



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 3

RISK ASSESSMENTS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

98 OFCOM's register of risks, and risk profiles, of Part 3 services

- (1) OFCOM must carry out risk assessments to identify and assess the following risks of harm presented by Part 3 services of different kinds—
 - (a) the risks of harm to individuals in the United Kingdom presented by illegal content present on regulated user-to-user services and by the use of such services for the commission or facilitation of priority offences;
 - (b) the risk of harm to individuals in the United Kingdom presented by search content of regulated search services that is illegal content;
 - (c) the risk of harm to children in the United Kingdom, in different age groups, presented by content that is harmful to children.
- (2) The risk assessments must, among other things, identify characteristics of different kinds of Part 3 services that are relevant to such risks of harm, and assess the impact of those kinds of characteristics on such risks.
- (3) OFCOM—
 - (a) may combine assessment of any or all of the risks of harm mentioned in subsection (1), or may carry out separate assessments of those risks;
 - (b) in the case of the risk of harm mentioned in subsection (1)(c), may assess regulated user-to-user services and regulated search services separately or together.

- (4) The findings of each risk assessment are to be reflected, as soon as reasonably practicable after completion, in a register of risks of Part 3 services prepared and published by OFCOM.
- (5) As soon as reasonably practicable after completing their assessment of a risk of harm mentioned in a particular paragraph of subsection (1), OFCOM must prepare risk profiles for Part 3 services which relate to that risk of harm.
- (6) For the purposes of the risk profiles, OFCOM may group Part 3 services together in whichever way they consider appropriate, taking into account—
 - (a) the characteristics of the services, and
 - (b) the risk levels and other matters identified in the relevant risk assessment.
- (7) OFCOM must publish risk profiles prepared under this section.
- (8) OFCOM must from time to time review and revise the risk assessments and risk profiles so as to keep them up to date.
- (9) References in this section to Part 3 services—
 - (a) in the case of a risk assessment or risk profiles which relate only to regulated user-to-user services or to regulated search services, are to be read as references to the kind of service in question;
 - (b) in the case of a risk assessment or risk profiles which relate only to the risk of harm mentioned in subsection (1)(a), are to be read as references to regulated user-to-user services;
 - (c) in the case of a risk assessment or risk profiles which relate only to the risk of harm mentioned in subsection (1)(b), are to be read as references to regulated search services.
- (10) References in this section to regulated search services include references to the search engine of combined services.
- (11) In this section the “characteristics” of a service include its functionalities, user base, business model, governance and other systems and processes.
- (12) In this section—
 - “content that is harmful to children” has the same meaning as in Part 3 (see section 60);
 - “illegal content” has the same meaning as in Part 3 (see section 59);
 - “priority offence” has the same meaning as in Part 3 (see section 59).