

Parliamentary briefing:

Data (Use and Access) Bill

Second Reading: 19 November

Summary

- Clause 123, *Information for research about online safety matters*, may need to be strengthened to support fact checkers to do their job more effectively
- The Data Bill is also an opportunity to revisit online safety legislation more widely

Introduction

This briefing is primarily focused on Clause 123 of the Bill, *Information for research about online safety matters*. This clause seeks to amend the Online Safety Act 2023 (OSA). Further, the government has stated that it is [open to reform](#) of online safety legislation: so this Bill may be an opportunity to pursue other amendments to the OSA to tackle misinformation.

Clause 123 is relevant to fact checkers because they are on the frontline in the fight against bad information - but currently working with hands tied. They could be far more effective if provided with better information from platforms to help guide them more easily to the most harmful claims being made each day. At the moment the access to such data across the major platforms is patchy at best.

The impact of misinformation is huge. Whether it is [vaccine hesitancy](#) due to conspiracy theories about their side effects, or the false information about the Southport murderer [circulating in August 2024](#) which contributed to violence throughout England, Full Fact uncovers misinformation at scale on a daily basis. We, and organisations like us, need to be enabled to do our job to the best of our ability.

The access to data proposed in Clause 123 is a welcome development. However, as currently drafted, it may not go far enough to fight misinformation effectively: the government must clarify this urgently.

The wording states that access will be for “researchers” on “online safety” matters. Mis and disinformation could fall outside this online safety category, because the OSA did not extend to the adult harms caused by misinformation (unless forming part of a very specific offence of false communication that is - perhaps correctly - very difficult to prove and prosecute). However, the majority of misinformation that Full Fact deals with is not illegal content - rather it is *misleading* or *missing context*. But this still needs to be flagged to users by fact checkers so that the public can make informed decisions about the information they come across online.

We invite Peers to ask the government at second reading: does “online safety” in this context cover regular, non-criminal, misinformation on internet platforms - and if not, why not?

The bulk of the detail of Clause 123 will be set out in secondary legislation, which will be informed by an Ofcom report into access for researchers, due to be presented to the government next summer. However, one further concern with the wording of the clause as it stands relates to whether or not fact checkers themselves, and the kind of work they do, will be covered by the definitions of “appropriate person” and “independent research”.

There is a great deal of scope for such definitions to appear in the regulations, so amending primary legislation may not be necessary. But again, clarity from the government is needed about its full intention with this clause.

We invite Peers to request this clarity at second reading: does the government intend for this clause to provide access for fact checkers’ day-to-day work?

Why data access for fact checkers is needed

At the moment, platforms are unfortunately moving in the opposite direction and shutting down services designed to help fact checkers. Meta’s Crowdtangle is a case in point, [closed down in August](#). It has been replaced by the Meta Content Library. Meta is continuing to work with the fact checking community to make this new product fit our needs, but in the short term at least, it has left the fact checking community with [a weaker product than before](#).

Meanwhile other services, such as X, are actively hindering transparency, by the recent change to make an existing free Application Programming Interface (API) now only available under commercial terms. This ideally would be made available for free to civic organisations and fact checkers, but it is currently only available for a huge licence fee ([greater than \\$5,000 per month](#)) that substantially diminishes the ability for fact checkers to monitor it at scale.

The tech industry is failing to provide sufficient access on its own; the government must now step in.

Wider reform of online safety legislation

By amending the OSA, Clause 123 potentially opens the door for further amendments to online safety legislation. Whether this takes place in the Data Bill or via future bills, Full Fact’s priorities for reform include: the introduction of protections against health misinformation and election disinformation, and stronger roles for Ofcom in [responding to information incidents](#) and regulating generative AI content.

For more information or advice, please contact Azzurra Moores, Full Fact’s Policy Lead, azzurra.moores@fullfact.org