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Prime Minister
Rt Hon Boris Johnson MP
10 Downing Street
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Dear Prime Minister,

As members of the House of Lords who have long called for regulation to safeguard against online harms, we were pleased to hear Secretary of State Oliver Dowden confirm to the DCMS Select Committee (14 October) that the final policy proposals are now just awaiting final clearance before publication.

The Government has promised “world-leading” legislation to make the UK the safest place to be online. Based on the Secretary of State’s testimony, however, we are concerned that the final proposals may be way off the mark. Illegal harms, such as terrorism, child sexual abuse or hate crime, have always been covered by the proposals. How the new legislation would deal with “legal but harmful” activity - for example, online abuse, conspiracy theories and misinformation, anti-vaccine campaigns - has been less clear. In the hearing, Mr Dowden explained his thinking: social media companies would be accountable to the regulator (expected to be Ofcom) for enforcing their terms and conditions. Those terms and conditions, he said, would need to be “meaningful” and there would be a “process” agreed through which the companies would be required to be “transparent” about how they are enforcing them.

If this is all there is, it will not be enough. Indeed, this is a recipe to let the big platforms continue to run rings around the government, regulators and the British public while claiming compliance with the law.



To address the scale of harms experienced by users of social media - and their impact on society more widely - social media companies have to be held accountable for the way in which the design of their platforms facilitates the spread of harms.

They have to be made to reduce the risk of reasonably foreseeable harms to users before those harms have occurred. Instead, by continuing to rely on platforms to come up with their own T&Cs the government is acting against users interests: the status quo does not work. Platforms 'willingness to toughen their policies voluntarily - as we have seen recently with Facebook and Twitter - often only comes after a high price has been paid by society. For example, despite the major platforms introducing policies on Covid19 misinformation earlier this year, it is still spreading online and causing real-world harm.

Relying on effective enforcement of T&Cs is akin to trusting companies to be as good as their word. Government doesn't take this approach with any other sector of the economy, and DCMS, along with the regulator, should be empowered to enforce the prevention of online harms more systemically and robustly. Online harms are caused not just by platform failures to enforce their T&Cs but also because of the hidden ways in which their algorithms work. The regulator needs real powers to hold platforms to account, for example being able to inspect platforms 'algorithms to understand how they facilitate the spread of misinformation and disinformation.

We appreciate that the Secretary of State cannot be fully open about his Department's proposals until the final document is published in the next few weeks. But, based on his responses in Parliament this week, we worry that his confidence in their effectiveness may be misplaced.

Yours sincerely,

Lord Puttnam

Baroness Benjamin

Lord Clement-Jones

Baroness Grender

Baroness Kidron

Baroness McGregor-Smith

Lord McNally

The Lord Bishop of Oxford