



Online Safety Act 2023

2023 CHAPTER 50

PART 12

INTERPRETATION AND FINAL PROVISIONS

Interpretation

231 “Proactive technology”

- (1) In this Act “proactive technology” means—
 - (a) content identification technology,
 - (b) user profiling technology, or
 - (c) behaviour identification technology,but this is subject to subsections (3) and (7).
- (2) “Content identification technology” means technology, such as algorithms, keyword matching, image matching or image classification, which analyses content to assess whether it is content of a particular kind (for example, illegal content).
- (3) But content identification technology is not to be regarded as proactive technology if it is used in response to a report from a user or other person about particular content.
- (4) “User profiling technology” means technology which analyses (any or all of)—
 - (a) relevant content,
 - (b) user data, or
 - (c) metadata relating to relevant content or user data,for the purposes of building a profile of a user to assess characteristics such as age.
- (5) Technology which—
 - (a) analyses data specifically provided by a user for the purposes of the provider verifying or estimating the user’s age in order to decide whether to allow the user to access a service (or part of a service) or particular content, and
 - (b) does not analyse any other data or content,

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 231. (See end of Document for details)

is not to be regarded as user profiling technology.

- (6) “Behaviour identification technology” means technology which analyses (any or all of)—
- (a) relevant content,
 - (b) user data, or
 - (c) metadata relating to relevant content or user data,
- to assess a user’s online behaviour or patterns of online behaviour (for example, to assess whether a user may be involved in, or be the victim of, illegal activity).
- (7) But behaviour identification technology is not to be regarded as proactive technology if it is used in response to concerns identified by another person or an automated tool about a particular user.
- (8) “Relevant content” means—
- (a) in relation to a user-to-user service, content that is user-generated content in relation to the service;
 - (b) in relation to a search service, the content of websites and databases capable of being searched by the search engine;
 - (c) in relation to an internet service within section 80(2), content that is provider pornographic content in relation to the service.
- (9) “User data” means—
- (a) data provided by users, including personal data (for example, data provided when a user sets up an account), and
 - (b) data created, compiled or obtained by providers of regulated services and relating to users (for example, data relating to when or where users access a service or how they use it).
- (10) References in this Act to proactive technology include content identification technology, user profiling technology or behaviour identification technology which utilises artificial intelligence or machine learning.
- (11) Accredited technology that may be required to be used in relation to the detection of terrorism content or CSEA content (or both) by a notice under section 121(1) is an example of content identification technology.
- (12) The reference in subsection (8)(b) to a search service includes a reference to the search engine of a combined service.
- (13) In this section—
- “accredited” technology has the same meaning as in Chapter 5 of Part 7 (see section 125(12));
- “illegal content”, “terrorism content” and “CSEA content” have the same meaning as in Part 3 (see section 59);
- “user-generated content” has the meaning given by section 55 (see subsections (3) and (4) of that section).

Commencement Information

II S. 231 in force at Royal Assent, see [s. 240\(z5\)](#)

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