



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 5

REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: NOTICES TO DEAL WITH TERRORISM CONTENT AND CSEA CONTENT

121 Notices to deal with terrorism content or CSEA content (or both)

- (1) If OFCOM consider that it is necessary and proportionate to do so, they may give a notice described in subsection (2), (3) or (4) relating to a regulated user-to-user service or a regulated search service to the provider of the service.
- (2) A notice under subsection (1) that relates to a regulated user-to-user service is a notice requiring the provider of the service—
 - (a) to do any or all of the following—
 - (i) use accredited technology to identify terrorism content communicated publicly by means of the service and to swiftly take down that content;
 - (ii) use accredited technology to prevent individuals from encountering terrorism content communicated publicly by means of the service;
 - (iii) use accredited technology to identify CSEA content, whether communicated publicly or privately by means of the service, and to swiftly take down that content;
 - (iv) use accredited technology to prevent individuals from encountering CSEA content, whether communicated publicly or privately, by means of the service; or
 - (b) to use the provider's best endeavours to develop or source technology for use on or in relation to the service or part of the service, which—

- (i) achieves the purpose mentioned in paragraph (a)(iii) or (iv), and
 - (ii) meets the standards published by the Secretary of State (see section 125(13)).
- (3) A notice under subsection (1) that relates to a regulated search service is a notice requiring the provider of the service—
- (a) to do either or both of the following—
 - (i) use accredited technology to identify search content of the service that is terrorism content and to swiftly take measures designed to secure, so far as possible, that search content of the service no longer includes terrorism content identified by the technology;
 - (ii) use accredited technology to identify search content of the service that is CSEA content and to swiftly take measures designed to secure, so far as possible, that search content of the service no longer includes CSEA content identified by the technology; or
 - (b) to use the provider's best endeavours to develop or source technology for use on or in relation to the service which—
 - (i) achieves the purpose mentioned in paragraph (a)(ii), and
 - (ii) meets the standards published by the Secretary of State (see section 125(13)).
- (4) A notice under subsection (1) that relates to a combined service is a notice requiring the provider of the service—
- (a) to do any or all of the things described in subsection (2)(a) in relation to the user-to-user part of the service, or to use best endeavours to develop or source technology as described in subsection (2)(b) for use on or in relation to that part of the service;
 - (b) to do either or both of the things described in subsection (3)(a) in relation to the search engine of the service, or to use best endeavours to develop or source technology as described in subsection (3)(b) for use on or in relation to the search engine of the service;
 - (c) to do any or all of the things described in subsection (2)(a) in relation to the user-to-user part of the service and either or both of the things described in subsection (3)(a) in relation to the search engine of the service; or
 - (d) to use best endeavours to develop or source—
 - (i) technology as described in subsection (2)(b) for use on or in relation to the user-to-user part of the service, and
 - (ii) technology as described in subsection (3)(b) for use on or in relation to the search engine of the service.
- (5) For the purposes of subsections (2) and (3), a requirement to use accredited technology may be complied with by the use of the technology alone or by means of the technology together with the use of human moderators.
- (6) See—
- (a) section 122, which requires OFCOM to obtain a skilled person's report before giving a notice under subsection (1),
 - (b) section 123, which requires OFCOM to give a warning notice before giving a notice under subsection (1), and
 - (c) section 124 for provision about matters which OFCOM must consider before giving a notice under subsection (1).

- (7) A notice under subsection (1) that relates to a user-to-user service (or to the user-to-user part of a combined service) and requires the use of technology in relation to terrorism content must identify the content, or parts of the service that include content, that OFCOM consider is communicated publicly on that service (see section 232).
- (8) For the meaning of “accredited” technology, see section 125(12) and (13).