



Rialtas na hÉireann
Government of Ireland

Expert Group on an online safety individual complaints mechanism

Terms of reference

1. To examine if an individual complaints mechanism is practicable in the context of the Online Safety and Media Regulation Bill and, if not, if there is another method of resolving matters raised by such a mechanism;
2. To consider the scope of such a scheme, in terms of both the online services and online content that would be covered, taking into account the nature and volume of online content and the overall purpose of the Online Safety and Media Regulation Bill.
3. To examine the fundamental rights and due process requirements for complainants, online services and the uploaders of the content subject to a complaint, taking into account relevant provisions on such matters in section 46 (Part 8B – Chapter 7 of the 2009 Act) of the Online Safety and Media Regulation Bill, which provides an Online Safety Commissioner with the power to issue content limitation notices.
4. To consider the operations of any such scheme, in light of best practices by public bodies in receiving and processing complaints, appeals or requests for review from members of the public; This would include:
 - a. The thresholds which must be met by a complainant before their complaint is accepted by an Online Safety Commissioner;
 - b. The threshold which must be met before an Online Safety Commissioner may issue a content limitation notice on foot of a complaint; and
 - c. The process by which an Online Safety Commissioner would receive and acknowledge complaints and engage with complainants, online services and the uploaders of the content subject to a complaint about the complaint, including regarding the outcome of any complaint.
5. To consider the resource implications and timing in respect of the introduction of any such scheme;

6. To recommend such draft amendments to the Online Safety and Media Regulation Bill as are necessary to underpin any proposals put forward by the Expert Advisory Group for an individual complaints mechanism; and
7. To report to the Minister within 90 days of the expert advisory group's establishment.

Definition: For the purposes of these terms of reference, an “individual complaints mechanism” is a mechanism whereby members of the public may complain to an Online Safety Commissioner about individual items of content that they suspect may fall within a category of harmful online content.