 **Three suggestions to strengthen the Online Safety Bill’s “user empowerment duty” and “user verification duty” – written evidence to the Public Bill Committee, May 2022**

**Background**

Clean Up The Internet is an independent, UK-based organisation concerned about the degradation in online discourse and its implications for democracy. We campaign for evidence-based action to increase civility and respect online, to safeguard freedom of expression, and to reduce online bullying, trolling, intimidation, and misinformation.

For the past two years we have been campaigning for solutions to tackle misuse of anonymity on social media platforms. Anonymity can be a force for good. But at the moment it is being abused by trolls and bullies, and to spread misinformation. We've conducted research into the ways anonymity is currently misused, and identified practical steps which social media companies could take to prevent such abuse of anonymity, whilst safeguarding legitimate uses and protecting freedom of expression.

The current draft of the Online Safety Bill seeks to address the problems associated with anonymous accounts on large (Category 1) social media platforms through requiring platforms to empower users, with new options to verify their identity and to filter out non-verified accounts. This is in line with the approach suggested by Clean Up The Internet and recommended in the report of the Joint Committee. We believe it has the potential to strike a better balance between tackling the clear role which anonymity can play in fuelling abuse and enabling disinformation, whilst safeguarding legitimate uses.

However, the current wording needs some tightening up to ensure that it leads to real changes for users. As it stands, the Bill does not define “verification”, nor set minimum standards how it will be carried out. There’s a risk that platforms treat this as a loophole in order to claim that their current, wholly inadequate, processes already satisfy the new duties – for example Twitter has recently suggested that its current account registration process counts as “verification”.

We also see entirely avoidable risks of platforms developing new verification processes which fail to protect users’ privacy or security, or which serve merely to extend their market dominance to the detriment of independent providers.

In addition, we are concerned that it’s not currently made clear, within the User Empowerment Duty, that a users’ verification status must be visible to other users. Such visibility is an essential part of “user empowerment”, to assist users in assessing the reliability of other accounts. This is important in reining in the ability of organised disinformation operations, including those backed by foreign governments, to create fake accounts, in order to spread disinformation.

**Suggested Amendments**

We suggest that the following three amendments would help ensure that the User Empowerment Duty and User Verification Duty work as intended, by providing greater clarity as to what they should mean for platforms and users, and requiring Ofcom to set out principles and minimum standards for compliance. These amendments are compatible with the government’ stated aims, and would provide a clearer framework for both regulated companies and Ofcom.

**1. Suggestion for amending section 58, to introduce a framework of principles and minimum standards for User Identity Verification**

**Clause 58**

Page 53, line leave out from beginning line 14 to end of line 30 and insert **-**

 **“58 OFCOM’s guidance about user identity verification**

(1) OFCOM must produce guidance for providers of Category 1 services on how to comply with the duty set out in section 57(1).

(2) In producing the guidance(including revised or replacement guidance), OFCOM must have regard to:

1. ensuring providers offer forms of identity verification which are likely to be accessible to vulnerable adult users and users with protected Characteristics under the Equality Act 2010,
2. promoting competition, user choice, and interoperability in the provision of identity verification,
3. protection of rights, including rights to privacy, freedom of expression, safety, access to information, and the rights of children,
4. alignment with other relevant guidance and regulation, including with regards to Age Assurance and Age Verification

(3) In producing the guidance (including revised or replacement guidance), OFCOM must set minimum standards for the forms of identity verification which Category services must offer, addressing:

1. effectiveness,
2. privacy and security,
3. accessibility,
4. time-frames for disclosure to Law Enforcement in case of criminal investigations,
5. transparency for the purposes of research and independent auditing,
6. user appeal and redress mechanisms

(4) Before producing the guidance (including revised or replacement guidance),

OFCOM must consult—

1. the Information Commissioner,
2. the Digital Markets Unit,
3. persons whom OFCOM consider to have technological expertise relevant to the duty set out in section 57(1),
4. persons who appear to OFCOM to represent the interests of users including vulnerable adult users of Category 1 services, and
5. such other persons as OFCOM considers appropriate.

(5) OFCOM must publish the guidance (and any revised or replacement guidance).”

***Explanatory statement***

*This amendment would require Ofcom to set a framework of principles and minimum standards for the User Verification Duty, to ensure it works as intended and delivers tangible benefits for users.*

**2. Suggestion for amending section 14(6), to make it clear that users’ verification status should be visible to other users**

**Clause 14**

Page 14, line 12, after “non-verified users” insert “and to enable them to see whether another user is verified or non-verified.”

***Explanatory statement***

*This amendment would make it clear that as part of the User Empowerment Duty, users should be able to see which other users are verified and which are non-verified – empowering them to use this information when making judgements about the reliability of other accounts and the content they share. This would ensure that the User Verification Duty helps disrupt the use of networks of inauthentic accounts to spread disinformation.*

**3. Suggestion for amending section 189, to add an overall definition of "User identity Verification" to the list of defined terms:**

**Clause 189**

**Page 155, line 47, after “United Kingdom Users” insert -**

““User Identity Verification” means a system or process designed to enable a user to prove their identity, for purposes of establishing that they are a genuine, unique, human user of the service and that the name associated with their profile is their real name.”

***Explanatory Statement***

*This amendment adds a definition of User Identity Verification to the terms defined in the Bill, to provide greater clarity.*

Clean Up The Internet, 19 May 2022