



Online Safety Act 2023

2023 CHAPTER 50

PART 4

OTHER DUTIES OF PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

CHAPTER 5

TRANSPARENCY REPORTING

77 Transparency reports about certain Part 3 services

- (1) Once a year, OFCOM must give every provider of a relevant service a notice which requires the provider to produce a report about the service (a “transparency report”).
- (2) If a person is the provider of more than one relevant service, a notice must be given to the provider in respect of each such service.
- (3) In response to a notice relating to a relevant service, the provider of the service must produce a transparency report which must—
 - (a) contain information of a kind specified or described in the notice,
 - (b) be in the format specified in the notice,
 - (c) be submitted to OFCOM by the date specified in the notice, and
 - (d) be published in the manner and by the date specified in the notice.
- (4) A provider must ensure that the information provided in a transparency report is—
 - (a) complete, and
 - (b) accurate in all material respects.
- (5) A “relevant service” means—
 - (a) a Category 1 service (see section 95(10)(a));
 - (b) a Category 2A service (see section 95(10)(b));
 - (c) a Category 2B service (see section 95(10)(c)).

Status: This is the original version (as it was originally enacted).

(6) In a notice which relates to a Category 1 service or a Category 2B service, OFCOM may only specify or describe user-to-user information.

But in the case of a service described in subsection (9), that subsection applies instead.

(7) In a notice which relates to a regulated search service that is a Category 2A service, OFCOM may only specify or describe search engine information.

(8) In a notice which relates to a combined service that is a Category 2A service, and is not also a Category 1 service or a Category 2B service, OFCOM may only specify or describe search engine information.

(9) In a notice which relates to a combined service that is a Category 2A service, as well as being a Category 1 service or a Category 2B service, OFCOM may specify or describe user-to-user information or search engine information, or both those kinds of information.

(10) In subsections (6) to (9)—

- (a) “user-to-user information” means information which—
 - (i) is about the matters listed in Part 1 of Schedule 8, and
 - (ii) relates to the user-to-user part of a service;
- (b) “search engine information” means information which—
 - (i) is about the matters listed in Part 2 of Schedule 8, and
 - (ii) relates to the search engine of a service.

(11) Part 3 of Schedule 8 makes further provision about transparency reports.

(12) The Secretary of State may by regulations amend subsection (1) so as to change the frequency of the transparency reporting process.

(13) The Secretary of State must consult OFCOM before making regulations under subsection (12).

(14) In this section “notice” means a notice under subsection (1).