



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES  
AND REGULATED SEARCH SERVICES: DUTIES OF CARE

### CHAPTER 6

CODES OF PRACTICE AND GUIDANCE

#### *Guidance*

#### **52 OFCOM's guidance about certain duties in Part 3**

- (1) OFCOM must produce guidance for providers of Category 1 services to assist them in complying with their duties set out in section 14 (assessments related to the adult user empowerment duty set out in section 15(2)).
- (2) OFCOM must produce guidance for providers of Category 1 services to assist them in complying with their duties set out in section 18 (news publisher content).
- (3) OFCOM must produce guidance for providers of Part 3 services to assist them in complying with—
  - (a) their duties set out in section 23 or 34, except the duty set out in section 23(10) or 34(9) (record-keeping and review), and
  - (b) their duties set out in section 36 (children's access assessments).
- (4) Before producing guidance under subsection (1) or (3) (including revised or replacement guidance), OFCOM must consult the Information Commissioner.
- (5) OFCOM must publish guidance under this section (and any revised or replacement guidance).

**53 OFCOM’s guidance: content that is harmful to children and user empowerment**

- (1) OFCOM must produce guidance for providers of Part 3 services which contains examples of content or kinds of content that OFCOM consider to be, or consider not to be—
  - (a) primary priority content that is harmful to children, or
  - (b) priority content that is harmful to children.
- (2) OFCOM must produce guidance for providers of Category 1 services which contains examples of content or kinds of content that OFCOM consider to be, or consider not to be, content to which section 15(2) applies (see section 16).
- (3) Before producing any guidance under this section (including revised or replacement guidance), OFCOM must consult such persons as they consider appropriate.
- (4) OFCOM must publish guidance under this section (and any revised or replacement guidance).

**54 OFCOM’s guidance about protecting women and girls**

- (1) OFCOM must produce guidance for providers of Part 3 services which focuses on content and activity—
  - (a) in relation to which such providers have duties set out in this Part or Part 4, and
  - (b) which disproportionately affects women and girls.
- (2) The guidance may, among other things—
  - (a) contain advice and examples of best practice for assessing risks of harm to women and girls from content and activity mentioned in subsection (1), and for reducing such risks;
  - (b) refer to provisions contained in a code of practice under section 41 which are particularly relevant to the protection of women and girls from such content and activity.
- (3) Before producing the guidance (including revised or replacement guidance), OFCOM must consult—
  - (a) the Commissioner for Victims and Witnesses,
  - (b) the Domestic Abuse Commissioner, and
  - (c) such other persons as OFCOM consider appropriate.
- (4) OFCOM must publish the guidance (and any revised or replacement guidance).