

What do the Joint Committee recommendations mean for disinformation?

Original Draft Bill

Duty to tackle disinformation if it would cause physical or psychological harm to individuals, or would breach platform terms and conditions

Ofcom to set up an advisory committee on tackling disinformation and misinformation, and has a duty to promote media literacy

Main changes in the Joint Committee Report

Disinformation that platforms should be tackling will be defined in relation to other existing or upcoming legislation. Disinformation in scope will be in particular, electoral and public health disinformation, and disinformation that is likely to cause serious individual harm.

Platforms (based on their risk profile) will be required to have risk mitigation measures relating to these harms, including on design features which may promote or amplify disinformation, such as data profiling, algorithmic systems or frictionless interaction

Independent audit of platform algorithms which curate, promote or recommend content; increase platform transparency and reporting duties around virality of content

Requirements to protect 'democratically important' and 'journalistic' content replaced with protections for content 'in the public interest'

Ofcom should work with the ASA on addressing paid content that breaches advertising rules

POSITIVE CHANGES FOR TACKLING DISINFORMATION

- Explicit inclusion of disinformation as a harm in scope sets a clear success criterion for the Bill and clearer expectations for platforms
- A focus on platform amplification, facilitation and incentivisation is much more likely to be effective at tackling harmful disinformation, and reduce the risk of over-moderation.
- Platforms being given duties according to their risk profile means smaller, high-risk platforms that feed and coordinate disinformation campaigns would be in scope

QUESTIONS REMAINING

- Tightly tying disinformation duties to upcoming legislation risks inefficacy if that legislation is not robust enough
- How tradeoffs will be made between these duties and platforms' duties to safeguard freedom of expression and public interest content not yet clear
- Platforms not required to act on wider harmful forms of disinformation