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Christine Darrah
Clerk to the Committee for Justice
Room 242
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9 September 2021

Dear Christine,

Research Paper – Online Trolling and Abuse

At its meeting on 1 July 2021, the Committee considered a research paper on Online Trolling and Abuse it had commissioned from Assembly Research and Information Services in the context of the Protection from Stalking Bill and the prevalence of online abuse more widely. On 23 July the Committee wrote to the Department requesting information which is now provided below.

- **Whether there is a need for specific legislative provision for online offences that are already criminal offences offline.**

Having taken views from policy and legislation colleagues I can advise that specific legislative provision for online offences that are already criminal offences offline is not required. In the context of the new stalking legislation currently before the Assembly, it would be possible to secure a successful conviction based on online stalking behaviour.

- **If there are any legislative gaps relating to online trolling and abuse in other pieces of legislation that falls within the Department's remit that need to be addressed.**

Having taken views from policy and legislation colleagues across the Department I can advise that no legislative gaps have been identified at this point in terms of legislation within the DOJ remit.

Telecommunications legislation is a reserved matter. The UK Government's Department for Digital, Culture, Media & Sport (DCMS) published a draft Online Safety Bill on 12 May 2021 for pre-legislative scrutiny. The Joint Committee that will scrutinise the draft Bill has now been established and is due to report by 10th December.

The draft Online Safety Bill establishes a new regulatory framework to tackle harmful content online. Internet law and regulation is a reserved policy area. The matters to which the provisions of the Bill relate are not within the legislative competence of the devolved administrations. As many of the harms the Bill seeks to mitigate relate to devolved matters, the Department of Justice along with other departments with an interest in online safety are engaging with DCMS as the legislation progresses.

The new regulatory framework will place a duty of care on companies to make them take more responsibility for the safety of their users and tackle harms caused by content or activity on their services. Social media sites, websites, apps and other services which host user-generated content or allow people to talk to others online will have a legal duty of care towards their users. They will need to remove and limit the spread of illegal content.

Ofcom has been appointed as the regulator for the new regime and will play a key role in enforcing a statutory duty of care to protect users from harmful and illegal terrorist and child abuse content.

Aligned to the work on the Online Safety Bill, the UK Government is working with the Law Commission in England and Wales to ensure the criminal law is fit for purpose to deal with online communications. The Law Commission has now published its final report,



putting forward recommendations for reform. I am advised that the UK Government will consider using the online safety legislation to bring the Law Commission's final recommendations into law, where it is necessary and appropriate to do so.

I trust this information is helpful.

**CLAIRE MCCORMICK
DALO**