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Full Fact Report 2022

Tackling online misinformation in an open society—what law and regulation should do

About this report

Full Fact fights bad information. We do this in four main ways. We fact check claims made by politicians, public institutions, in the press and online. We then follow up on these, to stop and reduce the spread of specific claims. We campaign for systems changes to help make bad information rarer and less harmful, and advocate for higher standards in public debate.

This report explores how the online UK information environment can be improved to tackle bad information in the context of the Online Safety Bill and how harmful misinformation can best be addressed under new law and regulation. It follows on from our 2021 report, Fighting a pandemic needs good information[1] which considered how good information, communicated well, can benefit both individuals and society. Our 2020 report, Fighting the causes and consequences of bad information[2], looked at the evidence we had built up over ten years' of Full Fact's work to address misinformation and the harms it poses to democratic society. This 2022 report is the third report that we are able to produce thanks to the support of the Nuffield Foundation.

The Nuffield Foundation is an independent charitable trust with a mission to advance social well-being. It funds research that informs social policy, primarily in Education, Welfare, and Justice. It also funds student programmes that provide opportunities for young people to develop skills in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Nuffield Council on Bioethics, the Ada Lovelace Institute and the Nuffield Family Justice Observatory. The Foundation has funded this project, but the views expressed are those of the authors and not necessarily the Foundation. Visit www.nuffieldfoundation.org

[1] The Full Fact Report 2021: Fighting a pandemic needs good information, January 2021 https://fullfact.org/about/policy/reports/full-fact-report-2021/

[2] 'The Full Fact Report 2020: Fighting the Causes and Consequences of Bad Information', April 2020 https://fullfact.org/blog/2020/apr/full-fact-report-2020/

This report was written by staff at Full Fact and the contents are the responsibility of the Chief Executive. They may or may not reflect the views of members of Full Fact's cross-party Board of Trustees.

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We would welcome any thoughts or comments to our Head of Policy and Advocacy and lead author Glen Tarman, at glen.tarman@fullfact.org.

Summary

In the coming weeks the Online Safety Bill will be introduced to Parliament. This is overdue but essential legislation that will impact each one of us. There is only a short window of time to ensure that the Bill effectively addresses online harms, while enhancing our public debate and rights as citizens.

Full Fact exists to fight bad information. For over a decade our team has challenged false and misleading claims, encouraged prominent politicians and the media to correct themselves when they get things wrong, and worked with internet companies to provide good, reliable information on their platforms.

During this time we have seen the harm that online information can do. Bad information has and continues to ruin lives, divide communities and undermine trust in our shared institutions.

The Online Safety Bill is an opportunity to rework the systems that have too often failed in the face of harmful misinformation and disinformation.

MPs in the House of Commons and peers in the House of Lords will soon be examining, discussing and amending the Bill, updated after pre-legislative scrutiny.

In doing so Parliament will finally debate fundamental questions about our online environment in the UK that up until now have effectively been delegated to internet companies without independent scrutiny and transparency. Protection of UK internet users' freedom of expression must rest with the British Parliament rather than be controlled by internet companies overseas.

At present, the draft Bill is a missed opportunity. As the government puts forward further proposals to tackle criminal content and online activity, it must also ensure that the Bill increases democratic scrutiny of the way the internet companies approach their systems and design, and provide better ways to hold them accountable for tackling harm while protecting freedom of expression.

The Bill must have a clearer focus on proportionately but effectively addressing such harm, including that from misinformation and disinformation. That will require:

- a robust and transparent regulatory regime, that expressly recognises both the harms caused by the dissemination of misinformation and disinformation and the importance of protecting freedom of expression;

- better promotion of good quality, accurate information and other alternatives to content restriction or 'take down';
- A more proactive role for an independent Ofcom, as both a strategic and a day-to-day regulator with responsibility for identifying and addressing harmful misinformation issues.

Without better, more focused law and regulation, the Online Safety Bill risks continued harms to individuals and communities, undermining public health, and unintentional, long-term damage to public debate. In this report, made possible through the Nuffield Foundation, we set out ten ways that the Online Safety Bill can live up to its promise. We urge the Government and Parliament to deliver legislation in line with these imperatives.

1. **Create stronger media literacy as the first line of defence:** build the resilience to misinformation and disinformation of all UK citizens with media and information literacy at the scale needed
2. **Prioritise promoting good information over restricting content:** restrict information only as a last resort
3. **Make Ofcom responsible for understanding harms caused by misinformation and disinformation:** the regulator should fill knowledge gaps with an enhanced research responsibility and an additional evidence centre should be established
4. **Actively look for harmful information vacuums and fill them:** ensure reliable information from authoritative sources is available
5. **Identify and coordinate responses to information incidents openly:** emergency procedures should be open and transparent
6. **Prioritise tackling specific harmful deceptive behaviour over restricting content:** amend the draft Online Safety Bill to cover regulated content and activity
7. **Make government interventions in content moderation transparent:** limit 'censorship-by-proxy' where government pressures internet companies to restrict content that parliament would not
8. **Require independent testing of algorithms which restrict or promote what people can see and share:** Online Safety Bill should grant Ofcom powers and independent researchers access to algorithms
9. **Secure public confidence in how elections are protected through transparency:** the Online Safety Bill must strengthen democracy and a public protocol put in place for elections

10. **Continue to ensure the supply of high quality news:** the law should require a minimum supply of high quality news on Category 1 internet services

We are all at risk without proportionate action against online harms, and we are all at risk without careful democratic oversight of the government's actions in this area.

Full Fact will scrutinise the updated Online Safety Bill as it progresses through Parliament, and update our recommendations accordingly.

Full Fact's work is only possible thanks to the support of the thousands of individuals across the country. **For updates and opportunities to take action against online harms, join us: fullfact.org/signup**

Summary of recommendations

1: Create stronger media literacy as the first line of defence

Build the resilience to misinformation and disinformation of all UK citizens with media and information literacy at the scale needed

Recommendation The government and Parliament's ambition for online media literacy in the Online Safety Bill should be strengthened, as a key part of citizen-supporting methods of tackling the problems in our information environment. Greater resources must be leveraged and the regulator Ofcom must massively step up its efforts on citizen media and information literacy.

The UK has a vast literacy skills and knowledge gap that leaves a population and society at risk of harms in the digital era. Media and information literacy can strengthen the public's defences against the harms of online misinformation and disinformation: it can make the difference between decisions based on sound evidence, and decisions based on poorly informed opinions that can harm personal health and wellbeing, social cohesion, and democracy.

Yet competencies are not anywhere near the levels needed, in a context where Ofcom research shows misinformation is one of the most prevalent harms experienced by the British public.

Individuals have a responsibility for their own literacy and online behaviours, but they need an enabling environment where all actors with the power to do so build media and information literacy skills. This includes robust law and regulation, government and regulatory commitment, and internet platforms that take on - or are compelled to - play their full part in building audience resilience to harmful misinformation and disinformation using media literacy.

The UK needs more and better media literacy than in the draft Online Safety Bill. The new regime presents a huge opportunity to transform media literacy in the UK. Yet, at present, the needed ambition is not set out clearly to be realised through the Bill and otherwise.

The draft Bill gives Ofcom the power to require service providers to set out what they are doing to improve the media literacy of their users. Additional transparency on

what platforms are doing, plus some guidance does not amount to a massive step change.

The draft Online Safety Bill also requires Ofcom to carry out, commission or encourage educational initiatives designed to improve media literacy. Through its own action, or what it leverages and inspires from others, it is unclear if what Ofcom will do will be of a scale needed, including making sure what services do is effective and sufficient.

Ofcom's role on media literacy has to be strengthened. The regulator's direct and indirect actions must make a real world difference with resources and initiatives which move the dial when it comes to online media literacy around misinformation.

The Online Safety Bill is insufficiently clear about the outcomes on media literacy being sought. Ofcom must have a plan of action commensurate with the new role and challenge of reducing harm from misinformation and disinformation. In particular, Ofcom's work in relation to online platforms will need to change dramatically.

Media literacy needs a very significant uplift in resourcing if need and demand are to be met and swathes of the population not left at unnecessary risks of harm. Both Ofcom and government funding for online media literacy need a big increase if they are each to fulfil their roles in improving online media literacy.

The draft Online Safety Bill risks a situation developing where Ofcom has insufficient ambition, will or leverage to actually improve the nation's media, digital and misinformation literacy.

Action for government

- Amend the draft Online Safety Bill in line with the Joint Committee recommendations on media literacy.
- In order to ensure progress and accountability, amend the Online Safety Bill to require Ofcom to produce a strategy setting out how it intends to meet its new duty to improve the media literacy of the public (including any steps it will require or recommend service providers to take) and how progress will be measured. The regulator should also be required to publicly report on the progress it makes.
- Increase the resourcing available for online media literacy including digital and information literacy across government departments as well as Ofcom's

settlement and ability to raise sufficient funds for improving literacy from regulated service fees.

Action for the regulator Ofcom should accelerate its work in online media literacy commensurate with the extended obligations the Online Safety Bill sets out especially in relation to maximising leverage towards regulated entities on their effective action. Plans should be based on intended outcomes and progress towards better literacy rates including around harmful misinformation and disinformation with commensurate expenditure and revenue raising.

2: Prioritise promoting good information over restricting content

Restrict information only as a last resort

Recommendation The government should: adopt the recommendations of the Joint Committee to strengthen the Online Safety Bill in ways that protect freedom of expression and address harmful misinformation and disinformation through compatible approaches; avoid unintended consequences damaging to freedom of expression around any new false information measures; and, step up efforts (through law, regulation and practice) to ensure users have access to good information.

An open society should aim to inform people's decisions, not control them. Proportionate action is needed from internet platforms to address clearly identified harms from bad information. But action on specific pieces of content should take freedom of expression as the starting point, as should policies addressing harmful misinformation and disinformation. Freedom of expression includes the freedom to be wrong.

Internet companies can sometimes overreach when it comes to decisions to restrict information, whether in their policies, by human moderation or in the use of algorithms. Their decisions can powerfully enhance our ability to impart and receive information, or they can infringe on our freedom of expression. At present, these decisions rest too often with companies in Silicon Valley.

Better protection for freedom of expression therefore requires oversight of the content moderation choices made by internet companies. At present the draft Online Safety Bill risks letting in-scope companies 'mark their own homework', including when it comes to decisions around freedom of expression. Such a system requires independent quality control, with a stronger emphasis on Ofcom's role as regulator.

The Bill could also set out the requirement for proportionate responses more clearly and enforceably. From provision of proactive information (such as the Covid-19 information centres Facebook and others have) to friction-introducing initiatives (such as read-before-you-share prompts introduced by Twitter) and highlighting independent fact checking, there is a growing number of resources and methods that can be used so that restricting content to tackle harm should rarely be necessary.

We therefore welcome the Joint Committee's recommendations in this area, including the recommendation that Ofcom should be required to issue a mandatory code of

practice to service providers on how they reduce harm, including from disinformation. Such a code should include use of fact checking in proportion to reach and risk, along with other forms of mitigation compatible with freedom of expression, including user control over their curation and better human moderation.

The Bill that returns to Parliament should be recalibrated so that it has, more clearly at the core of its objectives, a focus on countering the harms arising from the dissemination of misinformation and disinformation online while protecting freedom of expression.

We are concerned about the Law Commission's proposed new anti-harassment offence of sending knowingly false communications. The false communications offence may work in specific cases of harassment, but we are concerned about how it can be regulated at internet scale.

Action for government Ensure the Online Safety Bill is amended and strengthened, taking into account the recommendations of the Joint Committee, to ensure that the Bill has, more clearly at the core of its objectives, a focus on countering the harms arising from misinformation and disinformation while protecting freedom of expression.

Carefully consider whether the Law Commission's proposed offence of sending knowingly false communications can work effectively at internet scale.

3: Make Ofcom responsible for understanding harms caused by misinformation and disinformation

The regulator should fill knowledge gaps with an enhanced research responsibility and an additional evidence centre should be established

Recommendation The Online Safety Bill should be amended to give Ofcom a responsibility for researching the harms caused by misinformation and disinformation. The powers of the advisory committee on disinformation and misinformation should be amended for it to advise Ofcom on such research. Ofcom and the Department for Digital, Culture, Media and Sport (DCMS) should also explore establishing an independent evidence centre on online harms.

Online harms, including misinformation and disinformation, will continue to be a problem in the UK. If Ofcom is going to be an effective regulator and act in a proportionate and risk based way, it needs the best possible evidence and intelligence. This is imperative at a time when online technology and our understanding of online harms is fast-evolving. Research must be of practical and operational use to Ofcom and other regulators and actors in the UK working to address the harm caused by misinformation and disinformation.

It is critical that Ofcom has the funding and flexibility to build on its existing world class research capability to conduct research and support external partners in building an evidence base on the harms caused by disinformation and misinformation. To facilitate this the powers to gather information in Clause 70 of the Online Safety Bill should be clarified and strengthened to place a new duty on Ofcom to lead, publish and support research on online harms, in particular the harms caused by misinformation and disinformation. Alongside this, Ofcom must be able to request and access information from service providers in real time when necessary.

The draft Bill creates a new advisory committee on disinformation and misinformation. Clause 99 should be amended so that the committee advises and oversees Ofcom's research on the harms caused by disinformation and misinformation. Ofcom should also consider establishing a citizen panel to ensure the views of the public on harms in a misinformation and disinformation context are available.

Finally Ofcom and DCMS should also explore setting up a separate, independent evidence centre on misinformation and disinformation, as part of wider work on

online harms and internet regulation and standards. A world class evidence centre on these issues could support the government's global ambitions around regulatory diplomacy.

Action for government Amend the draft Online Safety Bill to place a duty on Ofcom to research harms caused by misinformation and disinformation, and grant the advisory committee on disinformation and information a role in advising and overseeing Ofcom on such research; ensure Ofcom has the necessary powers and resources for such a role; with Ofcom, explore the option of setting up an independent evidence centre.

Action for the regulator With the government, explore the option of setting up an independent evidence centre.

4: Actively look for information vacuums and fill them

Ensure reliable information from authoritative information is available

Recommendation The Online Safety Bill and resulting regime should include provisions to incentivise the proliferation of authoritative information; Ofcom as regulator should ensure it is providing an enabling environment and proper direction on information vacuums and data deficits; and, all actors with the ability to address information vacuums and associated problems should proactively improve their interventions.

Where there is a lack of quality information on topics of public concern, online discussion about these topics can be quickly dominated by speculation, low quality or partial information, and misinformation or disinformation.

This can be because of the absence of alternative good information on a topic, or because of 'engagement deficits' where high quality information exists, but there is low engagement on social media because high-quality information content fails to compete with other more emotive content, or because high-quality content is poorly promoted.

This phenomenon was illustrated mostly widely and clearly at the start of the Covid-19 pandemic, as well as around issues such as fuel stocks, when low fuel levels led to panic buying.

In an information environment where harm can be caused by a lack of good information allowing bad information to spread unchallenged, it is critical that public authorities have the capability to identify and proactively address information vacuums and to cooperate effectively with a range of other actors in doing so.

The regulatory framework that emerges from the Online Safety Bill therefore needs to ensure that information producers and authorities work rapidly when they are warned about an information vacuum, before it is filled by harmful information. Ofcom should play a central role in monitoring the information environment and ensuring that happens as well as ensuring that service providers identify and explain how they will tackle such deficits in their risk assessments.

Action for government Amend the Online Safety Bill to require Ofcom to monitor the online environment for situations where the dissemination of harmful misinformation and disinformation is being exacerbated by information vacuums or engagement deficits, and make public recommendations about how this can best be addressed.

Service providers should be required to support Ofcom in that function by providing relevant information and intelligence (to be set out in a Code of Practice issued by the regulator).

Action for the regulator Ofcom will need to have capability to identify and address information vacuums, and to ensure the requirements on in-scope companies address the risk of harm emerging in this way.

Action for platforms Promote good information to users and support public authorities monitoring emerging and existing data and engagement deficits.

5: Identify and coordinate responses to information incidents openly

Emergency procedures should be open and transparent

Recommendation Ofcom should have responsibility for transparently identifying information incidents and overseeing arrangements with regulated services for responding to incidents and mitigating harm. This should include the power to set out a policy covering information incident identification and mitigation; the creation of a public reporting system about what incidents it and other actors have responded to; and the ability to require information from service providers so that Ofcom can provide informed advice and regulatory action such that responses to information incidents are proportionate and fair (and more likely to be effective).

Events such as terror attacks or pandemics can corrupt the information environmentby increasing the complexity of accurate information, creating confusion or revealing information gaps - all of which can result in an increase in the volume of harmful misinformation and the speed at which it spreads. We describe these moments of heightened vulnerability as 'information incidents'. They are often characterised by a proliferation of inaccurate or misleading claims or narratives, which relate to or affect perceptions of our behaviour towards a certain event or issue happening online or offline.

Since 2020, Full Fact has been working with internet companies, civil society and governments to create a new shared model to fight crises of misinformation (the Framework for Information Incidents[3]) to help decision-makers understand, respond to and mitigate information crises in proportionate and effective ways.

But this sort of thinking now needs embedding into the regulatory regime. We need to know that the Online Safety Bill will help keep citizens safe during an information incident or crisis. If the Government, Ofcom, parliamentarians, regulated companies and other stakeholders in the new regulatory regime develop the system without proper regard to information incidents of all levels of severity, it will not provide for effective responses to the unique threats these incidents pose.

The intention of the Online Safety Bill is to impose duties on internet companies so that they manage harms which take place on their platforms. Currently, the Bill largely envisages these harms on a day-to-day basis. Without further direction or

[3] Full Fact, 2022, Incident framework, https://fullfact.org/about/policy/incidentframework/

guidance, providers of regulated services may focus their assessments on everyday risks rather than those arising out of periods of heightened vulnerability.

Ofcom will need powers to ensure the readiness of service providers to mitigate the risks of future incidents. As a body that is independent from government and industry, Ofcom can play a credible convening role. We recommend that Ofcom introduce a system whereby incidents can be publicly reported as either emerging or happening, and different actors such as fact checkers, news organisations, community representation groups and service providers can request that Ofcom convene a response group to discuss severity and response.

Further transparency about how service providers manage the risks of information incidents is also required, for example through the publication of service providers risk assessments.

Action for government and parliament Amend the Bill where necessary to ensure the law and regulation enables effective preparation, mitigation and response to information incidents and crises by Ofcom and regulated companies (working with other actors) in a way that provides accountability to stakeholders.

Action for the regulator Ofcom should demonstrate that it is sufficiently prepared and resourced to deal with information incidents both as a strategic actor (for example, in its remit such as issuing related guidance), and in developing preparation structures and being part of real-time effective response with others.

6: Prioritise tackling specific harmful behaviour over restricting content

Focus on harmful behaviours to be more effective and proportionate

Recommendation The Online Safety Bill should be amended to cover both regulated content and activity. The remit of the Advisory Committee on Misinformation and Disinformation should be widened to include reporting on misinformation and disinformation behaviour. Parliament should be prepared to legislate in the future to tackle emerging forms of activity that lead to specific online harms.

The draft Online Safety Bill places a duty on service providers to address harmful "content". This should be amended to "regulated content and activity", reverting back to the government's original language in the Online Harms White Paper. As the Joint Committee noted during pre-legislative scrutiny, this better reflects the kind of risks people face online, how they interact and how platforms are designed. This would also work to future proof the Bill as technology advances. Further, targeting specific carefully defined actors and behaviour over content moderation will support service providers to take proportionate responses to harmful false information.

The Online Safety Bill is not a one-stop solution to online harms, and Parliament should be prepared in future to develop the law to tackle specific kinds of deceptive behaviour. The internet provides opportunities for criminals to deceive others and cause harm. There are many examples of criminal offences to tackle deceptive behaviour, and new offences that are well defined and tackle clear problems. They raise few objections on the grounds of freedom of expression.

Lastly, the Government can only act and address problems in a rapid and effective way if they have clear evidence of a problem. So that they can continue to tackle harmful content and behaviour, the advisory committee on misinformation and disinformation should be given a remit to report on emerging patterns of behaviour, how people interact with content, the causes of harmful information, and proportionate responses.

Action for government Accept the Joint Committee recommendation to return to the language of "content and activity", and amend the draft Online Safety Bill to extend the remit of the Advisory Committee on Misinformation and Disinformation to include reporting on emerging patterns of misinformation and disinformation behaviour and potential responses.

Action for the regulator Ofcom should work with the Advisory Committee on Misinformation and Disinformation to identify patterns of risky behaviour and possible proportionate responses.

7: Make government interventions in content moderation transparent

Limit 'censorship-by-proxy' where government pressures internet companies to restrict content that parliament would not choose to

Recommendation The Online Safety Bill should be amended to introduce a reporting requirement for the government to publish details of all efforts it makes to influence internet company decisions on items of content, accounts and their terms of service. Parliamentary scrutiny of this activity must be strengthened.

The government can and does seek to limit speech online by lobbying internet companies. It has secured changes to their terms of service and then reported content for violating those terms. It has daily interactions with nearly all of the internet platforms, including on content removal. This approach has been a marked feature of its response to the Covid-19 pandemic.

Censorship-by-proxy with little-to-no political or legal scrutiny is a threat to freedom of expression. Continued silence on this will lock in censorship-by-proxy as the new normal unless the Government and Parliament legislate to rectify the situation.

Although measures taken with good intentions during an emergency are never likely to be perfect, we need to establish open, democratic, transparent methods for responding to harmful false information in future. The public should be given more information on the volume and types of disinformation and harmful misinformation the government is reporting to internet companies.

Initiatives such as the Counter Disinformation Unit undertake very valuable work on disinformation and misinformation. However, more transparency on what it does would help protect its overall reputation, and unnecessary secrecy around government attempts to counter false information should be ended (recognising that revealing some information may need protecting - for which appropriate mechanisms of oversight should be identified) .

Just as internet companies should not be left to make decisions on issues as fundamental as freedom of expression without proper scrutiny and oversight – a fundamental tenet of the Online Safety Bill – then neither should the government of the day. The Online Safety Bill should therefore include some form of reporting requirement for the government to publish details of all efforts it makes to influence

internet company decisions about specific items of content, specified accounts or their terms of service.

Action for government Amend the draft Online Safety Bill to include a requirement for the government to publish details of all activities it makes to influence the decisions about specific items of content, specified accounts or their terms of service.

Action for parliamentarians Ensure the Online Safety Bill is amended to include a requirement for the government to be open about when it communicates to regulated internet companies on content, accounts or the terms of service of in scope companies.

Committees that provide scrutiny to departments involved in making requests to internet companies should press for proper scrutiny and accountability mechanisms to be in place.

Action for the regulator Ofcom should recognise the problematic nature of government influence on areas of its remit, for example around platform terms and conditions, and press for transparency so that the new regulatory system is not undermined. In addition, it should be transparent on any requests that flow to it from government to the same ends and include requests from government in its own transparency reports as well as in those of in-scope companies.

Action for platforms Improve transparency on government requests at a UK level with meaningful data and information that citizens and NGOs can easily access. Continue to, or begin, publishing transparency information about government interventions on content, including the UK Government.

8: Require independent testing of algorithms which restrict or promote what people can see and share

The Online Safety Bill should grant Ofcom full audit powers and ensure independent researcher access to algorithms

Recommendation The Online Safety Bill should be amended to give Ofcom clear powers to audit and test the algorithms used by regulated service providers to moderate and curate content on an ongoing basis. The Bill should also be amended to ensure third party researchers have access to the data necessary to conduct their own research.

Algorithms can both increase and reduce the spread of content. In order for the regulator to effectively tackle online harms, Ofcom needs powers to test and audit algorithms.

The draft Online Safety Bill proposes several powers for Ofcom to obtain information from service providers, including Clause 70 on issuing an information notice, and Clauses 49 and 50 which require service providers to produce transparency reports and publish assessments of the impact of their processes on freedom of expression and privacy. Both Ofcom and DCMS believe this gives Ofcom sufficient powers to regulate algorithms for harm. However, transparency reporting and information gathering powers are potentially limited and short term.

The draft Bill should be amended so that service providers must have systems and processes in place to identify reasonably foreseeable risks of harm arising from the design of their algorithms. Ofcom needs to have the powers to test and audit algorithms on a continuing basis before something goes wrong. To do this it is crucial that Ofcom is sufficiently resources and able to hire and develop the staff, tools and other infrastructure necessary. The Government should also publish an assessment of Ofcom's audit powers and the regulator should be required to report transparently on its work on algorithmic audits.

Clause 101 requires Ofcom to produce a report about researchers' access to platform data. The Bill could be strengthened further and amended so that service providers should be required to make data available to third party academic and civil society researchers with the capability to research algorithms and their effects. Ofcom should also design and oversee an accreditation regime in concert with the other organisations listed in Clause 101.

Action for government Amend the Online Safety Bill to clarify and strengthen Ofcom's powers on algorithmic testing, audit and inspection, and to provide for a regime of accredited researcher access to platform data; ensure Ofcom is adequately resourced to exercise these powers.

9: Secure public confidence in how elections are protected through transparency

Introduce a public protocol for elections and ensure the Online Safety Bill strengthens protections for democracy

Recommendation The Online Safety Bill should improve democracy and address harms to democracy including protecting against harmful misinformation and disinformation in elections. The Government should also establish a UK Critical Election Incident Public Protocol to secure public confidence in how elections are protected, given they are vulnerable to interference.

Attempts to disrupt elections and democratic choices take place in an online landscape, with harmful misinformation and disinformation having a wide reach. Clause 13 of the draft Bill asks service providers to protect "content of democratic importance". However, a lack of clarity on what content is protected risks harmful information going unchecked. This clause should be replaced by a duty to protect content where there are reasonable grounds to believe it will be in the public interest. Ofcom should produce a Code of Practice on steps to be taken to protect such content and guidance on what is in the public interest and how to safeguard freedom of expression.

To protect the democratic process, Ofcom should produce a Safety by Design Code of Practice for service providers to have systems and processes to identify reasonably foreseeable risks of harm during periods of heightened risks and to mitigate them. The Government must also provide clarity on whether it intends to tackle disinformation during elections via the Online Safety Bill or the Elections Bill. Clarity is also needed on whether digital imprints work effectively in the Elections Bill.

The Government should publish a Critical Election Incident Public Protocol to alert the public to incidents that threaten the UK's ability to have free and fair elections, and allow the public to take steps to protect themselves. The Secretary of State's powers in Clause 112 of the Online Safety Bill could be amended to include elections and allow such a protocol to be enacted.

Online platforms play a significant role in elections, but service providers have their individual policies. The Bill should include provision for Category 1 companies to be required to risk assess their services to prevent widespread dissemination of information harmful to elections.

Addressing misinformation and disinformation should be part of wider efforts to work towards elections where people have access to good information, want to vote, and make informed choices.

Action for government

- Revisit the definition of 'content of democratic importance' in the Online Safety Bill and ensure that it does not create unintended consequences, including legitimising disinformation in elections.
- Establish a UK Critical Election Incident Public Protocol, preferably amending draft legislation to establish transparent protocols for responding to disinformation and misinformation incidents in the Online Safety Bill (or in the Elections Bill)
- Clarify how the Online Safety Bill will work alongside the Elections Bill
- Include democratic harms in the Online Safety Bill
- Ensure that UK election policies are consistent across platforms and set through an open transparent democratic process.

Action for the regulator Ofcom should seek to clarify its role as a regulator in relation to democracy and what it is being asked to regulate.

Action for platforms Develop transparent policies to help secure public confidence in UK elections, including arrangements for a UK protocol.

10: Continue to ensure the supply of high quality news

The law should require a minimum supply of high quality news on Category 1 internet services

Recommendation The law requires a minimum supply of high quality news on public service television. This should be extended to Category 1 internet services.

Parliament has previously recognised the need for news as part of a healthy society and it is already a requirement for public service television output. As the relative share of attention in legacy media declines, and as audiences fragment, the shared reality that comes from shared access to news is eroded. That has consequences for our democracy and society more generally.

Parliament should consider whether a similar requirement to include news content should also now be applied to the largest internet companies ('Category 1' in the draft Online Safety Bill) so that internet users are exposed to news in a similar way to broadcast audiences.

It is better to pre-empt problems of misinformation by making good information readily available than to respond later with measures that restrict freedom of expression. Extending news provision in this may be one pathway to shift the balance towards proportionate measures.

The power to define our information environment is the power to shape our democracy. The biggest internet companies can make unilateral decisions about news distribution without oversight. And changes to the design of the products of internet companies can affect the distribution of news even when that is not the purpose of the change.

Action for government Amend the Online Safety Bill so that Ofcom has similar powers to ensure a minimum provision of high quality news on Category 1 internet services as it does on public service television.

Action for the regulator Ofcom should use the powers it has to risk assess the impact of regulated services decisions about the supply of news to their users.

Action for platforms Platforms should recognise the distinction between news which would meet the requirements of due accuracy and due impartiality under the Communications Act, and other partisan or low quality news and current affairs output. They should seek to preserve a minimum level of high quality news.

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