

TACKLING ONLINE HARM AND THE ONLINE SAFETY BILL: INTRODUCING CARNEGIE UK

1. Over the past three years, Carnegie UK has shaped the debate in the UK on reduction of online harm through the development of, and advocacy for, a proposal to introduce a statutory duty of care to reduce Online Harms. Our proposal is for social media companies to design and run safer systems – not for government to regulate individual pieces of content. Companies should take reasonable steps to prevent reasonably foreseeable harms that occur through the operation of their services (for example, the impact of recommender systems), enforced by a regulator. A timeline and references for our work are provided in the annex to this note.
2. The proposal has been developed by Professor Lorna Woods (Professor of Internet Law, University of Essex), William Perrin (Carnegie UK Trustee) and Maeve Walsh (Carnegie UK Associate). It draws on well-established legal concepts to set out a statutory duty of care backed by an independent regulator, with measuring, reporting and transparency obligations on the companies. A focus on the outcome (reduction of harm) makes this approach futureproof and necessarily systemic. We propose that, as in health and safety regulation, companies should run their systems in a proportionate, risk-based manner to reduce reasonably foreseeable harm. The celebrated 'move fast and break things' method has had its day. Existing regulation in a range of fields demonstrates that a skilled regulator can work to assess harm in context, regulate to minimise it and balance this with other interests; in the broadcasting context Ofcom has experience of assessing the impact of rules on free speech. Proportionality in regulation allows for innovation and market entry by SMEs.
3. Our way of working is to develop and publish detailed public policy proposals, drawing on our extensive legal, regulatory and policymaking expertise, for debate and adoption by others. For example, we published a draft Online Harms Bill to demonstrate that a systems-based regime is easy to legislate for. We have also worked with civil society partners to publish a draft hate crime Code of Practice, and have adapted this as guidance for the UN Special Rapporteur on Minority Issues, and a code on electoral harms. We are increasingly working with international organisations, academics and policy influencers to translate our approach for adoption within global governance frameworks.
4. Our work has influenced Parliamentary committees, government advisers, international organisations and think tanks and Prof Woods and William Perrin have received OBEs for their contribution. We have built up a wide, diverse network of organisations in the UK and further afield who are supportive of our work (including children's campaigners, such as the NSPCC and 5 Rights Foundation) and have worked with other civil society groups (including Reset, Demos, Institute for Strategic Dialogue) on harms to democracy, with consumer groups (Which?, Money and Mental Health Policy Institute), financial services bodies (UK Finance, PIMFA), and with faith groups and other campaigners (such as Glitch, the Antisemitism Policy Trust, Hope Not Hate) on hate crime and abuse.
5. The Covid19 pandemic and subsequent lockdowns have seen increased prevalence of online harms, across all areas: child abuse and grooming online, scams and fraud, online abuse targeted at minority groups and Covid19 conspiracy theories and disinformation. The recent racist abuse of England footballers and the impact of misinformation and disinformation in Ukraine have further underlined the consequences of the lack of action by Government and platforms. Had a systemic statutory duty of care already been in place, as per our proposals, it would have required platforms to be accountable for the design of their platforms and the actions taken to limit the spread and reach of these harms. Over the coming months, we stand ready to use our expertise to help the UK Government and advocates for regulation across both Houses of Parliament get the Online Safety Bill right.

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CHRONOLOGY: CARNEGIE UK [WORK ON A STATUTORY OF DUTY OF CARE](#)

2018

April Professor Lorna Woods (Professor of Internet Law in the School of Law at the University of Essex) and William Perrin (a Carnegie UK Trustee and former UK government Civil Servant) start work on a public policy proposal to improve the safety of users of internet services in the UK through a statutory duty of care enforced by a regulator. Our work develops through a series of blog posts, discussions, submissions to consultations and Parliamentary inquiries, and roundtables.

2019

Throughout the year our work influences, amongst others, recommendations from the [House of Commons Science and Technology Committee](#), [the Digital, Culture, Media and Sport Committee](#), the [Lords Communications Committee](#), the [APPG on Social Media and Young People](#) and the [Labour Party](#), along with the [NSPCC](#), the [Children's Commissioner](#) and [the UK Chief Medical Officers](#).

April A [full reference paper](#) is published just prior to the UK Government's Online Harms White Paper.

May Report to [French Ministry of Digital Affairs](#) references a "duty of care" as a basis for regulation.

May Our [White Paper response](#) is published.

July Joint statement with other civil society organisations on the duty of care and [democratic harms](#).

Nov Prof Woods [gives evidence](#) to the International Grand Committee in Dublin.

Dec Our draft [Online Harm Reduction Bill](#) illustrates how a statutory duty of care might be introduced.

Dec Prof Woods publishes a [comprehensive paper](#) on the duty of care and freedom of expression

2020

Jan Lord McNally, supported by Carnegie UK, introduces his [Online Harm Reduction Regulator \(Report\) Bill](#) into the Lords. This has now been withdrawn in light of the Government's draft Bill.

April William Perrin, [in a blog post](#), sets how a duty of care would apply to public health harms.

Sept A proposal for a system of [interlocking regulation](#) on online harms is published.

Sept [Prof Lorna Woods](#) and [William Perrin](#) awarded OBEs for their work.

2021

Jan Blog post on [freedom of expression, speech rights and modern regulation](#) published.

- Mar Proposals published for [increased online safety for those involved in the UK democratic process](#).
- May [Joint letter to UK Home Office and DCMS Ministers](#) on the need for action on online fraud.
- June [Initial analysis](#) of the draft Online Safety Bill published, along with [Hate Crime Code of Practice](#).
- July Response to [racist abuse of England footballers](#) and how the Online Safety Bill might tackle it.
- Sept Our [evidence](#) to the Joint Committee on the draft Online Safety Bill is released and we [published a blog](#) on the need to reform the powers of the Secretary of State in the Bill.
- Nov Our [revised draft](#) of the Online Safety Bill is published along with an [explanatory note](#) for each significant amendment or group of amendments.
- Nov Submitted [ad hoc advice](#) to the United Nations Special Rapporteur on Minority Issues.
- Dec Published a blog post on the changes needed to [tackle climate disinformation](#) in the Bill.
- Dec [Our response](#) to the report of the Joint Committee on the Draft Online Safety Bill.

2022

- Feb Blog post on how the Bill should apply in [the metaverse](#).
- Mar Released a [short explainer](#) on what the Online Safety Bill does.
- Mar Published our [initial analysis](#) of the Online Safety Bill.
- Apr Shared [a briefing](#) ahead of the second reading debate.