



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

77 Transparency reports about certain Part 3 services

- (1) Once a year, OFCOM must give every provider of a relevant service a notice which requires the provider to produce a report about the service (a “transparency report”).
- (2) If a person is the provider of more than one relevant service, a notice must be given to the provider in respect of each such service.
- (3) In response to a notice relating to a relevant service, the provider of the service must produce a transparency report which must—
 - (a) contain information of a kind specified or described in the notice,
 - (b) be in the format specified in the notice,
 - (c) be submitted to OFCOM by the date specified in the notice, and
 - (d) be published in the manner and by the date specified in the notice.
- (4) A provider must ensure that the information provided in a transparency report is—
 - (a) complete, and
 - (b) accurate in all material respects.
- (5) A “relevant service” means—
 - (a) a Category 1 service (see section 95(10)(a));
 - (b) a Category 2A service (see section 95(10)(b));
 - (c) a Category 2B service (see section 95(10)(c)).

Status: Point in time view as at 10/01/2024.

Changes to legislation: Online Safety Act 2023, CHAPTER 5 is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) In a notice which relates to a Category 1 service or a Category 2B service, OFCOM may only specify or describe user-to-user information.
- But in the case of a service described in subsection (9), that subsection applies instead.
- (7) In a notice which relates to a regulated search service that is a Category 2A service, OFCOM may only specify or describe search engine information.
- (8) In a notice which relates to a combined service that is a Category 2A service, and is not also a Category 1 service or a Category 2B service, OFCOM may only specify or describe search engine information.
- (9) In a notice which relates to a combined service that is a Category 2A service, as well as being a Category 1 service or a Category 2B service, OFCOM may specify or describe user-to-user information or search engine information, or both those kinds of information.
- (10) In subsections (6) to (9)—
- (a) “user-to-user information” means information which—
 - (i) is about the matters listed in Part 1 of Schedule 8, and
 - (ii) relates to the user-to-user part of a service;
 - (b) “search engine information” means information which—
 - (i) is about the matters listed in Part 2 of Schedule 8, and
 - (ii) relates to the search engine of a service.
- (11) Part 3 of Schedule 8 makes further provision about transparency reports.
- (12) The Secretary of State may by regulations amend subsection (1) so as to change the frequency of the transparency reporting process.
- (13) The Secretary of State must consult OFCOM before making regulations under subsection (12).
- (14) In this section “notice” means a notice under subsection (1).

Commencement Information

- I1** S. 77 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 77 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

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

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- (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),
 - (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

I3 S. 78 not in force at Royal Assent, see **s. 240(1)**

I4 S. 78 in force at 10.1.2024 by **S.I. 2023/1420, reg. 2(x)**

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