

# The Online Safety Bill must support community-run, privacy-centric sites like Wikipedia - not hurt them

The UK Online Safety Bill (OSB) is being designed with Facebook, Youtube, Twitter and TikTok in mind.

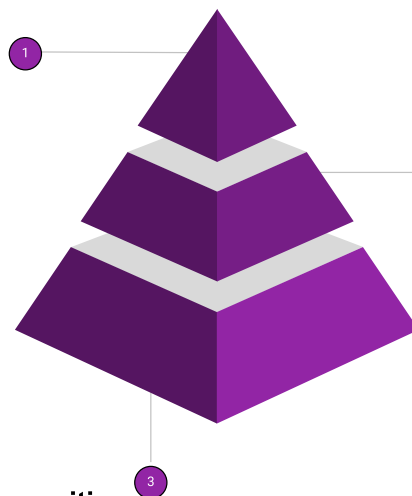
But as the Bill's Impact Assessment notes, 80% of the impacted entities have fewer than 10 employees.<sup>1</sup> And many sites, like Wikipedia, are non-profit and/or empower their own users to make important policy and moderation decisions. They will lose out - as will the UK - if the OSB remains as-is.

**By supporting a handful of amendments proposed in the name of The Lord Moylan, the House of Lords can ensure that the OSB protects the best parts of the Web:**

## No generalised monitoring and filtering

Amend cls. 9(2)(a), 9(3)(a) and 11(3) (duties to **prevent encounters with** certain content). Retain the general duty to mitigate harms, and to remove reported content.

Or exempt HAAJE/GLAM content/projects.



## No user discrimination (age-gating and “verified user” filtering)

Amend cl. 11(3) - mandatory age-gating. Don't put up barriers to accessing Wikipedia and Wikibooks.

Amend cl. 12(6) and (7), plus cl. 57. Wikipedia can't operate by showing just content produced by some users (e.g. “verified” users) but not others.

Or exempt HAAJE/GLAM content/projects generally.

## Protect innovators and communities

- Reduce red tape, or exempt non-profits, SMEs and HAAJE/GLAM projects.
- Don't apply the Bill's requirements to users' own content moderation actions.
- Calculate annual fees and penalties by reference to profits/net income, not revenue.
- Require transparency in FAQs and Help Centres, not lawyerised Terms of Service.

*HAAJE: Historical, Academic, Artistic, Journalistic, Educational  
GLAM: Galleries, Libraries, Archives, Museums*

<sup>1</sup> [UK OSB Impact Assessment \(January 2022\)](#), table 5 (pp. 28/29). Of an expected 25,100 in-scope platforms, 20,200 are micro-entities; 4,100 are “small” or “medium”. And only 700 are “large”.

## The OSB risks serious unintended consequences

<p><b>If the OSB imposes age verification on Wikipedia and other communities, then...</b></p>	<p>Adults will avoid sites like Wikipedia; paywalls and cookie banners are bad, but age verification is worse.</p> <p>Those adults - and the under-18s excluded by design - will get their information from blogs and tabloids instead. UK information diets, research, and education will suffer.</p> <p>Users in high-risk places (e.g. Crimea) won't contribute: without privacy and anonymity, <a href="#">the personal risk is too high</a>. They lose a voice, and society loses their contributions.</p>
<p><b>If the OSB imposes proactive filtering, while also making it harder to remove "recognised news content", then...</b></p>	<p>Marginalised websites will be shut down (it is too hard to detect "UK illegal content" in Welsh, let alone Wikipedia's 300 other languages)</p> <p>Users will be left with no power to decide what's in Wikipedia - the OSB forces the website host (the Wikimedia Foundation, Inc.: a non-profit with limited staff) to take power away from the students, parents, professionals, retirees, etc (many in the UK!) that - under the status quo - can not only edit Wikipedia, but also set and enforce its major, day-to-day policies.<sup>2</sup></p>
<p><b>If the OSB imposes onerous red tape, then...</b></p>	<p>Projects with limited compliance budgets will not be able to trial innovative features or services in the UK; the UK will be left behind.</p> <p>Platforms with the largest profits and the most compliance staff will dominate at the expense of startups and small companies, as well as non-profit, community-run platforms.</p>

Wikimedia UK and the Wikimedia Foundation are calling on the House of Lords to support **a few essential amendments, to protect the best parts of the Web** (see *appendix*). These have been proposed in the name of Lord Moylan.

Interested legislators are invited to contact Lucy Crompton-Reid, Chief Executive of Wikimedia UK, to express their support at [lucy.crompton-reid@wikimedia.org.uk](mailto:lucy.crompton-reid@wikimedia.org.uk)

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<sup>2</sup> To view this in action, see for example [https://en.wikipedia.org/wiki/Wikipedia:Administrators%27\\_noticeboard](https://en.wikipedia.org/wiki/Wikipedia:Administrators%27_noticeboard)

# About us

**The Wikimedia Foundation, Inc.** is the nonprofit organisation that hosts Wikipedia and other free knowledge projects. The vision of our free knowledge movement is a world in which every single human being can freely share in the sum of all knowledge. To this end, we support a vibrant community of more than 300,000 volunteers around the world, who contribute to the Wikimedia projects by adding, editing, and verifying content in over 55 million articles across 300 languages, all for free and without ads.

**Wikimedia UK** is the national charity for open knowledge, bringing together practical and policy expertise about Wikipedia and the other Wikimedia projects. Wikimedia UK works in partnership with the cultural and education sectors and other organisations to make knowledge freely available, usable and reusable online. We partner with major institutions such as the British Library, University of the Arts, London, University of Edinburgh, National Institute for Health Research, National Library of Wales, Science Museum and Wellcome, with content shared through our programmes receiving 15 billion views in 2021/22. We have also reached thousands of school and university students in the UK through our extensive media and information literacy programme. You can read more about our work [here](#).

**About the community's essential role in the Wikimedia projects:** the information on Wikipedia and other Wikimedia projects is added, organised, and edited by a decentralised community of volunteers who engage in open debate to make decisions about content, rules that editors must abide by, and how they are enforced. Volunteers address most content issues on the Wikimedia projects, such as disinformation, hate speech, and other conduct that does not comply with the project's policies and standards. Users usually do this without interference from the Wikimedia Foundation. This community-led model has allowed the Wikimedia projects to achieve the prominence and high quality they have now.

# APPENDIX: AMENDMENTS TO SUPPORT

## Amendments 17 and 18 to Clause 9, in the name of Lord Moylan: **No generalised monitoring and filtering**

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### 9 *Safety duties about illegal content*

(...)

- (2) A duty, in relation to a service, to take or use proportionate measures relating to the design or operation of the service to—
    - (a) ~~Prevent individuals from~~ **protect individuals from harms arising due to them** encountering priority illegal content by means of the service,
    - (b) effectively mitigate and manage the risk of the service being used for the commission or facilitation of a priority offence, as identified in the most recent illegal content risk assessment of the service, and
    - (c) effectively mitigate and manage the risks of harm to individuals, as identified in the most recent illegal content risk assessment of the service (see section 8(5)(g)).
  - (3) A duty to operate a service using proportionate systems and processes designed to **swiftly take down illegal content, after the provider is specifically alerted to the presence of that content and its illegality, or becomes aware of it in any other way.**
    - ~~(a) minimise the length of time for which any priority illegal content is present;~~
    - ~~(b) where the provider is alerted by a person to the presence of any illegal content, or becomes aware of it in any other way, swiftly take down such content.~~
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**Explanation:** “Prevent (...) from encountering” would mean that the web host must scan and proactively analyse millions of Wikipedia edits across 250+ languages for “illegality” under UK-specific law - and then block content, ignoring the community’s wishes.

*There are other ways to address this problem - like enhancing existing notice & takedown processes; training moderators and giving Wikipedia editors better tools to search for certain types of content.*

*The clause is sufficient - and more proportionate - if 9(2) and 9(3) focus on risk mitigation-based approaches, rather than generalised monitoring and prior restraint. Clause 9(2)(a) could also simply be removed. The same applies to Clause 11(3) (see next amendment).*

## Amendment 26 in the name of Lord Moylan: No discrimination by age-gating

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### 11 Safety duties protecting children

(...)

- (2) A duty, in relation to a service, to take or use proportionate measures relating to the design or operation of the service to effectively—
    - (a) mitigate and manage the risks of harm to children in different age groups, as identified in the most recent children’s risk assessment of the service (see section 10(6)(g)), and
    - (b) mitigate the impact of harm to children in different age groups presented by content that is harmful to children present on the service.
  - ~~(3) A duty to operate a service using proportionate systems and processes designed to—
    - ~~(a) prevent children of any age from encountering, by means of the service, primary priority content that is harmful to children (for example, by using age verification);~~
    - ~~(b) protect children in age groups judged to be at risk of harm from other content that is harmful to children (or from a particular kind of such content) from encountering it by means of the service.~~~~
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**Explanation:** The Wikimedia movement is already engaged in [a multi-year project to make sure we’re protecting vulnerable adults and children](#). But we will not be verifying the age of Wikipedia readers. There are better ways to protect those in need.

Clause 11(3) presents the same issues as the “prevent... from encountering” adult-focused duty in clause 9 (it requires generalised monitoring). **Plus**, it could require all users (including adults) to prove their age before accessing Wikipedia. This is **high friction** - as it is **more annoying** than the “cookie compliance popups” that pollute the web - and it is **privacy-intrusive**, since it requires either the platform or a third party to collect significant data about site visitors (both children and adults). This runs counter to the accessibility, safety and data minimisation principles that are critical to Wikipedia’s utility and inclusiveness.

If users face these sorts of issues accessing Wikipedia, they will find it more attractive to get their information from unreliable tabloids and blogs instead. The UK’s information diet will suffer. Clause 11 is sufficient - and more proportionate - if subsection (3) is removed.

## Amendments 38, 39, 139 and 140 in the name of Lord Moylan: No discrimination by user verification

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### 12 User empowerment duties

(...)

- ~~(6) — A duty to include in a service features which adult users may use or apply if they wish to filter out non-verified users.~~
- ~~(7) — The features referred to in subsection (6) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—
  - ~~(a) — prevent non-verified users from interacting with content which that user generates, uploads or shares on the service; and~~
  - ~~(b) — reduce the likelihood of that user encountering content which non-verified users generate, upload or share on the service.~~~~

(...)

### 57 User identity verification

1. A provider of a Category 1 service **must may** offer all adult users of the service the option to verify their identity (if identity verification is not required for access to the service).
  2. The verification process may be of any kind (and in particular, it need not require documentation to be provided, **or other personal data to be processed**).
  3. A provider of a Category 1 service must include clear and accessible provisions in the terms of service explaining how the verification process works.
- (...)
4. The duty set out in subsection (1) applies in relation to all adult users, not just those who begin to use a service after that duty begins to apply.
- (...)

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**Explanation:** *Wikipedia users are extremely privacy-sensitive. Without the ability to remain pseudonymous, people in high-risk parts of the world, like occupied Ukraine, or Belarus, could not safely edit Wikipedia. People are required to provide strong proofs for what they want to change - not (unless they're suspected of misconduct) strong proofs of who they are. A given paragraph - or even sentence - might, over its sometimes 20-year history on Wikipedia, have been modified in various parts by a dozen users. There is no viable way for Wikipedia articles to only show parts of sentences, paragraphs or running conversations that were written by "verified" users.*

# Amendments 10 and 11 in the name of Lord Moylan: Protect community moderation models

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## 4 Disapplication of Act to certain parts of services

- (1) This Act does not apply in relation to a part of a Part 3 service if the conditions in paragraph 7(2) of Schedule 1 (internal business service conditions) are met in relation to that part.
- (2) This Act does not apply in relation to a part of a regulated search service if—
  - (a) the only user-generated content enabled by that part of the service is content of any of the following kinds—
    - i) content mentioned in paragraph 1, 2 or 3 of Schedule 1 (emails, SMS and MMS messages, one-to-one live aural communications) and related identifying content;
    - ii) content arising in connection with any of the activities described in paragraph 4(1) of Schedule 1 (comments etc on provider content); and
  - (b) no regulated provider pornographic content is published or displayed on that part of the service.
- (3) This Act does not apply in relation to moderation actions taken, or not taken, by users of a Part 3 service.**
- (4) In this section—

**“moderation action” means —**

  - (a) In respect of content, the taking down of, restriction of access to, or taking of other actions (for example, adding warning labels) in respect of, such content; or**
  - (b) In respect of another person, the giving of a warning to such a person, or suspension or banning of that person, or in any way restricting such a person’s ability to use a service.**

“regulated provider pornographic content” and “published or displayed” have the same meaning as in Part 5 (see section 70);  
“user-generated content” has the meaning given by section 49 (see subsections (3) and (4) of that section).

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**Explanation:** *Community-led moderation is essential to sites like Wikipedia - an encyclopaedia that anyone can edit. Platform providers should not attract complaints or liability every time a user does something that could be considered “moderation” to another user’s content (e.g. amending a sentence on Wikipedia, or deleting spam on Reddit). Yet the current drafting of some Bill provisions, such as Clauses 17(4)(c) or 65(1), could catch those. **This amendment clarifies that community moderation is not fettered by this Bill.***

## Amendment 9 in the name of Lord Moylan: **Protect public benefit services and SMEs**

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*In: Schedule 1 - Exempt user-to-user and search services*

*Part 1 — Descriptions of services which are exempt*

New paragraphs, after paragraph 10

### *Services provided for public benefit*

10A A user-to-user service or a search service is exempt if it is provided for the purpose of indexing, manipulation, discussion and/or making available of content in the public interest, including but not limited to historical, academic, artistic, educational, encyclopaedic, journalistic, and/or statistical content.

### *Services provided by SMEs*

10B A user-to-user service or a search service is exempt if the provider is a small business or a micro business, as those terms are defined in section 33 of the Small Business, Enterprise and Employment Act 2015, read with any regulations under that section.

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**Explanation:** *SMEs, and organisations working to benefit the public, are particularly vulnerable to regulatory burdens. Impeding their ability to stay solvent (let alone compete with major for-profits), and diverting their resources away from R&D and other beneficial activities, will push the UK further down competitiveness and [civic freedom](#) indices.*