

Your response

Question	Your response
Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2024/25?	Confidential? – N

Please complete this form in full and return to planofwork@ofcom.org.uk

About Full Fact

- Full Fact fights bad information. We're a team of independent fact checkers and campaigners who find, expose and counter the harm it does.
- Bad information damages public debate, risks public health, and erodes public trust. So we tackle it in four ways. We check claims made by politicians, public institutions, in the media and online. We ask people to correct the record where possible to reduce the spread of specific claims. We campaign for system changes to help make bad information rarer and less harmful, and we advocate for high standards in public debate.
- Full Fact is a registered charity. We're funded by individual donations, charitable trusts, and by other funders. We receive funding from both Facebook and Google. Details of our funding can be found on our website¹.
- We are a member of Ofcom's Making Sense of Media Advisory Panel which brings together experts to debate and inform the development of Ofcom's media literacy research and policy work.

Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2024/25?

Our comments on Ofcom's Plan of Work 2024/25 relate to new duties under the Online Safety Act 2023 in relation to:

- (i) The Advisory Committee on Disinformation and Misinformation²

¹ Full Fact, Funding <https://fullfact.org/about/funding/>

² <https://www.legislation.gov.uk/ukpga/2023/50/section/152/enacted>

- (ii) Media literacy³,
- (iii) Researcher access to information.⁴

(i) Advisory Committee on Disinformation and Misinformation

Ofcom's proposed Plan of Work 2024/25 in relation to Online Safety (p.18) makes no reference to the Advisory Committee on Disinformation and Misinformation. This important body is also not listed in Ofcom's approach to implementing the Online Safety Act.

Whilst we recognise that not every work stream or deliverable can be detailed in such plans and documents, ongoing uncertainty around the Committee is not helpful, given the limited levers in law and regulation to address harmful misinformation and disinformation. We have also seen concern expressed in Parliament about when this body will be set up.⁵

We understand from answers to a Full Fact question at the London Plan of Work event that work has begun on the Committee's terms of reference and membership. We therefore see no reason why Ofcom's Plan of Work 2024/25 should not list when Ofcom will establish this Committee (potentially with other milestones now known since Ofcom's approach to implementing the Online Safety Act was published in October 2023).

- **Ofcom must ensure that the Advisory Committee on Disinformation and Misinformation is up and running as soon as possible.** In practice we suggest that this entails:
 - The provisional terms of reference should be published for feedback by stakeholders at the start of Q1 2024/25;
 - A process for inviting expressions of interest in membership should be underway by the end of Q1 2024/25 (30 June 2024);
 - Initial Membership should be confirmed by end Q2 (September 2024);
 - If required for establishment, the Committee should have met for the first time at the end of Q2 or, if not, in the first month of Q3 (October 2024).

³ <https://www.legislation.gov.uk/ukpga/2023/50/part/7/chapter/8/enacted>

⁴ <https://www.legislation.gov.uk/ukpga/2023/50/section/162/enacted>

⁵ HL Deb 24 October 2023, vol 833, col 509.

<https://hansard.parliament.uk/Lords/2023-10-24/debates/E41C2A61-E9FC-46D2-8C9F-D349F25AC613/Counter-DisinformationUnitIsraelAndPalestine?highlight=%22advisory%20committee%22%20ofcom#contribution-058C1239-CD29-48A2-99DF-A396DE6A5F00>

Whilst sufficient time is required to form a committee with a credible membership of experts and representatives that is able to perform its role well, a transparent recruitment process in this timeline should be workable at this stage. Giving notice and the overall timeline in or alongside the Work Plan will also assist organisations for whom consideration may take longer, primarily civil society.

Further delay will unnecessarily impede progress on misinformation and disinformation, not just in an advisory role to Ofcom on the problem but in the architecture of actors and processes in the UK (and internationally) seeking to advance solutions to its harms.

Given the role in law of the Committee to provide advice to Ofcom on exercising its functions under section 11 of the Communications Act (duties to promote media literacy) in relation to countering disinformation and misinformation on regulated services, Full Fact is concerned that delay will also impede progress in the regulator's new media literacy requirement to focus specifically on helping the public understand how to better protect themselves and others from misinformation and disinformation, and to set up warranted linkages with Ofcom's media literacy advisory panel and network.

We suggest it would also be beneficial to have the Committee in place for an expected autumn UK general election – an election in which misinformation and disinformation could very well be circulating widely.

The Committee has a statutory requirement to report within 18 months of its formation, so if the Committee is established by the end of September 2024 such a report can inform Ofcom's 2026/27 plan of work. Delay could push a report out beyond Spring 2026, which would be problematic for achieving progress in addressing real harms to individuals, communities, and wider society.

While Full Fact and others believe that the remit of the Committee as set out in the Online Safety Act did not go far enough, the Committee has the potential to make a real difference. Here we set out some of the ways in which it can be as effective as possible, if set up to be so.

- **The Committee must have strong representation from civil society groups** as well as representatives of UK users of regulated services.

- **Protections should be in place to ensure that the Chair of the Committee is independent, and not a representative of any internet platform (“regulated service” in the Act).** Although we recognise and emphasise the importance of collaborative responses to misinformation, including working with the internet companies, there are potential risks if internet company representatives sit on this Committee when part of its role is to advise Ofcom on what providers of regulated services should do. The presence of well resourced platforms opens up the risk of regulatory capture that must be counterbalanced.
- Where necessary, **members of the Committee should be able to hold discussions without platform representatives present.** It will also be important to ensure that the Committee has access to the data and information necessary to advise Ofcom effectively.
- **The terms of reference must include some oversight and steering of Ofcom’s research on the harms caused by disinformation and misinformation, and identifying emerging patterns of behaviour and the proportionate responses.** Furthermore, the Committee should either undertake research itself, or call for and be able to commission research into misinformation and disinformation on regulated services, and the effect that it has on the public (which the Committee should then advise on).
- **Supporting the integrity of elections should be a priority** for the Committee, both in its terms of reference and the initial plan of work: there will be learning to assess from the 2024 general election and a need to advance the UK’s approach well before another takes place. There is clearly an opportunity to produce a short report, or at least a set of recommendations, **in the immediate aftermath of the 2024 UK general election.**
- One of its early tasks should be **to produce an assessment of whether there should be a dedicated Ofcom code of practice** on misinformation and disinformation.
- The Committee should commence **a review of the existing legislative and regulatory framework** and make recommendations about any changes that might be needed to address harmful disinformation and misinformation effectively.

- The Committee should not be a siloed body just facing Ofcom, but should have an **outward accountability and connection to the UK and international communities of practice and interest in addressing harmful misinformation and disinformation**. There should also be a wider connection to **ensure citizens affected by harmful misinformation are equitably involved, and are an active part of the deliberations of the Committee** and how it operates in advancing its work both directly and indirectly.

(ii) Media literacy

Full Fact welcomes that the Ofcom Plan of work 2024/25 (Making Sense of Media (p19/20 2.29) states that the regulator's work in addressing media literacy challenges across the UK (through Ofcom's Making Sense of Media programme and the additional specificity the Online Safety Act brings to its media literacy duties) has a focus on misinformation and disinformation.

Under the Online Safety Act, Chapter 8, Media literacy, 165, (1D), **'Ofcom must draw up, and from time to time review and revise, a statement recommending ways in which others, including providers of regulated services, might develop, pursue and evaluate activities or initiatives relevant to media literacy in relation to regulated services.'**

Under this provision, and in relation to new media literacy duties on misinformation and on reliability and accuracy, Full Fact reiterates our call made to Ofcom leadership that **the regulator should publish recommendations for stakeholders, including social media platform and search companies and other organisations, on media literacy that relate to a general election in the UK.**

Urgent consideration should be given to this matter and, should the decision be made to do this, as we would strongly urge, indication can be made in the Plan of Work (or elsewhere if not possible) as to the earliest this may happen.

We recognise that this is not possible for a Spring 2024 election, but should be possible in time for an Autumn 2024 election. The risks and problems of misinformation and disinformation in elections are well documented, as are the mitigations that good media literacy can bring.

(iii) Researcher access to information

Full Fact also shares the view, as set out in the Online Safety Act Network response on Ofcom's Proposed Plan of Work 2024/5, that the regulator can

accelerate the publication of the researchers' access to information report (section 162 of the Online Safety Act) and subsequent guidance, and that this should be in the Plan of Work 2024/5.

Finally, we add our concern to that set out by the Online Safety Act Network in its response: Ofcom's Proposed Plan of Work 2024/5 has no mention of civil society organisations in relation to the Online Safety Act, and this should be rectified in the revised version. In our view, Online Safety Act implementation cannot succeed without proper engagement with the expertise and evidence civil society can provide to Ofcom.

Full Fact

9 February 2024