimplementation@dsit.gov.uk) can be contacted with any queries regarding the Statement.

### **Part One: Explanation, and Context, of the Instrument**

#### 4. Overview of the Instrument

##### *What does the Statement do?*

- 4.1 The purpose of the Statement of Strategic Priorities for Online Safety (“the Statement”) is to give Ofcom context and guidance on the government’s policy priorities and desired outcomes in a number of areas. These five priority areas are: safety by design, transparency and accountability, agile regulation, inclusivity and resilience and technology and innovation.
- 4.2 Ofcom must have regard to the Statement when exercising its online safety regulatory functions.

##### *Where does the Statement extend to, and apply?*

- 4.3 The extent of the Statement (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.
- 4.4 The territorial application of the Statement (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

#### 5. Policy Context

##### *What is being done and why?*

- 5.1 The Online Safety Act 2023 (“the Act”) established a new regulatory framework which has the general purpose of making the use of internet services regulated by the Act safer for individuals in the United Kingdom. The Act places duties on providers of user-to-user and search services making them more responsible for their users’ safety. A user-to-user service is an internet service if content that is generated directly

on the service by a user of the service, or uploaded to or shared on the service by a user of the service – may be encountered by another user (or other users) of the service. A search service means an internet service that is, or includes, a search engine.

- 5.2 The Act also conferred functions on Ofcom as the independent regulator for this regime. Ofcom itself was established by the Office of Communications Act 2002 and Communications Act 2003. Alongside online safety it is responsible for regulation in the telecommunications, radio, television and postal sectors.
- 5.3 The Secretary of State has decided to issue the Statement to reinforce the outcomes the government believes should be prioritised, within the framework established by the Act, to create a safer online environment.
- 5.4 It is a strategic priority for the government to see services that are safe by design, where features are chosen and designed to limit the risk of harm to users, such as harm from illegal content or content that is harmful to children. The Statement therefore includes priorities to develop the evidence base to deliver age-appropriate experiences for children, to ensure the effective deployment of age assurance to protect children from harm alongside the deployment of accessible additional protections to protect adults from harm and the use of risk and evidence-based approaches to tackle illegal content and activity.
- 5.5 The government has set out the importance of transparency to make it easier for users and the regulator to hold services to account for keeping users safe and allow us to identify both wrongdoing and best practice. The government has also highlighted the role of transparency in enabling users to make decisions about where they want to spend their time online.
- 5.6 The Act was designed to take account of developments in the online environment where possible, and the government has set agile regulation as a strategic priority to support this. The intention is to ensure that regulation keeps pace with the rapid evolution of technology and online behaviour that can impact online safety. The government has also set out the effective regulation of small but risky services, such as suicide forums and hate forums, as a strategic priority.
- 5.7 The government wants to create a resilient and inclusive digital society that understands that online actions have offline consequences, is able to engage critically with online information, and contribute to a respectful online environment. The strategic priorities include increasing awareness and resilience to misinformation and disinformation, adoption of literacy by design principles and supporting users in staying safe online. Disinformation is the deliberate creation and dissemination of false and / or manipulated information that is intended to deceive and mislead audiences, either for the purposes of causing harm, or for political, personal or financial gain. Misinformation refers to inadvertently spreading false information.
- 5.8 Technology is vital to protecting users online and innovation is one tool among several that the government believes must be harnessed to ensure the continual strengthening of our online safety regime. The government has therefore highlighted the innovation and adoption of safety technologies as a strategic priority. Safety technologies are the technologies or solutions which facilitate safer online experiences on services, and protect users from harmful content, contact or conduct.

*What was the previous policy, how is this different?*

- 5.9 This is the first time a Statement has been made under section 172 of the Act. The Statement sets out government strategic priorities and desired outcomes as they relate to online safety matters within the scope of the new regulatory framework.

**6. Legislative and Legal Context**

*How has the law changed?*

- 6.1 The power for the Secretary of State to issue this Statement is established by section 172 of the Act. Under section 172, the Secretary of State may designate a Statement that sets out the government's strategic priorities relating to online safety matters. 'Online safety matters' is defined by section 235 of the Act and stipulates that priorities within this statement must be connected to Ofcom's online safety functions. These functions include those established by the Act as well as specific overarching regulatory functions Ofcom has under the Communications Act 2003, as detailed under section 235(2). As such, the Statement sets out priorities captured within the existing legal framework established by the Act. The Statement is intended to inform the way Ofcom exercises its discretion in performing its online safety functions, rather than changing the legal obligations on, and powers available to, Ofcom.
- 6.2 Under Section 172 of the Act, the Statement cannot be amended within five years unless there is a general election or a significant change in government policy, or the Secretary of State considers that the Statement, or part of it, conflicts with Ofcom's general duties. Section 172 also provides that the Statement may set out particular outcomes identified with a view to achieving the strategic priorities.
- 6.3 Under section 92, Ofcom must then have regard to the Statement when exercising relevant functions. Ofcom must explain what it proposes to do in consequence of the Statement within 40 days of the designation of the Statement or such longer period as the Secretary of State may allow. Ofcom must also, as soon as practicable after a period of 12 months from the designation of the Statement and after every subsequent period of 12 months, publish a review of what they have done in the period in question in consequence of the Statement.

*Why was this approach taken to change the law?*

- 6.4 Section 172 of the Act provides the power for Secretary of State to designate a Statement of Strategic Priorities in relation to online safety matters. The Secretary of State has decided to exercise the power under section 172 and published a draft version of the Statement on 20 November 2024. In line with section 173 of the Act, is laying the draft Statement before Parliament.

**7. Consultation**

*Summary of consultation outcome and methodology*

- 7.1 Under section 173, before designating a statement, the Secretary of State must consult Ofcom on the draft of the Statement for at least 40 days and also consult such other persons as he considers appropriate. The Secretary of State must then make changes to the draft that appear to them to be necessary in view of responses to the consultation and then lay the draft before Parliament. The Secretary of State may designate the Statement if neither House resolves not to approve it during a 40-day period, excluding any period which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- 7.2 The Secretary of State conducted a targeted stakeholder consultation on the draft Statement. These stakeholders had interests and expertise from across the range of policy issues covered by the Act including, child online safety, violence against women and girls, and other harms. The consultation ran between 20 November 2024 and 10 January 2025. There were two consultation questions:
- From the document you have read, are there any government strategic priorities for online safety that you disagree with, or would like to see amended?
  - Are there any sections in the document where Ofcom’s role in contributing to the strategic priorities could be clearer?
- 7.3 There were 21 responses to the consultation, from a total of 38 stakeholders who were invited to respond. Responses were provided by civil society and industry.
- 7.4 Overall, most respondents broadly supported the strategic priorities and desired outcomes set out within the Statement. Fewer respondents directly addressed the second question. Following the consultation, all the priorities remain the same however, where appropriate, government has added further detail and nuance to reflect views put forward by stakeholders.
- 7.5 The issues raised and government’s response to them is included in detail in government’s response to the consultation. Comments about each specific strategic priority included within the Statement are summarised and addressed. The government also addresses overarching comments on the Statement, including regarding clarifying framing of the priorities and the government’s expectations for Ofcom’s annual reviews on its actions in consequence of the Statement.

## **8. Applicable Guidance**

- 8.1 There is no proposal to lay guidance with this Statement.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared for this instrument because the Statement sets out government’s strategic priorities and desired outcomes as they relate to Ofcom’s online safety regulation. Any regulatory decisions as a result of the priorities within the Statement are for Ofcom to make.

#### ***Impact on businesses, charities and voluntary bodies***

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the Statement only sets government’s strategic priorities and desired outcomes as they relate to Ofcom’s online safety regulation. Any regulatory decisions as a result of the priorities within the Statement are for Ofcom to make.
- 9.3 The draft Statement does not impact small or micro businesses. The Statement only sets government’s strategic priorities and desired outcomes as they relate to Ofcom’s online safety regulation. Any regulatory decisions as a result of the priorities within the Statement are for Ofcom to make.
- 9.4 There is no, or no significant, impact on the public sector because the Statement only sets government’s strategic priorities and desired outcomes as they relate to Ofcom’s online safety regulation. Any regulatory decisions as a result of the priorities within the Statement are for Ofcom to make. Further to this, paragraphs 9 and 10 of Schedule

1 of the Act exempt services provided by public bodies and services provided by persons providing education or childcare from being regulated.

## **10. Monitoring and review**

### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 The impact of the Statement and the individual priorities within it will be monitored as part of government's broader monitoring of the Online Safety Act framework. Under section 178 of the Act the Secretary of State must review the framework following implementation. The government is working with Ofcom to ensure an appropriately joined-up approach and proportionate information-sharing to inform evaluation. Ofcom must also, as soon as practicable after a period of 12 months from the designation of the Statement and after every subsequent period of 12 months, publish a review to outline actions it has taken in consequence of the Statement.
- 10.2 The Statement does not include a statutory review clause. Section 172 permits the Secretary of State to amend, including by replacing the whole or part of the Statement. This cannot happen within a period five years unless there is a general election or a significant change in government policy, or the Secretary of State considers that the Statement, or part of it, conflicts with Ofcom's general duties.

### **Part Three: Statements and Matters of Particular Interest to Parliament**

#### **11. Matters of special interest to Parliament**

11.1 None.

#### **12. European Convention on Human Rights**

As the Statement is subject to negative procedure and does not amend primary legislation, no statement is required.

#### **13. The Relevant European Union Acts**

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).