



## Department for Digital, Culture, Media & Sport

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Mr Iain Corby  
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Our Ref: TO2022/02075/SR

Dear Mr Corby,

Thank you for your correspondence of 7 February, to the Secretary of State for Digital, Culture, Media and Sport, the Rt Hon Nadine Dorries MP, regarding your suggestions for the Online Safety Bill (the bill) with regards to age verification and tackling children's access to online pornography. I am replying as a member of the Ministerial Support Team.

The government welcome your support of our proposals to expand the scope of the bill to ensure that all online sites that offer pornography are required to prevent children from accessing it. The government is committed to bringing forward the most comprehensive approach possible to protecting children online.

With regards to your suggestion that pornography should be listed on the face of the legislation as a priority harm, the Joint Committee which scrutinised the draft bill has also suggested that some harms should be named on the face of the bill. While the government are carefully considering this recommendation, setting priority harms in secondary legislation, rather than in the bill, will mean that they can be kept under review and updated to reflect emerging harms without requiring any changes to primary legislation. This will also allow for parliamentary oversight and democratic debate about the harms to be included in the list. This approach balances the need to give certainty to businesses on the harms they must address, whilst ensuring the legislation remains agile and flexible to emerging harms and risks.

Whilst the secondary legislation to determine priority harms for children is still subject to the parliamentary process, the government has made a clear commitment to addressing children's access to pornography through the bill, and stated in the full government response to the Online Harms White Paper consultation that pornography was a likely priority harm to children.

Regarding your suggestions on Ofcom's enforcement powers, as you are aware, Ofcom will have a suite of robust enforcement powers available to use against companies who fail to fulfil their duties. These include imposing substantial fines up to £18 million or 10% of global revenue, requiring companies to make improvements where needed and - in the most serious cases - applying to the courts for business disruption measures (including blocking). In some cases, Ofcom may also engage informally with providers to help them understand their duties. Ofcom will therefore use its range of powers to promote strong compliance with the new regime and only apply to the courts in the most serious cases.

Ofcom will also be required to publish enforcement guidance, and it will need to set out in this guidance how it will take into account any impact on children due to a company's failure to fulfil its duty of care. The government expects Ofcom to prioritise children in its approach to enforcement to provide the strongest protections possible for them.



The government fully recognises the urgent need of this legislation to ensure robust protections for children from harmful content. This bill is a priority for my department and the government will be introducing it to parliament as soon as possible. Our intention is to have the regime operational as soon as possible after Royal Assent, whilst ensuring the necessary preparations are completed effectively and services understand what is expected of them. The government are therefore working closely with Ofcom to ensure that the implementation of the framework is as short as possible, following passage of the legislation.

I hope this information is helpful.

Yours sincerely,

**Ministerial Support Team**