Our relationship with the internet, as society and as individuals, continues to develop, so the do-nothing option is not one in which nothing happens. A great deal happens, but without legislative impulse.

      – **Professor Christopher Marsden, University of Sussex**

When most people hear the word regulation in the context of information and data, their minds immediately make the jump to censorship. History has taught us that censorship is symptomatic of dictatorship, a system that is offensive to western conceptions of democracy which many in this part of the world hold dearly. Thus, they arrive at the conclusion that online regulation must be bad. However, this is not automatically the case. Regulation does not necessarily mean censorship. Regulation in this context refers to a system of oversight, and of checks and balances to prevent abuses of power and the exploitation of the vulnerable.

How is the internet currently regulated?

As the House of Lords Select Committee on Communications noted in their report *Regulating in a Digital World*, the internet is not an unregulated "Wild West". There are domestic laws as well as international laws in place within the UK that aim to control the harms that can arise from the internet. Some examples of prominent domestic legislation currently in place include the Malicious Communications Act 1988 and the Computer Misuse Act 1990. These laws are targeted at protecting individuals from online violence perpetuated by others.

Additionally, there are international laws in place to deal with online harms, the most notable of which is the General Data Protection Regulation. The GDPR Rules, which came into force in May 2018, regulate how companies protect the personal data of private citizens. The

GDPR Rules are an important step forward in ensuring online safety, as they apply to all companies that process personal data in branches established in the EU. Additionally, they are the more recent and thus more targeted replacement to the previous set of data protection rules across Europe, which were created in the 1990s.

The role of self-regulation

However, even with all of these regulations, the internet is largely controlled through a system of self-governance. Social media companies create their own sets of guidelines that they expect users to adhere to and breach of these rules results in punishment. Obedience of these guidelines is monitored through algorithms as well as manual observation by human employees. Youtube, for example, reportedly took down 7.8 million videos between July and September 2018, 81% of which were automatically removed using algorithms.

The difficulty with self-regulation, however, is that it is left to social media companies to decide what *they* deem to be acceptable or unacceptable on their platforms. This excess of power has damaging potential. For example, Facebook chooses not to fact check political adverts because it does not believe that it has a role to play in refereeing political speech and campaigning. On the other hand, Twitter's CEO Jack Dorsey tweeted on October 30th, 2019 that Twitter has introduced a new policy not to accept political adverts altogether. Thus, two of the largest social media companies in the world have been left to their own devices regarding how to tackle such a major issue.

The UK's response: virtues and shortcomings

In response to all the concerns surrounding the internet, Ofcom recently issued a report discussing online harms and steps the government can take to tackle them. The UK

government has also issued a White Paper that aims to introduce a new regulatory framework for online safety. Some of the matters that will be tackled by this framework include the introduction of a duty of care to make companies take responsibility for their users. Compliance with this duty of care is to be overseen and enforced by an independent regulator that will be equipped with powers to take action against companies that breach this duty of care. The ultimate aim of this framework is to create a new culture of transparency and accountability, which will allow people to be protected without the risk of stifling creativity and innovation.

There is a lot to be said for the UK's white paper. If adhered to, it will make the UK a world leader in the fight to tackle online harms and could create a model system from which other countries could take inspiration. However, it possesses two major shortcomings that must be addressed.

Firstly, the new regulatory system, with its largely introspective nature, ignores the fact that the internet is a global beast. One country alone is unequipped to tackle it, thus in considering how far the state should go in regulating online content I would argue that the state needs to go beyond its own borders and engage in agreements with other countries. There needs to be a basic degree of unity among countries regarding how social media companies are to be regulated if any UK rules addressing this are to be effective.

The second potential shortcoming lies with the nature of the regulator. The White Paper suggests that this regulator will be independent and also have vast powers to prevent abuses. In order for this regulator to be effective it must *truly* be completely independent of the government such that its decision-making is not swayed by changes in political ideologies

and policies. Additionally, it must be open to public scrutiny and be willing to engage with industry leaders to ensure the balance between fundamental rights and prevention of harm is struck. Finally, it must be forward-looking and innovative, just like the industry it seeks to regulate. The internet is constantly advancing and thus any regulator seeking to control it must keep pace with it.

Conclusion

To conclude, I would like to draw attention to the quote which opens this essay. As our relationship with the internet evolves and expands, the government has a role to play in protecting people and ensuring their safety. Its policies must find the difficult balance between freedom of speech and online safety, no matter how hard this balance is to be struck.