

Technology, Media & Telecommunications

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;



Technology, Media & Telecommunications

- 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

Technology, Media & Telecommunications

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.

Technology, Media & Telecommunications

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.

Technology, Media & Telecommunications

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.

Technology, Media & Telecommunications

Contacts



Rajesh Sreenivasan
Head, Technology, Media &
Telecommunications

T +65 6232 0751

rajesh@rajahtann.com



Steve Tan
Deputy Head, Technology,
Media & Telecommunications

T +65 6232 0786

steve.tan@rajahtann.com



Benjamin Cheong
Deputy Head, Technology, Media
& Telecommunications

T +65 6232 0738

benjamin.cheong@rajahtann.com



Lionel Tan
Partner, Technology, Media &
Telecommunications

T +65 6232 0752

lionel.tan@rajahtann.com



Tanya Tang
Partner (Chief Economic and
Policy Advisor), Technology,
Media & Telecommunications

T +65 6232 0298

tanya.tang@rajahtann.com



Justin Lee
Partner, Technology, Media &
Telecommunications

T +65 6232 0453

justin.lee@rajahtann.com



Wong Onn Chee
Chief Executive Officer, Rajah &
Tann Cybersecurity

T +65 6932 2606

onnchee@rtcybersec.com

Please feel free to also contact Knowledge and Risk Management at eOASIS@rajahtann.com

Our Regional Contacts

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP

T +65 6535 3600
sg.rajahtannasia.com

R&T SOK & HENG | *Cambodia*

R&T Sok & Heng Law Office

T +855 23 963 112 / 113
F +855 23 963 116
kh.rajahtannasia.com

RAJAH & TANN 立杰上海

SHANGHAI REPRESENTATIVE OFFICE | *China*

**Rajah & Tann Singapore LLP
Shanghai Representative Office**

T +86 21 6120 8818
F +86 21 6120 8820
cn.rajahtannasia.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800
F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550
F +62 31 5116 4560
www.ahp.co.id

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239
F +856 21 285 261
la.rajahtannasia.com

CHRISTOPHER & LEE ONG | *Malaysia*

Christopher & Lee Ong

T +60 3 2273 1919
F +60 3 2273 8310
www.christopherleeong.com

RAJAH & TANN | *Myanmar*

Rajah & Tann Myanmar Company Limited

T +95 1 9345 343 / +95 1 9345 346
F +95 1 9345 348
mm.rajahtannasia.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8894 0377 to 79 / +632 8894 4931 to 32
F +632 8552 1977 to 78
www.cagatlaw.com

RAJAH & TANN | *Thailand*

R&T Asia (Thailand) Limited

T +66 2 656 1991
F +66 2 656 0833
th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382 / +84 28 3821 2673
F +84 28 3520 8206

Hanoi Office

T +84 24 3267 6127
F +84 24 3267 6128
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

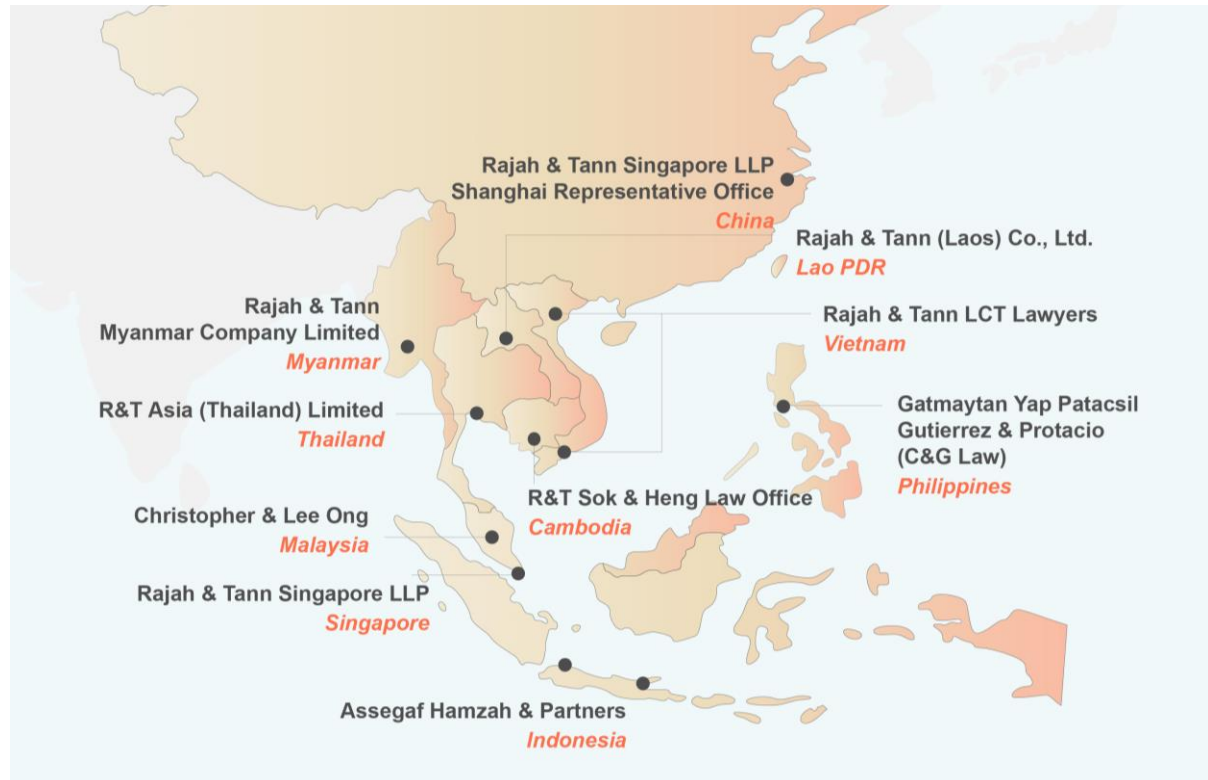
This update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this update.

Client Update: Singapore

2023 AUGUST

LAWYERS
WHO
KNOW
ASIA

Our Regional Presence



Rajah & Tann Singapore LLP is one of the largest full-service law firms in Singapore, providing high quality advice to an impressive list of clients. We place strong emphasis on promptness, accessibility and reliability in dealing with clients. At the same time, the firm strives towards a practical yet creative approach in dealing with business and commercial problems. As the Singapore member firm of the Lex Mundi Network, we are able to offer access to excellent legal expertise in more than 100 countries.

Rajah & Tann Singapore LLP is part of Rajah & Tann Asia, a network of local law firms in Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by Rajah & Tann Singapore LLP and subject to copyright protection under the laws of Singapore and, through international treaties, other countries. No part of this Update may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of Rajah & Tann Singapore LLP.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in Rajah & Tann Singapore LLP or email Knowledge & Risk Management at eOASIS@rajahtann.com.