



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

CHAPTER 2

PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE

Category 1 services

19 Duties to protect journalistic content

- (1) This section sets out the duties to protect journalistic content which apply in relation to Category 1 services.

The duties

- (2) A duty to operate a service using proportionate systems and processes designed to ensure that the importance of the free expression of journalistic content is taken into account when making decisions about—
- how to treat such content (especially decisions about whether to take it down or restrict users' access to it), and
 - whether to take action against a user generating, uploading or sharing such content.
- (3) A duty, in relation to a decision by a provider to take down content or to restrict access to it, to make a dedicated and expedited complaints procedure available to a person who considers the content to be journalistic content and who is—
- the user who generated, uploaded or shared the content on the service, or
 - the creator of the content (see subsections (14) and (15)).

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 19. (See end of Document for details)

- (4) A duty to make a dedicated and expedited complaints procedure available to users of a service in relation to a decision by the provider of the service to take action against a user because of content generated, uploaded or shared by the user which the user considers to be journalistic content.
- (5) A duty to ensure that—
- (a) if a complaint about a decision mentioned in subsection (3) is upheld, the content is swiftly reinstated on the service;
 - (b) if a complaint about a decision mentioned in subsection (4) is upheld, the action against the user is swiftly reversed.
- (6) Subsections (3) and (4) do not require a provider to make a dedicated and expedited complaints procedure available to a recognised news publisher in relation to a decision if the provider has taken the steps set out in section 18(3) in relation to that decision.
- (7) A duty to include provisions in the terms of service specifying—
- (a) by what methods content present on the service is to be identified as journalistic content;
 - (b) how the importance of the free expression of journalistic content is to be taken into account when making decisions mentioned in subsection (2);
 - (c) the policies and processes for handling complaints in relation to content which is, or is considered to be, journalistic content.
- (8) A duty to ensure that—
- (a) the provisions of the terms of service referred to in subsection (7) are clear and accessible, and
 - (b) those provisions are applied consistently.

Interpretation

- (9) In determining what is proportionate for the purposes of subsection (2), the size and capacity of the provider of a service, in particular, is relevant.
- (10) For the purposes of this Part content is “journalistic content”, in relation to a user-to-user service, if—
- (a) the content is—
 - (i) news publisher content in relation to that service, or
 - (ii) regulated user-generated content in relation to that service;
 - (b) the content is generated for the purposes of journalism; and
 - (c) the content is UK-linked.
- (11) For the purposes of this section content is “UK-linked” if—
- (a) United Kingdom users of the service form one of the target markets for the content (or the only target market), or
 - (b) the content is or is likely to be of interest to a significant number of United Kingdom users.
- (12) In this section references to “taking action” against a user are to giving a warning to a user, or suspending or banning a user from using a service, or in any way restricting a user’s ability to use a service.
- (13) In this section the reference to the “creator” of content is to be read in accordance with subsections (14) and (15).

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- (14) The creator of news publisher content is the recognised news publisher in question.
- (15) The creator of content other than news publisher content is—
- (a) an individual who—
 - (i) created the content, and
 - (ii) is in the United Kingdom; or
 - (b) an entity which—
 - (i) created the content, and
 - (ii) is incorporated or formed under the law of any part of the United Kingdom.
- (16) For the meaning of “news publisher content”, “regulated user-generated content” and “recognised news publisher”, see sections 55 and 56.

Commencement Information

- I1** S. 19 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 19 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(e\)](#)

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