

SELECT COMMITTEE ON COMMUNICATIONS**The Internet: To Regulate or Not To Regulate?****CALL FOR EVIDENCE**

The House of Lords Select Committee on Communications, under the chairmanship of Lord Gilbert of Panteg, is to hold an inquiry into the how regulation of the internet should be improved. The Committee invites any interested organisation or individual to submit written evidence to the inquiry by **Friday 11 May 2018**.

The Committee expects to hear oral evidence from invited witnesses from April to September 2018 and intends to report towards the end of 2018. The Government has undertaken to respond in writing to reports from select committees.

Background

The internet has transformed how people around the world interact with one another, gather information and consume educational and entertaining content. It has 3.2 billion users.

The internet opens up new opportunities but also presents challenges. It is a platform for fake news, hate speech, abusive messages and extremist content. Democracy relies on a diversity of views but many news feeds use algorithms that direct users to content that echoes their own views.

In exchange for using services on the internet, users permit online platforms such as Google and Facebook to use their personal data to sell advertising. Users' relationship with online platforms raises questions over third-party access, transparency and accountability.

While there is no specific regulator for the internet in the UK, a number of statutory and non-governmental organisations regulate behaviour associated with the internet. For example, the Information Commissioner's Office has responsibility for data protection and privacy; Ofcom regulates TV-like content from on-demand programme services; and the Advertising Standards Authority is an industry body responsible for online advertising standards.

Online platforms have immunity under EU law from liability as a publisher for user-generated content on the ground that they do not exercise editorial control.¹ They are required, however, to remove illegal content as quickly as possible on obtaining knowledge of it. Many online platforms remove or otherwise 'moderate' content which does not comply with community standards. But some commentators have questioned whether such

¹ The E-Commerce Directive 2000/31/EC

moderation is adequate to protect users and whether it is appropriate for private companies to exercise such power.²

In October 2017 the Government published its *Internet Safety Strategy* green paper. It is underpinned by the principle that “what is unacceptable offline should be unacceptable online”.³ In January 2018, the Government published its Digital Charter, which stated that the Government will seek to establish norms and rules for the online world. This rolling programme of work might involve agreeing new standards, shifting expectations of behaviour and updating laws and regulations. The Government will also consider “the legal liability that online platforms have for the content shared on their sites, including considering how we could get more effective action through better use of the existing legal frameworks and definitions”.⁴

The Committee has previously investigated the functioning of the internet’s advertising market and explored the relationship between children and the internet. In its report *Growing up with the Internet* the Committee found that responsibility for protecting children online was fragmented and recommended that the Government and businesses should develop a code of conduct for the internet.

Aim of the inquiry

Building on the work of previous inquiries, the Committee wishes to explore how the regulation of the internet should be improved, including through better self-regulation and governance, and whether a new regulatory framework for the internet is necessary or whether the general law of the UK is adequate. This inquiry will consider whether online platforms which mediate individuals’ use of the internet have sufficient accountability and transparency, adequate governance and provide effective behavioural standards for users.

In launching this inquiry, the Committee notes that the Government’s Digital Charter seeks to make the UK the safest place to be online and that the UK should lead the world in innovation-friendly regulation. The Government’s stated aim is to increase public confidence and trust in new technologies and create the foundations for the UK digital economy to thrive.

The Committee seeks written evidence which addresses the following questions. Witnesses need not answer every question; experts in a particular area are encouraged to focus on

² ‘To censor or sanction extreme content? Either way, Facebook can’t win’, *The Guardian* (23 May 2017): <https://www.theguardian.com/news/2017/may/22/facebook-moderator-guidelines-extreme-content-analysis> [accessed 29 March 2018]

³ Department for Digital, Culture, Media and Sport, *Internet Safety Strategy Green Paper*, October 2017 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650949/Internet_Safety_Strategy_green_paper.pdf [accessed 29 March 2018]

⁴ Department for Digital, Culture, Media and Sport, *Digital Charter*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/676715/2018-01-25_Digital_Charter_final.pdf [accessed 29 March 2018]

that area. Witnesses may also address relevant issues that are not covered below provided that they explain the significance of the issues.

Questions

1. Is there a need to introduce specific regulation for the internet? Is it desirable or possible?
2. What should the legal liability of online platforms be for the content that they host?
3. How effective, fair and transparent are online platforms in moderating content that they host? What processes should be implemented for individuals who wish to reverse decisions to moderate content? Who should be responsible for overseeing this?
4. What role should users play in establishing and maintaining online community standards for content and behaviour?
5. What measures should online platforms adopt to ensure online safety and protect the rights of freedom of expression and freedom of information?
6. What information should online platforms provide to users about the use of their personal data?
7. In what ways should online platforms be more transparent about their business practices—for example in their use of algorithms?
8. What is the impact of the dominance of a small number of online platforms in certain online markets?
9. What effect will the United Kingdom leaving the European Union have on the regulation of the internet?

ANNEX: GUIDANCE FOR SUBMISSIONS

Written evidence should be submitted online using the written submission form available at <http://www.parliament.uk/internet-regulation>. This page also provides guidance on submitting evidence.

The call for evidence deadline is 11 May 2018.

Short submissions are preferred. A submission longer than six pages should include a one-page summary. Paragraphs should be numbered. All submissions made through the written submission form will be acknowledged automatically by email.

Evidence which is accepted by the Committee may be published online at any stage; when it is so published it becomes subject to parliamentary copyright and is protected by parliamentary privilege. Submissions which have been previously published will not be accepted as evidence.

Once you have received acknowledgement that the evidence has been accepted you will receive a further email, and at this point you may publicise or publish your evidence yourself. In doing so you must indicate that it was prepared for the Committee, and you should be aware that your publication or re-publication of your evidence may not be protected by parliamentary privilege.

Personal contact details will be removed from evidence before publication, but will be retained by the Committee Office and used for specific purposes relating to the Committee's work, for instance to seek additional information.

Persons who submit written evidence, and others, may be invited to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast online; transcripts are also taken and published online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the clerk of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You may follow the progress of the inquiry at <http://www.parliament.uk/internet-regulation>.