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Issue - 15

## **Out of sight** **Out of mind**



# **ONLINE SAFETY ACT**

# Online Safety Act

On Tuesday 19 March, a convicted paedophile became the first person to be sentenced for cyber-flashing in England and Wales.

He was convicted under the Online Safety Act after cyber-flashing became a criminal offence in England and Wales on 31 January.

He sent unsolicited images of his erect penis to a 15-year-old girl and a woman on 9 February.

He was sentenced to 66 weeks imprisonment. He was handed a restraining order for the woman and the girl lasting 10 years and also a sexual harm prevention order banning him from approaching women who he does not know on public highways and in parks for 15 years.

Cyber-flashing typically involves an offender sending an unsolicited sexual image to people using an online platform, for example, social media, dating apps, messaging apps or data-sharing services, such as Bluetooth and AirDrop

On 19th September 2023, the UK's [Online Safety Bill](#) passed its final parliamentary debate and received Royal Assent on 26th October 2023. The Online Safety Act has been a long time coming and is a ground-breaking piece of legislation in protecting children and adults online.

What does this mean?

The aim of the [Online Safety Act](#) is to protect children by ensuring social media companies are legally responsible for keeping children and young people safe when using their platforms. The regulatory body Ofcom shall support this Act with these Codes of Practice:

- Remove illegal content quickly or prevent it from appearing in the first place. This includes removing content promoting self-harm.
- Prevent children from accessing harmful and age-inappropriate content.
- Enforce age limits and age-checking measures.
- Ensure the risks and dangers posed to children on the largest social media platforms are more transparent, including by publishing risk assessments.

- Provide parents and children with clear and accessible ways to report problems online when they do arise.

What's next?

With the introduction of Ofcom as a mediator enforcer, this means that we now have a regulator to report to instead of just reporting directly to the platforms themselves. Ofcom will expect tech firms to meet standards in tackling illegal online harms, including child sexual exploitation, fraud and terrorism.

Criminal action will also be taken against senior managers in these tech companies who fail to follow information requests from Ofcom. Individuals can then be held criminally liable if the provider fails to comply with Ofcom's enforcement notices in relation to specific child safety duties or to child sexual abuse and exploitation on their service.

This is a new era for online safety for our children. Over the next 18 months Ofcom will oversee a three-phase approach to the implementation of the new regulatory regime and will have the power to impose significant fines if companies fail to comply with the new rules.

On 9th November 2023 Ofcom started that the first phase of the consultations: 'Protecting People from Illegal Harms Online'. This phase will focus on proposals for how internet services that enable the sharing of user-generated content and search services should approach their new duties relating to illegal content. In particular:

- the causes and impacts of illegal harms,
- how services should assess and mitigate the risks of illegal harms,
- how services can identify illegal content, and
- approach to enforcement.

Ofcom have confirmed Phase two is entitled, "Child Safety, Pornography and the Protection of Women and Girls." Ofcom expects to publish draft guidance on protecting women and girls by Spring 2025, once they have finalised their codes of practice on protection of children.

Phase three, "Transparency, User Empowerment, and Other Duties on Categorised Service", Ofcom's final stage of implementation focuses on additional requirements that fall only on the services that have been categorised. Ofcom is in the process creating a register of categorised services which it intends to publish by the end of 2024. Those requirements include duties to:

- produce transparency reports,
- provide user empowerment tools,
- operate in line with terms of service,
- protect certain types of journalistic content,
- and prevent fraudulent advertising.

Last month the Parliament's Public Accounts Committee warned that the public may be "disappointed" by the Online Safety Act because of the way Ofcom will have to handle complaints. In its report the Parliamentary Committee announced that full implementation of the Act has been delayed by a year and so the benefits of having this law in place may not be felt until 2026. The report also highlighted that Ofcom will only be able to respond to "systemic concerns" about online service providers because individual complaints are beyond their remit.

Summary

The Act makes companies that operate a wide range of online services legally responsible for keeping people, especially children, safe online. These companies have new duties to protect UK users by assessing risks of harm, and taking steps to address them, regardless of where they are based.

Source:

<https://www.gov.uk/guidance/a-guide-to-the-online-safety-bill>

<https://www.ofcom.org.uk/online-safety/information-for-industry/roadmap-to-regulation>

<https://news.sky.com/story/public-may-have-to-wait-years-to-benefit-from-online-safety-act-mps-warn-13076557>



"The NSPCC stated that in August 2023 they released research that showed that while the Bill was being discussed in parliament in the last 5 years, there has been an 82% rise in online grooming crimes, and a 66% increase in child abuse image crimes.

The Bill has been shaped largely by people who have experienced child abuse online, bereaved parents and young people themselves who have campaigned tirelessly to ensure the legislation leads to real-world change for children." . [Read more.](#)