



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

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PROVIDERS OF SEARCH SERVICES: DUTIES OF CARE

Search services likely to be accessed by children

29 Safety duties protecting children

- (1) This section sets out the duties to protect children's online safety which apply in relation to regulated search services that are likely to be accessed by children (as indicated by the headings).

All services

- (2) A duty, in relation to a service, to take or use proportionate measures relating to the design or operation of the service to effectively—
- mitigate and manage the risks of harm to children in different age groups, as identified in the most recent children's risk assessment of the service (see section 28(5)(e)), and
 - mitigate the impact of harm to children in different age groups presented by search content that is harmful to children.
- (3) A duty to operate a service using proportionate systems and processes designed to—
- minimise the risk of children of any age encountering search content that is primary priority content that is harmful to children;

Status: This is the original version (as it was originally enacted).

- (b) minimise the risk of children in age groups judged to be at risk of harm from other content that is harmful to children (or from a particular kind of such content) encountering search content of that kind.
- (4) The duties set out in subsections (2) and (3) apply across all areas of a service, including the way the search engine is designed, operated and used as well as search content of the service, and (among other things) require the provider of a service to take or use measures in the following areas, if it is proportionate to do so—
- (a) regulatory compliance and risk management arrangements,
 - (b) design of functionalities, algorithms and other features relating to the search engine,
 - (c) functionalities allowing for control over content that is encountered in search results, especially by children,
 - (d) content prioritisation,
 - (e) user support measures, and
 - (f) staff policies and practices.
- (5) A duty to include provisions in a publicly available statement specifying how children are to be protected from search content of the following kinds—
- (a) primary priority content that is harmful to children (with each kind of primary priority content separately covered),
 - (b) priority content that is harmful to children (with each kind of priority content separately covered), and
 - (c) non-designated content that is harmful to children.
- (6) A duty to apply the provisions of the statement referred to in subsection (5) consistently.
- (7) A duty to include provisions in a publicly available statement giving information about any proactive technology used by a service for the purpose of compliance with a duty set out in subsection (2) or (3) (including the kind of technology, when it is used, and how it works).
- (8) A duty to ensure that the provisions of the publicly available statement referred to in subsections (5) and (7) are clear and accessible.

Additional duty for Category 2A services

- (9) A duty to summarise in a publicly available statement the findings of the most recent children’s risk assessment of a service (including as to levels of risk and as to nature, and severity, of potential harm to children).