



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 5

#### DUTIES OF PROVIDERS OF REGULATED SERVICES: CERTAIN PORNOGRAPHIC CONTENT

#### **79 “Provider pornographic content” and “regulated provider pornographic content”**

- (1) This section applies for the purposes of this Part.
- (2) “Provider pornographic content”, in relation to an internet service, means pornographic content that is published or displayed on the service by the provider of the service or by a person acting on behalf of the provider, including pornographic content published or displayed on the service by means of—
  - (a) software or an automated tool or algorithm applied by the provider or by a person acting on behalf of the provider, or
  - (b) an automated tool or algorithm made available on the service by the provider or by a person acting on behalf of the provider.
- (3) “Regulated provider pornographic content”, in relation to an internet service, means provider pornographic content other than content within subsection (4) or (5).
- (4) Content is within this subsection if it—
  - (a) consists only of text, or
  - (b) consists only of text accompanied by—
    - (i) a GIF which is not itself pornographic content,
    - (ii) an emoji or other symbol, or
    - (iii) a combination of content mentioned in sub-paragraphs (i) and (ii).
- (5) Content is within this subsection if it consists of a paid-for advertisement (see section 236).
- (6) References to pornographic content that is “published or displayed” on a service—
  - (a) include, in particular—

- (i) references to pornographic content that is only visible or audible to users as a result of interacting with content that is blurred, distorted or obscured (for example, by clicking on such content), but only where the pornographic content is present on the service,
    - (ii) references to pornographic content that is embedded on the service, and
    - (iii) references to pornographic content that is generated on the service by means of an automated tool or algorithm in response to a prompt by a user and is only visible or audible to that user (no matter for how short a time);
  - (b) do not include references to pornographic content that appears in search results of a search service or a combined service.
- (7) Pornographic content that is user-generated content in relation to an internet service is not to be regarded as provider pornographic content in relation to that service.
- (8) In this section—
- “search results” has the meaning given by section 57(3);
  - “user-generated content” has the meaning given by section 55 (see subsections (3) and (4) of that section).