Dear Damian,

**DISINFORMATION AND FAKE NEWS: FINAL REPORT - AN INTERIM RESPONSE ON PUBLICATION OF THE ONLINE HARMs WHITE PAPER**

Today DCMS and the Home Office, publish our Online Harms White Paper, setting out proposals for a regulatory framework for online safety.

I would like to thank you and the rest of the Committee, for your work, contributions and advice on this issue.

As you will see, and as we discussed when we met on 5 March, the proposals are far-reaching, covering a wide range of personal and societal online harms, including disinformation. The paper sets out proposals for a framework that establishes an overarching statutory duty of care. It makes clear that companies have a responsibility to their users, and proposes the creation of an independent regulator with powers to hold companies to account.

The White Paper is explicit that disinformation and the effects it has on our society and discourse remains an issue of particular concern - as rightly highlighted by the work of your Committee and its extensive inquiry.

I will send a full response to the final report of your Committee’s inquiry into disinformation and ‘fake news’ in due course, but ahead of that I wanted to set out some of the parallels between the recommendations in your reports and our proposals. You will see that many of our proposals are aligned to the Committee’s recommendations.

Your Committee identified that the current self regulatory approach online is insufficient. I strongly agree with your recommendation for an urgent need to establish independent regulation, and that is why the White Paper commits to introducing a new regulatory framework. Your report also discussed the need for a compulsory Code of Ethics. The White Paper sets out how companies will be expected to deal with both illegal and harmful but ‘legal’ content and activity on their platforms, in a **new statutory duty of care underpinned by codes of practice**. These codes will be produced by the regulator and cover a range of online harms. The independent regulator will oversee and enforce compliance with the expectations set out in...
these codes. Social tech companies, in particular, will be required to take action to prevent, and/or remove, harmful or illegal content from their sites.

The White Paper states our expectation that if companies want to fulfil their duty of care in alternative ways to those in the codes of practice, they will have to justify to the regulator how their alternative approach will effectively deliver the same or greater level of impact. In addition, for new and emerging harms, the overarching duty of care will continue to apply even when there isn’t a specific code.

You rightly recommended that any regulator in this space needs to have sufficient powers to enforce this duty. We are therefore consulting on enforcement powers that will enable the regulator to take effective action against companies that breach regulatory requirements. We are exploring a range of enforcement measures, including the ability to issue fines and hold senior managers liable. Transparency is also a crucial element of the regulatory model to ensure the regulator has appropriate oversight and can take action where necessary. We are consulting on powers for the regulator to require information from companies on actions they are taking to address harmful activity on their platforms. The regulator will produce and publish an annual transparency report outlining key data on companies’ performance against their duty of care and the prevalence of harms on different platforms.

Of course, redress will be critical. We know that many users do not feel that tech companies take their reports seriously or provide sufficient information about their decision-making process. The new regulatory framework will set out a series of new avenues for individuals to pursue complaints, including a requirement for companies to have an effective internal process, including an appeals mechanism, where appropriate. We are also consulting on other options, such as the option to introduce a ‘super-complaints’ mechanism, which would mean that designated bodies could raise concerns with the regulator.

I also agree with the Committee that the regulator should be funded by industry, so we are consulting on options, such as an industry levy, to put it on a sustainable footing and ensure it has the necessary resources.

Finally, while the regulatory framework will apply to a range of online harms, we are not being complacent about the specific threat of disinformation. We agree with the Committee that disinformation threatens the intrinsic values and principles of the UK. As your report highlights, education and awareness are key to long-term success in building society’s resilience to disinformation as well as other online harms. I am confident that the White Paper’s proposed educational measures will help to equip both children and their parents with the skills they need to critically assess the content they consume online. We are encouraging social media companies to take action to increase transparency around political advertising. An indicative code of practice for disinformation proposes that responsibilities be placed on companies to provide information on those placing adverts of a political nature, and to ensure users can clearly distinguish advertisements from organic content. We are confident that the measures outlined in the White Paper will tackle disinformation effectively in a way that protects freedom of expression and promotes innovation.

I look forward to ongoing dialogue with the Committee and building consensus around how to
deliver the measures set out in this White Paper, and, as stated above, I will respond to your final report in due course.

Yours sincerely,

Secretary of State for Digital, Culture, Media and Sport