

Differentiating between harm to
users and third parties in the UK's
Online Safety regulations
The phenomena of TikTok Frenzies

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Background

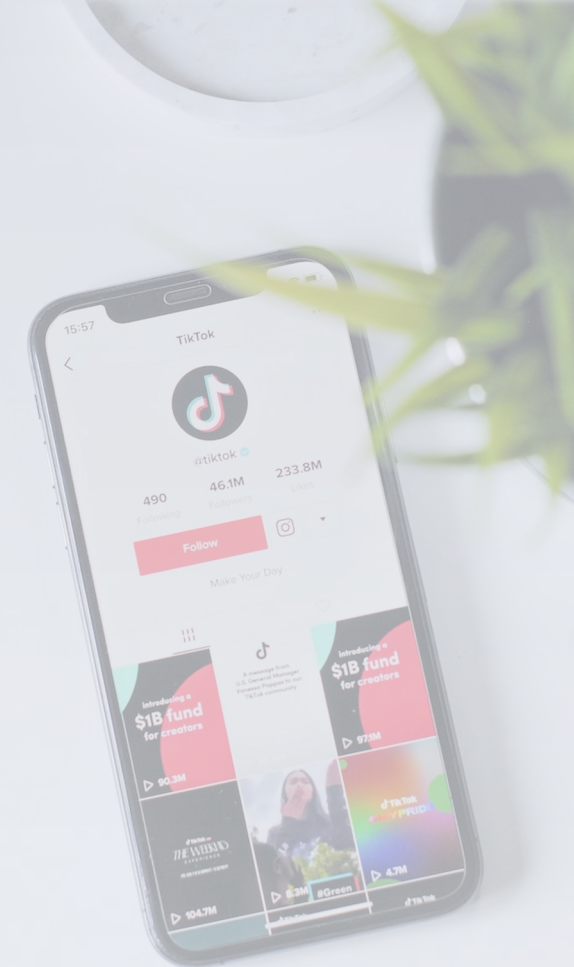
- Impact of user-generated content = discussions centre the viewing user.
- Regulations and guidance tailored towards these occurrences.
- Increased amounts of calls to action online in UGC are resulting in offline demonstrations, protests, and positive and negative actions.
- The potential impacts (harmful and not) of UGC now extends **both** to **viewing users** and **third parties**.
- In parallel – the development of online safety regulations.





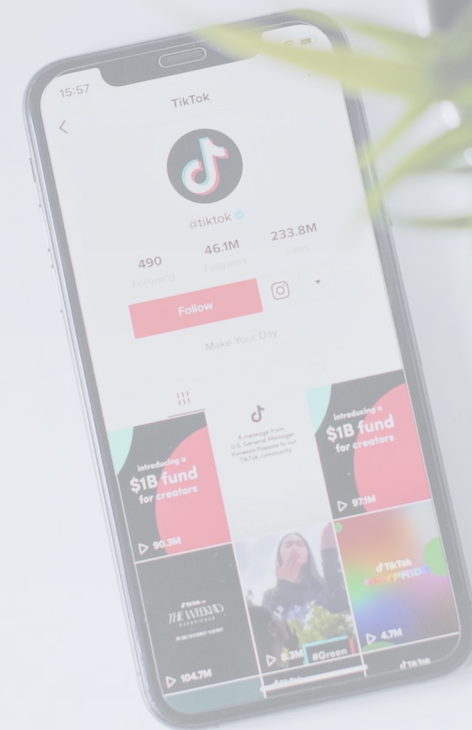
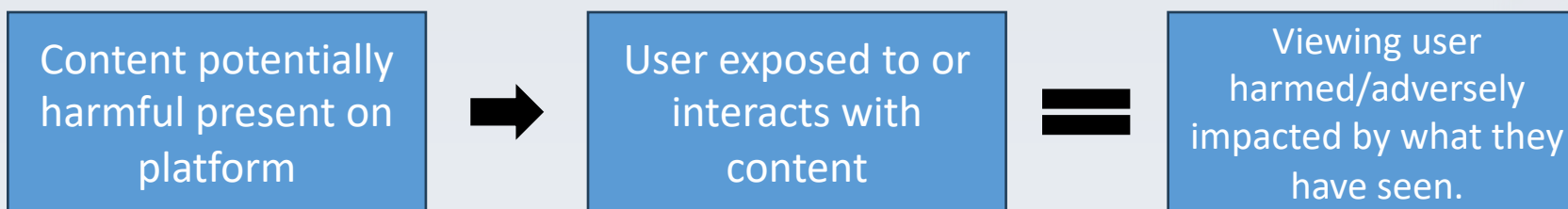
What is a TikTok Frenzy?

- Situations where “TikTok drives disproportionate amounts of engagement to some topics” (*BBC News, 2023*)
- Content encourages users to engage in behaviours they would not typically participate in.
- Frenzies lead to “disruption and disorder” in everyday life.
- Growing numbers of children are using the platform and responding to calls in some way.



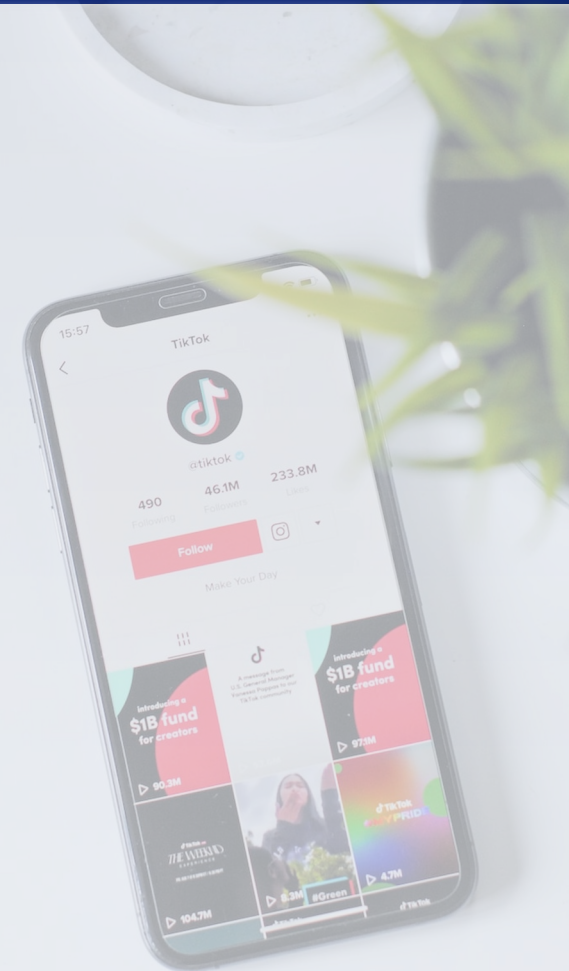
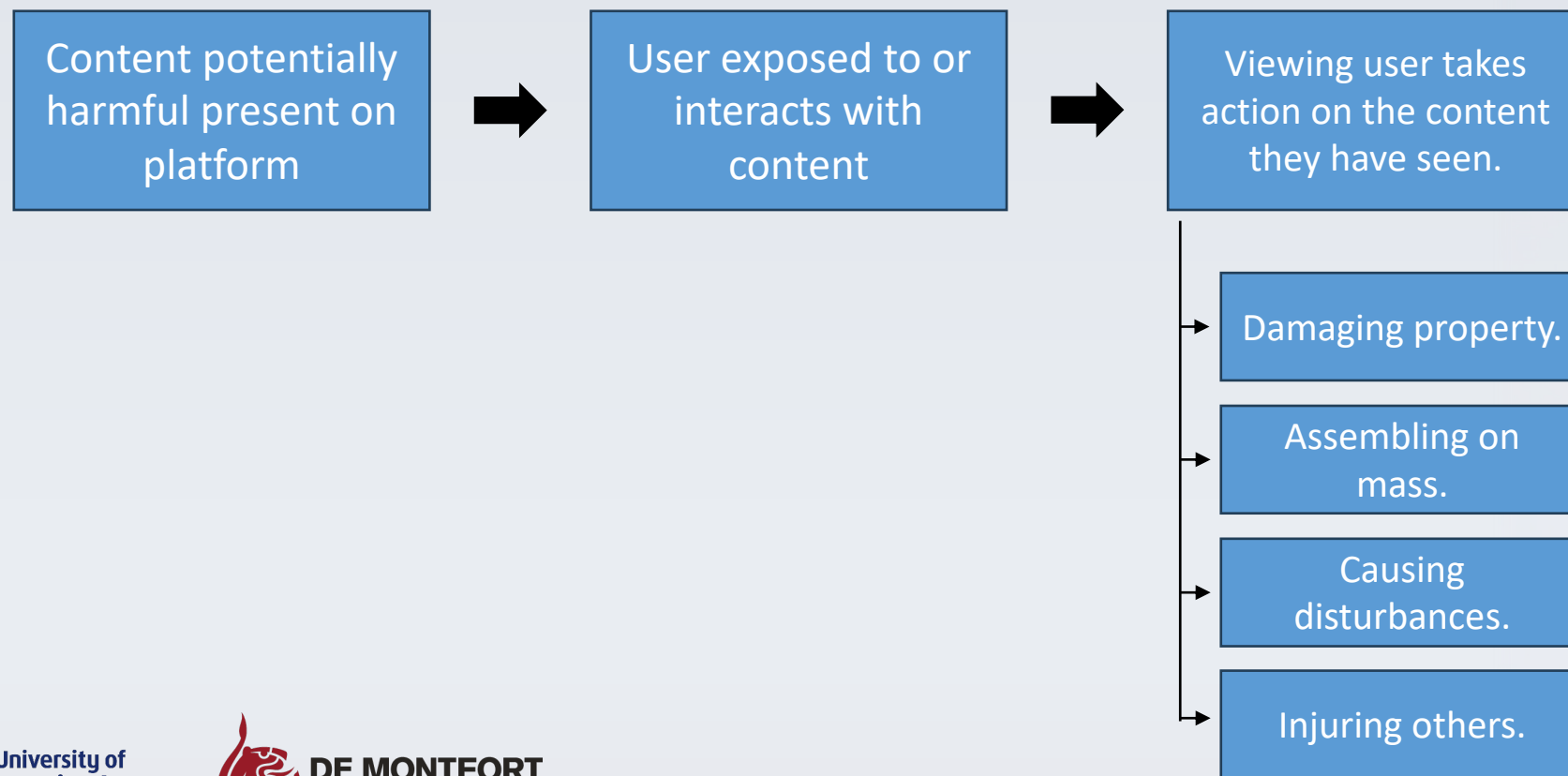


Harm to Viewing Users





Harm to Third Parties and Property

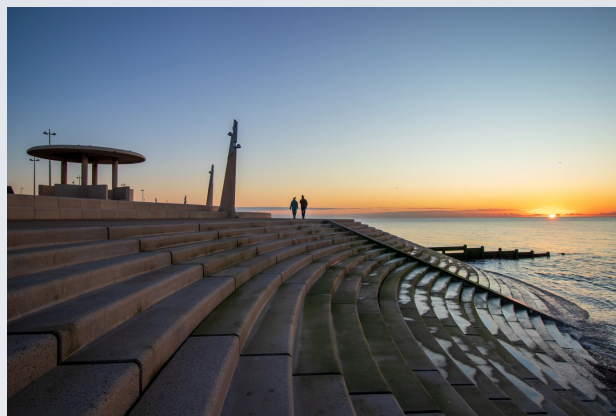




Harm to Third Parties and Property



January – March 2023
Various Locations Across the UK
Property damaged
People injured
Significant disruption to education
Police presence at multiple sites



January 2023
St Michael's on Wyre, Lancashire
Mass gatherings of individuals
Significant disruption to police
Trespassing evidenced
One person arrested, dispersal order issued



August 2023
Oxford Street, London
Mass gatherings of individuals
Potential for vandalism to property
Disruption to business operations in the area
Individuals arrested, dispersal order issued



Preventative Measures?



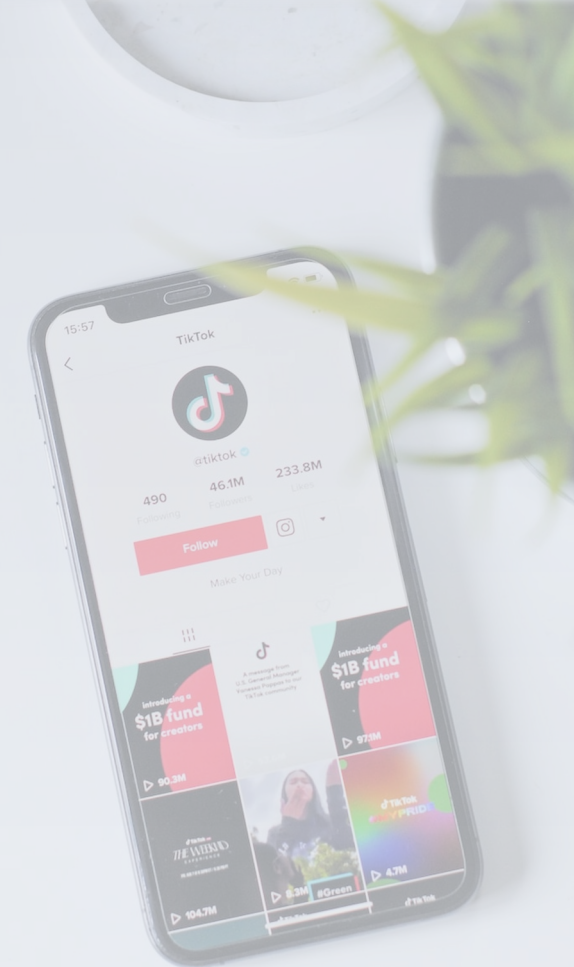
December 2023 Columbia Road, London

Christmas carol service cancelled in anticipation of large numbers of people turning up and safety concerns.
Viral content online concerning the event encouraged attendance.



January-August 2023 Various locations

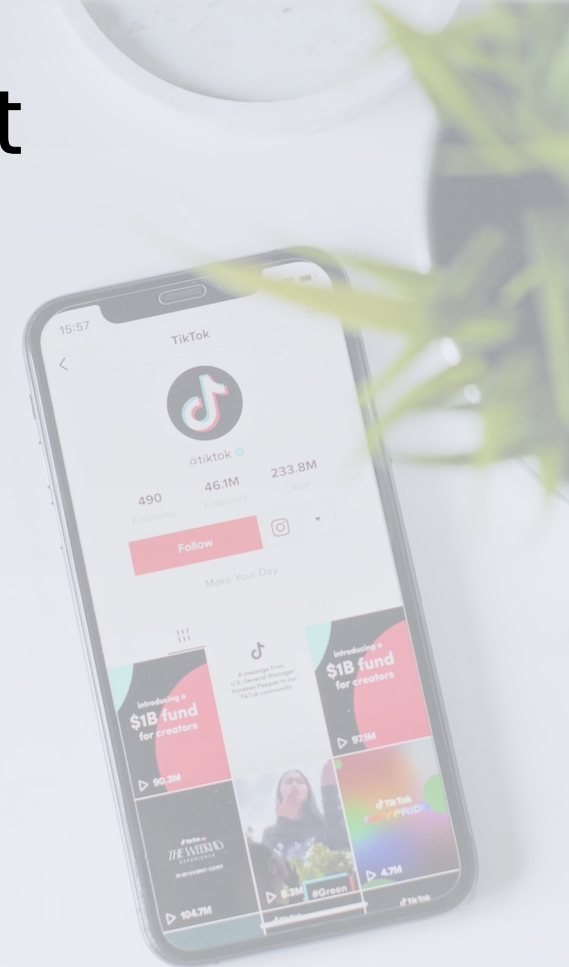
Multiple dispersal orders issued to stem the presence of individuals at sites, minimising disturbances.
Not a perfect solution, some harm already occurred.





Harm in the UK Regulatory Environment

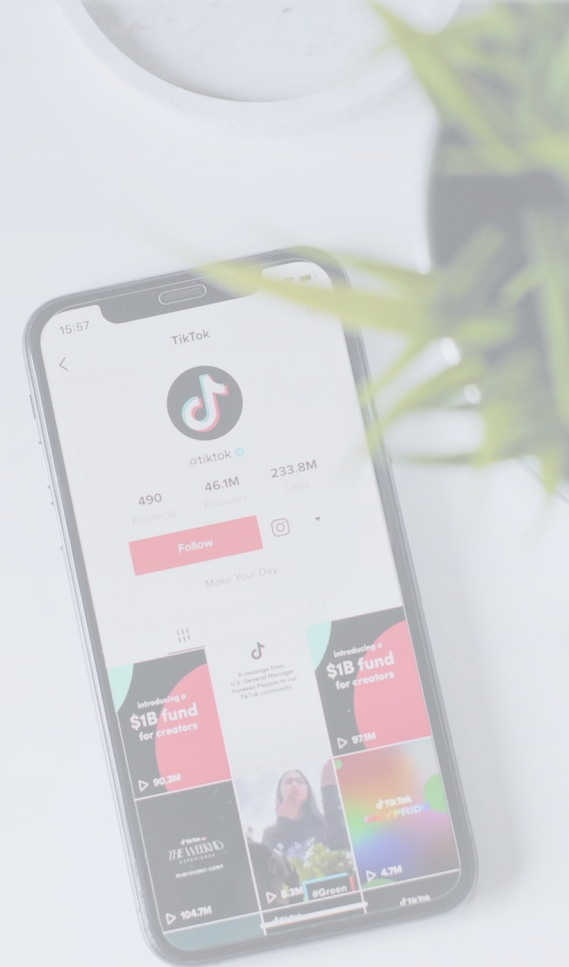
- User-to-user services **must** remove content that poses a risk of harm.
- Large platform = TikTok likely to be subject to highest safety oversight thresholds.
- Section 234 – the definition of harm – “physical or psychological”
- Unknown victims of harm? Exclusion of harm to property and reputational harm?





Section 234(5) – Third Party Harms

“where, as a result of the content, individuals do or say something to another individual that results in harm to that other individual or that increases the likelihood of such harm (including, but not limited to, where individuals act in such a way as a result of content that is related to that other individual’s characteristics or membership of a group).”





Section 234(5) – Third Party Harms

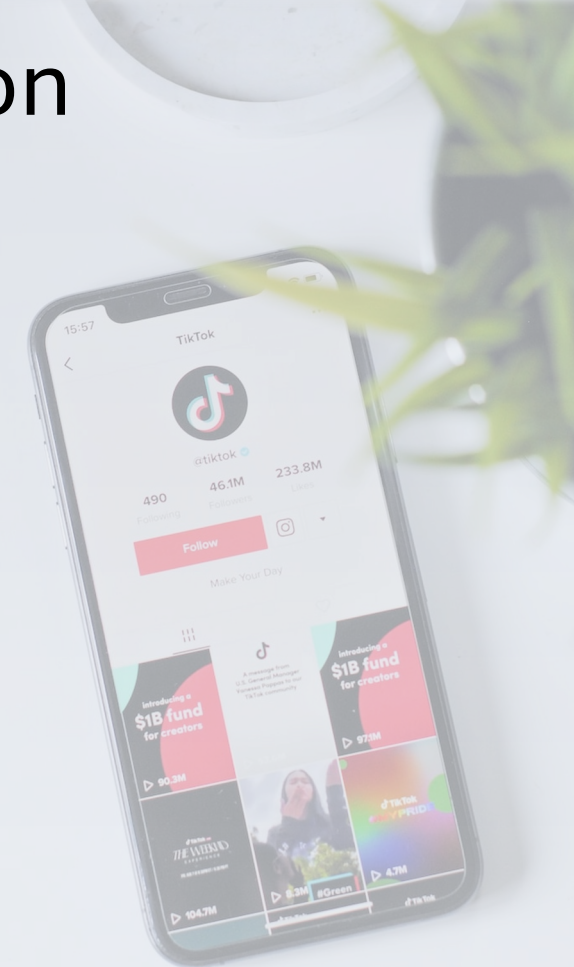
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Significance of Design and Recommendation Mechanisms

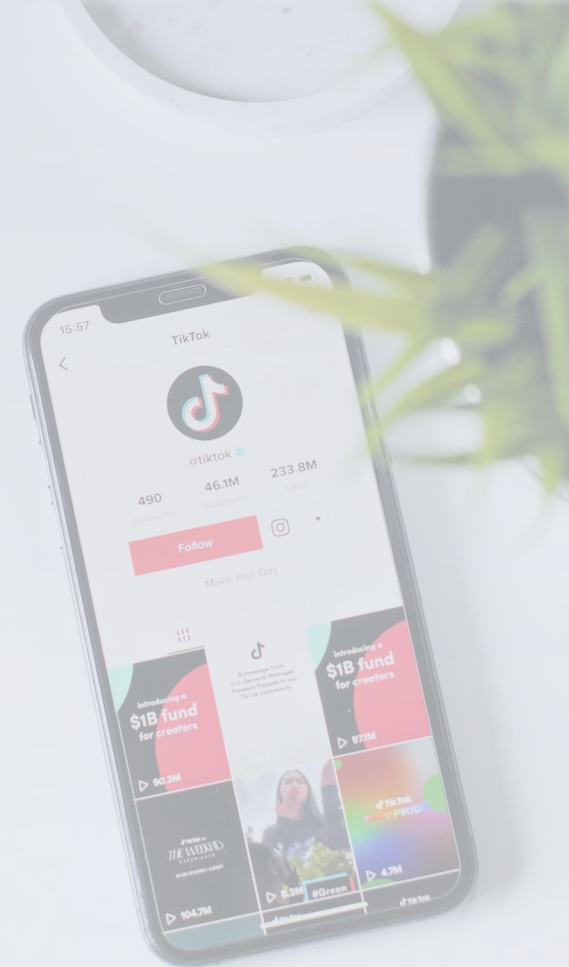
- Platforms are able to control the content users see and personalise it to a user's interests.
- Content causing frenzies was reportedly purposefully pushed to users.
- Platforms are 'social spaces' and stakeholders should be responsible for user interactions (*Price 2021*)
- Users react and respond to the content delivered to them via recommendation algorithms on TikTok (*Wang et al. 2022*)





Defects in Regulations

- Individual viewing users are the focus.
- The definition of harm is limited compared to previous drafts of regulations.
- The potential for content posing a risk of harm to third parties may only be dealt with if a platform recognises it in a specific way.
- Specific obligations, regulations or guidance would be beneficial to reduce all forms of harm.





Ways Forward

Clarification of the Limits of 'Harm'

- Limits of the regulations need to be established and made known.
- Increased the likelihood of the matter of third party harms to be settled.
- Secondary guidance opportunity.

Acknowledgement of Systems

- Regulation of the internal mechanisms of platforms as well as the content itself.
- Known to be problematic in nature and be the vehicle of harmful content.
- Not a new suggestion in this realm.



Conclusions

- Current online safety regulations are predominantly aimed at individual viewing users leaving other manifestations of harm unrecognised.
- An expansion of the understanding of harm and to whom harm can occur is needed if the Act is to deliver on its promise of making the UK 'the safest place in the world to go online.'
- Direct engagement with users and further work on the causal relationship between content and harm is needed.



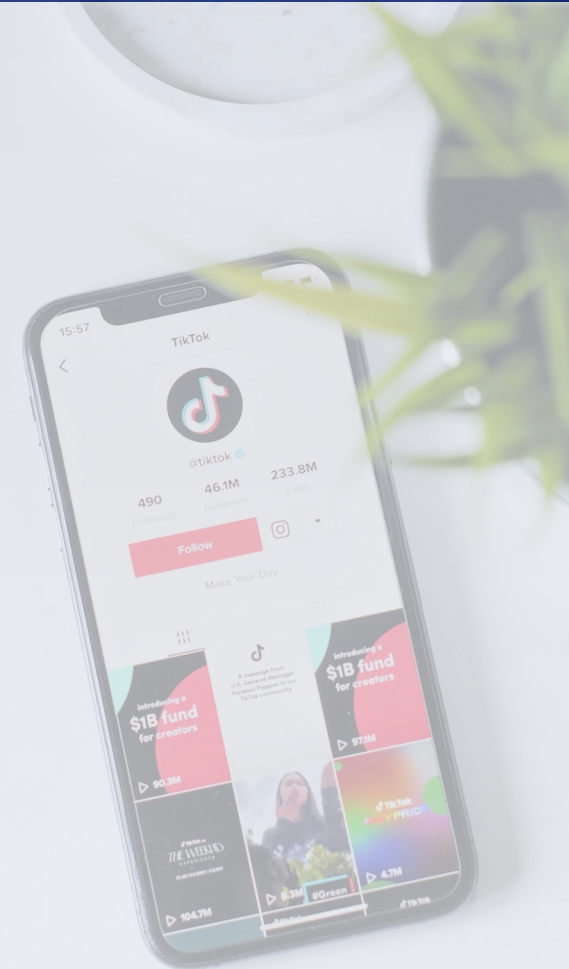
Thank you for listening.

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References + Picture Credits

- Price L, 'Platform Responsibility for Online Harms: Towards a Duty of Care for Online Hazards' (2021) 13 *Journal of Media Law* 238
- Wang C-H and others, "TikTok Made Me Do It": Teenagers' Perception and Use of Food Content on TikTok', *Interaction Design and Children* (ACM 2022) <<https://dl.acm.org/doi/10.1145/3501712.3535290>>
- Gillespie T, 'Do Not Recommend? Reduction as a Form of Content Moderation' (2022) 8 *Social Media + Society* 1

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