

STRUCTURE OF THE MEDIA COMMISSION

The overall focus of the Media Commission will be content regulation, which will enable important synergies between the work of each Commissioner

BROADCASTING COMMISSIONER

Appointed by the Minister on the recommendation of the Public Appointments Service

Broadcasting Authority of Ireland staff

Current functions of Broadcasting Authority of Ireland

ON-DEMAND AUDIOVISUAL SERVICES COMMISSIONER

Appointed by the Minister on the recommendation of the Public Appointments Service

Oversees the regulation of on-demand audiovisual media services

KEY POINTS

Commissioners will be appointed by the Minister on the recommendation of the Public Appointments Service following an open recruitment competition.

The current staff and functions of the Broadcasting Authority of Ireland will reside under one Commissioner, the Commissioner for Broadcasting.

Further Commissioners may be appointed in the future, up to a maximum of six Commissioners in total. This will allow the Media Commission to react and adapt to changing circumstances, particularly in relation to online safety.



EXECUTIVE CHAIRPERSON

Corporate functions

Co-ordinating shared functions

Human Resources

ONLINE SAFETY COMMISSIONER

Appointed by the Minister on the recommendation of the Public Appointments Service

Oversees the regulatory framework for online safety



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CATEGORIES OF HARMFUL ONLINE CONTENT

The purpose of the categories of harmful online content is to inform the making of online safety codes by the Online Safety Commissioner



MATERIAL THAT IT'S CRIMINAL TO SHARE

For example child sex abuse materials and certain materials relating to terrorism



MATERIAL THAT IS READILY IDENTIFIABLE AS SERIOUS CYBERBULLYING



MATERIAL THAT IS READILY IDENTIFIABLE AS PROMOTING EATING DISORDERS



MATERIAL THAT IS READILY IDENTIFIABLE AS PROMOTING, OR PROVIDING INSTRUCTIONS FOR, SUICIDE AND SELF-HARM

KEY POINTS

The first category is about material which it is already, or which it may become, a criminal offence to share. The other categories are about material which is legal, and will remain so, but which can potentially cause serious harm.

The legal wording of categories about legal yet potentially harmful material contains thresholds about the likelihood of harm and the likely intention of the person sharing the material. This is to ensure a focus on material which is likely to cause serious harm.



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PROCESS FOR ADDING NEW CATEGORIES OF HARMFUL ONLINE CONTENT



KEY POINT

The same process can be used for removing categories if they are out of date or no longer relevant.



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WHAT INFORMS THE ONLINE SAFETY COMMISSIONER IN PROPOSING NEW CATEGORIES OF HARMFUL ONLINE CONTENT?

There are many sources that will inform the Online Safety Commissioner's decision to propose new categories of harmful online content

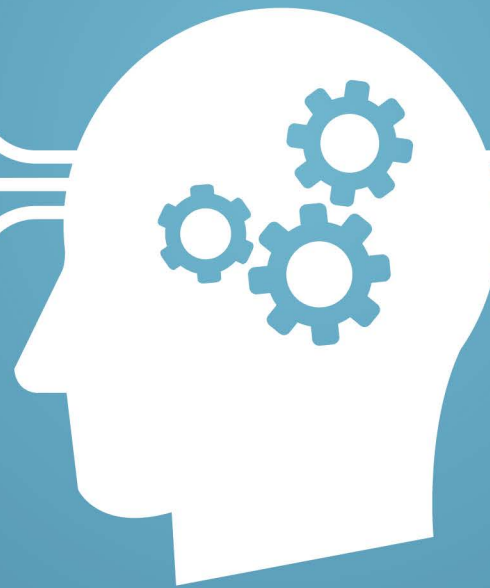
Consultation with stakeholders, experts, relevant bodies and any advisory committees set up by the commissioner.



The Online Safety Commissioner's experience of regulating designated online services through online safety codes



The Online Safety Commissioner's experience of testing new approaches through regulatory sandboxes and online safety initiatives through online safety guidance materials, especially relating to age-inappropriate online content.



Cooperation with other regulatory bodies both in Ireland and abroad, especially with the EU.



Research conducted or supported by the Online Safety Commissioner.



New laws about legal yet potentially harmful material both from Ireland and the EU.

KEY POINT

Special provision is made in the legislation for a definition of age-inappropriate online content to allow the Online Safety Commissioner to test new and innovative approaches to protecting children online through online safety guidance materials.



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ONLINE SAFETY CODES

The Online Safety Commissioner will make online safety codes that designated online services will need to comply with in their operations



How designated online services handle complaints from users of their services and members of the public

How designated online services can assess the risk profile of their services



What designated online services can do to minimise the availability of harmful online content

What kind of reports do designated online services have to make to the Online Safety Commissioner



KEY POINTS

The focus of the online safety codes will be on reducing the spread and amplification of harmful online content.

Online safety codes will address issues around content delivery and content moderation. This is how content reaches a user and what happens if that content is harmful.

Online safety codes will also address commercial communications, for example advertising, on designated online services.



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ASSESSING COMPLIANCE

There are a number of ways that the Online Safety Commissioner can check if a designated online service is complying with its obligations



KEY POINTS

If the Online Safety Commissioner is satisfied that a designated online service is or was not complying it can issue a compliance notice to the service.

If a compliance notice is not followed without good reason then the Online Safety Commissioner can issue a warning notice. A warning notice will state what actions the Commissioner will take if the notice isn't followed by the service. This may include formal legal sanctions.

The Online Safety Commissioner will decide what timelines will be attached to compliance and warning notices, allowing flexibility to deal with a wide range of issues.



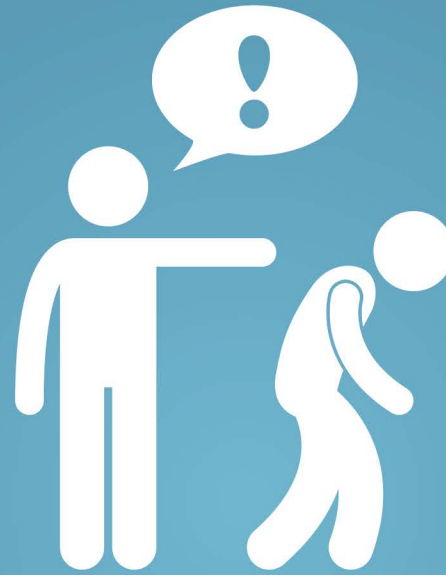
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SANCTIONING NON-COMPLIANT ONLINE SERVICES

The Online Safety Commissioner has a number of robust formal sanction powers



ADMINISTRATIVE
FINANCIAL
SANCTION



COMPELLING A
NON-COMPLIANT ONLINE
SERVICE TO TAKE
CERTAIN ACTIONS



BLOCKING ACCESS TO
THE NON-COMPLIANT
ONLINE SERVICE IN
IRELAND

KEY POINTS

The purpose of the regulatory framework for online safety is to lower the risk of people being exposed to or negatively impacted by harmful online content. The Online Safety Commissioner will be tasked with achieving this ongoing goal in a practical, effective and proportionate way. This means that formal sanction powers will only be used in cases of wilful non-compliance or clear negligence.

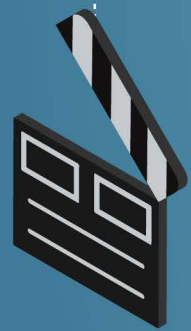
To ensure legal robustness, the use of these sanctions requires court confirmation.



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DESIGNATION OF ONLINE SERVICES

The Online Safety Commissioner will designate online services from a defined pool of relevant online services. Designation is the start of active regulation of an online service by the Online Safety Commissioner



VIDEO SHARING
PLATFORM
SERVICES



SOCIAL MEDIA
SERVICES



PUBLIC
BOARDS AND
FORUMS



ONLINE
GAMING
SERVICES



E-COMMERCE
SERVICES



PRIVATE
COMMUNICATION
SERVICES



PRIVATE
ONLINE STORAGE
SERVICES



ONLINE
SEARCH
ENGINES



INTERNET
SERVICE
PROVIDERS

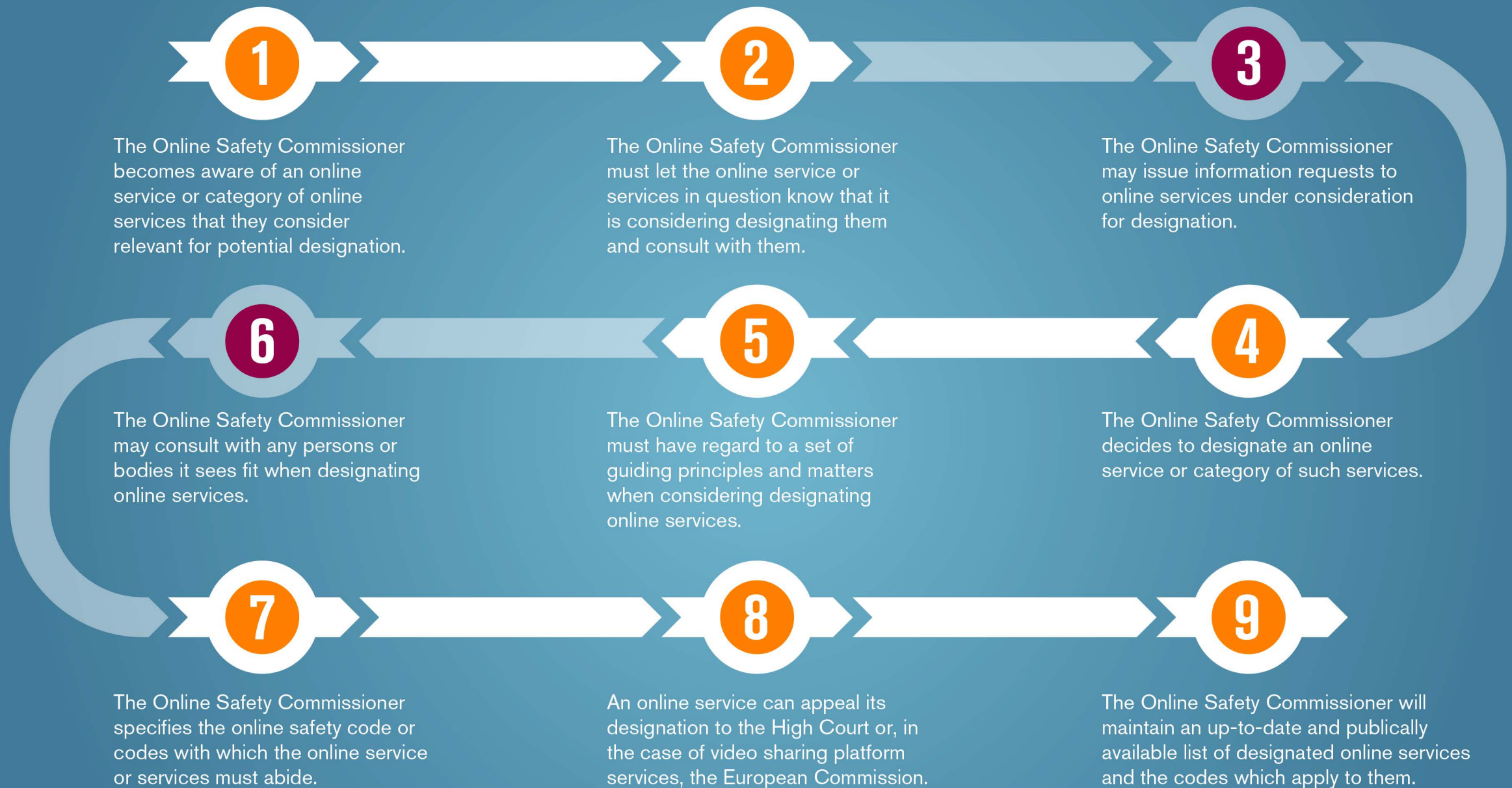
KEY POINT

An online service is in the pool of online services that can be designated by the Online Safety Commissioner if the online service facilitates the dissemination of or access to user-generated content.



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PROCESS FOR DESIGNATING ONLINE SERVICES



KEY POINTS

When deciding what online safety codes apply to a newly designated online service the Online Safety Commissioner must also have regard to the same set of guiding principles and matters that guide their decisions on whether or not to designate an online service.

The Online Safety Commissioner can't make private communications services and private online storage services abide by online safety codes about the categories of harmful online content that aren't criminal in nature.



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WHAT GUIDES THE DECISION TO DESIGNATE?

The European Union legal framework for online services, including the legal liability regime and the rules for video sharing platform services.



The size of online services.



The need for transparency from online services regarding content delivery and content moderation.



The impact of automated decision making on content delivery and content moderation.



The likely prevalence of harmful online content on online services.



The protection of minors and general public.



The full array of fundamental rights of users and operators of online services.



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