



Online Safety Act 2023

2023 CHAPTER 50

PART 4

OTHER DUTIES OF PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

CHAPTER 5

TRANSPARENCY REPORTING

78 OFCOM's guidance about transparency reports

- (1) OFCOM must produce guidance about—
 - (a) how OFCOM will determine which information they will require transparency reports under section 77 to contain, including—
 - (i) the principles that they will apply in relation to each of the factors mentioned in paragraph 37 of Schedule 8, and
 - (ii) the steps that they will take to engage with providers of relevant services before requiring information in a notice under section 77(1);
 - (b) how information from transparency reports produced by providers of relevant services under section 77 will be used to produce OFCOM's transparency reports (see section 159); and
 - (c) any other matter that OFCOM consider to be relevant to the production and publication of transparency reports under section 77 or 159.
- (2) Before producing the guidance (including revised or replacement guidance), OFCOM must consult such of the following as they consider appropriate—
 - (a) providers of regulated user-to-user services, and of regulated search services,
 - (b) persons who appear to OFCOM to represent such providers,
 - (c) persons who appear to OFCOM to represent the interests of children (generally or with particular reference to online safety matters),

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 78. (See end of Document for details)

- (d) persons whom OFCOM consider to have expertise in equality issues and human rights, in particular—
 - (i) the right to freedom of expression set out in Article 10 of the Convention, and
 - (ii) the right to respect for a person’s private and family life, home and correspondence set out in Article 8 of the Convention,
 - (e) the Information Commissioner,
 - (f) persons who appear to OFCOM to represent the interests of those with protected characteristics (within the meaning of Part 2 of the Equality Act 2010), and
 - (g) persons whom OFCOM consider to have expertise in the enforcement of the criminal law and the protection of national security that is relevant to online safety matters,
- and OFCOM must also consult such other persons as OFCOM consider appropriate.
- (3) OFCOM must publish the guidance (and any revised or replacement guidance).
- (4) In exercising their functions under section 77 or 159, OFCOM must have regard to the guidance for the time being published under this section.
- (5) In this section, “relevant service” has the same meaning as in section 77 (see subsection (5) of that section).

Commencement Information

- I1** S. 78 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 78 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

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