



Online Safety Act 2023

2023 CHAPTER 50

PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

CHAPTER 2

PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE

User-to-user services likely to be accessed by children

13 Safety duties protecting children: interpretation

- (1) In determining what is proportionate for the purposes of section 12, the following factors, in particular, are relevant—
 - (a) all the findings of the most recent children's risk assessment (including as to levels of risk and as to nature, and severity, of potential harm to children), and
 - (b) the size and capacity of the provider of a service.
- (2) So far as a duty set out in section 12 relates to non-designated content that is harmful to children, the duty is to be taken to extend only to addressing risks of harm from the kinds of such content that have been identified in the most recent children's risk assessment (if any have been identified).
- (3) References in section 12(3)(b) and (9)(b) and (c) to children in age groups judged to be at risk of harm from content that is harmful to children are references to children in age groups judged to be at risk of such harm as assessed by the provider of a service in the most recent children's risk assessment of the service.
- (4) The duties set out in section 12(3) and (9) are to be taken to extend only to content that is harmful to children where the risk of harm is presented by the nature of the content (rather than the fact of its dissemination).

Status: This is the original version (as it was originally enacted).

- (5) The duties set out in section 12 extend only to such parts of a service as it is possible for children to access.
- (6) For the purposes of subsection (5), a provider is only entitled to conclude that it is not possible for children to access a service, or a part of it, if age verification or age estimation is used on the service with the result that children are not normally able to access the service or that part of it.
- (7) In section 12 and this section “children’s risk assessment” has the meaning given by section 11.
- (8) See also, in relation to duties set out in section 12, section 22 (duties about freedom of expression and privacy).