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*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Paragraph 3. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 4

#### PRIVATE SEXUAL PHOTOGRAPHS ETC: PROVIDERS OF INFORMATION SOCIETY SERVICES

##### *Exception for hosting*

3.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if sub-paragraph (2) [F<sup>1</sup>, (2A)] or (3) is satisfied.

(2) This sub-paragraph is satisfied if [F<sup>2</sup>, in the case of information which consists of or includes a private sexual photograph or film,] the service provider had no actual knowledge when the information was provided—

- (a) that it consisted of or included a private sexual photograph or film,
- (b) that it was provided without the consent of an individual who appears in the photograph or film, or
- (c) that the photograph or film was provided with the intention of causing distress to that individual.

[F<sup>3</sup>(2A) This sub-paragraph is satisfied if, in the case of information which consists of or includes a threat to disclose a private sexual photograph or film, the service provider had no actual knowledge when the information was provided—

- (a) that it consisted of or included a threat to disclose a private sexual photograph or film in which another individual appears,
- (b) that the threat was made with the intention of causing distress to that individual, or
- (c) that the disclosure would be made without the consent of that individual.]

(3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.

(4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

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### Textual Amendments

- F1** Word in Sch. 4 para. 3(1) inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), **ss. 6(4)(a)**, 30(2); S.R. 2023/188, art. 3(a)
- F2** Words in Sch. 4 para. 3(2) inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), **ss. 6(4)(b)**, 30(2); S.R. 2023/188, art. 3(a)
- F3** Sch. 4 para. 3(2A) inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), **ss. 6(4)(c)**, 30(2); S.R. 2023/188, art. 3(a)

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