

Laws about online behaviour

Often there is the perception that people can do whatever they want from behind a screen but there are a number of laws that apply to behaviour online. Below you will find a set of FAQs relating to the law online.

? Are there laws which relate to how people speak to each other online?

There are a number of laws which cover how people speak to each other in both the real world and online. They are:

- ▶ **Communications Act 2003:** This Act covers all forms and types of public communication. With regards to comments online, it covers the sending of grossly offensive, obscene, menacing or indecent communications and any communication that causes needless anxiety or contains false accusation.
- ▶ **Protection from Harassment Act 1997:** This Act covers any form of harassment that has occurred 'repeatedly'; in this instance, 'repeatedly' means on more than two occasions.
- ▶ **The Malicious Communications Act 1988:** This Act covers the sending of grossly offensive or threatening letters, electronic communications or any other form of message with the intention of causing harm, distress or anxiety.
- ▶ **Equality Act 2010:** This Act states that it is against the law to discriminate against anyone on the ground of protected characteristics. These include disability, gender reassignment (when a person undergoes a process, or part of a process – social or medical – for the purpose of reassigning their sex), race (including colour, nationality, ethnic or national origin), religion or belief, sex and sexual orientation.

? Are there laws around what should and shouldn't be shared online?

There are a number of laws which cover illegal online content. They are:

- ▶ **The Computer Misuse Act 1990:** Criminalises the impersonation or theft of someone else's identity online. For example, this would mean that writing a status on social media pretending to be your friend would technically be against the law.
- ▶ **The Protection of Children Act 1978:** Criminalises the taking, creating, showing, distributing, possessing with a view to distributing, and publishing any advertisement of indecent photographs of children (anyone under the age of 18).
- ▶ **Criminal Justice Act 1988:** Makes the possession of indecent photographs of children (under 18) a criminal offence.
- ▶ **Section 33 of the Criminal Justice and Courts Act 2015** criminalises the sharing of private, sexual photographs or films ('revenge porn') of adults without their consent, with the intent to cause distress.

? Are there any specific laws around pornography?

Pornographic magazines and videos can be legally bought at 18, and all regulated porn websites try to prevent under 18s from accessing them. The government has recently clarified existing obscenity laws to ensure that materials rated only suitable for 18 year olds (and above) have age verification controls in place to stop children under 18 from accessing them.

However, there are certain types of pornography that are illegal to ever be seen, distributed and held – even for an adult (anyone 18 or over). These are called "extreme pornographic images", and include acts that threaten a person's life, acts which are likely to, or, result in serious injury, degrading porn, violent porn (which includes rape and abuse) or anything involving animals or those under the age of 18.

www.nspcc.org.uk/preventing-abuse/keeping-children-safe/online-porn/

Creating, distributing or generating a sexually explicit or partially nude image of someone under the age of 18 is illegal under the **Protection of Children Act 1978**. It is illegal for a person under 18 to send explicit images or films of themselves, or of another young person. By sending an explicit image, a young person is producing and distributing indecent images of a child and risks being prosecuted, even if the picture is taken and shared with their permission.

As with anything, context is always key to a situation and whilst these laws exist police are not necessarily looking to prosecute young people, particularly for a first offence. Instead any incident will be first and foremost be dealt with as a safeguarding concern. Refer to '**Sexting in schools and colleges: Responding to incidents and safeguarding young people**' guidance produced by the UK Council for Internet Safety (UKCIS)¹⁴.

14. <http://www.gov.uk/government/publications/sexting-in-schools-and-colleges>