

Dame Melanie Dawes
Chief Executive
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17 April 2023

Dear all,

As the Online Safety Bill begins its committee stages in the House of Lords, I thought it would be helpful to provide an update on Ofcom's preparations for our new role as the online safety regulator, including our expected timescales for implementing the legislation following Royal Assent.

Ofcom's preparations for the online safety regime

A huge effort is underway in Ofcom to mobilise the regime as quickly as possible, to create a safer life online for UK citizens while protecting freedom of expression. The Government's decision to fund our preparations well in advance – building on our existing role as the regulator for video-sharing platforms – has given us a unique opportunity to build new skills, knowledge and capability, to launch new research and analysis, and to start serious engagement with the industry. We are well-placed to hit the ground running once our powers commence later this year. Over the past two years we have:

- **assembled a world-class team:** we have already recruited for over 300 roles working on the implementation of the online safety regime, bringing in skills from tech platforms, law enforcement, civil society, academia and beyond. A new online safety group in Ofcom went live on 1 April 2023 under the leadership of Gill Whitehead, and we believe that this is the broadest and most expert regulatory capability for online safety in any jurisdiction;
- **carried out an extensive programme of research, much of it in new and untested areas:** since January 2021 we have completed 24 research projects and have a further 90 projects currently live in preparation for implementing the Bill. This includes new evidence on [the impact of online hate](#) and [online fraud, families' attitudes towards age-assurance](#) and [Automated Content Classification \(ACC\) systems](#);
- **engaged extensively across the industry:** we have built relationships and done extensive deep dives with the biggest platforms on how they measure and tackle online harm at the moment, engaged with small and mid-sized services and their representative bodies, and held 104 bilaterals, teach-ins and roundtables with a range of civil society bodies;
- **begun the formal collection of evidence to inform our codes and guidance:** we have issued two calls for evidence³, one in July 2022 on child sexual abuse and exploitation, terrorism and other illegal harms and the second, in January 2023, on additional harms to children such as suicide and self-harm content and pornography. We received over 90 responses to the first call for evidence, with over a third coming directly from industry;

- **invested in deeper cooperation with other regulators in the UK and overseas:** through the Digital Regulation Cooperation Forum (DRCF) we have issued joint statements with ICO and CMA on the interactions between [data protection](#), [competition law](#) and online safety, and launched cutting edge work on algorithmic transparency and audit, metaverse and web 3.0. In November 2022 we launched the Global Online Safety Regulators Network with three other national regulators, and through the World Economic Forum we have helped to create new global principles for online safety regulation.

In parallel, since November 2020 **we have been regulating video-sharing platforms:** we are actively supervising large video-sharing platforms including TikTok, Snapchat and Twitch. In October 2022 we published our report on [Ofcom's first year of video-sharing platform regulation](#), increasing transparency in the industry by setting out in detail the measures in place to protect users across the notified VSPs. In January 2023, we launched an [enforcement programme](#) to formally assess levels of compliance and drive improvements amongst adult VSPs, particularly in relation to preventing under-18s from accessing pornographic material. In March 2023 we announced that we have fined Tapnet, the provider of adult platform RevealMe, for failing to respond to a statutory request for information.

These extensive preparations would not have been possible without the Government's agreement to additional temporary funding, which will later be repaid by regulated companies through the future online safety fee regime.

Ofcom's roadmap to regulation – our approach

In July 2022 we published our roadmap to regulation, setting out our overall approach as the regulator, including the importance of proportionality and the need to protect freedom of expression as we tackle harms and create a safer life online. We also set out the expected timescales and sequencing of the various codes of practice, risk assessments and guidance that will be required to operationalise the new laws. At the time, our working assumption was Royal Assent in the early months of 2023.

The implementation of the online safety regime is a big and complex task, in a cutting-edge area of regulation with little or no precedent in the UK or other jurisdictions. The Bill requires Ofcom to produce a substantial number of pieces of guidance and codes of practice, as well as numerous other registers, reports, pieces of advice, statements and research (as outlined in the annex to this letter). As much of these codes and guidance will apply to a huge range of services, both multinational corporations and small or micro businesses, consultation with affected services and other groups will be particularly important.

In planning this work, we are balancing the need to take action quickly against the time it takes to establish robust evidence-based regulation and test our work through fair and transparent consultation. Ofcom has a strong track record in this regard, with considerable experience of running robust processes on complex issues. Our aim is to produce regulation that does not falter in the face of legal challenge and which services and users can trust.

However, this does *not* mean that the online platforms should wait until our guidance and codes are completed before starting to plan for how they can make changes to keep their users safer online. Our regulatory action will begin straight after Royal Assent, when we issue our first draft codes and guidance for consultation. This will be a clear statement of intent from Ofcom on our expected approach to regulation. In parallel, our new supervision teams will start structured 1:1 dialogue with the largest platforms from day one, and implement a risk-based approach to engagement with the long tail of smaller companies. We will also make use of our statutory information powers to gather data formally soon after our powers commence. This will provide a much more comprehensive view of the current levels of harm and mitigation across the system, and on individual services, than we have been able to do without formal regulatory powers. It will help inform our regulatory approach and enable us to enforce effectively, where necessary, once our codes are completed.

A phased approach to codes and guidance

As we set out in our July 2022 roadmap, and as envisaged in the Bill, our codes and guidance will come in three phases. Our expected timings and plans are below, though I should emphasise that these are still dependent on the final shape of the legislation. Any significant changes to the harms, the services in scope or substantial new requirements on Ofcom will require us to revisit our plans, though we will do everything possible to absorb any changes.

We will be prioritising action on illegal content – including significant measures to protect children – with the other elements of the Bill following in subsequent phases.

Phase one – illegal harms codes and including tackling child sexual abuse

In our July 2022 roadmap we said that we would issue the first batch of codes for consultation within 100 days of the commencement of our powers. Because of the additional time we have had to prepare, we now expect to be able to do this within a matter of days of our powers commencing.

This package will act on the most significant dangers online. It will include draft codes of practice to protect children from grooming and to prevent the dissemination of child sexual abuse material. Alongside this we will publish our draft code of practice on terrorism content and a draft code of practice tackling all other priority illegal harms including intimate image abuse, harassment, stalking and threats to kill.

We can move very quickly here because this part of the Bill has remained unchanged for some time and the illegal harms are defined in existing law. The Government's and Parliament's intentions about what they want platforms to achieve are clear. We launched a call for evidence on illegal harms in July 2022, and are well-advanced in gathering the necessary evidence, including on consumer experiences of those harms, drivers of risk, and the systems and processes available to services to address them.

Phase two – child safety duties and pornography

Wider measures to protect children are a high priority for Ofcom. Children deserve an age-appropriate experience online, and more needs to be done to stop pornography being so easily accessible to them, and to prevent content such as that glamourising suicide or self-harm from being promoted in their social media feeds.

We aim to publish draft children’s codes and associated consultations around six months after receiving our powers, in line with the assumptions in the roadmap. We are aiming to issue draft guidance for Part 5 pornography services ahead of this, during the Autumn of 2023, subject to the final shape of the Bill and the timing of Royal Assent. Although there are significant synergies between the codes addressing user-generated pornography (covered by the child safety duties) and provider pornography (covered by Part 5), the Part 5 requirements only apply to services which publish pornographic material.

However, this part of the Bill is not as settled as the provisions on illegal harms. Before we consult on the draft children’s codes, the harms to children will need to be finalised and legally defined, and Ofcom will have to carry out detailed research on these to build our evidence base. The fact that harmful content for children is legal and not restricted for adults means that the robustness of our evidence, including how freedom of expression must be upheld, is particularly important.

We are preparing for this consultation using the harms listed in the 7 July 2022 [Written Ministerial Statement](#), and we launched a call for evidence on this basis in early January. In parallel we are undertaking research into the nature, prevalence, and impact of the harms in question, and gathering evidence on effective options for preventing children from being exposed to them. This includes joint research with the ICO into the accuracy and efficacy of age assurance, [risk factors that may lead children to harm online](#) and [the use of false ‘user ages’ among children](#). We have also outlined our approach to pornography under the Online Safety Bill in a fact sheet shared with peers.

Phase three – transparency, user empowerment, and other duties on categorised platforms

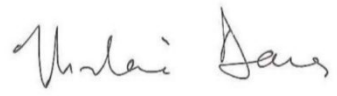
The final stage of implementation is the consultation on the additional requirements that fall only on categorised services.

We will complete research and produce advice to the Government on categorisation within six months of Royal Assent, or sooner if we can. This will enable the Government to lay its statutory instrument setting out the threshold conditions. After the statutory instrument is laid, we’ll identify and produce our list of categorised (and emerging) services as soon as possible. After the list has been published, we will consult on the remaining duties.

I can assure you that implementing the online safety regime quickly and effectively is a top priority for Ofcom. We are pulling out all the stops to move as fast as possible, while ensuring a robust regulatory outcome. As the Bill is finalised, and as we confirm the outcomes of ongoing discussions with DSIT and HMT on our budget for 2024-25, we will publish a new roadmap confirming our timings.

In the meantime, we stand ready to support Members of the House of Lords as you scrutinise this historic legislation in the coming weeks, for example by explaining how we view the implementation or answering any technical queries. Please do reach out to me, our Chair Michael Grade or Ofcom’s public policy team at parliamentary@ofcom.org.uk if this would be at all helpful.

Yours sincerely,

A handwritten signature in cursive script that reads "Melanie Dawes". The signature is written in black ink and is positioned below the closing "Yours sincerely,".

MELANIE DAWES