



Online Safety Act 2023

2023 CHAPTER 50

PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

CHAPTER 2

PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE

Cross-cutting duties

22 Duties about freedom of expression and privacy

- (1) This section sets out the duties about freedom of expression and privacy which apply in relation to regulated user-to-user services (as indicated by the headings).

All services

- (2) When deciding on, and implementing, safety measures and policies, a duty to have particular regard to the importance of protecting users' right to freedom of expression within the law.
- (3) When deciding on, and implementing, safety measures and policies, a duty to have particular regard to the importance of protecting users from a breach of any statutory provision or rule of law concerning privacy that is relevant to the use or operation of a user-to-user service (including, but not limited to, any such provision or rule concerning the processing of personal data).

Additional duties for Category 1 services

- (4) A duty—

Status: Point in time view as at 10/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 22. (See end of Document for details)

- (a) when deciding on safety measures and policies, to carry out an assessment of the impact that such measures or policies would have on—
 - (i) users’ right to freedom of expression within the law, and
 - (ii) the privacy of users; and
 - (b) to carry out an assessment of the impact of adopted safety measures and policies on the matters mentioned in paragraph (a)(i) and (ii).
- (5) An impact assessment relating to a service must include a section which considers the impact of the safety measures and policies on the availability and treatment on the service of content which is news publisher content or journalistic content in relation to the service.
- (6) A duty to—
- (a) keep an impact assessment up to date, and
 - (b) publish impact assessments.
- (7) A duty to specify in a publicly available statement the positive steps that the provider has taken in response to an impact assessment to—
- (a) protect users’ right to freedom of expression within the law, and
 - (b) protect the privacy of users.

Interpretation

- (8) In this section—
- “impact assessment” means an impact assessment under subsection (4);
 - “safety measures and policies” means measures and policies designed to secure compliance with any of the duties set out in—
 - (a) section 10 (illegal content),
 - (b) section 12 (children’s online safety),
 - (c) section 15 (user empowerment),
 - (d) section 20 (content reporting), or
 - (e) section 21 (complaints procedures).
- (9) Any reference in this section to the privacy of users or steps taken to protect the privacy of users is to be construed in accordance with subsection (3).
- (10) See—
- section 19 for the meaning of “journalistic content”;
 - section 55 for the meaning of “news publisher content”.

Commencement Information

- I1** S. 22 not in force at Royal Assent, see **s. 240(1)**
- I2** S. 22 in force at 10.1.2024 by **S.I. 2023/1420, reg. 2(h)**

Status:

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