

I was asked a question by the Chair about actions against anonymous users of Twitter and Facebook. I respectfully seek to supplement my answer with the following answer:

Having reflected on that question further, we think that there are clear reasons why those publications have not been the subject of substantial defamation actions, in contrast to anonymous posts on other social media (e.g. Google Reviews, Rate MD, YouTube).

In relation to **Twitter**, the nature of the platform is that the identity of the Tweeter is central to the publication — people read Tweets from those they know and those they follow. Generally, no one pays any heed to anonymous Tweets; and anonymous Tweets will not feed automatically into many people's Twitter feeds (due to lack of followers).

In relation to **Facebook**, the position is somewhat analogous. With "community" pages, posts are rarely anonymous — people usually post to let their views be known to those who know them. Even if they use a handle, other users will often know who they are. Where anonymous posts occur on Facebook pages maintained by large organisations (e.g. the media Facebook pages involved in Voller), the natural (and sufficient) response is to pursue the media organisation, rather than the individual "troll".

In relation to **Instagram**, anonymity is the antithesis of nearly most activity on this platform, which is about celebrity and self-identification and self-depiction (photographic or otherwise).

In our defamation practices, Tweets and Facebook posts have often been the subject of concerns notices and defamation proceedings. However, those are, in our experience, rarely sought to be brought against the anonymous authors of the Tweets or posts, in contrast to e.g. Google Reviews, where anonymous posts, by reason of the nature of the platform, may be given great weight by readers and cause substantial damage to reputation.

So, in summary, there does not seem to be a present pressing need to assist with the identification of anonymous publications on Twitter or Facebook. However, that could change if the Bill is passed — the defence proposed to be given to social media services would seem to us, in effect, to be a "trolls' charter", because it would immunise the most effective way of stopping trolls where it hurts them — having their awful publications taken down.

We should add that we share the Chair's concern about anonymous bullying publications on all social media platforms including Twitter and Facebook, which may cause real anguish and mental harm to the targets. That is why, in our written submission, we proposed adding to the protections in the Online Safety Act, a court power urgently to take down such material. However, it seems to us that the main concern of such posts presently is in the domain of online bullying and harassment and not defamation.

We would be grateful if the Committee would receive this further answer.