

Indicative Factors Guidance

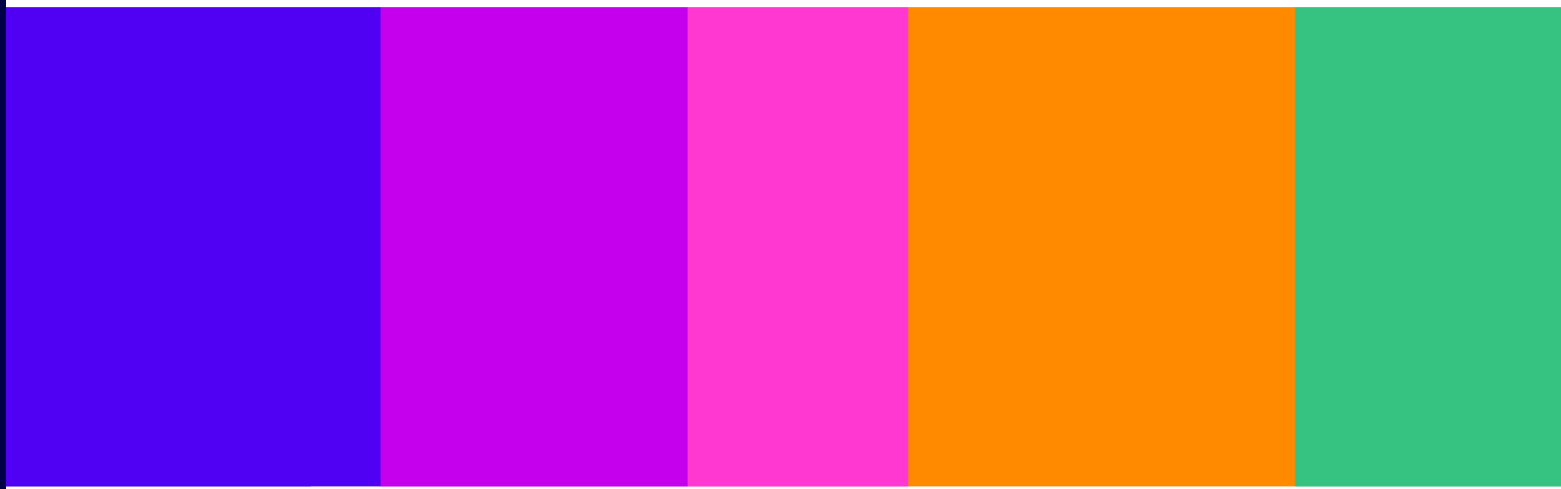
Draft guidance to assist providers of Category 1 services in understanding definitions for Journalistic Content and Content of Democratic Importance

Draft Guidance

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1. Overview

Overview

- 1.1 The Online Safety Act 2023 (the Act) places several duties on Category 1 service providers (providers) regarding the protection of journalistic content (JC) and content of democratic importance (CDI).¹ In order to comply with these duties, providers need to be able to determine whether content on their service is JC or CDI, or both.
- 1.2 This guidance seeks to help providers to interpret the definitions of JC and CDI in the Act by giving further detail on factors that could assist a provider when deciding whether content on its service is JC or CDI, or both. Accordingly, providers should read this document in conjunction with the Additional Duties Code of Practice for Category 1 Services in this consultation, which describes measures we recommend a provider adopts to comply with its duties relating to JC and CDI.

Relevant duties and terms

- 1.3 The Act requires the provider to:
- use proportionate systems and processes designed to ensure that the importance of the free expression of JC and CDI on its service is taken into account when making moderation decisions about such content;²
 - include provisions in the terms of service that set out how it will do this, including specifying by what methods content on the service is to be identified as JC;³
 - ensure that the systems and processes mentioned above for CDI apply in the same way to a wide diversity of political opinion;⁴ and
 - put in place a dedicated and expedited process for complaints regarding JC.⁵
- 1.4 Content is 'journalistic content' in relation to a user-to-user service where the content is:
- a) either news publisher content (NPC) in relation to that service, or regulated user-generated content in relation to that service; and
 - b) generated for the purposes of journalism; and
 - c) UK-linked.
- 1.5 'News publisher content', in relation to a regulated user-to-user service, means any content present on the service that: (a) was generated directly on the service by a user of the service that is a recognised news publisher (RNP); or (b) is uploaded/shared by another user and is a reproduction or link to content originally published or broadcast by an RNP (but is not a screenshot).⁶ For further information on how providers can identify news publisher content, please refer to our draft News Publisher Content Guidance.

¹ The Online Safety Act 2023. [accessed 30 July 2026].

² Section 17(2) of the Act for CDI and section 19(2) for JC.

³ Section 17(4) of the Act for CDI and section 19(7) for JC.

⁴ Section 17(3) of the Act.

⁵ Section 19(4) and (5) of the Act.

⁶ Section 55(9) and (10) of the Act.

- 1.6 'User-generated content', in relation to a user-to-user service, means content that is generated directly on the service by a user of the service, or uploaded to or shared on the service by a user of the service, and that may be encountered by another user, or other users, of the service by means of the service.⁷
- 1.7 Content is 'UK-linked' if UK users of the service⁸ form one of the target markets for the content (or the only target market), or the content is, or is likely to be, of interest to a significant number of UK users.⁹
- 1.8 The Act does not specify what is meant by a 'significant number of UK users'. We consider that this should be understood as meaning that the number of UK users for whom the content is likely to be of interest is material in the context of the service in question.
- 1.9 The Act also does not define 'target market', but we consider that this relates to a specific group of people (or organisations) that a user is aiming a piece of content towards. We consider that for this condition to be met the group of people the content is aimed at must include either people in the UK in general or a specific group of people in the UK. Examples would include people located in a particular nation or region of the UK; or people who share a specific demographic or other characteristic, such as women in the UK; or people who share a common interest. However, so long as people in the UK are one of the target markets for the content, it does not matter if the content is also aimed at groups of people outside the UK.
- 1.10 Content is 'content of democratic importance' in relation to a user-to-user service where the content:
- a) is either NPC in relation to that service, or regulated user-generated content in relation to that service; and
 - b) the content is, or appears to be, specifically intended to contribute to democratic political debate in the UK or a part or an area of the UK.¹⁰

What is the purpose of this guidance?

- 1.11 This guidance is designed to assist providers to understand how they can determine what content on their service is JC and CDI as defined by the Act. This will help providers ensure that their systems and processes can effectively integrate consideration of the importance of the free expression of JC and CDI. This guidance could also help providers to implement our Code measures effectively.
- 1.12 We recognise that decisions about these content categories will be nuanced and highly context-specific. It is likely to be a combination of factors which indicates a piece of content is JC or CDI, rather than one individual factor considered in isolation.
- 1.13 This guidance is non-statutory in nature and providers can determine how or whether they make use of it. A provider may consider any relevant factors, including but not limited to those set out in this guidance.

⁷ Section 55(3) of the Act.

⁸ Under section 227(1) of the Act, a user is a 'United Kingdom user' of a service if: (a) where the user is an individual, the individual is in the UK; (b) where the user is an entity, the entity is incorporated or formed under the law of any part of the UK.

⁹ Section 19(11) of the Act.

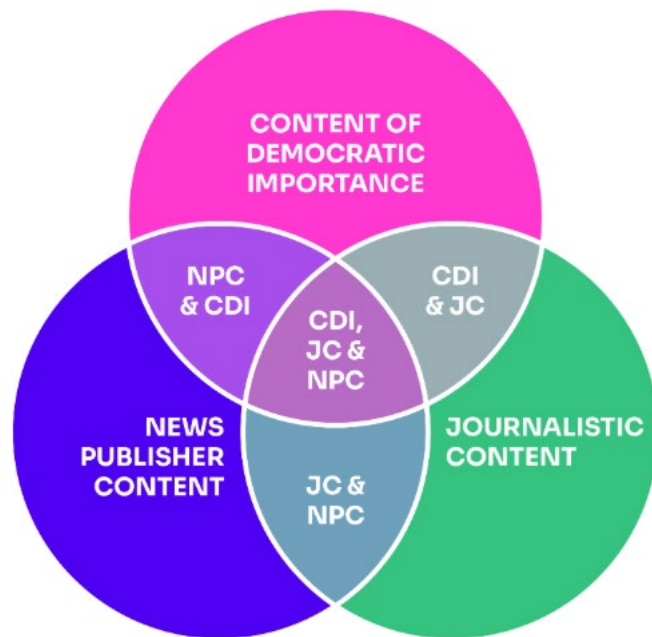
¹⁰ Section 17(7) of the Act.

2. Indicative factors

Using the indicative factors holistically

- 2.1 It is for providers to decide how and whether to use the following factors, to the extent relevant. We do not consider any single factor to be determinative of whether a piece of content is JC or CDI and as such we suggest providers take a holistic approach.
- 2.2 In practice, we anticipate that providers may either take all the factors into account when reviewing a piece of content or focus on the factors they consider most relevant to the context and systems being used. These factors are:
- a) the subject matter of the content;
 - b) the purpose of the content;
 - c) who the content was generated, uploaded or shared by; and
 - d) where the content appears on the service.
- 2.3 When using the factors, providers should be mindful that a piece of content can be both JC and CDI, see Section 12, 'how content overlaps'. JC that a provider considers is also specifically intended to contribute to democratic political debate in the UK or a part or an area of it would also be CDI. For example, this may include a journalist's opinion piece focused on a topic of political debate in the UK.
- 2.4 We consider that all CDI will likely meet the 'UK-linked' condition for JC. However, not all CDI will necessarily be JC, for example, a politician posting a personal election campaign video on social media. For CDI to also qualify as JC it must be both 'UK-linked' and 'generated for the purposes of journalism'.
- 2.5 We note that JC can cover subjects that do not directly relate to democratic political debate in the UK, for example, entertainment, lifestyle or sports.
- 2.6 **Figure 1** gives a visual representation of how these types of content may overlap both with one another and NPC, along with further examples.
- 2.7 Where a piece of content meets the definitions for both JC and CDI, providers must ensure that they take steps to comply with all the relevant duties for each type of content.
- 2.8 We consider that both JC and CDI can appear in a range of formats. The indicative factors in this guidance therefore do not specify any particular format for content to be JC or CDI.

Figure 1: Content intersections



CDI only	Content that is intended to contribute to democratic political debate in the UK or part of it (e.g., a post by a user opposing or supporting a political policy)
JC only	Content generated for the purpose of journalism, and UK linked (e.g., a video of a freelance film journalist interviewing an actor at a UK film premiere)
NPC only	Content produced by RNP (e.g., the BBC sharing a crossword)
CDI + JC	Content generated for the purpose of journalism, UK linked, and intended to contribute to democratic political debate in the UK or part of it (e.g., a post by a freelance journalist opposing or supporting a political policy)
JC + NPC	Content produced by an RNP, generated for the purpose of journalism, and UK linked (e.g., a post containing an update of a sports match from an RNP)
NPC + CDI	Content produced by an RNP and intended to contribute to democratic political debate in the UK or part of it (e.g., a clip of Prime Minister's Questions shared by the BBC)
NPC + CDI + JC	Content produced by an RNP, generated for the purpose of journalism, UK linked and intended to contribute to democratic political debate in the UK or part of it (e.g., a post containing a link to a newspaper opinion article opposing or supporting a political policy)

Factor 1: Subject matter

- 2.9 The subject matter of the content can help indicate whether content is JC or CDI or both because it can signal its relevance to the UK. For example, a piece of content focusing on a prominent figure in UK political affairs exercising official duties would suggest that it might be JC or CDI or both. Conversely, content reporting on a state-level sports event in the US is unlikely to be relevant to the UK as it would not meet the UK-linked condition for JC, nor the ‘contribution to democratic political debate in the UK’ condition for CDI.

Journalistic content

- 2.10 Content must be ‘generated for the purposes of journalism’ and ‘UK-linked’ to meet the definition of JC under the Act.
- 2.11 The following are examples of the kinds of subject matter that indicate content might be UK-linked:
- A subject that is likely to be of significant public interest in the UK. For example, a post by a freelance journalist about UK local elections.
 - Breaking news that is linked to, or affects, the UK. For example, a report by a citizen journalist about the effects of a global event on their UK town.
 - Reporting on the activities of individuals, groups of people or organisations that are linked to the UK. For example, a journalist posting quotes from their interview with the cast of a film about to be premiered in the UK.

Unlikely to be journalistic content

- 2.12 The following are examples of the kinds of subject matter that are unlikely to be JC.

Unlikely to be ‘generated for the purposes of journalism’

- A journalist posting about a subject that can reasonably be considered as personal rather than professionally relevant, such as posting about their weekend leisure plans.

Unlikely to be ‘UK-linked’

- A post from a non-UK-based journalist on a subject that can reasonably be considered to have specifically local relevance, such as their report on planned repairs to a local street in a place outside the UK.

Content of democratic importance

- 2.13 Content must be, or appear to be, ‘specifically intended to contribute to democratic political debate in the UK or a part or area of the UK’ to meet the definition of CDI under the Act.
- 2.14 This does not mean that the content has to be directly party political. However, it should relate to a topic which is of political relevance within the UK, whether at a national, regional or local level.
- 2.15 The following are examples of the kinds of subject matter that indicate content might be relevant to democratic political debate in the UK or part of it:
- A particular public policy in the UK, or a part or area of it. This might include a UK Government, regional government or local council policy.

- A political party or democratic campaign group in the UK, or a part or area of it. An example would be a party or campaign group's announcement of a planned public meeting.
- An institution or the actions of an institution in the UK, or a part or area of it. This could be content on the UK monarchy, local or regional government, or the judicial system.
- Educational, social, economic or scientific issues in the UK or a part or area of it. This could include the role of the family, different types of economic models, or the future role of artificial intelligence in society.
- An international issue within a UK context. Such content could include commentary on the UK Government's relationships with the leading candidates to win a national election in another country.

Unlikely to be content of democratic importance

- 2.16 The following are examples of subjects that are unlikely to have specific relevance to democratic political debate in the UK:
- A politician posting about a subject that can reasonably be considered as personal rather than relevant to politics. This could include posting content celebrating a family event.
 - A piece of content from outside the UK about a debate that can reasonably be considered to have specifically local relevance. An example would be a municipal council outside the UK debating a planning application for a local property.

Factor 2: Purpose of the content

- 2.17 Considering the purpose of the content is likely to help providers determine whether content is JC or CDI, or both. Providers could consider whether the content can reasonably be understood as contributing to democratic political debate in the UK (or a part or area of the UK), or as having a journalistic purpose.
- 2.18 For example, a piece of content containing a news report is more likely to have the specific purpose of being a contribution to democratic debate or journalistic. In contrast, content that cannot reasonably be understood as engaging with matters of political debate or public interest in the UK, such as a personal video of a practical joke, is unlikely to be a specific contribution to democratic political debate in the UK (or a part or area of it) or have a journalistic purpose.

Journalistic content

- 2.19 To meet the definition of JC under the Act, the content must be 'generated for the purposes of journalism'.
- 2.20 Where a piece of content has certain characteristics, these may indicate that it was generated for a journalistic purpose. Examples could include content that can reasonably be considered as:
- designed to educate, explain or inform;
 - presented as an investigation or exposé;
 - following the format of an interview or news report;
 - including opinion, analysis or commentary about a specific topic; or
 - satirical in its nature.
- 2.21 Providers should be mindful that this list is non-exhaustive.

2.22 Content does not need to be generated for profit to be generated for the purposes of journalism.

Unlikely to be journalistic content

2.23 A journalist posting for a purpose that can reasonably be considered as personal and not professional is unlikely to be content generated for the purposes of journalism, for example:

- asking their followers for advice about something they intend to do in their leisure time; or
- sharing a clip from one of their favourite television programmes.

Content of democratic importance

2.24 A piece of content must be, or appear to be, 'specifically intended to contribute to democratic political debate in the UK or a part or an area of the UK' to meet the definition of CDI under the Act.

2.25 Examples include content that can reasonably be understood as having the specific purpose of promoting engagement or debate, providing information or expressing an opinion regarding a matter of political interest within the UK or a part or area of it.

2.26 CDI could also include educational or artistic content that may be relevant for democratic political debate in the UK or a part or an area of it. Providers may refer to Factor 1 for examples of relevant subject matters.

Unlikely to be content of democratic importance

2.27 The following are examples of content that is unlikely to have the specific purpose of contributing to democratic political debate in the UK or a part or an area of it:

- A UK politician posting for a purpose that can reasonably be considered as personal rather than professional. This could include a post wishing good luck to someone who is participating in a competitive sports or entertainment event.
- A post that can reasonably be considered to have the specific purpose of contributing to democratic political debate outside the UK rather than within it. An example could be an account from outside the UK criticising a representative of their local government regarding a specifically local issue.

Factor 3: Who the content was generated, uploaded or shared by

2.28 Under the Act any type of user can generate, upload or share JC or CDI. However, contextual information about the account that generates, uploads or shares the content may provide supporting signals about the likely purpose or impact of the content, particularly where this is otherwise unclear.

2.29 Providers should be mindful that the types of accounts listed below for both JC and CDI may share different types of content with different focuses. Over-reliance on account identity when making determinations could therefore risk erroneously excluding content from being JC or CDI or misclassifying it as JC or CDI. As such, we encourage providers to use information based on account identity in combination with other evidence.

Journalistic content

- 2.30 Certain account types may be more likely to post content that meets the ‘generated for the purposes of journalism’ condition for JC given that this is frequently the main focus of certain types of user accounts.
- 2.31 Providers may wish to consider whether:
- the content was generated, uploaded or shared by a registered news publisher;
 - the content was generated, uploaded or shared by the account of an individual whose profession is journalism, including freelance journalists (though providers should note that we are not requiring services to verify users as journalists as part of their considerations);
 - the account frequently investigates or reports on issues of public interest in the UK or a part or area of it; and
 - the account consistently links to, or republishes, original reporting, investigations or news analysis.
- 2.32 An account may be more likely to post content that meets the ‘UK-linked’ condition for JC if it has a significant UK audience.

Content of democratic importance

- 2.33 Certain account types may be more likely to post content that meets the condition that it ‘is, or appears to be, specifically intended to contribute to democratic political debate’ for CDI given that is frequently the main purpose of such a user’s account.
- 2.34 Providers may wish to consider whether the content was generated, uploaded or shared by the accounts of:
- elected officials,
 - candidates for public office,
 - campaign or issue groups, or
 - political activists.

Factor 4: Where the content appears on the service

- 2.35 JC and CDI could appear anywhere on a service. However, providers may wish to consider contextual information about where the content appears to help them determine whether it is JC or CDI or both. This is because some services may enable users to create discussion threads or groups focused on particular topics that are more likely to be JC or CDI, or that specifically target particular groups of people in the UK (or that do both these things). Examples would include content published in a group or subforum dedicated to news or targeting supporters of a particular UK political party.

Journalistic content

- 2.36 Content that is generated, uploaded or shared in a part of the service (such as a specific group or subforum) dedicated to UK users or UK issues may be more likely to meet the ‘UK-linked’ condition.
- 2.37 The precise place on a service where a piece of content appears may also inform the provider’s considerations of whether the content meets the ‘generated for the purposes of

journalism' condition, for example, if the content is published in a group or subforum dedicated to sharing NPC.

Content of democratic importance

- 2.38 There may be certain parts of a service where debate about subjects of democratic importance is more likely to occur. This may inform the provider's considerations of whether a piece of content meets the condition that it 'is, or appears to be, specifically intended to contribute to democratic political debate in the UK or a part or area of the UK', for example, if the content is published in a group or subforum dedicated to discussing politics or public affairs.

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