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**An Bille um Fhreagracht Ardán Meán Sóisialta (Leasú ar Dhlí an Chlúmhillte),  
2022**

**Responsibility of Social Media Platforms (Defamation Amendment) Bill 2022**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM FHREAGRACHT ARDÁN MEÁN SÓISIALTA (LEASÚ AR DHLÍ AN  
CHLÚMHILLTE), 2022**  
**RESPONSIBILITY OF SOCIAL MEDIA PLATFORMS (DEFAMATION  
AMENDMENT) BILL 2022**

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*Mar a tionscnaíodh*

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## ACTS REFERRED TO

Defamation Act 1961 (No. 40)

Defamation Act 2009 (No. 31)



AN BILLE UM FHREAGRACHT ARDÁN MEÁN SÓISIALTA (LEASÚ AR DHLÍ AN  
CHLÚMHILLTE), 2022  
RESPONSIBILITY OF SOCIAL MEDIA PLATFORMS (DEFAMATION  
AMENDMENT) BILL 2022

# Bill

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*entitled*

An Act to amend the law relating to defamation, in order to allow judgements of defamation be made against the social media platform on which the defamatory utterances were made when the social media platform in question is unable to produce the identity of the person who made the utterances, and to provide for related matters.

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**Be it enacted by the Oireachtas as follows:**

## Definitions

1. In this Act—

“Act of 1961” refers to the Defamation Act 1961;

“defamation” refers to defamation as outlined under section 6 of the Principal Act;

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“defamatory utterance” refers to a defamatory statement as outlined under section 2 of the Principal Act;

“privately operated social media” refers to publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network;

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“privately operated social media platform” refers to any third party which is hosting a publicly available, interactive website which allows users to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network;

“Principal Act” refers to the Defamation Act 2009.

## Amendment of Principal Act

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2. The Principal Act is amended by the insertion of the following section after section 32:

### “Responsibility of Social Media Platforms

**32A.** (1) A social media platform shall be guilty of an offence where the person who published the original defamatory utterance on the specified social media platform is unable to be identified by the social media platform administrators.

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- (2) A social media platform shall be guilty of an offence under section 6 of this Act when the platform administrators are unable or unwilling to provide adequate verification of the identity of the person who made the original utterance.
- (3) Regarding proceedings for an offence under this section, it shall not be necessary for the prosecution to prove that—
  - (a) at any time, the person who issued the utterance had reasonable knowledge that the utterance was false or defamatory, as defined by section 6.
  - (b) at any time, the person who issued the utterance provided false or misleading contact information as part of the verification processes employed by the social media platform.
  - (c) at any time, the social media platform operated processes for the purposes of verifying a users' identity.
- (4) A social media platform found guilty of an offence under this section shall be liable on summary conviction, or conviction on indictment, to satisfy the remedies as outlined by Part 4.”.

**Short title, collective citation, construction and commencement**

- 3. (1) This Act may be cited as the Responsibility of Social Media Platforms (Defamation Amendment) Act 2022.
- (2) The Defamation Act 2009 and this Act may be cited together as the Defamation Acts 2009 and 2022 and shall be construed together as one Act.
- (3) This Act shall come into operation on such day or days as the Minister for Justice may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.



An Bille um Fhreagracht Ardán Meán  
Sóisialta (Leasú ar Dhlí an Chlúmhillte),  
2022

# BILLE

(mar a tionscnaíodh)

*dá ngairtear*

Acht do leasú an dlí a bhaineann le clúmhilleadh, chun go bhféadfar breithiúnais chlúmhillte a thabhairt i gcoinne an ardáin meán sóisialta a ndearnadh an chaint chlúmhillteach air nuair nach mbeidh an t-ardán meán sóisialta a bheidh i gceist in ann céannacht an duine a rinne an chaint a thabhairt ar aird, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Teachtaí Máirtín Ó Cionnaith, Imelda Uí  
Mhuimhneacháin, Pa Ó Dálaigh agus Póilín Nic an  
Tuile a thug isteach,  
24 Márta, 2022*

Responsibility of Social Media Platforms  
(Defamation Amendment) Bill 2022

# BILL

(as initiated)

*entitled*

An Act to amend the law relating to defamation, in order to allow judgements of defamation be made against the social media platform on which the defamatory utterances were made when the social media platform in question is unable to produce the identity of the person who made the utterances, and to provide for related matters.

*Introduced by Deputies Martin Kenny, Imelda  
Munster, Pa Daly and Pauline Tully,  
24th March, 2022*

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó

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Teil: 046 942 3100  
r-phost: [publications@opw.ie](mailto:publications@opw.ie)  
nó trí aon díoltóir leabhar.

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
MOUNTSHANNON ROAD, KILMAINHAM,  
DUBLIN, D08 XAO6.  
Tel: 046 942 3100  
Email: [publications@opw.ie](mailto:publications@opw.ie)  
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€1.27

