Online safety and social media liability: Has the tide turned?

Tech companies might have to be responsible for their algorithmic design and commercial decisions after landmark ruling on British teen’s death.

Liu Sun Sun and Chew Han Ei

For The Straits Times

Last week, a United Kingdom coroner’s court ruled that British

Molly Russell died in 2017 “from an act of self harm while suffering from depression and the negative effects of online grooming and harassment endured through social media content encountered on her death in a ‘highly influential’ way.” The court found that, on Instagram, the 14-year-old had

made, liked or shared over 16,000 Instagram posts including photos and videos containing self-harm and suicide. More than 2,000 were found to be self-harm and suicide-related posts, more than a doubling of the total number of the posts that Molly Russell had made on Instagram in the period from when she started using the platform in 2015 to the day she died.

Prior to this landmark ruling, tech companies were legally protected from criminal laws for the content their users post by legislation, such as Section 298 of the Communications Decency Act in the United States, Section 32 of the Protection from Harassment Act 1997 in the United Kingdom, and Section 125 of the Computer Misuse Act 1990. These laws protected the publishers or operators of internet or computer services from criminal liability for the publication or reprinting of any information provided by another information content provider and thus provided immunity for tech companies with respect to third-party content.

The landmark ruling in the UK saw the precedent for shifting liability to social media platforms for the actions of their users, which is now known as “abuse by others.”

The court decision also emphasized that social media content can be influential and is not just an isolated event but can contribute to mental health issues.

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The response and action needed from the social media services is clear. Tech companies need to put in place stronger systems and processes to safeguard vulnerable users, such as teens and children, against harmful content such as suicide and self-harm.

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Media companies, for example, have always aimed for the profitability of media companies through advertisements.

The pressures of competition, the need to reach as many users as possible, and the need to generate revenue from advertisers have been driving forces behind the proliferation of harmful content on social media. Platforms with significant reach or impact in the United States from the 1980s – whether they were print newspapers mass-produced in the United States or British Instagram accounts – have always aimed for the profitability of media companies through advertisements.

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Technology companies must do more to detect and remove harmful content, as well as to empower consumers to take action to safeguard themselves.

Consumers, of course, must take ownership of their own media consumption by educating themselves on how social media works and adapting their practices to moderate their online habits.

*Lim Sun Sun is a professor of communication and technology at the Singapore University of Technology and Design and author of Transmedia/Parenting: Raising Children in a Digital Age (2018). Chew Han Ei is a senior researcher with the Institute of Policy Studies, National University of Singapore.

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