



24 January 2025

To: the Home Secretary and the Secretary of State for Science, Innovation and Technology

ONLINE SAFETY ACT PROTECTIONS AND A LACK OF MINIMUM STANDARDS FOR TERMS OF SERVICE

We write - on behalf of the Online Safety Act Network and with the support of the named organisations who have co-signed below - in light of the recent announcement by Meta that it will remove many of its protections for users of its services. We urge the Government to take pre-emptive action to amend the Online Safety Act 2023, given the potential implications for user safety in the UK of a similar move here.

[Meta's announcement](#) included proposals to end third-party fact-checking and to change its hateful conduct rules "getting rid of a number of restrictions on topics like immigration, gender identity and gender that are subject of frequent political discourse and debate"; the changes are set out [here](#). While the statement said the company would continue to focus its automated systems on "tackling illegal and high-severity violations, like terrorism, child sexual exploitation, drugs, fraud and scams", for other "less severe" policy violations, it will now rely on user reporting; a lower threshold for content takedown will also be introduced.

Mark Zuckerberg, in the video accompanying this statement, said that he was going to work with President Trump "to push back on Governments around the world that are going after American companies and pushing to censor more".

The Online Safety Act 2023 is not fully in force in the UK and will not be for a number of years. Ofcom has recently published its codes of practice on illegal harms; its guidance on protecting women and girls and its children's codes are due in the next couple of months. Civil society organisations, researchers/academics, and victims groups have already raised many concerns about the ambition of these codes, which - with their reliance on evidence from current industry practice - create a lowest common denominator, tick-box approach to user safety in the UK. Recommendations that the codes needed to include a measure to require companies to address all the risks identified in their risk assessments were ignored ([Online Safety Act Network Illegal Harms Response](#); page 7), as was a recommendation to prevent companies from rolling back on measures that contribute to their compliance with their duties - as had already been seen in the moves made by X/Twitter from 2022 onwards. (See [OSA Network Illegal Harms response](#); page 50)

In light of Meta’s announcement, we strongly urge the Government to engage with Ofcom to advocate for the inclusion of these two critical measures in the final versions of the children’s codes of practice (due in April this year), as well as in the forthcoming consultation on the illegal harms codes of practice, also due in April. Doing so would help ensure that the first set of codes is enforced with the strongest possible effectiveness and safeguards.

There is also a significant gap in the Online Safety Act itself with regard to wider protections for adult users. Following the Conservative government’s decision to remove the adult safety duties from the Online Safety Bill at Commons Report stage in autumn 2022, the only remaining protections for adult users are the [user empowerment tools](#) (which allow users to restrict access to certain types of content, listed [here](#), that they do not wish to be exposed to) and the duties regarding terms of service (sections [71-72](#)). Most relevant here is that category 1 platforms must enforce their terms of service, specifically concerning content prohibited on the service. There are, however, no minimum standards for these terms of service or the types of content that are prohibited and no measures in the Act to set a baseline (e.g. the date of Royal Assent) from which companies could not reduce protections.

The previous Government’s rationale for reducing the protections for adults during the Bill’s passage often highlighted a kind of complacency that existing terms of service protections were immutable and that all that was required by law was their consistent enforcement. See for example, DCMS Minister Lord Parkinson talking about the category 1 duties at [Lords Committee stage](#):

“This will allow Ofcom to hold them [the services] to account when they do not follow through on their promises regarding content they say that they prohibit or to which they say that they restrict access. **Major platforms already prohibit much of the content listed in Clause 12 [now [section 16](#)], but these terms of service are often opaque and not consistently enforced. The Bill will address and change that.**”

We note that the recent [draft Statement of Strategic Priorities for Ofcom](#) on online safety, has a section on the importance of clear and consistently applied terms of service - and their enforcement of them by Ofcom - which we have included for reference in the annex. We also note that DSIT Minister Feryal Clark MP [recently responded to a PQ](#) on the implications of Meta’s announcement with regard to hate directed at LGBTQ+ people; she said:

“The government is aware of the changes Meta has made to its guidelines. This change does not affect the strong protections the Online Safety Act will bring in for UK users online. The Act will oblige all social media companies to remove illegal content and content harmful to children and will give adult users more control over the type of content they see, including that which is hateful or abusive.”

Meta’s changes to its content policies remove swathes of protections for vulnerable groups and individuals from hateful or abusive content that falls just below the threshold of illegality - and there is nothing in the Online Safety Act to stop them* and no enforcement powers that Ofcom could use to address this.

[*The OSA does require services to companies to carry out a risk assessment if they make significant changes to their service, which would presumably include content moderation or terms of service changes such as those proposed by Meta. But, as we note above, there is no requirement in Ofcom's first set of codes for them to do anything to mitigate the risks that might then emerge from the reduced protections.]

This lack of protection is particularly worrying in light of the Government's Mission to halve violence against women and girls. One of the well-publicised implications of Meta's decision is the fact that users can now refer to women "as household objects or property". [Reports this week](#) that the perpetrator behind the murder of three young girls in Southport accessed a plethora of violent online content is a stark reminder of the way in which extreme misogynistic content can directly lead to acts of violence against women and girls". Ofcom's guidance on protecting women and girls - which is due out for consultation in February, and is a requirement that was added to the legislation in the Lords after a [long-running, cross-party campaign](#) supported by many of the current members of the Government to add a VAWG code of practice to the legislation - will be of little use here if the codes of practice and/or the category 1 duties are not changed.

We urge the Government to act quickly to rectify this and, in the first instance, use an emergency amendment to the Data Bill to insert a "no-rolling-back" clause to ensure that the current protections for users in the UK are maintained across Meta and other regulated platforms; and in tandem, introduce a set of minimum standards for category 1 platforms' terms of service for Equality Act-protected characteristics (mirroring the categories covered by the OSA's user empowerment duties) which would provide a baseline of protections for users in the UK against which Ofcom can enforce.

This letter is copied to Jess Phillips MP, Alexandra Davies-Jones MP and Baroness Jones of Whitchurch.

SIGNED BY

NSPCC

Center for Countering Digital Hate (CCDH)

Antisemitism Policy Trust

CEASE

Online Safety Act Network

End Violence Against Women Coalition (EVAW)

Glitch

Molly Rose Foundation

Samaritans

UCL Gender and Tech Research Lab

Annex: [extract from DSIT Draft Statement of Strategic Priorities on Online Safety](#)

2.3 Users are clear what is allowed on services through providers' Terms of Service, and these are applied consistently

The government expects all providers of regulated user-to-user services to have clear and accessible Terms of Service provisions about how they fulfil their illegal content, child safety and complaint reporting duties and apply them consistently.

The government expects Category 1 services to have clear and accessible Terms of Service that state what kinds of legal content for adults they do not accept on their platforms, and when they may ban or suspend a user. Services must ensure they apply these terms consistently, fulfilling their promise to users that if content is in breach of their terms then it must be removed.

Clear and transparent Terms of Service will enable adult users to understand what kind of legal content a service will not allow and help them to make decisions on engagement off the back of this. It is vital that all UK users are made aware of and can understand the Terms of Service. Special consideration for accessibility should be given to vulnerable individuals or those with additional needs.

Clear Terms of Service will also mean that users can hold services accountable through user reporting and redress mechanisms if they don't uphold these terms. Effective reporting and redress mechanisms will also be important to enable users to raise concerns about companies' enforcement of their Terms of Service if they feel that companies are not fulfilling their duties.