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Online Safety Code for Designated Social Media Services Comes into Effect

Introduction

The Infocomm Media Development Authority ("**IMDA**") has issued the Code of Practice for Online Safety ("**Code**"), which took effect from 18 July 2023. The Code sets out obligations that designated Social Media Services ("**SMSs**") have to meet to enhance online user safety, particularly for children, and curb the spread of harmful content on their service.

The Code is part of Singapore's effort to improve the safety of digital spaces for Singapore users. The Online Safety (Miscellaneous Amendments) Act, which came into effect on 1 February 2023, introduced new provisions in the Broadcasting Act to tackle harmful online content, including empowering IMDA to issue online codes of practice applicable to providers of any regulated online communication service. On this basis, IMDA has issued the Code, which is applicable to designated SMSs.

SMSs which fail to take all reasonably practicable steps to comply with the Code may face a fine of up to S\$1 million, with further fines for continuing offences. SMSs should thus be aware of the measures that must be implemented under the Code and ensure that they comply with their obligations.

For further information on the passing of the Online Safety (Miscellaneous Amendments) Act, please see our earlier Client Update [here](#).

This Update provides a summary of the key requirements under the Code and the consequences and procedures upon any breach of the Code.

Key Requirements under the Code

Applicability

The Code only applies to designated SMSs. Currently, the SMSs designated by IMDA are Facebook, HardwareZone, Instagram, TikTok, Twitter, and YouTube.

The Code seeks to curb the spread of harmful content, which includes:

- Sexual content;
- Violent content;
- Suicide and self-harm content;
- Cyberbullying content;



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- Content endangering public health; and
- Content facilitating vice and organised crime.

User safety

SMSs must put in place measures to minimise users' exposure to harmful content, empower users to manage their safety, and mitigate the impact on users that may arise from the propagation of harmful content, particularly for children. This includes the following measures:

- **Guidelines, standards and content moderation** – SMSs must minimise end-users' exposure to harmful content via reasonable and proportionate measures, which include the following:
 - Community guidelines and standards that address the categories of harmful content must be published; and
 - Content moderation measures.
- **Empowering users and improving safety** – End-users must have access to tools that enable them to manage their own safety and effectively minimise their exposure to, and mitigate the impact of, harmful content and unwanted interactions on the SMS.

End-users must be able to easily access easy-to-understand information related to online safety on the SMS, including local information such as Singapore-based safety resources or support centres, if available.

End-users who use high-risk search terms on the SMS must be actively offered relevant safety information such as local suicide prevention hotlines.

- **Proactive detection and removal** – Technologies and processes must be implemented to proactively detect and swiftly remove child sexual exploitation and abuse material and terrorism content as technically feasible, so as to minimise the extent and length of time to which such content is available.

Reasonable and proportionate steps must be taken to proactively detect and swiftly remove preparatory child sexual exploitation and abuse activity (such as online grooming for child sexual abuse) and terrorism activity (such as glorifying or endorsing terrorist activities and recruitment).

- **Measures for children** – The Code sets out further user safety measures for children, as they require greater protection.
 - Children's exposure to inappropriate content must be minimised through reasonable and proportionate measures, including a set of community guidelines and standards

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and content moderation measures that are appropriate for children. These community guidelines must be published and at least address sexual content, violent content, suicide and self-harm content, and cyberbullying content.

- Children must not be targeted to receive content that is detrimental to their physical or mental well-being.
- Children or their parents/guardians must have access to tools that enable them to manage children's safety, and effectively minimise children's exposure to (and manage the impact of) harmful and/or inappropriate content and unwanted interactions on the SMS.
- Children must be provided differentiated accounts where the settings for tools to minimise exposure and mitigate impact of harmful and/or inappropriate content are set to more restrictive levels by default, with clear warning of the implications of opting out.
- Children must be able to easily access easy-to-understand information on online safety on the SMS, which must include information on tools available to protect children from harmful and/or inappropriate content and unwanted interactions, as well as local information, including Singapore-based safety resources or support centres, if available.

User reporting and resolution

Individuals must be able to report concerning content or unwanted interactions to the SMS in relation to the identified categories of harmful or inappropriate content.

- **Reporting mechanism** – The reporting and resolution mechanism must be effective, transparent, easy to access, and easy to use.
- **Assessment and action** – End-users' reports must be assessed, and appropriate action must be taken in a timely and diligent manner that is proportionate to the severity or imminence of the potential harm. Timelines must be expedited for terrorism-related content.
- **Informing end-users** – Where the report is not frivolous or vexatious, the end-user must be informed of the SMS's decision. If the SMS decides to take action against the reported content, the end-user holding the relevant account must be informed of the decision and action without undue delay.
- **Review** – The end-users must be allowed to submit requests to the SMS for a review of the decision and action taken.

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Accountability

SMSs must submit to IMDA annual reports on the measures the SMS has put in place to combat harmful and inappropriate content, for publishing on IMDA's website. The report must reflect end-users' experience on the SMS, including:

- How much and what types of harmful or inappropriate content they encounter on the SMS;
- What steps the SMS has taken to mitigate Singapore end-users' exposure to harmful or inappropriate content; and
- What action the SMS has taken on end-user reports.

SMSs may propose suitable information and metrics to be included in their annual reports, subject to agreement by IMDA.

Breach and Penalties

The Broadcasting Act imposes a duty on SMS providers to take all reasonably practicable steps to comply with the Code. If IMDA is satisfied that a provider has failed to satisfy this duty, it may:

- Order the provider to pay a financial penalty that IMDA thinks fit, but not exceeding S\$1 million; or
- Direct the provider to take any steps that may be necessary to remedy the failure. If a provider fails to comply with the remedial directions, they may be liable to a fine not exceeding S\$1 million and, in the case of a continuing offence, to a further fine not exceeding S\$100,000 for every day during which the offence continues after conviction.

An SMS provider alleged to have failed this duty must prove that:

- It was not reasonably practicable to do more than what was in fact done to satisfy its duty; and
- There was no better practicable means than was in fact used to satisfy its duty.

The procedure for regulatory action is as follows:

- IMDA must give the SMS provider written notice: (i) that it intends to take regulatory action; (ii) specifying the type of action it proposes to take and each instance of non-compliance that is the subject of the action; and (iii) specifying the time within which representations may be made (a least 14 days from service of notice).
- IMDA may decide to take any regulator action it considers appropriate after considering any written representations.
- IMDA must serve on the provider notice of any decision made against the provider.

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Concluding Words

The Code sets out fairly detailed obligations on the part of SMSs with regard to online safety measures. SMSs should familiarise themselves with the obligations in the Code and consider conducting an assessment of their existing online safety measures to determine the extent to which they comply with the Code and the additional measures that need to be implemented.

While the Code does not have legislative effect, IMDA may issue heavy fines and orders to remedy any failure to meet the Code. In addition, any breach of the Code found by IMDA is likely to draw negative publicity for the SMS provider. SMSs should thus be minded to take their obligations under the Code seriously.

Click on the following links for more information (available on the IMDA website at www.imda.gov.sg):

- [IMDA's Online Safety Code Comes into Effect](#)
- [Code of Practice for Online Safety](#)

For further queries, and for any parties interested in conducting an assessment of their online safety measures, please feel free to contact our team below.

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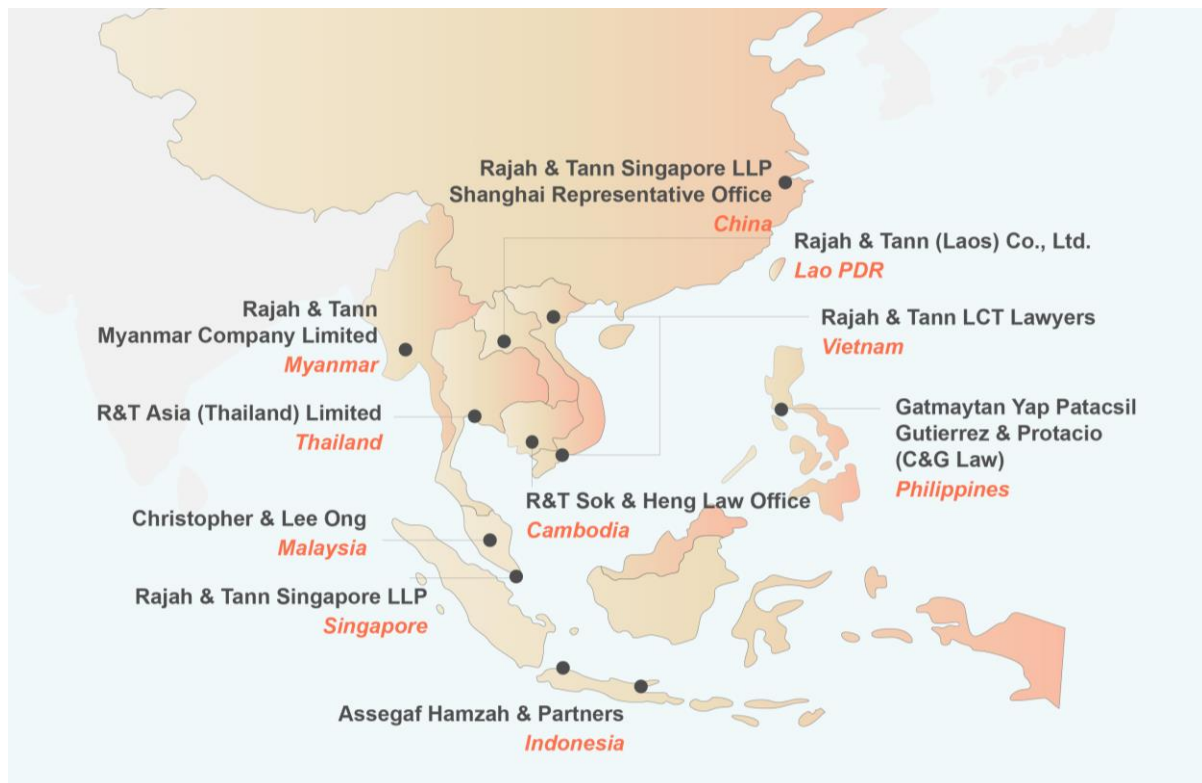
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