



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 8

#### APPEALS AND SUPER-COMPLAINTS

### CHAPTER 2

#### SUPER-COMPLAINTS

#### **169 Power to make super-complaints**

- (1) An eligible entity may make a complaint to OFCOM that any feature of one or more regulated services, or any conduct of one or more providers of such services, or any combination of such features and such conduct is, appears to be, or presents a material risk of—
  - (a) causing significant harm to users of the services or members of the public, or a particular group of such users or members of the public;
  - (b) significantly adversely affecting the right to freedom of expression within the law of users of the services or members of the public, or of a particular group of such users or members of the public; or
  - (c) otherwise having a significant adverse impact on users of the services or members of the public, or on a particular group of such users or members of the public.
- (2) But a complaint under subsection (1) that relates to a single regulated service or that relates to a single provider of one or more regulated services is only admissible if OFCOM consider that—
  - (a) the complaint is of particular importance, or
  - (b) the complaint relates to the impacts on a particularly large number of users of the service or members of the public.
- (3) An entity is an “eligible entity” if the entity meets criteria specified in regulations made by the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Regulations under subsection (3) must specify as one of the criteria that the entity must be a body representing the interests of users of regulated services, or members of the public, or a particular group of such users or members of the public.
- (5) Before making regulations under subsection (3), the Secretary of State must consult—
  - (a) OFCOM, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (6) In this section—
  - “conduct” includes acts and omissions;
  - “users” means United Kingdom users (see section 227), except in subsection (1)(a) where “users” means individuals in the United Kingdom who are users of a service.