



Department for  
Digital, Culture,  
Media & Sport

Damian Collins MP  
Chair  
DCMS Select Committee  
House of Commons  
London SW1A 0AA

Rt Hon Nicky Morgan MP  
Secretary of State for Digital, Culture,  
Media and Sport  
4th Floor  
100 Parliament Street  
London SW1A 2BQ

[www.gov.uk/dcms](http://www.gov.uk/dcms)  
[enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

INT2019/11791/DC  
31 October 2019

*Dear Damian*

Thank you for your letter of 23rd October 2019, in relation to my appearance before the Committee on 16th October 2019. I committed to provide the Committee with further information on a number of issues. This information can be found below. I will be writing to you and the Committee separately regarding Hacker House.

**Can you tell us what the timetable is for the review of online advertising that commenced in February? And whether the work that the Competition and Markets Authority are doing on social media and advertising is part of the same review? (Q489 and Q490)**

Since the previous Secretary of State announced the DCMS review into how online advertising is regulated in the UK, my department has established a team to take this work forward, including further evidence gathering and stakeholder engagement. Details on the timetable will be published in due course.

The Competition and Markets Authority (CMA) is independent of government, and their market study into online platforms and digital advertising is separate from the department's review. The CMA's study will examine concerns relating to the market power of platforms funded by advertising in consumer-facing markets. We recognise that this is a key concern in relation to the online advertising review. We are engaging with the CMA and the review will take account of the CMA's findings and recommendations, including considering any recommendations it makes that are for government to take forward.

The DCMS review recognises that online advertising poses complex and interrelated challenges with personal, social and economic impact. The review will look at these challenges in the round, complementing work currently being carried out across government to ensure that it can address clear gaps not tackled elsewhere as well as shape, build on and bring together relevant policy workstrands looking at online advertising.

**Can you update the Committee on progress on your work with the Electoral Commission on publishing a proposal for a statutory code of practice for elections in 2021 and 2022? (Q491)**

The Cabinet Office is responsible for Government policy on electoral administration, political parties, referendums, electoral registration, the electoral franchise and parliamentary constituency boundaries. As such, the Cabinet Office is working closely with the Electoral Commission on their Codes of Practice for electoral spending. The new statutory Codes of Practice are intended to add clarity and give examples of how the law applies to different kinds of electoral spending for registered political parties and candidates. So far, the Codes have been informed by the Parliamentary Parties Panel, the respective panels for Northern Ireland, Scotland and Wales, experts in digital campaigning and the Information Commissioner's Office and Cabinet Office officials. The Electoral Commission also undertook a public consultation on the Codes of Practice, which concluded on 4 December 2018.

The Government recognises the need to implement the Codes as soon as possible to ensure clarity for candidates and parties. The Electoral Commission is currently undertaking a review of the Codes with the Minister for the Constitution. Following this, the Codes will be laid before Parliament and should come into force for the start of the regulated period for the elections scheduled to take place in 2021.

**Was your Department consulted by the Department of Health over the arrangements with Amazon on data sharing between Lewisham and Greenwich NHS Trust and Experian? (Q603 and Q604)**

Entitlement to free NHS secondary care is based on being ordinarily resident in the UK. Under Regulations, providers of this care have a duty to make and recover charges from overseas visitors where no exemption category applies, and to do this they must first assess if the patient is an overseas visitor, i.e. a person who is not ordinarily resident in the UK. Lewisham and Greenwich NHS trust has, for some years, used the company Experian to provide them with an indication of whether patients accessing certain services are resident in the UK. They do this by sending demographic details of all patients receiving these services to Experian which makes residency checks. It is important to note that this is not a credit check; it looks at many sources to see whether someone has a digital footprint in the UK as a proxy for whether they are likely to be resident. Due to concerns that have been raised about the processes for notifying patients about how their data is used, the Trust has paused their use of Experian and is commissioning an external review to consider their data sharing processes. Neither I, nor my colleague the Secretary of State for Health, was consulted before Lewisham entered into the agreement.

The Government takes the protection of patient data extremely seriously. There are several safeguards in place, including legislation, security standards and toolkits, independent advisory bodies and a national data opt-out, which ensure that data is used across the system in a safe, secure and lawful way.

**Can you provide your views on the 2008 review of Listed Sporting Events, which was not taken forward after the 2010 general election? (Q614 and Q615)**

Under the terms of reference for the December 2008 review, the panel were tasked with considering three areas:

- Whether listing should continue at all in the future;
- The criteria against which events were listed; and
- The events which make up the list and those which should do so in the future

The panel published its report in November 2009 and made a number of recommendations. This included the recommendation that listing should continue and that the main criteria for listing events should be simplified. The government's view is that key sporting events such as the upcoming Rugby World Cup Final match between England and South Africa, should be made available to the widest audience possible and as such the principle of the listed events regime remains as relevant today as it did in the 2008 review.

The review also recommended that the list itself should be revised and reduced to a single list of live events which would include the addition of sports such as cricket's home Ashes test matches, The Open golf championship and Wales matches in the Six Nations rugby championship (in Wales only); and the de-listing of others such as the Winter Olympics, the Derby, the Rugby League Challenge Cup final and a significant number of group B events. However, the changes proposed in 2008 were not implemented at the time due to a number of imminent developments in UK broadcasting, such as the introduction of Freeview and the digital switch-over.

It is the government's view that the current regime and therefore the list itself strikes an appropriate balance between retaining free-to-air sporting events for the public while allowing rights holders to negotiate agreements in the best interests of their sport. As such we do not plan to reopen the list of events for a full review or to implement the changes proposed in 2008.

However, the government does recognise that more can be done to promote diversity and equality in sports broadcasting and therefore we are consulting on the addition of the Paralympic Games and women's equivalents of men's events currently on the list.

**How are you planning to implement the Copyright Directive in light of the UK's imminent departure from the EU? (Q620)**

The Government supports the goals of the EU Copyright Directive, which is why we voted in favour of it. We want to see fairer rewards for creators online, while protecting the rights of users and ensuring a thriving digital economy.

The Directive contains a 24-month transposition period, within which Member States must introduce it into their domestic law. This means that the Directive must be implemented by 7 June 2021. That falls outside the implementation period provided in the Withdrawal Agreement, which ends on 31 December 2020. The Agreement includes the possibility of extending that implementation period, but the Prime Minister has been clear that we have no intention of doing so.

The Intellectual Property Office is the lead agency for copyright and will, of course, lead the implementation of the Directive if circumstances require, however that is not currently the case. Should the Government wish to independently implement the policy proposals contained in the Directive, it would need separate legislation. Any policy proposals to that end would follow the normal course of domestic policy making, including a public consultation and a full impact assessment.

We voted for the Copyright Directive as, although not perfect, it will help creators to be more fairly rewarded for the use of their works online. It remains important to the Government that copyright law is balanced and proportionate, supporting the creative and digital economy, benefiting consumers, and promoting creativity, innovation and investment.

**I agreed to write to you regarding Mozilla's reply to DCMS's letter setting out our concerns regarding the fact that their data cannot be collected by ISPs (Q636)**

DNS over HTTPS (DoH) is a new way for users to access websites securely. While we support enhancing online security, we do have concerns about the rollout models planned by major browser companies, which mean that they, rather than Internet Service Providers (ISPs), direct users to websites. This means that the safety and security protections put in place by ISPs will also be at risk.

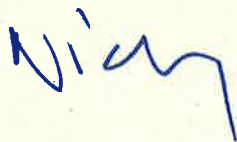
Over the summer, DCMS officials engaged widely with stakeholders that are in the process of, or are planning to roll out DoH, including Google, Mozilla and Cloudflare, as well as stakeholders that have expressed concerns about unintended consequences of such rollout, including ISPs, civil society organisations and other Government departments. Mozilla officials have since confirmed in a letter to me that they do not currently have any plans to enable DNS over HTTPS by default for UK users and will engage with UK stakeholders before any rollout plans are confirmed.

I welcome these commitments. However, I am also aware that UK users are still able to easily turn DoH on in Firefox settings. In addition, we have not yet seen a change in the public position of a number of these companies. I remain concerned in particular about the lack of transparency for the average users, who does not know about DNS, regarding the impact of the new technology on existing protections.

**I agreed to write to the Committee regarding Government policy encouraging IPSO to apply for recognition under the Royal Charter (Q643-646)**

The Government is committed to independent self-regulation of the press, including the Royal Charter backed system of press regulation, underpinned by the Press Recognition Panel (PRP). We value the high quality of regulation provided by both PRP and non-PRP regulators, as helping ensure a quality news provision. IPSO continues to make improvements in the areas identified by Sir Brian Leveson. Sir Joseph Pilling's independent review of IPSO found that it had made important achievements in demonstrating that it was an independent and effective regulator.

Yours sincerely



**Rt Hon Nicky Morgan MP**  
Secretary of State for Digital, Culture, Media and Sport