

Online Safety Bill

Purpose of report

For direction.

Summary

The LGA has already submitted initial evidence on the Draft Online Safety Bill to the Draft Online Safety Bill (Joint Committee); this is attached at **Appendix B**. This report proposes additional policy positions, summarised at paragraph 10, for the LGA to inform future lobbying on the Bill as it goes through Parliament.

Recommendation

Members are asked to amend, discard or agree the proposed policy positions summarised at paragraph 10.

Action

Policy positions agreed by members will be used to inform lobbying on the Online Safety Bill going forward.

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Online Safety Bill

Background

1. The Draft Online Safety Bill (OSB) was published on 12 May 2021 and aims to make the UK the safest place in the world to be online while defending free expression.
2. The Bill establishes a new regulatory regime to address illegal and harmful content online, with the aim of preventing harm to individuals in the United Kingdom. It imposes duties of care in relation to illegal content and content that is harmful to children on providers of internet services which allow users to upload and share user-generated content (“user-to-user services”) and on providers of search engines which enable users to search multiple websites and databases (“search services”).
3. The Bill also imposes duties on such providers in relation to the protection of users’ rights to freedom of expression and privacy. While all providers will have a duty of care in relation to illegal content and content that is harmful to children, providers of user-to-user services which meet specified thresholds (“Category 1 services”) are subject to additional duties in relation to content that is harmful to adults, content of democratic importance and journalistic content.
4. The Bill confers powers on the Office of Communications (Ofcom) to oversee and enforce the new regulatory regime (including dedicated powers in relation to terrorism content and child sexual exploitation and abuse (CSEA) content), and requires Ofcom to prepare codes of practice to assist providers in complying with their duties of care. The Bill also expands Ofcom’s existing duties in relation to promoting the media literacy of members of the public.
5. Appendix A lists some of the measures already in place to support the safety of people online, as background information.
6. A Joint Committee on the draft Online Safety Bill was appointed by the House of Lords and the House of Commons to conduct pre-legislative scrutiny of the Government’s draft Bill. The Joint Committee published its report on 14 December 2021.

Issues

7. The Bill is of significant interest to councils, covering a wide range of issues from child protection and public health to abuse and intimidation and free speech. This paper aims to consider some of the highest profile issues for councils. The wide-ranging nature of the Bill, and the significant role of the Internet in the lives of most residents, means there

are likely to be additional issues of importance. The LGA will monitor the progress of the Bill and consider support for relevant amendments as these arise.

8. It is important to recognise that there are a great many positive aspects to social media and online content more broadly, including the sharing of information and enabling people to connect with those beyond their immediate physical location. The Online Safety Bill should aim to enable all internet users to take advantage of these benefits while minimising the risk of harm so far as possible. As the Joint Committee highlights, “the prevalence of online content that creates a risk of harm...is low. Abusive content, for example, made up less than one per cent of overall content online according to a 2019 study..[however] some abusive posts, which make up a minority of content, are seen by a vastly disproportionate number of people”. In addition, women and minority groups are disproportionately affected by this minority of content. It is therefore important for the Bill to consider how to respond proportionately to risks of online harm, and how to build safety into online systems.

9. Many of the recommendations within this report are relevant for a wide range of the topics, for example the impact of algorithms carries across all content on social media; a summary of the recommendations is included at paragraph 10.

Summary of recommendations

10. In relation to the evidence outlined above, members are asked to consider the following policy positions for the LGA to take:

- 10.1. The LGA supports the duty on Ofcom within the OSB to promote media literacy among members of the public and call on the Government to ensure Ofcom is appropriately funded to do this effectively. (paragraph 12)
- 10.2. The LGA supports the recommendation of the Joint Committee that Ofcom should require that media literacy is built into risk assessments as a mitigation measure and require service providers to provide evidence of taking this mitigation measure where relevant. (paragraph 12)
- 10.3. The Online Safety Bill must offer, at a minimum, the existing level of protection for children online including retaining the AADC “likely to be accessed by children” test. (paragraph 13)
- 10.4. The Bill must ensure that risk assessments consider the cumulative impact of content on users, including the impact of content that is algorithmically recommended to users. (paragraph 15)
- 10.5. The LGA supports the NSPCC’s calls for a duty should be introduced on providers to co-operate on the cross-platform nature of child abuse risks and to risk assess accordingly, including sharing data on offending behaviour and evolving threats. (paragraph 15)
- 10.6. The Online Safety Bill must introduce robust age verification controls for all commercial providers of online pornography, with the option for payment providers to withdraw their services from infringing sites, in line with part three of the Digital Economy Act 2017. (paragraph 23)
- 10.7. Options to ensure consent of all those in content being uploaded to sites prior to publication should be investigated to reduce the sharing of non-consensual material. (paragraph 25)
- 10.8. Cyber-flashing should be introduced to the Bill as a criminal offence. (paragraph 25)
- 10.9. The LGA supports the recommendation of the Joint Committee to include in the Bill a specific responsibility on service providers to have in place systems and processes to identify reasonably foreseeable risks of harm arising from the design of their platforms and take proportionate steps to mitigate those risks of harm. We call for this to include explicit reference to users with protected characteristics. (paragraph 34)

- 10.10. The LGA supports the Joint Committee's recommendation that Ofcom should be required to produce a mandatory Safety by Design Code of Practice, setting out the steps providers will need to take to properly consider and mitigate risks of harm.(paragraph 34)
- 10.11. Focussing on preventing abusive content before it is posted is a more appropriate approach to tackling online abuse and harassment than banning anonymous accounts. The LGA supports the recommendation of the Joint Committee that platforms should be required to take proportionate steps to mitigate risks posed by anonymous and pseudonymous accounts. (paragraph 38)
- 10.12. The Government, the Independent Press Standards Organisation and Ofcom should consider how to ensure the media and politics lead by example in relation to civility and respect. Local government recognises its own leadership role here and the LGA will continue to develop its Civility in Public Life programme. (paragraph 41)
- 10.13. The Online Safety Bill should clarify how vital protections for journalistic content apply online including to self-published content to ensure these are not misused to allow abuse, harassment, extremism or other harms to take place online while balancing the right to free speech and a free press. (paragraph 44)
- 10.14. The Bill must consider how to limit the influence of automated 'bots' online. (paragraph 50)
- 10.15. Providers of social media platforms should introduce specific safeguards for those holding elected office, including fast track routes to report abuse, intimidation and harassment. (paragraph 52)
- 10.16. The Bill will need to set clear parameters around what content is "of democratic importance" – content related to elections, elected members and political processes must be subject to clear rules around accuracy and mis- and disinformation. (paragraph 54)
- 10.17. Content that encourages, promotes or instructs users in harmful behaviour should be considered harmful content within the Bill. (paragraph 59)
- 10.18. Providers must ensure users have choice in the way they receive and consume content on social media platforms, including opting out of algorithms and limiting notifications. (paragraph 61 and 73)
- 10.19. Where content can be proven to be false, this should fall within the definition of "content that is harmful to adults", and there should be a clear duty on regulated services to remove, clearly label or otherwise meaningfully restrict access to such content. (paragraph 68)

- 10.20. In order to tackle broader mis- and disinformation the LGA supports the Joint Committee's recommendation that Ofcom should be required to produce a mandatory Safety by Design Code of Practice, setting out the steps providers will need to take to properly consider and mitigate risks. (paragraph 68 and 73)
- 10.21. Providers should work with extremism experts to identify and ban individuals and groups behind coordinated and/or repeated publication of extremist content and proactively check whether they are on their sites and breaching rules. (paragraph 70)
- 10.22. The LGA supports the recommendation of the Joint Committee that the categorisation of services should be based not just on size and high-level functionality, but factors such as risk, reach, user base, safety performance and business model. (paragraph 74)
- 10.23. The LGA supports the view of the Joint Committee that there should be a requirement for companies to proactively address the issues of financial harm and fraud and seek to prevent harm from occurring in the first place. (paragraph 75)
- 10.24. The LGA supports the NSPCC's recommendation that appropriate user advocacy mechanisms are in place when Ofcom develops its risk assessment and risk profiles. (paragraph 77)

Child protection and wellbeing

11. The Bill aims to improve the safety of children online. While legislation can never entirely mitigate all risks to children online, there are some key areas where evidence supports stronger action, while it is also important to recognise that exposure to risk should also reflect stages of child development; proposals in the Bill for safety duties to reflect the different needs and vulnerabilities of different age groups are therefore welcome. It is also important to note the positive impact that social media can have on children and young people. This includes the opportunity to express oneself and connect with friends,¹ and see or connect with others with similar characteristics or experiences.²
12. While there are a wide range of potential risks to children and young people online, these do not always result in harm – as is the case with offline risks. Learning to manage and respond to risk is an important part of growing up; therefore it is important to ensure that schools, parents, youth workers and others are supported to understand the risks and are able to help children and young people to also understand them and learn to navigate this in all areas of their lives.
13. **The LGA therefore supports the duty on Ofcom within the OSB to promote media literacy among members of the public and call on the Government to ensure Ofcom is appropriately funded to do this effectively.**
14. **The LGA also support the recommendation of the Joint Committee that “Ofcom should require that media literacy is built into risk assessments as a mitigation measure and require service providers to provide evidence of taking this mitigation measure where relevant.”**
15. With regard to areas in which the OSB could take stronger action, the NSPCC has highlighted two areas in which the Bill establishes a higher threshold for intervention on content than existing mechanisms, resulting in less protection for children:
 - 15.1. The Video-Sharing Platform (VSP) regulation is a statutory framework that protects under-18s from “restricted material” [The draft OSB repeals this regulation]. This includes material which has, or would likely be given, an R18

¹ https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline

² https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline,
<https://committees.parliament.uk/publications/5357/documents/53751/default/>

certificate, material deemed unsuitable for classification (such as sadistic violence or torture) and other material which **“might impair the physical, mental or moral development of under 18s.”** The OSB raises this threshold by focussing on content where there **“is a material risk or the content having, or indirectly having, a significant adverse physical or psychological impact on a child of ordinary sensibilities.”**

- 15.2. The OSB introduces a ‘child use test’ which suggests that a service is only considered as being likely to be accessed by children if there are significant numbers of children who use it, or if the service is likely to attract a “significant number of child users”. The NSPCC argues that sites focussing on adult content could legitimately argue that as their predominant user base is adults, they are excluded from regulatory scope. The VSP regulation and the Information Commissioner’s Office Age Appropriate Design Code (“the children’s code”) (AADC) both currently keep such websites in scope. The AADC applies the child use test using the balance of probabilities – that is, the possibility of a child accessing a service is more probable than not – and considers the nature and content of the service and whether measures are in place to prevent children from gaining access.
- 16. The Online Safety Bill must offer, at a minimum, the existing level of protection for children online including retaining the AADC “likely to be accessed by children” test.**
17. In the LGA’s previous evidence on the OSB, the need for the Bill to take into account cumulative harm was highlighted. Evidence from both Facebook and the NSPCC support this ask in relation to harms experienced by children and young people. Facebook researchers noted that teenagers struggling with the psychological effects of Instagram were struggling to log off of the app, feeling ‘addicted’ but unable to stop themselves from consuming more content. The NSPCC has asked for clarification as to whether an assessment of harm made by a provider would look only at the impact of an individual piece of content, or the cumulative impact of such content taken together (including the impact of content being algorithmically recommended to children).
18. Further to the issue of cumulative impact, the OSB does not discuss cross-platform approaches, despite the nature of much online harm occurring in this way – for example, young people playing games together on one platform, but talking to each other via a separate service, or meeting on a more ‘child-friendly’ site before moving to another that offers alternative contact options. The NSPCC has proposed a duty on services to cooperate on the cross-platform nature of child abuse risks, and to risk assess accordingly, including sharing data on offending behaviour and constantly evolving threats.

19. **The Bill must ensure that risk assessments consider the cumulative impact of content on users, including the impact of content that is algorithmically recommended to users.**
20. **The LGA supports the NSPCC’s calls for a duty should be introduced on providers to co-operate on the cross-platform nature of child abuse risks and to risk assess accordingly, including sharing data on offending behaviour and evolving threats.**
21. Recent internal research by Facebook (which owns the photo-sharing app Instagram), published in the Wall Street Journal and subsequently discussed by the US Congress, identified that:
 - 21.1. Among British teenagers in the study who reported suicidal thoughts, 13 per cent traced those thoughts to Instagram
 - 21.2. Social comparison was considered to be worse on Instagram than on other platforms, focussing more heavily on the body and lifestyle
 - 21.3. In a study of teenage Instagram users in the UK and the US, more than 40 per cent who reported feeling “unattractive” and around a quarter who reported feeling “not good enough” said that the feeling began on the app.
22. The research also highlighted the role of algorithms³ in these feelings, noting that the “Explore” page on Instagram which promotes photos and videos the algorithm considers to be of interest to the user, could send users further into content that could be harmful. This reflects findings by the Women and Equalities Committee in its inquiry into body image, which noted that “social media companies cannot claim to be passive in this – their provision of filters...and algorithms all contribute to the promotion of unobtainable body ideals.”
23. The role of algorithms could, at its most harmful, have devastating impacts on the mental health of social media users. An inquest into the death by suicide of 14-year-old Molly Russell in 2017 after she viewed graphic images of self-harm and suicide on various social media platforms will consider whether the algorithms used by the sites contributed to her death.
24. The use of algorithms is a recurring theme throughout evidence on online safety and is discussed further at paragraph 61.

³ Algorithms sort content that is presented to users according to ‘relevancy’ rather than chronology. Social media providers decide how this ‘relevancy’ is measured, for example factors such as engagement on a post, and who posted it, may be factored in.

Violence against women and girls

25. Councillors have also highlighted the ongoing risks around children and young people having access to online pornography. Commercial pornography sites are currently out of scope of the Bill, including potentially where they allow for the sharing of user-generated content (as outlined at 13.2). In addition, the Government has decided not to proceed with part three of the Digital Economy Act 2017 which would have introduced the requirement for commercial providers of online pornography to have robust age verification controls, including the option for payment providers to withdraw their services from infringing sites.
26. Research in 2019 by the British Board of Film Classification (BBFC) found that 51 per cent of 11- to 13-year-olds had seen pornography online, rising to 66 per cent of 14-15-year-olds. The majority of young people's first time watching pornography was accidental.
27. Recent research conducted by Durham University found that one in every eight titles on the front pages of the UK's most popular porn websites described sexual violence against women and girls.
28. According to a 2010 study that analysed 304 scenes from best-selling pornography videos, almost 90 per cent of scenes contained physical aggression, while nearly 50 per cent contained verbal aggression, primarily in the form of name-calling. Targets of these displays of aggression were overwhelmingly women and either showed pleasure or neutrality in response to the aggression.
29. Ofsted's 2021 review of sexual abuse in schools and colleges found that leaders were concerned about problems created by children and young people's easy access to pornography. The review cited evidence that viewing pornography can shape unhealthy attitudes, including sexual aggression towards women, with more frequent consumption associated with victim-blaming attitudes.
30. **The Online Safety Bill must introduce robust age verification controls for all commercial providers of online pornography, with the option for payment providers to withdraw their services from infringing sites, in line with part three of the Digital Economy Act 2017.**
31. Wider issues have been raised during the course of the draft Online Safety Bill oral evidence sessions, including issues associated with:

31.1. The use of artificial intelligence to circulate deepfake porn;

- 31.2. False representation and ensuring that companies have the consent of the person uploading an image, to try to reduce non-consensual material being posted by porn companies;
- 31.3. Calls to clearly define non-consensual pornography in legislation, to ensure that companies remove content more quickly and there is a legal basis for doing so;
- 31.4. Providing direct powers to the regulator to order the take-down of harmful content;
- 31.5. Including restrictions related to cyber-flashing (the unsolicited sending of obscene images or video footage).

These issues should be considered further as the Bill progresses. In particular:

- 32. Options to ensure consent of all those in content being uploaded to sites prior to publication should be investigated to reduce the sharing of non-consensual material; and**
- 33. Cyber-flashing should be introduced to the Bill as a criminal offence.**

Abuse and intimidation

34. There has been significant public discussion around abuse and intimidation online, in particular on social media sites. These conversations have highlighted that abuse and intimidation is widespread, with triggers for discussion including:
- 34.1. the treatment of footballers including through the Euro 2020 tournament
 - 34.2. the abuse faced by elected politicians
 - 34.3. the bullying of pop stars
 - 34.4. the mental health of teenagers, including the suicide of 14-year-old Hannah Smith in 2013.
35. Social media companies have implemented some approaches to tackle the issue, including automated and human moderation of content and a range of options for users, including reporting messages or posts and blocking users. Some of these options are outlined further at Appendix A.
36. However there remain widespread calls for social media sites to do more to address online abuse, harassment and intimidation. This in particular focuses on the fact that much of the approach depends on tackling content after it is posted, significant responsibility lies with the person receiving abuse and harassment, and the perceived limited success of the current approaches.
37. Discussion with LGA members suggests this perception is accurate, with many councillors continuing to experience abuse online. In particular, councillors highlight misogynistic, homophobic, racist and other forms of harassment in relation to protected characteristics.
38. This is borne out by evidence of the experiences of different communities online. For example, 40 per cent of LGBT young people, and 58 per cent of trans young people, have been the target of homophobic, biphobic and transphobic abuse online (Stonewall). 21 per cent of women in the UK have experienced online abuse or harassment at least once, with this most commonly coming from strangers (Amnesty International). And over 40 per cent of people with a visible difference have had negative experiences online, with one in ten saying they are repeatedly harassed on social media (Changing Faces).
39. The Joint Committee highlights that the Equality Act 2010 does not apply to the users of social media platforms, while legislation covering hate crime in England and Wales does not cover all protected characteristics. Furthermore, much online abuse and harassment may not meet the threshold of proof required to prove a criminal conviction, despite its risk of creating harm.

40. For abuse not linked to protected characteristics, councils recognise that there will sometimes be difficulties assessing the point at which debate moves from reasonable criticism to abuse, with this linked to factors including the lived experience of the person receiving messages and the impact of cumulative messages. For this reason, a range of approaches are needed to ensure the safety of users online, including building safety into platform design, effective and swift action to deal with content assessed to be abuse, tools for users to manage their own interactions, and media literacy campaigns to encourage a shift towards more civility online. These will be discussed in the rest of this section.
41. It is right that the Online Safety Bill protects the freedom of speech of users, including the freedom of users to criticise issues such as government policy. However, as it stands, the failure of social media companies to address abuse and harassment is driving people away from their platforms, reducing their opportunity to contribute to important debates and limiting their own freedom of speech. Evidence shows that those with certain characteristics, including women, disabled people and those from black and minority ethnic backgrounds receive more abuse than others, and this can result in people being less likely to speak out about complex issues or engage in online debate; failure to tackle this contributes to the existing challenges we face in relation to representation and inclusion of minority groups. This is discussed further at paragraph 52.
42. One of the challenges of placing responsibility on users to deal with online abuse themselves is that, even if a user ignores or blocks a particular user, this does not always stop that content being published, potentially stirring up ill feeling online. Evidence has shown that people are promoted content that links with their existing views, leading to 'echo chambers' online where abusive content can be shared and amplified. This kind of abusive discourse can then escalate into offline violence, as is believed to have been the case in the murder of five people in Plymouth in August 2021. Therefore while tools to support users are important, preventing harmful content, in particular violent and threatening content, from being published and shared in the first place by building safety into platform design is essential. This links to concerns around extremism and hate speech and to challenges posed by algorithms. Both are outlined further elsewhere in this paper.
- 43. The LGA therefore supports the recommendation of the Joint Committee to include in the Bill a specific responsibility on service providers to have in place systems and processes to identify reasonably foreseeable risks of harm arising from the design of their platforms and take proportionate steps to mitigate those risks of harm. The LGA calls for this to include explicit reference to users with protected characteristics.**

44. **The LGA also supports the Committee’s recommendation that Ofcom should be required to produce a mandatory Safety by Design Code of Practice, setting out the steps providers will need to take to properly consider and mitigate these risks.**
45. Furthermore, LGA members have reported the challenges of closed Facebook groups, in which disinformation and abusive comments are shared amongst members which leads to abuse of councillors. While councillors do not see the initial content, they are nevertheless impacted by it.
46. There have recently been calls for a ban on anonymity on social media to tackle online abuse, with proponents of a ban highlighting that users can feel ‘protected’ by their anonymity and emboldened to say things they would not say in person, while the police can find it difficult to trace anonymous users. The LGA has sympathy with these calls, with some councillors reporting receiving abuse from anonymous accounts.
47. However, the LGA also recognises the benefits that can come with maintaining options for using anonymous accounts, from whistleblowing to protecting the voice of those who are not safe to speak out using their own names such as those suffering from domestic abuse or LGBTQ+ young people living in unaccepting homes or communities. Furthermore, the UK is leading the way with this legislation, therefore the Bill is likely to influence action in other countries. If such a ban were implemented worldwide, or if social media companies required more information to set up an account, this could severely curtail chances for political dissidents in oppressive regimes to speak out and even put their lives at risk.
48. The Joint Committee, following its scrutiny of the Bill, concluded that “anonymity and pseudonymity are crucial to online safety for marginalised groups, for whistleblowers and for victims of domestic abuse and other forms of offline violence. Anonymity and pseudonymity themselves are not the problem and ending them would not be a proportionate response.” It also made a range of recommendations to tackle the challenges posed by anonymous accounts, including a requirement that Ofcom include proportionate steps to mitigate these risks as part of its recommended mandatory Safety by Design Code of Practice.
49. **For these reasons the LGA believes that focussing on preventing abusive content before it is posted, and ensuring appropriate responses to abusive content, is a more appropriate approach to tackling online abuse and harassment than banning anonymous accounts. The LGA therefore supports the recommendation of the Joint Committee that platforms should be required to take proportionate steps to mitigate risks posed by anonymous and pseudonymous accounts.**

50. Even the most conscientiously designed systems will still not be able to prevent all abuse. While safety by design is vital, the Online Safety Bill must also ensure that platforms are swiftly and effectively removing abusive content when it is posted.
51. There will be cases where posts do not reach a threshold for removal but are still unwelcome. For this reason, moves by social media companies to improve the tools available to users to manage what they see, for example options to block certain words or emojis, are welcome. The Centenary Action Group has proposed a twin-track approach to online anonymity, creating the option for all users to gain 'verified' account status and the ability to filter from their newsfeed and direct messages any unverified account; this could be a helpful option for those who find themselves being targeted.
52. To improve the experience of all users online, users must be encouraged to be respectful of each other, including where there are opposing views. Improving media literacy is one part of this, ensuring users understand the impact of their posts on others, and are able to recognise the kinds of mis- and disinformation that can spark abuse of others (this is outlined further at paragraph 50 and 54). The other side is improving civility and respectful debate in wider society.
- 53. The Government, the Independent Press Standards Organisation and Ofcom should consider how to ensure the media and politics lead by example in relation to civility and respect. Local government recognises its own leadership role here and the LGA will continue to develop its Civility in Public Life programme.**
54. The LGA has previously highlighted challenges around the Bill's reference to protection of "journalistic content." High quality journalism (from large organisations through to citizen journalists providing important local information) is an essential element of any democracy which must be protected; however there must also be safeguards to ensure that this is not abused.
55. For example, some extremist groups and individuals present their rhetoric as journalism and use live political issues as opportunities to stoke division and encourage harassment of others.
56. Under Article 10 of the Human Rights Act 1998 (freedom of expression), journalistic materials are afforded special protections and are undefined as to the author's credentials or manner of publication. It is important that the definition remains flexible to protect a range of legitimate journalism publishing content using modern technology. However, journalistic protection under the Convention on Human Rights is not an absolute right, and the Online Safety Bill should clarify how it applies online to ensure these protections are not misused to allow abuse, harassment, extremism or other harms to take place online while balancing the right to free speech and a free press.

- 57. The Online Safety Bill should clarify how vital protections for journalistic content apply online including to self-published content to ensure these are not misused to allow abuse, harassment, extremism or other harms to take place online while balancing the right to free speech and a free press.**

Democracy

58. The impact of social media on democracy is increasingly well recognised and well evidenced.
59. Facebook research leaked in September 2021 found that a change to Facebook's newsfeed algorithm in 2018 had led to the prioritisation of "posts that promote outrage and sensationalism." The research noted that European political parties had told Facebook that as a result, their policy positions and posts had shifted to become more negative as these posts achieved the highest reach and engagement.
60. Research by Twitter released in October 2021 found that its algorithm amplified tweets from right-leaning political parties and news outlets more than from the left.
61. The House of Commons Department for Culture, Media, and Sport (DCMS) Committee inquiry into Disinformation and "fake news" and the Intelligence and Security Committee of UK Parliament have both concluded that Russian agents have used social media to attempt to influence UK elections.
62. A report published in 2018 by the University of Oxford found that every major social media platform had been leveraged by Russia's Internet Research Agency to try to influence the 2016 US election in favour of the Republican Party, with particular success in organic posting rather than advertising. Activities were designed to polarise the US public and interfere in the election by encouraging extreme right-wing voters to be more confrontational, spreading sensationalist and conspiratorial misinformation and campaigning for African American voters to boycott elections or follow the wrong voting procedures.
63. The report also notes that in Brazil, both professional trolls and automated 'bots' have been "used aggressively to drown out minority and dissenting opinions during three presidential campaigns". The LGA has previously called for consideration of the role of 'bots' in the spread of mis- and disinformation and the trolling of individuals, and now extend this to consider how they may influence our democratic processes also.

The Bill must consider how to limit the influence of automated 'bots' online.

64. These examples highlight the role that algorithms can play in impacting on democracy, whether organically or through manipulation. As with traditional media, complete political neutrality is difficult to achieve on any platform not least because users rightly have choice as to who they follow or interact with and political parties and politicians will always work to make best strategic use of platforms. However algorithms should not, by

design or unintended consequence, promote one political viewpoint to the detriment of another so far as possible and providers should be alert to the potential for algorithms to be manipulated on a large scale.

65. Councils are also concerned that democracy can be impacted through abuse and harassment experienced on social media as outlined at paragraph 33. This can particularly impact on those from minority groups, for example, research by Amnesty International analysing tweets that mentioned women MPs in the run up to the 2017 General Election found that the 20 Black, Asian and Minority Ethnic MPs received 41 per cent of the abuse, despite making up less than 12 per cent of the those in the study. This type of treatment can make people less willing to speak out on important topics and, as the National Assembly for Wales found, can even lead to people standing down from political office. It is of vital democratic importance that people from all backgrounds feel safe to stand for election, helping to ensure that our governments reflect our communities. However, with those with certain protected characteristics more likely to be targeted with abuse, the ways in which social media currently operates makes this increasingly difficult.
- 66. Providers of social media platforms should introduce specific safeguards for those holding elected office, including fast track routes to report abuse, intimidation and harassment.**
67. The Bill helpfully offers protection for content of democratic importance. However as previously highlighted, it is important to ensure this protection is not abused by those seeking to do harm. For example, Twitter has highlighted that this protection could create a loophole in which someone suspended from the platform for violating its rules could challenge this suspension if they ran for election or established a political party.
68. Our members also raise concerns about the impact of online smear campaigns and the sharing of mis- or disinformation about councillors resulting in online abuse and harassment. Councillors report it is extremely difficult – even impossible – to have inaccurate posts removed from social media, and the option of libel proceedings is both slow and expensive. However there are concerns that online smear campaigns are ultimately impacting on our politics.
- 69. The Bill will need to set clear parameters around what content is “of democratic importance” – content related to elections, elected members and political processes must be subject to clear rules around accuracy and mis- and disinformation.**

70. This is important to protect individuals from harmful rumours, to protect the integrity of our democracy, and to avoid false content that undermines trust in local and national politics.

Mental health

71. The impact of certain types of content on the mental health of some users is of concern to councils. This includes the mental health of elected officials, vulnerable adults and children, as well as all users who can be affected by harmful content online.
72. While the Bill may help to protect the mental health of children and young people to some extent, councils continue to have concerns here as outlined in the [section on child protection and wellbeing](#).
73. Issues around legal but harmful content are relevant to discussions about mental health. For example, anorexia and other eating disorders are among some of the most lethal mental health disorders, and social media is increasingly highlighted as a contributing factor to the illness. [Angela Guarda, director for the eating-disorders program at John Hopkins Hospital](#) in the US suggests that “it is common for her patients to say they learned from social media tips for how to restrict food intake or purge. She estimates that Instagram and other social-media apps play a role in the disorders of about half her patients.”
74. The [Women and Equalities Committee recently investigated the issue of body image](#), finding that negative body image led to a range of impacts from low self-esteem and curtailed academic and career aspirations to self-harm, suicide ideation and risky behaviours including the use of steroids or unregulated medication. During the course of their inquiry, the Committee found a wide range of evidence highlighting the ways in which social media can perpetuate negative body image. Despite evidence that in some cases, social media has a positive impact on the body image of some users, on balance MPs on the Committee were so concerned about the role of social media in generating a “significant adverse physical or psychological impact” that they called for the Online Safety Bill to include harms related to body image and appearance-related bullying to be within the scope of the Bill.
75. Councils recognise that online communities and content can be a valuable source of support for mental wellbeing, as well as to those experiencing self-harm and suicidal feelings, and any steps taken to reduce harm should not inadvertently limit access to such support. However, concerns have also been raised about the availability of “pro-suicide” content online, both via social media and search engines. In 2019, the Children’s Commissioner for England published an [open letter](#) to social media platforms, arguing that “The recent tragic cases of young people who had accessed and drawn from sites that post deeply troubling content around suicide and self-harm, and who in the end took their own lives, should be a moment of reflection.”

76. Content that encourages, promotes or instructs users in harmful behaviour should be considered harmful content within the Bill.

77. The way in which platforms themselves operate can also have an impact on people's mental health. For example, while experts disagree on whether 'social media addiction' can exist, a review by Nottingham Trent University found that there were some criteria for assessing substance dependence applied to those who used social media a lot, including jeopardizing academic, social and recreational activities. Another study found that Facebook use predicted declines in the subjective well-being of young adults, with a further study finding significant reductions in loneliness and depression when limiting social media use.

78. Much has been discussed about the ways in which social media companies use tools and algorithms to keep users on their sites. Given the negative impact social media has been repeatedly shown to have on users, it would be helpful for the Online Safety Bill to consider how to ensure users have more choice in their use of social media, for example through more choice over content shown (e.g. chronological newsfeeds as standard, the option to limit or ban content from those you don't choose to follow except where this is in relation to, for example, public health or emergencies) and limiting notifications. The importance of media literacy, as discussed elsewhere in this paper, is also clear here, ensuring people are clear on how to navigate and understand online content and their own reactions to it.

79. Providers must ensure users have choice in the way they receive and consume content on social media platforms, including opting out of algorithms and limiting notifications.

Misinformation and public health

80. Much has been written about the role of social media in both supporting and undermining essential public health information during the Covid-19 pandemic. With regard to the former, social media proved a helpful tool in quickly disseminating information to large numbers of people through the pandemic. It also enabled health agencies to encourage targeted demographics to get the coronavirus vaccine, for example the partnership between the UK Government and Snapchat, Reddit, TikTok and YouTube.
81. However, misinformation, conspiracy theories and anti-vaccine content on social media proved a significant challenge globally. The World Health Organisation suggested the spread of misinformation, “amplified on social media and other digital platforms, is proving to be as much a threat to global public health as the virus itself.” A recent review of studies into health misinformation beyond Covid-19 identified high levels of misinformation on a wide range of public health issues. The Joint Committee noted that “multiple witnesses told us that people who are not searching for misinformation...will be recommended such content if their behaviour indicates they may be interested in it. For example, someone interested in wellness may be shown anti-vaccination content.”
82. Analysis by advocacy group Avaaz found that content from the top 10 websites spreading health misinformation had almost four times as many estimated views on Facebook as equivalent content from the websites of 10 leading health institutions, while the Center for Countering Digital Hate found that just twelve anti-vaxxers were responsible for almost two-thirds of anti-vaccine content circulating on social media platforms.
83. An internal memo at Facebook in early 2021 revealed that roughly 41 per cent of comments on English-language vaccine-related posts risked discouraging vaccinations, with even authoritative sources of vaccine information becoming “cesspools of anti-vaccine comments”. Levels of anti-vaccine sentiment were found to be much higher than in the general population; concerns were raised that the high numbers of anti-vaccine comments and posts could give other users the impression that such views were widespread.
84. Social media sites took action to tackle misinformation about Covid-19. Among other actions, Facebook demoted certain content in its newsfeed rankings, Instagram included links to authoritative content on all posts mentioning Covid-19 and Twitter introduced a medical misinformation policy outlining steps it would take to tackle misleading content. However, concern remains about the continued existence of medical misinformation online.

85. Many of the concerns around health misinformation also relate to other forms of mis- and disinformation, for example around climate change, elections or extremism. These can have similarly harmful effects, impacting on everything from community cohesion to politics.
86. The Joint Committee heard that in some cases, removing content containing mis- or disinformation could stoke conspiracies, or prevent those who had genuine concerns from finding the information they needed. The Committee also heard that if there was a responsibility on providers to remove content that could risk in 'societal harm', this could lead to excessive takedown of legal material due to its potentially very broad definition. The Committee therefore emphasised both the importance of media literacy, but also the importance of safety by design to reduce the spread of disinformation. As the Committee noted, "we heard that a simple change, introducing more friction into sharing on Facebook, would have the same effect on the spread of mis- and disinformation as the entire third-party fact checking system."
- 87. Where content can be proven to be false, this should fall within the definition of "content that is harmful to adults", and there should be a clear duty on regulated services to remove, clearly label or otherwise meaningfully restrict access to such content.**
- 88. In order to tackle broader mis- and disinformation, as outlined earlier in this report the LGA supports the Joint Committee's recommendation that Ofcom should be required to produce a mandatory Safety by Design Code of Practice, setting out the steps providers will need to take to properly consider and mitigate risks.**

Extremism and hate speech

89. As outlined at paragraph 46, changes to Facebook’s algorithm led to the site becoming “angrier” by prioritising those posts that promote outrage, with “misinformation, toxicity and violent content inordinately prevalent among reshares”. This emphasises the importance of service design in creating safe online spaces, an issue that is clear from arguments made elsewhere in this paper.
90. A report by the Center for Countering Digital Hate identified a far-right extremist network operating across a range of social media sites including Facebook, Instagram and the Telegram messaging system, many elements of which were connected to just two far-right Ukrainian groups. The report found that providers were failing to effectively block these groups from operating on their platforms. Those individuals and groups who coordinate such activity should be barred from sites.
91. **Providers should work with extremism experts to identify and ban individuals and groups behind coordinated and/or repeated publication of extremist content and proactively check whether they are on their sites and breaching rules.**
92. Research suggests that hate incidents which target an individuals’ particular characteristics have a greater impact on that individual than crimes which are non-hate motivated; and that such incidents can signal to entire communities that they are not welcomed or tolerated, leaving communities feeling angry, vulnerable, stigmatised and rejected, potentially resulting in community tensions and social isolation. In building communities that are resilient to extremism, hostility and prejudice, it is important that divisive and harmful views and behaviours do not go unchallenged.
93. As the Commission for Countering Extremism has noted, online content can lead to real harm, “allowing extremists to disseminate hateful and frequently violent, propaganda across societies and borders at enhanced scale, speed and sophistication”. In many cases, this content will stop short of being explicitly and overtly illegal, with extremists often adept at remaining on the right side of the law.
94. The Bill is focussed on harm to individuals but should also acknowledge wider societal harms and the impact on community cohesion from divisive content which targets or seeks to stoke division and blame, marginalise or scapegoat particular groups. As the Carnegie Trust notes “An avalanche of hateful speech in a public forum may have a greater effect on society than the sum of harms to individuals against whom it is directed.”

95. **As outlined earlier in this paper, the LGA supports recommendations by the Joint Committee around duties on providers to mitigate risks of reasonably foreseeable harms and the introduction of a Safety by Design Code of Practice. Providers must also ensure users have choice in the way they receive and consume content on social media platforms, including opting out of algorithms and limiting notifications.**
96. In our earlier evidence, we encouraged careful consideration of the categorisation of sites and the potential implications of this. The Bill required action on content that is legal but harmful to adults only by Category One sites; if this covers only those with a very large number of users, some sites that are well used but by a far smaller number of users to spread online hate would fall out of scope. The Joint Committee echoed our concerns here and recommended that the categorisation of services in the Bill be overhaul, adopting a more nuanced approach.
97. **The LGA supports the recommendation of the Joint Committee that the categorisation of services should be based not just on size and high-level functionality, but factors such as risk, reach, user base, safety performance and business model.**

Financial harms

98. We support calls for the Bill to include a broad consideration of financial harms and fraud. With the vast majority of scams and fraud cases now involving some form of online element it is important that a Bill looking at the responsibilities of both platforms and users of them, introduces measures to address the full range of fraudulent activity enabled through online platforms.
99. **The LGA supports the view of the Joint Committee that there should be a requirement for companies to proactively address the issues of financial harm and fraud and seek to prevent harm from occurring in the first place.**
100. The LGA has previously called for online platforms to take more responsibility for the sale of illegal or counterfeit goods. We note and support the comments of the Joint Committee in relation to the need to bring forward measures to tackle these wider issues of economic harm in other legislation.

Advocacy

101. The NSPCC has highlighted the importance of ensuring appropriate user advocacy mechanisms in place when Ofcom develops its overarching risk assessment and risk

profiles, to counterbalance industry influence. The LGA agrees that the voices of all internet users – including children and young people, vulnerable adults and parents and carers – must continue to be heard as different elements of the Bill are put into practice. Only by considering the ‘real world’ impact of online activity – both positive and negative – can we hope to effectively ensure online spaces that allow us to safely harness all the benefits offered by social media and search platforms.

- 102. The LGA supports the NSPCC’s recommendation that appropriate user advocacy mechanisms are in place when Ofcom develops its risk assessment and risk profiles.**

Implications for Wales

103. The Bill applies to all countries within the UK.

Financial Implications

104. None

Next steps

105. The Bill is expected to be laid before Parliament in early 2022. The policy positions agreed by members will be used to inform our lobbying on that Bill as it progresses through Parliament.

106. There are likely to be further amendments to the Bill as it progresses through Parliament. Where relevant to councils and where we do not have an agreed LGA position, further decisions will be sought from members.