



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 4

INFORMATION

Information offences and penalties

110 Senior managers' liability: information offences

- (1) In this section “an individual named as a senior manager of an entity” means an individual who, as required by an information notice, is named as a senior manager of an entity in a response to that notice (see section 103).
- (2) An individual named as a senior manager of an entity commits an offence if—
 - (a) the entity commits an offence under section 109(1) (failure to comply with information notice), and
 - (b) the individual has failed to take all reasonable steps to prevent that offence being committed.
- (3) It is a defence for an individual charged with an offence under subsection (2) to show that the individual was a senior manager within the meaning of section 103 for such a short time after the information notice in question was given that the individual could not reasonably have been expected to take steps to prevent that offence being committed.
- (4) An individual named as a senior manager of an entity commits an offence if—
 - (a) the entity commits an offence under section 109(3) (false information), and
 - (b) the individual has failed to take all reasonable steps to prevent that offence being committed.

Status: This is the original version (as it was originally enacted).

- (5) An individual named as a senior manager of an entity commits an offence if—
 - (a) the entity commits an offence under section 109(4) (encrypted information), and
 - (b) the individual has failed to take all reasonable steps to prevent that offence being committed.
- (6) An individual named as a senior manager of an entity commits an offence if—
 - (a) the entity commits an offence under section 109(5) (destruction etc of information), and
 - (b) the individual has failed to take all reasonable steps to prevent that offence being committed.
- (7) It is a defence for an individual charged with an offence under subsection (4), (5) or (6) to show that the individual was not a senior manager within the meaning of section 103 at the time at which the act constituting the offence occurred.
- (8) It is a defence for an individual charged with an offence under this section to show that the individual had no knowledge of being named as a senior manager in a response to the information notice in question.
- (9) See also section 201 (supplementary provision about defences).