



Online Safety Act 2023

2023 CHAPTER 50

PART 12

INTERPRETATION AND FINAL PROVISIONS

Interpretation

232 Content communicated “publicly” or “privately”

- (1) This section specifies factors which OFCOM must, in particular, consider when deciding whether content is communicated “publicly” or “privately” by means of a user-to-user service for the purposes of—
- (a) section 121 (notice to deal with terrorism content),
 - (b) section 136 (requirement to use proactive technology), or
 - (c) paragraph 13(4) of Schedule 4 (recommendation of proactive technology in codes of practice).
- (2) The factors are—
- (a) the number of individuals in the United Kingdom who are able to access the content by means of the service;
 - (b) any restrictions on who may access the content by means of the service (for example, a requirement for approval or permission from a user, or the provider, of the service);
 - (c) the ease with which the content may be forwarded to or shared with—
 - (i) users of the service other than those who originally encounter it, or
 - (ii) users of another internet service.
- (3) The following factors do not count as restrictions on access—
- (a) a requirement to log in to or register with a service (or part of a service);
 - (b) a requirement to make a payment or take out a subscription in order to access a service (or part of a service) or to access particular content;

Status: Point in time view as at 26/10/2023.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 232. (See end of Document for details)

- (c) inability to access a service (or part of a service) or to access particular content except by using particular technology or a particular kind of device (as long as that technology or device is generally available to the public).

Commencement Information

II S. 232 in force at Royal Assent, see [s. 240\(z5\)](#)

Status:

Point in time view as at 26/10/2023.

Changes to legislation:

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