



SEANAD ÉIREANN

**AN BILLE UM RIALÁIL SÁBHÁILTEACHTA AR LÍNE AGUS
NA MEÁN, 2022**

ONLINE SAFETY AND MEDIA REGULATION BILL 2022

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM RIALÁIL SÁBHÁILTEACHTA AR LÍNE AGUS NA MEÁN, 2022 —AN TUARASCÁIL

ONLINE SAFETY AND MEDIA REGULATION BILL 2022 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

1. In page 8, between lines 24 and 25, to insert the following:

“ “political purposes” means any of the following purposes, namely—

- (a) (i) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament,
 - (ii) to present, directly or indirectly, the policies or a particular policy of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament,
 - (iii) to present, directly or indirectly, the comments of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament with regard to the policy or policies of another political party, political group, a member of either House of the Oireachtas, representative in the European Parliament or candidate at an election or referendum or otherwise, or
 - (iv) to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome at a Dáil, Seanad, European or local election, or referendum, such campaign relating to an election for which the polling day has been set by Government or a referendum for which the Commission has published a referendum notice,
- (b) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European election or to solicit votes for or against a candidate or to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate with regard to the policy or policies of a political party or a political group or of another candidate at the election or otherwise;
- (c) otherwise to influence the outcome of the election or a referendum or campaign referred to in *paragraph (a)(iv)*.”

—*Senators Lynn Ruane, Alice-Mary Higgins.*

2. In page 9, between lines 2 and 3, to insert the following:

“ ‘algorithm’ means a computational process, including one derived from machine learning, statistics, or other data processing or artificial intelligence techniques, that makes a decision or facilitates human decision making, that impacts persons;”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

3. In page 9, between lines 24 and 25, to insert the following:

“ ‘automated means’ means the use of any algorithm, recommender system, or other automated system which uses data processing, machine learning, or other artificial intelligence techniques to make decisions or suggest information to users;”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

4. In page 9, between lines 24 and 25, to insert the following:

“ ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

- *5. In page 10, line 3, to delete “video” and substitute “content”.

- *6. In page 11, to delete lines 35 to 37 and substitute the following:

“(o) by the insertion of the following definitions after the definition of “national emergency”:

“ ‘online safety code’ means a code made under section 139K;

‘Online Safety Commissioner’ means a Commissioner designated under section 11(7)# as an Online Safety Commissioner;”.

[#*This is a reference to a subsection proposed to be inserted by amendment No. 44.*]

- *7. In page 18, lines 39 and 40, to delete all words from and including “and” in line 39 down to and including line 40 and substitute the following:

“including the interests of children, are protected, with particular commitment to the safety of children,”.

8. In page 18, lines 39 and 40, to delete “and in particular the interests of children, are protected” and substitute “including the rights to privacy and reputation, are protected”.

—*Senators Malcolm Byrne, Shane Cassells.*

9. In page 18, after line 40, to insert the following:

“(c) in particular, that the interests and safety of children are protected, and this inform all its policies and practices,”.

—*Senators Malcolm Byrne, Shane Cassells.*

10. In page 19, line 9, after “cultural,” to insert “socio-economic,”.

—*Senators Malcolm Byrne, Shane Cassells.*

*11. In page 19, lines 9 and 10, to delete all words from and including “and” in line 9 down to and including line 10 and substitute “linguistic, socio-economic, and gender diversity,”.

*12. In page 19, between lines 10 and 11, to insert the following:

“(iv) their levels of participation in those services and their levels of representation in programmes on those services, and”.

*13. In page 19, line 11, to delete “(iv)” and substitute “(v)”.

14. In page 19, line 12, after “services” to insert “and the right to and importance of cultural participation”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

*15. In page 19, line 15, to delete “videos” and substitute “content”.

16. In page 19, between lines 16 and 17, to insert the following:

“(ia) support equality, human rights and participation in cultural,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

17. In page 19, line 17, after “change” to insert “and environmental considerations”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

*18. In page 19, between lines 25 and 26, to insert the following:

“(c) promote and encourage the use of the Irish language by communications media operating in the State,”.

- *19. In page 19, line 26, to delete “(c)” and substitute “(d)”.
 - *20. In page 19, line 28, to delete “(d)” and substitute “(e)”.
 - *21. In page 19, line 32, to delete “(e)” and substitute “(f)”.
 - *22. In page 19, line 35, to delete “(f)” and substitute “(g)”.
 - *23. In page 19, line 35, after “educational” to insert “and training”.
 - *24. In page 19, line 36, after “activities” to insert “, including in media literacy,”.
 - *25. In page 19, line 36, to delete “bodies” and substitute “and training bodies, sporting bodies and community, local and representative bodies”.
 - 26. In page 19, line 36, after “bodies” to insert “and all sporting organisations”.
- Senators Micheál Carrigy, John Cummins.*
- 27. In page 19, line 38, after “functions” to insert “and to digital and media literacy generally”.
- Senators Malcolm Byrne, Shane Cassells.*
- *28. In page 20, line 1, to delete “(g)” and substitute “(h)”.
 - *29. In page 20, line 4, to delete “(h)” and substitute “(i)”.
 - *30. In page 20, lines 9 to 12, to delete all words from and including “to” in line 9 down to and including line 12 and substitute the following:

“to—

- (a) the safety of children, and published policies of the Minister for Children, Equality, Disability, Integration and Youth in respect of that matter,
- (b) the regulation of gambling, and published policies of the Minister for Justice in respect of that matter,
- (c) climate change and environmental sustainability, and published policies of the Minister for the Environment, Climate and Communications in respect of that matter, and
- (d) published policies of the Government in respect of any matter referred to in paragraph (a), (b) or (c).”.

- 31. In page 20, between lines 12 and 13, to insert the following:

“(4A) In performing its functions the Commission shall prioritise child safety and shall have regard to policies of the Government and of the Minister for Children, Equality, Disability, Integration and Youth, and to public bodies whose activities are concerned with those matters.”.

—Senators Malcolm Byrne, Shane Cassells.

32. In page 20, between lines 12 and 13, to insert the following:

“(4A) In performing its functions the Commission shall have regard to issues of addiction, in particular gambling, and shall have regard to policies of the Government and of the Minister for Justice, the Minister for Health, and to public bodies whose activities are concerned with those matters.”.

—*Senators Malcolm Byrne, Shane Cassells.*

*33. In page 20, line 34, to delete “and”.

*34. In page 21, to delete line 2 and substitute “direct, and”.

*35. In page 21, between lines 2 and 3, to insert the following:

“(e) co-operate, in relation to the regulation of gambling, with any public body concerned with that matter.”.

*36. In page 21, line 4, to delete “(2)” and substitute “(3)#”.

[#*This is the correct reference if amendment No. 37 is accepted.*]

*37. In page 21, between lines 9 and 10, to insert the following:

“(2) Without prejudice to the generality of subsection (1), a function may be delegated under that subsection so as to be capable of being performed by any Online Safety Commissioner for the time being.”.

*38. In page 21, line 10, to delete “(2)” and substitute “(3)”.

*39. In page 21, line 19, to delete “(3)” and substitute “(4)”.

40. In page 22, between lines 6 and 7, to insert the following:

“(2A) Of the members of the Commission, one or more of them shall be designated by the Minister as the Commissioner(s) with responsibility for Online Safety, to be known as the Online Safety Commissioner(s), who shall oversee the regulatory framework for online safety, including, *inter alia*, through the development of binding online safety codes that set out how regulated online services ought to deal with harmful online content and conduct on their platforms.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

41. In page 22, between lines 9 and 10, to insert the following:

“(3A) In performing their functions under subsection (3), the Public Appointments Service and the Minister shall seek to ensure that the Commission has an appropriate balance of knowledge of, and expertise in, the following:

- (a) arts and culture;
- (b) data protection and digital empowerment;
- (c) online safety and digital regulation; and

(d) human rights and public participation.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

42. In page 22, between lines 9 and 10, to insert the following:

“(3A) Where recommending to the Minister persons for appointment as members of the Commission, the Service shall endeavour to ensure that among the membership of the Commission there is an equitable balance between men and women.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

43. In page 22, between lines 9 and 10, to insert the following:

“(3A) In performing their functions under subsection (3), the Public Appointments Service and the Minister shall have due regard to obligations under section 42 of the Irish Human Rights and Equality Commission Act 2014 and the United Nations Convention on the Rights of Persons with Disabilities.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

***44.** In page 22, between lines 15 and 16, to insert the following:

“(7) One or more of the Commissioners shall be designated in writing by the Minister on the recommendation of the Public Appointments Service as an Online Safety Commissioner.”.

***45.** In page 22, line 16, to delete “(7)” and substitute “(8)”.

***46.** In page 22, line 21, to delete “(8)” and substitute “(9)”.

***47.** In page 22, line 21, to delete “(7)” and substitute “(8)#”.

[#*This is the correct reference if amendment No. 44 is accepted.*]

***48.** In page 22, line 23, to delete “(7)” and substitute “(8)#”.

[#*This is the correct reference if amendment No. 44 is accepted.*]

***49.** In page 22, line 24, to delete “(9)” and substitute “(10)”.

***50.** In page 22, line 24, to delete “(7)” and substitute “(8)#”.

[#*This is the correct reference if amendment No. 44 is accepted.*]

51. In page 22, between lines 25 and 26, to insert the following:

“(10) (a) The Minister shall designate one member of the Commission as having primary responsibility for the exercise of the functions of the Commission specified in Part 8A.

(b) This member, having primary responsibility for the exercise of the functions of the Commission relating to online safety, shall also be known as the Online Safety Commissioner.

- (c) Nothing in this subsection shall be interpreted to prevent other Commission members from taking an interest in or responsibility for the exercise of functions related to online safety.”

—*Senators Malcolm Byrne, Shane Cassells.*

52. In page 24, to delete line 13.

—*Senators Malcolm Byrne, Shane Cassells.*

*53. In page 25, line 38, to delete “(7)” and substitute “(8)#”.

[#*This is the correct reference if amendment No. 44 is accepted.*]

54. In page 26, line 6, to delete “(c) is a member of a local authority,”.

—*Senators Malcolm Byrne, Shane Cassells.*

55. In page 27, to delete line 18.

—*Senators Malcolm Byrne, Shane Cassells.*

*56. In page 29, between lines 9 and 10, to insert the following:

- “(9) Without prejudice to the generality of this section, the Commission shall, within one year after the establishment day, establish a committee under this section to be known as the ‘Youth Advisory Committee’.
- (10) The Youth Advisory Committee shall assist and advise the Commission—
- (a) in the exercise of its functions under Part 8A in so far as those functions relate to the interests of children and people not more than 25 years of age, and
- (b) on such other matters as the Commission may determine.
- (11) The Youth Advisory Committee shall include such representatives as may be nominated at the invitation of the Commission by organisations representing children or people of not more than 25 years of age.
- (12) At least half of the members of the Youth Advisory Committee shall be not more than 25 years of age.”.

57. In page 29, between lines 9 and 10, to insert the following:

“Youth Advisory Panel

- 19A.** (1) The Commission shall, within one year of its establishment, establish a Youth Advisory Panel, in accordance with the provisions of this section.
- (2) The Panel shall advise the Commission on issues of interest to children and young people, on online safety, and on any other matters as the Commission may determine.

- (3) The Panel shall include representatives of organisations representing children and young people, and at least 40 per cent of the members of the Panel shall be under 30 years of age.”.

—*Senators Malcolm Byrne, Shane Cassells.*

58. In page 29, between lines 9 and 10, to insert the following:

“Broadcasting Committee

19A. (1) The Commission shall, within one year of its establishment, establish a Broadcasting Committee, in accordance with the provisions of this section.

(2) The Committee shall advise the Commission on issues relating to broadcasting and broadcast licensing, and on any other matters as the Commission may determine.

(3) The Committee shall include at least two persons with experience of operating broadcasting services, at least one of whom shall be from public broadcasting services and at least one of whom shall be from independent or commercial broadcasting services.”.

—*Senators Malcolm Byrne, Shane Cassells.*

***59.** In page 35, line 39, to delete “economical and efficient” and substitute “effective, efficient, and economical”.

***60.** In page 35, between lines 39 and 40, to insert the following:

“(9) The Commission shall give a copy of the strategy statement to such committees of either or both Houses of the Oireachtas as the Minister may direct.”.

***61.** In page 37, line 31, to delete “agreements to co-operate” and substitute “co-operation agreements”.

***62.** In page 37, to delete lines 39 to 41 and substitute the following:

“(4) If the Commission enters into an agreement under this section—

(a) it shall provide the Minister and the Joint Oireachtas Committee with a copy of the agreement, and

(b) it may publish the agreement on a website maintained by it, with the consent of all parties to the agreement, and subject to such redaction as may be agreed between them.”.

63. In page 38, line 3, after “data” to insert “, where necessary and proportionate,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

***64.** In page 38, between lines 41 and 42, to insert the following:

“(3) Where the Commission discloses a person’s personal data under this section the Commission shall notify the person of the disclosure in so far as it is practicable to do so.”.

*65. In page 38, line 42, to delete “(3)” and substitute “(4)”.

*66. In page 39, line 19, to delete “(4)” and substitute “(5)”.

*67. In page 39, line 25, to delete “(5)” and substitute “(6)”.

*68. In page 39, between lines 30 and 31, to insert the following:

“(7) The Minister shall consider whether it is necessary to carry out an assessment of the impact of regulations made under subsection (1)(e) or (2)(e) on the processing of personal data before making the regulations and, where he or she considers it necessary to do so, shall carry out the assessment.”.

*69. In page 39, line 31, to delete “(6)” and substitute “(8)”.

*70. In page 39, line 38, to delete “(7)” and substitute “(9)”.

*71. In page 39, line 39, to delete “(3)” and substitute “(4)#”.

[#This is the correct reference if amendment No. 64 is accepted.]

72. In page 40, between lines 4 and 5, to insert the following:

“(2A) Subsection (1) does not apply to standards or self-regulatory systems relating to the regulation of commercial communications.”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

73. In page 42, to delete lines 18 to 23.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

74. In page 48, line 21, to delete “€2 million” and substitute “€1 million”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

75. In page 49, to delete lines 14 and 15.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

76. In page 49, to delete lines 14 and 15 and substitute the following:

“(a) anything that may reasonably be regarded as causing harm to a group of persons, or a member of a group, based on any of the grounds referred to in Article 21 of the Charter,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

77. In page 49, to delete lines 27 and 28 and substitute the following:

“(e) anything which may reasonably be regarded as an offence under the Offences Against the State Act 1939.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

78. In page 50, between lines 34 and 35, to insert the following:

“(4A) Subsection (1) should not be interpreted as constraining a broadcaster or a relevant media service provider from appropriate examination,

investigation, interrogation, debate or questioning in respect to news or current affairs which—

- (a) concerns public policy, or
- (b) the actions of a Government, a Minister, a designated public official or a public body.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

79. In page 51, line 17, to delete “end” and substitute “purpose”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

80. In page 51, between lines 21 and 22, to insert the following:

“(2A) A broadcaster shall not broadcast, and a relevant media service provider shall not make available in a catalogue of the relevant service, an advertisement which seeks to promote gambling.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

81. In page 51, between lines 21 and 22, to insert the following:

“(2A) A broadcaster shall not broadcast, and a relevant media service provider shall not make available in a catalogue of the relevant service, an advertisement which seeks to promote speculative financial activities which pose a risk to a person, including the trading of cryptocurrencies.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

82. In page 51, to delete lines 26 to 32 and substitute the following:

“(4) (a) Nothing in subsection (2)(a) prevents a broadcaster from broadcasting, or a relevant media service provider from making available, party political programmes provided that an unfair preference is not given to any political party—

(i) by a broadcaster, in the allocation of time for such programmes,
or

(ii) by a relevant media service provider, in the positioning of such programmes in a catalogue of the relevant service.

(b) For the purposes of paragraph (a) and of section 46L(3), a ‘party political programme’ is a party political broadcast or a similar programme during which uncontested time is provided to a political party and the broadcaster (or relevant media service provider, as the case may be) does not exercise editorial control over the content.

(c) The standards and practices provided for in a media service code made under section 46N to ensure that broadcasters and relevant

media service providers comply with section 46L(3) shall apply also to ensure compliance with paragraph (a).”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

83. In page 51, after line 39, to insert the following:

“(7) For the purposes of this section, political purposes mean—

- (a) (i) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament,
 - (ii) to present, directly or indirectly, the policies or a particular policy of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament,
 - (iii) to present, directly or indirectly, the comments of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament with regard to the policy or policies of another political party, political group, a member of either House of the Oireachtas, representative in the European Parliament or candidate at an election or referendum or otherwise, or
 - (iv) to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome at a Dáil, Seanad, European or local election, or referendum, such campaign relating to an election for which the polling day has been set by Government or a referendum for which the Commission has published a referendum notice,
- (b) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European election or to solicit votes for or against a candidate or to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate with regard to the policy or policies of a political party or a political group or of another candidate at the election or otherwise;
- (c) otherwise to influence the outcome of the election or a referendum or campaign referred to in paragraph (a)(iv).”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

84. In page 52, between lines 12 and 13, to insert the following:

“(ba) in relation to broadcasters only—

- (i) that the broadcast programme material, taken as a whole—

- (I) adequately reflects the participation, and
- (II) is responsive to the interests,
of members of all groups (defined by reference to gender, sexual orientation, disability, colour and socio-economic status) within the community,
- (ii) that, in relation to broadcast news and current affairs programmes, taken as a whole, there is equal participation by men and women,
- (iii) that, in relation to the amount of broadcasting time allocated to broadcasting of music content—
 - (I) at least 50 per cent of such time is reserved for the broadcast of musical compositions that are composed or performed by women, and
 - (II) at least 30 per cent of such time is reserved for the broadcast of musical compositions that are composed or performed by persons living on the island of Ireland or that otherwise relate to some distinguishing element of the culture of the island of Ireland.”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

85. In page 52, between lines 12 and 13, to insert the following:

“(ba) that the use of algorithms, profiling or microtargeting are appropriately regulated or prohibited, especially when used in respect of minors,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

86. In page 52, lines 13 and 14, to delete “that in programme material audiences are protected from anything harmful or offensive, and in particular”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

87. In page 52, between lines 16 and 17, to insert the following:

“(i) with due sensitivity to the subject matter and the audience,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

88. In page 52, between lines 20 and 21, to insert the following:

“(ca) for the avoidance of doubt, in paragraph (c)(ii) sexual conduct shall not be construed to include educational materials which feature discussion of sexual content and seek to provide education on topics such as consent, sexual health and relationships,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

***89.** In page 53, line 18, after “prohibit” to insert “or restrict, in accordance with law,”.

***90.** In page 53, line 21, after “particular” to insert “infant formula, follow-on formula or”.

91. In page 53, line 22, to delete “salts or sugars” and substitute the following:

“salts, sugars or milk-based formulae (infant milks, follow-on milks, growing-up milks and toddler milks) aimed at infants and young children up to 36 months”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

92. In page 53, between lines 22 and 23, to insert the following:

“(5A) Provision made for the purpose referred to in subsection (2)(d)(i) may prohibit the inclusion in programmes of commercial communications or content relating to conversion therapy, or any commercial communications or content which seek to promote practices or beliefs with the aim of invalidating or compromising a person’s sexual orientation or gender identity.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

93. In page 53, between lines 22 and 23, to insert the following:

“(5A) Provision made for the purpose referred to in subsection (2)(d)(i) may prohibit or restrict the inclusion in advertising or programmes of advertisements or commercial communications relating to the promotion of gambling.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

94. In page 53, between lines 22 and 23, to insert the following:

“(5A) Provision made for the purpose referred to in subsection (2)(d)(i) may prohibit or restrict the inclusion in advertising or programmes of advertisements or commercial communications relating to the promotion of speculative financial activities likely to pose a significant financial risk to an individual, including the promotion of cryptocurrency trading.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

95. In page 55, between lines 12 and 13, to insert the following:

“(9A) In preparing such rules, the Commission shall have due regard to obligations under section 42 of the Irish Human Rights and Equality Commission Act and the United Nations Convention on the Rights of Persons with Disabilities.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

96. In page 56, line 21, after “person” to insert “for a minimum period of 30 days”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

***97.** In page 59, line 7, to delete “so” and substitute “so, and no later than 30 days after the date of the reference or dismissal”.

98. In page 78, to delete lines 37 to 40, and in page 79, to delete lines 1 to 3 and substitute the following:

“139D. (1) In this Part, ‘age-inappropriate online content’ includes online content that either—

(a) is likely to be unsuitable for children (either generally or below a particular age), having regard to their capabilities, their development, and their rights and interests, in particular content consisting of—

(i) pornography, or

(ii) realistic representations of, or of the effects of, gross or gratuitous violence or acts of cruelty,

or

(b) consists of online advertisements or commercial communications which are age-inappropriate, including those advertising—

(i) high salt or fat foods,

(ii) alcohol,

(iii) weapons, or

(iv) gambling.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

99. In page 79, between lines 28 and 29, to insert the following:

“(fa) the United Nations Convention on the Rights of Persons with Disabilities,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

100. In page 81, between lines 30 and 31, to insert the following:

“and

(c) contact details of the person or persons designated as responsible for online safety at the named service.”.

—*Senators Malcolm Byrne, Shane Cassells.*

101. In page 82, line 12, to delete “children” and substitute “children, having particular regard to the general public health of children”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

102. In page 82, between lines 12 and 13, to insert the following:

“(e) that service providers introduce robust measures to ensure a minimum age verification of account holders of 15 years old.”.

—*Senators Micheál Carrigy, John Cummins.*

103. In page 82, between lines 12 and 13, to insert the following:

“(2A) Without prejudice to the generality of subsection (2)(d), measures to be taken by service providers under that paragraph may include a prohibition of the inclusion in programmes of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular foods or beverages containing fat, trans-fatty acids, salts, sugars or milk-based formulae (infant milks, follow-on milks, growing-up milks and toddler milks) aimed at infants and young children up to 36 months.”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

104. In page 82, between lines 12 and 13, to insert the following:

“(2A) Provision made for the purpose referred to in subsection (2)(d) may prohibit the inclusion in programmes of commercial communications relating to foods or beverages including alcohol products considered by the Commission to be the subject of public concern in respect of the general public health interests of children.”.

—*Senators Frances Black, Lynn Ruane.*

***105.** In page 82, between lines 39 and 40, to insert the following:

“(5) Without prejudice to subsection (2) or (4), an online safety code may prohibit or restrict, in accordance with law, the inclusion in programmes or user-generated content of commercial communications relating to foods or beverages considered by the Commission to be the subject of public concern in respect of the general public health interests of children, in particular infant formula, follow-on formula or foods or beverages which contain fat, trans-fatty acids, salts or sugars.”.

106. In page 82, between lines 39 and 40, to insert the following:

“(4A) Without prejudice to subsection (2) an online safety code may prohibit the targeting at minors of commercial communications.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

107. In page 82, between lines 39 and 40, to insert the following:

“(4A) Without prejudice to subsection (2), an online safety code may prohibit content or commercial communications or content which seek to promote practices or beliefs which seek to compromise or invalidate

a person's sexual orientation or gender identity, including the advertisement or promotion of conversion therapy in respect of a person's sexual orientation or gender identity.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

108. In page 82, between lines 39 and 40, to insert the following:

“(4A) In preparing such codes referred to in subsection (1), the Commission shall consult with appropriate persons with relevant expertise in human rights and digital public participation.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

109. In page 82, between lines 39 and 40, to insert the following:

“(4A) Without prejudice to subsection (2), an online safety code may prohibit content or commercial communications relating to the promotion of gambling.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

110. In page 82, between lines 39 and 40, to insert the following:

“(4A) Without prejudice to subsection (2), an online safety code may prohibit content or commercial communications relating to the promotion of speculative financial activities likely to pose a significant financial risk to an individual, including the promotion of cryptocurrency trading.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

111. In page 82, between lines 39 and 40, to insert the following:

“(4A) When preparing such codes referred to in subsection (1), the Commission shall have due regard to section 42 of the Irish Human Rights and Equality Commission Act 2014, the United Nations Convention on the Rights of Persons with Disabilities and the Web Accessibility Directive (Directive (EU) 2016/2102).”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

112. In page 82, between lines 39 and 40, to insert the following:

“(4A) Without prejudice to subsection (2) an online safety code may prohibit the targeting at minors of content or commercial communications which seek to promote weapons or the sale of weapons.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

113. In page 82, between lines 39 and 40, to insert the following:

“(4A) Without prejudice to subsection (2) an online safety code may provide that service providers—

(a) take appropriate measures to minimise risk of harm arising from

algorithmic practices or automated means in the provision of online services, including appropriate measures in respect of the development and training of algorithms,

- (b) maintain transparency around their use of algorithms, recommender systems, and other automated means, such that an average user could reasonably understand the effect of such automated processes on their online activity,
- (c) give users of online services the choice to opt-in to the use of their personal data in recommender systems, algorithms, or other automated means, such that the average user could reasonably make an informed choice about the use of their personal data, and that the service providers facilitate the withdrawal of such consent.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

***114.** In page 82, line 40, to delete “(5)” and substitute “(6)”.

***115.** In page 83, line 5, to delete “(6)” and substitute “(7)”.

116. In page 84, between lines 14 and 15, to insert the following:

“(5A) Services defined under subsection (5) shall not be deemed to be designated online services until such date as set by the Minister following the transposition into Irish law of the European Digital Services Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

117. In page 85, between lines 6 and 7, to insert the following:

“(fa) levels of risk of harm related to the use of algorithms, profiling and targeting of content or commercial communications,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

***118.** In page 85, line 11, to delete “shall consult”.

***119.** In page 85, between lines 11 and 12, to insert the following:

“(a) shall consult—”.

***120.** In page 85, line 12, to delete “(a)” and substitute “(i)”.

***121.** In page 85, line 14, to delete “(b)” and substitute “(ii)”.

***122.** In page 85, line 14, to delete “appropriate.” and substitute “appropriate, and”.

***123.** In page 85, between lines 14 and 15, to insert the following:

“(b) may consult a public health authority about any provision of an online safety code referred to in section 139K(2)(d) which it proposes to make.”.

***124.** In page 85, between lines 29 and 30, to insert the following:

“(7) The Commission shall publish a report given to the Minister under subsection (6) on a website maintained by the Commission.”.

125. In page 87, between lines 32 and 33, to insert the following:

- “(2) Where an offence under any of the relevant statutory provisions has been committed by an undertaking and the doing of the acts that constituted the offence has been authorised, or consented to by, or is attributable to connivance or neglect on the part of, a person, being a director, manager or other similar officer of the undertaking, or a person who purports to act in any such capacity, that person as well as the undertaking shall be guilty of a offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (3) Where a person is proceeded against as aforesaid for such a offence and it is proved that, at the material time, he or she was a director of the undertaking concerned or a person employed by it whose duties included making decisions that, to a significant extent, could have affected the management of the undertaking, or a person who purported to act in any such capacity, it shall be presumed, until the contrary is proved, that the doing of the acts by the undertaking which constituted the commission by it of the offence concerned under any of the relevant statutory provisions was authorised, consented to or attributable to connivance or neglect on the part of that person.
- (4) In the event of a dispute as to the identity of the person responsible for the alleged offence, it shall be presumed, until the contrary is proved, that the person designated as responsible for online safety on the register as provided for in S.139J.(2)(c), shall be the responsible person.
- (5) Summary proceedings may be brought and prosecuted by the Commission in the case of an alleged offence.”.

—*Senators Malcolm Byrne, Shane Cassells.*

126. In page 88, between lines 17 and 18, to insert the following:

“Algorithmic safety report

139RA. The Commission shall publish an annual review of practices in respect of the use of algorithms and automated decision-making in the State and the implications for public safety and well-being, especially the well-being of minors, to be published in an accessible manner on its website, which shall provide—

- (a) a summary and analysis of prevalent algorithmic and automated practices by designated online services in the State,
- (b) evidence of harm being caused to individuals in the State as a result

of content targeted at them, and

- (c) clear information on the regulation of, and the rights of persons in respect of, the use of algorithms, recommender systems, and other automated means.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

***127.** In page 104, between lines 17 and 18, to insert the following:

- “(3) The Commission shall publish rules made under subsection (1) on a website maintained by it.”.

128. In page 117, between lines 23 and 24, to insert the following:

- “(aa) where the content appears to the Commission to fall within the category of age-inappropriate online content defined in section 139D, requiring the provider to restrict access to the content to persons who have attained the age of 18 years, or”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

***129.** In page 125, line 24, to delete “section 7(3)(c)” and substitute “section 7(3)(d)#”.

[#*This is the correct reference if amendment No. 18 is accepted.*]

***130.** In page 131, line 20, after “sustainability” to insert “, biodiversity,”.

***131.** In page 131, line 21, to delete “including”.

132. In page 131, line 27, after “literacy” to insert “, digital empowerment and data protection awareness”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

133. In page 131, between lines 34 and 35, to insert the following:

- “(a) be managed by the Commission in co-partnership with another agency, including Screen Ireland;
- (b) be delegated by the Commission to another to another agency, including Screen Ireland, on such terms as the Commission shall prescribe;”.

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

134. In page 132, line 16, after “understanding” to insert “, participation in”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

135. In page 132, between lines 17 and 18, to insert the following:

- “(aa) support cultural and social participation and access to programming for users of the Irish Language and Irish Sign Language,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*