

Technology, Media & Telecommunications

Bill to Enhance Online Safety Passed in Parliament

Introduction

On 9 November 2022, the Online Safety (Miscellaneous Amendments) Bill ("**Bill**") was passed in Parliament. The Bill seeks to enhance the safety of digital spaces for Singapore users, particularly for children.

The Bill will introduce new regulations and obligations on the part of online communication services and internet access service providers, and will empower the Infocomm Media Development Authority ("**IMDA**") to issue orders blocking harmful content. In her speech at the second reading of the Bill in Parliament (available [here](#)), Minister for Communications and Information Mrs Josephine Teo indicated that the new regulations covering online communication services are currently intended to apply to social media services, which are viewed as a priority area due to the higher proportion of harmful online content on social media platforms.

The Bill will introduce a new Part 10A in the Broadcasting Act 1994, which empowers IMDA to better regulate online communication services accessible by Singapore end-users through the following measures: (i) issuing online Codes of Practice for providers of regulated online communication services; and (ii) issuing blocking directions to online communication services and internet access service providers to deal with "egregious content". With regard to the Codes of Practice, IMDA has also issued a draft Code of Practice for Online Safety ("**Draft Code**").

We have earlier issued a Legal Update on the first reading of the Bill in Parliament, available [here](#), which covers the Bill in further detail. This Update provides a summary of the key provisions of the Bill and the Draft Code.

Code of Conduct

Part 10A empowers IMDA to issue online Codes of Practice applicable to providers of any regulated online communication service. A Code of Practice may provide for the following:

- (a) Requirements to establish and apply appropriate systems or processes to minimise risk;
- (b) Practical guidance in respect of what content should be covered;
- (c) The procedures to be followed to satisfy the duty to comply with the online Code of Practice;
- (d) Requirements for collaboration or cooperation by the provider with any conduct of research into its regulated online communication service by a suitable expert.



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Draft Code

In line with the earlier-mentioned focus on social media services, IMDA has issued a draft Code of Practice for Online Safety ("**Draft Code**"), which sets out obligations that designated social media services ("**Service**") have to meet. The Draft Code aims to give an early sense of how IMDA intends to implement the Bill's provisions on Codes of Practice, and is subject to further development.

The Draft Code contains the following key provisions:

- (a) **User Safety** – The Service must put in place measures to minimise users' exposure to harmful content, empower users to manage their safety on the Service and mitigate the impact on users that may arise from the propagation of harmful content, particularly for children. This includes the following measures:

- **Guidelines and standards** – The Service must implement a set of community guidelines and standards, as well as content moderation measures.
- **Empowering users** – Users must have access to tools that enable them to manage their own safety and effectively minimise their exposure to, and mitigate the impact of, harmful content and unwanted interactions on the Service. Users must be able to easily access information related to online safety on the Service. Such information must include local information such as Singapore-based safety resources or support centres, if available.
- **Proactive detection and removal** – Technologies and processes must be implemented to proactively detect and swiftly remove child sexual exploitation and abuse material and terrorism content as technically feasible.
- **Measures for children** – Children's exposure to inappropriate content must be minimised through reasonable and proportionate measures, including a set of community guidelines and standards and content moderation measures that are appropriate for children. These community guidelines must be published and at least address sexual content, violent content, suicide and self-harm content, and cyberbullying content.

Children or their parents/guardians must have access to tools that enable them to manage children's safety, and effectively minimise children's exposure to harmful and/or inappropriate content and unwanted interactions on the Service. Unless the Service restricts access by children, children must be provided differentiated accounts where the settings for tools to minimise exposure and mitigate impact of harmful and/or inappropriate content are set to more restrictive levels by default.

- (b) **User Reporting** – Any individual must be able to report concerning content or unwanted interactions to the Service. The reporting and resolution mechanism provided to users must be effective, transparent, easy to access, and easy to use.

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- Users' reports must be assessed, and appropriate action must be taken by the Service in a timely and diligent manner that is proportionate to the severity of the potential harm.
 - Where the Service receives a report that is not frivolous or vexatious, the user must be informed of the Service's decision and action taken with respect to that report without undue delay. If the Service decides to take action against the reported content, the user holding the relevant account must be informed of the Service's decision and action without undue delay.
 - The users must be allowed to submit requests to the Service for a review of the decision and action taken.
- (c) **Accountability** – The Service must submit to IMDA annual reports on the measures the Service has put in place to combat harmful and inappropriate content, for publishing on IMDA's website. The report should include: (i) how much and what types of harmful or inappropriate content they encounter on the Service; (ii) what steps the Service has taken to mitigate Singapore users' exposure to harmful or inappropriate content; and (iii) what action the Service has taken on user reports.

The Draft Code is accompanied by Guidelines that provide illustrative but non-exhaustive examples of harmful or inappropriate content, both for all users and for children, across the following categories of content: sexual content, violent content, suicide and self-harm content, cyberbullying content, content endangering public health and content facilitating vice and organised crime.

The finalised Code of Practice for Online Safety is expected to be rolled out in the second half of 2023, after a final round of consultation with social media firms.

Blocking Directions

Under the new Part 10A, IMDA may also issue the following directions to deal with egregious content (including content advocating suicide or self-harm, physical or sexual violence and terrorism, depicting child sexual exploitation, or likely to cause racial and religious disharmony):

- (a) **Online communication services** – A direction to the provider of an online communication service (which currently includes social media services like Facebook, Instagram, YouTube, TikTok and Twitter) to: (i) disable access to egregious content on its service by Singapore end-users; or (ii) stop delivery of content to the accounts of all Singapore end-users so as to stop or reduce the communication of the egregious content.

Failure to comply may result in a fine not exceeding S\$1 million, and a further fine not exceeding S\$100,000 for every day which the offence continues after conviction.

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- (b) **Internet access service providers** – A blocking direction to an internet access service provider (such as Singtel, Starhub or M1) to stop access by Singapore end-users to the online communication service.

Failure to comply may result in a fine not exceeding S\$20,000 for each day the person does not comply with the direction, subject to a total cap of S\$500,000.

Concluding Words

With the proposed measures to enhance online safety having been passed in Parliament, it is expected that the legislative amendments will take effect in 2023. Once in effect, online communication services and internet access service providers must take note of IMDA's authority to issue blocking orders over egregious content and their obligation to take all reasonable steps to comply with such orders.

In particular, social media services appear to be the current focus of the new framework. While the Draft Code has yet to be finalised, social media platforms should consider the proposed obligations set out in the Draft Code and the measures and policies that may need to be implemented to ensure compliance with such obligations. Whilst many social media service providers may already have existing community guidelines and standards as well as content moderation measures, they must ensure that these are reviewed and revised to meet the local requirements (e.g. in line with Singapore standards regarding harmful/inappropriate content, as well as the provision of local information such as Singapore-based safety resources or support centres where available).

For further queries, please feel free to contact our team below.

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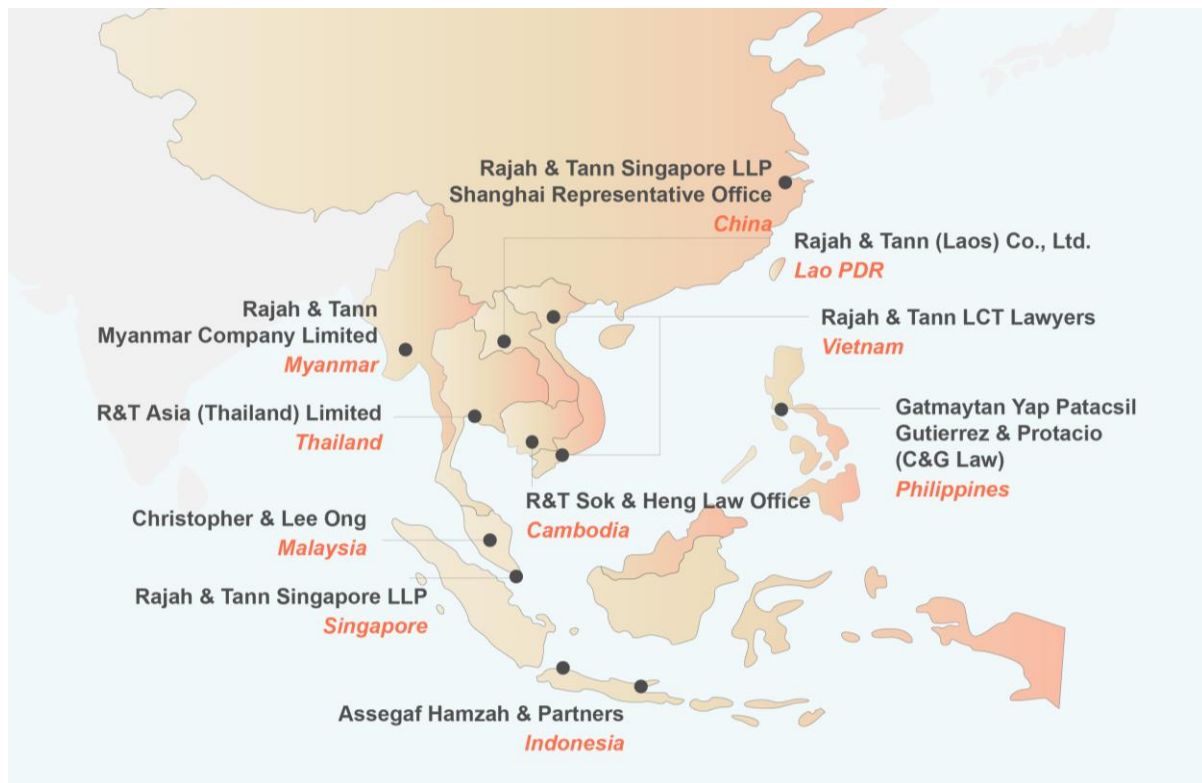
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