

Tutorial 6 Risk and responsibility – Online Safety Bill, freedom of speech, defamation

Working in groups

1. If you were working for or starting up a company that was developing or running a user-to-user service. Consider how you might:
 - a. Comply with the Online Safety Act's requirements for children. What would you have to do?

Age verification for all users, scanning and not allow children to see material unsuitable for children, removing illegal material, taking action against those posting harmful or illegal material (i.e. banning them), allowing users to filter out unwanted material and to customise their experience, publish risk assessments of potential dangers to children, be responsible for upholding own terms of service, clear reporting mechanisms for young users
 - b. Comply with the Online Safety Act's requirements for adults

Age verification (i.e. check they're adults), Removing illegal material, taking action against those posting harmful or illegal material (i.e. banning them), allowing users to filter out unwanted material and to customise their experience, publish risk assessments of potential dangers, be responsible for upholding own terms of service, clear reporting mechanisms for users
 - c. How easy would it be to implement those checks? What would be the trickiest elements?

Most of these are fairly difficult to do thoroughly and cost-effectively, AI will probably help. Most difficult would be verifying age and removing harmful content in a timely way ... for example real-time violent content while an event is taking place.
2. In December 2017 on a trip to Japan, Logan Paul visited the Aokigahara, a forest by Mount Fuji that is infamously referred to as Japan's suicide forest. While wearing a green *Toy Story* hat, Paul filmed himself walking through the forest, playing up the "spooky," death-related aspects of the forest, and included uncensored footage of a man who appeared to have hanged himself. The video received 6 million views on its first day, but Paul deleted it after viewers expressed outrage at his decision to include a video of the seemingly deceased man. Following public outrage, YouTube removed Paul from its exclusive Google Preferred advertising tier.
 - a. What consequences should Logan Paul face?

He was in Japan, so it depends what the law in Japan is. In terms of YouTube, he should face any consequences that involve a breach of their terms of services
 - b. Did YouTube take appropriate action?

Not really. It was too little too late. Also, they probably should have removed him from their platform for breaching their terms of service.
 - c. Was YouTube breaching Logan Paul's freedom of speech?

No, it removed him from the preferred advertising tier because of the inappropriate content, it didn't stop him from using the platform. Also, he chose to remove the content because of the public outcry, not because YouTube told him to.
 - d. Was an offence committed under UK law?

Not at the time because OSA only brought in 2023. Also he wasn't in the UK when he posted it, so it's doubtful he could be prosecuted in this country.

3. A group of software engineering graduates Ali, Bee and Cam join a well-known software company after graduating. While they were at University they developed an app designed by a charity to encourage young people to be more active, and had won a prize. Their new company DSoft, wanted them to develop the product further and add it to their suite of apps. While they were at work Ali tells his team that he did most of the work himself and that Cam was completely incompetent and happy to copy code from anywhere rather than write it himself. Cam tells his team that although Ali was ok, Bee didn't contribute much as she had family problems. When Bee heard these rumours she used the Teams chat to say that Cam was incompetent and to ask Ali about it. After hearing these stories their manager decided to stop the project, imagining the software wasn't very good. Cam was so upset about this he went onto Instagram to complain about it, naming the manager and the company. He then copied the software to a public repo on GitHub so anyone could develop it further.

- a. Did any defamation happen in this situation? What? Could anyone make a legal case?

Potentially Ali telling his team that Cam was incompetent is slander (spoken) and Bee posting the comments on Teams is libel. A legal case could be made for both, although in court it would depend whether the statement could be shown to be true. It is very unlikely to go to court, it is more likely to be considered an HR issue, although it could lead to both Ali and Bee being given warnings.

- b. Identify any other potential legal problems. Potential copyright problems for the company DSoft wanting to further develop the app when it seems that the charity has done some of the design work. Also copyright breach by Cam by releasing the code on GitHub without gaining permission from his co-developers.
- c. What professional issues are raised by this case? Inappropriate and unethical behaviour by all 3: Ali and Bee for making rude remarks about a colleague (whether or not they were true) and Cam for publicly complaining about the project being stopped on Instagram and releasing code without discussing with colleagues.