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Online Safety (Relief and Accountability) Bill

Bill No. 18/2025.

Read the first time on 15 October 2025.

ONLINE SAFETY (RELIEF AND ACCOUNTABILITY) ACT 2025

(No. of 2025)

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A BILL

intituled

An Act to provide persons affected by online harmful activity with timely redress through the office of the Commissioner of Online Safety and rights of action in court proceedings, to improve and promote online safety, to deter and prevent online harmful activity, to promote accountability and responsible and reasonable conduct in the online environment, to make amendments to certain other Acts for alignment with this Act, and to make related amendments to other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1

PRELIMINARY

Short title and commencement

1.—(1) This Act is the Online Safety (Relief and Accountability) Act 2025 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

(2) A notification made under this section may specify that different provisions of the Schedule come into operation on different dates.

Purposes of Act

2. The purposes of this Act are —

(*a*) to provide persons affected by online harmful activity with —

(i) timely means of redress; and

(ii) statutory rights of action and remedies in court proceedings;

(*b*) to improve and promote online safety for persons;

(*c*) to deter and prevent online harmful activity and mitigate harm caused to persons by such activity; and

(*d*) to promote accountability and responsible and reasonable conduct among participants and stakeholders in the online environment.

General interpretation

3.—(1) In this Act —

"access", in relation to any online activity, online material, online location or online service, includes —

(*a*) access that is subject to a precondition, such as the use of a password;

(*b*) access by way of push technology;

(*c*) access by way of a standing request; and

(*d*) access for a limited time only;

"access blocking order" means an order described in section 44;

"access disabling direction" means a direction described in section 32;

"access disabling (class of material) direction" means a direction described in section 33;

"account" includes —

(*a*) a free account;

(*b*) a prepaid account; and

(*c*) anything that may reasonably be regarded as the equivalent of an account;

"account restriction (administrator) direction" means a direction described in section 38;

"account restriction (online service) direction" means a direction described in section 39;

"administrator", in relation to an online location, means a person who —

(*a*) develops and maintains the online location;

(*b*) organises, manages or supervises the use of the online location;

(*c*) manages or regulates membership of, or access to, the online location; or

(*d*) has the authority to decide whether any material may be included on or excluded from the online location or where to place the material on the online location, or otherwise exercises editorial control over the online location,

but does not include —

(*e*) an online service provider which meets any of the criteria in paragraphs (*a*) to (*d*) only because the online location is made available through the service it provides;

(*f*) the provider of an internet access service, or of an app distribution service, which meets any of the criteria in paragraphs (*a*) to (*d*) only because the provider provides such a service in relation to the online location; and

(*g*) a public agency;

Illustrations

(*a*) *A* provides a social media service. As the provider of that service, *A* has authority to decide whether material may be included on or excluded from any online location maintained using its service. *B* maintains an online location using *A*'s service. As the party that maintains that online location on *A*'s service, *B* has authority to decide whether material may be included on or excluded from the online location. *A* has authority to decide whether material may be included on or excluded from *B*'s online location only because the online location is made available through the service that *A* provides. *B* (and not *A*) is an administrator of that online location.

(*b*) *A* provides a social media service. As the provider of that service, *A* has authority to decide whether material may be included on or excluded from any online location maintained using its service. *A* maintains an online location using *A*'s service. If the online location were instead maintained by *B*, *A*'s service would have given *B* (as the party that maintains that online location) the authority to decide whether material may be included on or excluded from that online location. *A* is an administrator of the online location maintained by *A*.

"advertisement", in relation to any material, includes online material announcing by any means any offer to sell or distribute the material;

"app" means an application software package that includes content accessible by end-users, or allows end-users to access content on the Internet through the installed application software;

"app distribution service" means an online service that enables the electronic or digital distribution or download of an app;

"app removal order" means an order described in section 45;

"Appeal Committee" means an Online Safety Appeal Committee constituted under section 60(4);

"Appeal Panel" means the Online Safety Appeal Panel established by section 60(1);

"Assistant Commissioner" means an Assistant Commissioner of Online Safety appointed under section 5(2);

"authorised officer" means an individual appointed as an authorised officer under section 6;

"Commissioner" means the Commissioner of Online Safety appointed under section 5(1);

"communicate" or "communication", in relation to any material, means to make the material available to one or more persons in Singapore on or through the Internet, but —

(*a*) an administrator does not communicate material communicated by another person at an online location, only because the administrator administers that online location;

(*b*) an online service provider does not communicate material communicated by another person on or through an online service, only because it provides the online service on or through which the material is communicated;

(*c*) a provider of an internet access service does not communicate material communicated by another person on or through an internet access service, only because it provides the internet access service on or through which the material is communicated; and

(*d*) a provider of an app distribution service does not communicate material communicated by another person on or through an app distribution service, only because it provides the app distribution service on or through which the material is communicated;

Illustration

X posts a hyperlink to an image. *X* has communicated that image.

"communicator" —

(*a*) in relation to relevant material, means a person who communicates the relevant material; or

(*b*) in relation to a relevant class of material, means a person who communicates any online material in the relevant class of material,

but does not include a public agency;

"Deputy Commissioner" means a Deputy Commissioner of Online Safety appointed under section 5(2);

"doxxing" has the meaning given by section 10;

"end-user", in relation to an online service, means a person who, whether or not in the course of business —

(*a*) has access to any online activity; or

(*b*) can conduct online activity,

on or through the online service;

"engagement reduction direction" means a direction described in section 40;

"image" means a still, moving, recorded or unrecorded image and includes an image produced by any means and, where the context requires, a 3-dimensional image;

"image-based child abuse" has the meaning given by section 14;

"IMDA" means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;

"inauthentic material abuse" has the meaning given by section 16;

"incitement of enmity" has the meaning given by section 20;

"incitement of violence" has the meaning given by section 21;

"instigate", in relation to an act or omission, means to actively suggest, support, stimulate or encourage the act or omission;

"intimate image abuse" has the meaning given by section 13;

"labelling direction" means a direction described in section 37;

"material" means information or material in any form, such as (but not limited to) —

(*a*) material in oral, written, electronic or digital form;

(*b*) material in audio, visual, audiovisual, pictorial or graphic form (for example, an anthropomorphic or humanlike depiction); and

(*c*) material that consists of or contains a statement,

and includes information or material in any combination of forms;

Examples

Examples of material are a message, a post, an article, a speech, a picture, a video recording and a sound recording.

"non-consensual disclosure of private information" has the meaning given by section 11;

"online account" means an account on an online service;

"online activity" means any activity (including but not limited to communication and publication) conducted by means of the Internet, which is conducted in or from Singapore or which is perceived by one or more persons in Singapore, and regulations may clarify the types of activities that are (or are not) online activities for the purposes of Parts 2 to 9;

"online harassment" —

(*a*) for the purposes of Parts 4, 5 and 6, has the meaning given by section 9(1) to (4); and

(*b*) for the purposes of Parts 11 and 12, has the meaning given by section 9(1), (2) and (3) only;

"online harmful activity" means any of the following types of online activities, other than an activity the definition of which in Part 3 has not been brought into operation:

(*a*) online harassment;

(*b*) doxxing;

(*c*) non-consensual disclosure of private information;

(*d*) online stalking;

(*e*) intimate image abuse;

(*f*) image-based child abuse;

(*g*) online impersonation;

(*h*) inauthentic material abuse;

(*i*) publication of false material;

(*j*) publication of statement harmful to reputation;

(*k*) online instigation of disproportionate harm;

(*l*) incitement of enmity;

(*m*) incitement of violence;

(*n*) any other prescribed type of online activity that is likely to cause harm to persons in Singapore (called in this Act a prescribed online harmful activity);

"online impersonation" has the meaning given by section 15;

"online instigation of disproportionate harm" has (other than in Part 10) the meaning given by section 19;

"online location" means any internet domain, website, webpage, chatroom, chat group, channel, group, forum, social media account page or any other location, that can be accessed by means of the Internet;

"online material" means material (including any computer program, machine code and internet link) that can be accessed at an online location by means of the Internet;

"online service" means the whole or any part of any service on or through which online activity can be conducted and which can be accessed by means of the Internet, and regulations may clarify the types of services that are (or are not) online services;

"online service provider" means the provider (other than a public agency) of an online service, where the online service provided is neither an internet access service nor an app distribution service;

"online stalking" has the meaning given by section 12; 5

"order following non-compliance" means any of the following orders made under Division 4 of Part 5:

(*a*) an access blocking order;

(*b*) an app removal order;

"owner", in relation to an account, a relevant account or a relevant Singapore account, means a person who has control over the account and can use it to conduct online activity; 10

"Part 5 direction" means any of the following directions:

(*a*) a stop communication direction;

(*b*) a stop communication (class of material) direction; 15

(*c*) a restraining direction;

(*d*) an access disabling direction;

(*e*) an access disabling (class of material) direction;

(*f*) a right-of-reply (user) direction;

(*g*) a right-of-reply (online service) direction; 20

(*h*) a labelling direction;

(*i*) an account restriction (administrator) direction;

(*j*) an account restriction (online service) direction;

(*k*) an engagement reduction direction;

"prescribed online service provider" means an online service provider or a class of online service providers prescribed by regulations; 25

"public agency" means —

(*a*) the Government, including any ministry, department, agency or Organ of State; 30

(*b*) any board, commission, committee or tribunal appointed under any written law;

(*c*) any statutory body; or

(*d*) any other board, commission, committee or similar body appointed by the Government, or by a statutory body, for a public purpose;

"publication of false material" has the meaning given by section 17;

"publication of statement harmful to reputation" has the meaning given by section 18;

"publish" or "publication", in relation to material or information, means to make the material or information available on or through the Internet in any form such that the material or information is heard, seen or otherwise perceived by the public in Singapore or a section of the public in Singapore, but —

(*a*) an administrator does not publish material published by another person at an online location, only because the administrator administers that online location;

(*b*) an online service provider does not publish material published by another person on or through an online service, only because it provides the online service on or through which the material is published;

(*c*) a provider of an internet access service does not publish material published by another person on or through an internet access service, only because it provides the internet access service on or through which the material is published; and

(*d*) a provider of an app distribution service does not publish material published by another person on or through an app distribution service, only because it provides the app distribution service on or through which the material is published;

"related person", in relation to a person, means another person about whose safety or wellbeing the firstmentioned person would reasonably be expected to be seriously concerned;

"relevant account", in relation to a notice, a direction or an order under this Act, means an online account identified in the notice, direction or order;

"relevant app", in relation to a notice, a direction or an order under this Act, means an app identified in the notice, direction or order;

"relevant class of material", in relation to a notice, a direction or an order under this Act, means a class of online material identified in the notice, direction or order;

"relevant location", in relation to a notice, a direction or an order under this Act, means an online location identified in the notice, direction or order;

"relevant material", in relation to a notice, a direction or an order under this Act, means online material identified in the notice, direction or order;

"relevant online activity", in relation to a notice, a direction or an order under this Act, means online activity identified in the notice, direction or order;

"relevant service", in relation to a notice, a direction or an order under this Act, means an online service identified in the notice, direction or order;

"relevant Singapore account", in relation to a notice, a direction or an order under this Act, means a Singapore account identified in the notice, direction or order;

"reply notice" means material contained or referred to in a right-of-reply (user) direction or a right-of-reply (online service) direction which the recipient of the direction must communicate in Singapore;

"restraining direction" means a direction described in section 31;

"right-of-reply (online service) direction" means a direction described in section 35;

"right-of-reply (user) direction" means a direction described in section 34;

5 "Singapore account" means an online account whose owner is —

(*a*) a citizen of Singapore;

(*b*) a permanent resident of Singapore;

(*c*) an entity formed, constituted or registered in 10 Singapore; or

(*d*) an individual physically present in Singapore;

"statement" means an expression of something using any word (including abbreviation and initial), number, image (moving or otherwise), sound, symbol or other representation, or a 15 combination of any of these;

"statutory body" means a body established or constituted by or under a public Act to perform or discharge a public function;

"stop communication direction" means a direction described in section 29;

20 "stop communication (class of material) direction" means a direction described in section 30.

(2) In this Act —

(*a*) a reference to a notice, a direction or an order under this Act includes a reference to the notice, direction or order (as 25 the case may be) as varied or substituted under this Act;

(*b*) a reference to communication of material includes a reference to causing the communication of the material;

(*c*) a reference to publication of material includes a reference to causing the publication of the material; and

30 (*d*) a reference to administration of an online location is a reference to the function which a person undertakes as an administrator of the online location.

Illustration

X uses a bot to publish on a website insulting material that is likely to cause *Y* harassment. *X* has caused the insulting material to be published on the Internet.

Application of Act

4.—(1) A public agency may not make a report under section 22(1) or (3), but a public agency may —

(*a*) on behalf of a person —

(i) make a report under Part 4; or

(ii) make an application for reconsideration or appeal under Part 7; or

(*b*) assist a person to —

(i) make a report under Part 4; or

(ii) make an application for reconsideration or appeal under Part 7.

(2) A public agency must not be given a direction or an order under Part 5 or a direction under Part 7.

(3) A public agency may not commence any claim in civil proceedings under Part 10, 11 or 12, and shall not be liable in any proceedings under any of those Parts.

PART 2

ADMINISTRATION OF ACT

Appointment of Commissioner, Deputy Commissioners and Assistant Commissioners of Online Safety

5.—(1) The Minister may appoint any person to be the Commissioner of Online Safety who is responsible for the administration of Parts 2 to 9 and to perform the following functions:

(*a*) to provide persons affected by online harmful activity with timely means of redress;

(*b*) to promote online safety for persons;

(*c*) to perform the powers and duties of the Commissioner under this Act or any other written law subject to the general or special directions of the Minister;

(*d*) to administer Parts 2 to 9 subject to the general or special directions of the Minister;

(*e*) to collaborate with the IMDA and any other public agencies, organisations or persons for the promotion of online safety;

(*f*) to inform and advise the Minister on matters relating to this Act;

(*g*) to perform any other functions and duties as the Minister may assign to the Commissioner.

(2) The Minister may in writing appoint any number of Deputy Commissioners of Online Safety and Assistant Commissioners of Online Safety that the Minister considers necessary or expedient for the purposes of Parts 2 to 9.

(3) An appointment under subsection (1) must be published in the *Gazette*.

(4) The Commissioner, a Deputy Commissioner or an Assistant Commissioner appointed under subsection (1) or (2) is deemed to be a public servant for the purposes of the Penal Code 1871.

(5) Subject to the directions of the Commissioner, the powers and duties of the Commissioner under this Act may be exercised and discharged by a Deputy Commissioner or an Assistant Commissioner.

(6) The Minister may give the Commissioner directions of a general or special character, that are not inconsistent with the provisions of this Act, as to the exercise of the powers and discretion conferred on the Commissioner, and the duties imposed on the Commissioner, by this Act.

(7) The Commissioner must give effect to any directions given under subsection (6).

Authorised officers

6.—(1) The Commissioner may appoint any of the following individuals as an authorised officer:

(*a*) a public officer;

(*b*) any officer or employee of a statutory body;

(*c*) any other individual who has suitable training or expertise to properly exercise the functions and powers delegated to an authorised officer.

(2) The Commissioner may, for any reason that appears to the Commissioner to be sufficient, at any time revoke an individual's appointment as an authorised officer.

(3) Every authorised officer appointed under subsection (1) is deemed to be a public servant for the purposes of the Penal Code 1871.

(4) The Commissioner may delegate the exercise of all or any of the functions or powers of the Commissioner (except the power of appointment and delegation conferred by this section and the power to issue advisory guidelines under section 8) to one or more authorised officers, and any reference in a provision of this Act or the regulations to the Commissioner includes a reference to an authorised officer to whom the function or power under that provision has been delegated.

(5) Any delegation under subsection (4) may be general or for a particular case and may be subject to such conditions or limitations as set out in this Act or as the Commissioner may specify, and does not prevent the Commissioner from exercising the delegated function or power.

(6) The Commissioner may give an authorised officer directions of a general or specific character, that are not inconsistent with the provisions of this Act, as to the exercise of the powers and duties delegated to the authorised officer under this Act.

(7) The authorised officer must give effect to any directions given under subsection (6).

Consultation

7. For the purposes of performing any of the Commissioner's duties and functions under this Act, the Commissioner may consult with any person that the Commissioner thinks appropriate.

5 **Advisory guidelines**

8.—(1) The Commissioner may issue written advisory guidelines —

(*a*) for the purposes of providing practical guidance or certainty in respect of any one or more requirements
10 imposed under Parts 1 to 9;

(*b*) indicating the manner in which the Commissioner will interpret the provisions of this Act; and

(*c*) on any other matter about any online harmful activity or online safety that the Commissioner considers necessary.

15 (2) The advisory guidelines may —

(*a*) be of general or specific application; or

(*b*) specify that different provisions of the advisory guidelines apply to different circumstances or are applicable to different persons or classes of persons.

20 (3) The Commissioner may amend or revoke the whole or part of any advisory guidelines issued under subsection (1).

(4) Advisory guidelines issued or amended under this section do not have any legislative effect.

(5) The Commissioner must publish the advisory guidelines in any
25 way that the Commissioner thinks fit, but failure to comply with this subsection in respect of any advisory guidelines does not invalidate those advisory guidelines.

PART 3

ONLINE HARMFUL ACTIVITIES

Online harassment

9.—(1) In this Act, "online harassment" means the communication of online material that a reasonable person would conclude is —

(*a*) threatening, abusive, insulting, sexual or indecent; and

(*b*) likely to cause a person (called in this section the victim) harassment, alarm, distress or humiliation.

Illustration

X is a photo-journalist who documents indigenous tribes. *X* takes a photograph of a group of naked tribespeople preparing a meal and posts it online as part of *X*'s work. *X*'s post is not material that a reasonable person would conclude is sexual or indecent.

(2) For the purposes of subsection (1), "online harassment" does not include the communication of sexual or indecent material that has a legitimate purpose related to science, medicine, education or art.

Explanation.— Online material has a legitimate purpose related to art which a reasonable person would regard as art.

Illustrations

(*a*) *X*, the supervisor of a counselling service provider, circulates training material with case studies of sexually harassing online posts in an internal messaging group for counsellors. *X*'s communication has a legitimate purpose related to education.

(*b*) *X* posts sex-education graphics in a messaging group with *X*'s colleagues. The material is unrelated to the group's work, and *X* continues to do so despite requests from *X*'s colleagues to stop because they find it harassing. *X*'s posts do not have a legitimate purpose related to science, medicine, education or art.

(3) To avoid doubt, where a person (*X*) is not the person to whom the communication in subsection (1) is directed, *X* may also be a victim within the meaning of that subsection if, by reason of *X*'s personal relationship with the person to whom the communication was directed, the communication is likely to cause *X* harassment, alarm, distress or humiliation.

Illustrations

(*a*) *X* reads threats on the Internet directed at another person, *Y*, with whom *X* has no relationship. A reasonable person would not conclude that *X* is likely to be caused harassment, alarm, distress or humiliation from reading these threats. *X* is not a victim within the meaning of subsection (1).

(*b*) *X* reads threats on the Internet directed at *X*'s child, *Y*. A reasonable person would conclude that *X* is likely to be caused harassment, alarm, distress or humiliation from reading these threats. *X* is a victim within the meaning of subsection (1), even if *X* is not expressly mentioned in the threats.

(4) A communication of online material that does not on its own satisfy the requirements of subsection (1), is nevertheless treated as satisfying those requirements if it would satisfy those requirements when considered together with one or more other communications of online material, and after taking into account —

(*a*) the number of all the communications made;

(*b*) the period of time within which all the communications are made;

(*c*) the nature of each communication or all the communications when taken as a whole; and

(*d*) the circumstances in which each communication or all the communications when taken as a whole is or are made.

Doxxing

10.—(1) In this Act, "doxxing" means the publication of any identity information of a person that a reasonable person would conclude was likely to have been intended to cause harassment, alarm, distress or humiliation to that person or any related person (each called in this section the victim).

(2) In this section, "identity information" means any information that, whether on its own or with other information, identifies or purports to identify a person, including (but not limited to) any of the following:

(*a*) the person's name, residential address, email address, telephone number, date of birth, national registration identity card number, passport number, signature

(whether handwritten or electronic), password or identification code;

(*b*) any photograph or video recording of the person;

(*c*) any information about the person's family, employment or education.

Non-consensual disclosure of private information

11.—(1) In this Act, "non-consensual disclosure of private information" means the publication of any private information of a person (called in this section the victim), where —

(*a*) the publication was done without the victim's consent; and

(*b*) a reasonable person would conclude that the publication was likely to cause the victim harassment, alarm, distress or humiliation.

(2) In this section, "private information" means any information about a person that was not, prior to the publication, widely available to the public at large, and regulations may clarify the types of information that are (or are not) to be considered private information for the purposes of this section.

Illustration

X discloses, without *Y*'s consent, that *Y* is suffering from a neurocognitive disease. This fact was not widely available to the public prior to *X*'s disclosure and *Y* did not exhibit any symptom in public. This fact is *Y*'s private information.

(3) This section does not apply to any private information of a person that was obtained by perceiving in public or through publicly available information such as —

(*a*) the physical appearance of the person; or

(*b*) the conduct or activities of the person.

Online stalking

12.—(1) In this Act, "online stalking" means a course of online conduct engaged in by one person (called in this section the online stalker) in respect of another person (called in this section the victim) —

(*a*) that involves online acts or omissions associated with stalking; and

(*b*) that a reasonable person would conclude is likely to cause the victim harassment, alarm, distress or humiliation.

5 (2) The following are examples of online acts or omissions, in particular circumstances, associated with stalking:

(*a*) making any communication, or attempting to make any communication, by any means —

(i) to the victim or a related person;

10 (ii) relating or purporting to relate to the victim or a related person; or

(iii) purporting to originate from the victim or a related person;

(*b*) engaging in online activity in any online location (whether
15 public or private) which is visited by the victim or a related person;

(*c*) making a presence felt to the victim or a related person in any online location (whether public or private).

Illustrations

20 The following online activities involve acts associated with stalking of *X* by *Y*:

(*a*) *Y* repeatedly posts emojis or symbols on *X*'s social media account page even though *X* has asked *Y* on multiple occasions to stop interacting with *X*.

(*b*) *Y* sends messages to the social media accounts of many family members
25 and friends of *X*, with disparaging comments about *X*.

(*c*) *X* has blocked *Y* on a social media service and told *Y* to stop associating with *X*. Despite this, *Y* joins every online community that *X* is part of across multiple social media services, and persistently makes *Y*'s presence felt to *X* by engaging in online activity in these communities, even though *Y* cannot
30 communicate with *X* directly.

The following online activity does not involve acts associated with stalking of *X* by *Y*:

(*d*) *Y* uses *Y*'s social media account to follow *X*'s public social media page and regularly checks for updates in a case where *X* has not taken steps to stop *Y* from doing so.

(3) The following factors are relevant in considering whether a reasonable person would conclude a course of online conduct is likely to cause the victim harassment, alarm, distress or humiliation:

(*a*) the number of occasions on which the online acts or omissions associated with stalking were carried out;

(*b*) the frequency and the duration of the online acts or omissions associated with stalking that were carried out;

(*c*) the manner in which the online acts or omissions associated with stalking were carried out;

(*d*) the circumstances (not limited to online acts or omissions) in which the online acts or omissions associated with stalking were carried out;

(*e*) the particular combination of online acts or omissions associated with stalking comprised in the course of online conduct;

(*f*) the likely effects of the course of online conduct on the victim's safety, health, reputation, economic position, or the victim's freedom to do any act which he or she is legally entitled to do or not to do any act which he or she is not legally bound to do;

(*g*) the circumstances of the victim, including his or her physical or mental health and personality.

(4) In this section, "course of online conduct" means online conduct —

(*a*) on one occasion, if —

(i) the conduct is protracted; or

(ii) the online stalker has a previous conviction under section 7 of the Protection from Harassment Act 2014 in respect of the same victim; or

(*b*) on 2 or more occasions in any other case.

5 **Intimate image abuse**

13.—(1) In this Act, "intimate image abuse" means the communication of online material —

(*a*) that contains, without a person's (called in this section the victim) consent —

10 (i) an intimate image or recording of the victim;

(ii) an offer to sell or distribute an intimate image or recording of the victim; or

(iii) an advertisement of an intimate image or recording of the victim; and

15 (*b*) that a reasonable person would conclude is likely to cause the victim harassment, alarm, distress or humiliation.

(2) In this section —

"distribute" includes any of the following conduct, whether done in person, electronically, digitally or in any other way:

20 (*a*) to send, publish, supply, show, exhibit, transmit or communicate to another person;

(*b*) to make available for viewing or access by another person;

"intimate image or recording", in relation to a person —

25 (*a*) means an image or a recording (including an image or a recording that has been altered or generated by any means) —

(i) of the person's genital or anal region, whether bare or covered by underwear;

30 (ii) of the person's breasts if the person is a female, whether bare or covered by underwear; or

(iii) of the person doing a private act; but

(*b*) excludes an image or a recording that no reasonable person would believe depicts that person.

Illustrations

(*a*) *A* copies, crops, and pastes an image of *B*'s face onto the image of a body of a person who is engaging in a sexual act. This image has been altered to appear to show that *B* is engaged in the sexual act. This is an intimate image of *B*.

(*b*) *A* pastes an image of *B*'s face onto a cartoon depicting an unknown person performing a sexual act. No reasonable person would believe that *B* was performing the sexual act. This is not an intimate image of *B*, but the communication of such an image may, depending on the circumstances, constitute online harassment.

(*c*) *A* uses digital means, including generative artificial intelligence technology, to create a realistic audiovisual representation of *B* engaging in a sexual act. This is an intimate recording of *B*.

(3) In this section, a person is doing a private act if, under circumstances in which the person has a reasonable expectation of privacy, the person —

(*a*) is in a state where the person's genital or anal region, or breasts (if the person is a female), are exposed or covered only by underwear;

(*b*) is using a toilet, showering or bathing; or

(*c*) is doing a sexual act that is not of a kind ordinarily done in public.

Illustration

A is showering in an open-concept shower cubicle at the changing room of a swimming pool and cannot reasonably expect not to be casually observed. However, *A* has a reasonable expectation of privacy that *A* will not be recorded by a video camera and the recording communicated online. *A* is doing a private act.

Image-based child abuse

14.—(1) In this Act, "image-based child abuse" means the communication of online material that contains any of the following:

(*a*) a child abuse image or recording of a person (called in this section the victim);

(*b*) an offer to sell or distribute a child abuse image or recording of the victim;

(*c*) an advertisement of a child abuse image or recording of the victim;

(*d*) any material which appears to be designed or communicated in such a way as to lead to any child abuse image or recording of the victim.

Explanation.— Material in subsection (1)(*d*) includes phrases, keywords, descriptions, hints or hyperlinks published on an online location which enable a person interested in viewing a child abuse image or recording of the victim to locate or access it.

(2) For the purposes of subsection (1), "child abuse image or recording" means an image or a recording (including an image or a recording that has been altered or generated by any means) of a person who is, or appears to a reasonable person to be, or who is implied to be, below 16 years of age (called in this section a child) —

(*a*) that depicts the child —

(i) as a victim of torture, cruelty or physical abuse (whether or not the torture, cruelty or abuse is sexual);

(ii) as a victim of sexual abuse;

(iii) engaging in, or apparently engaging in, a sexual pose or sexual activity (whether or not in the presence of another person); or

(iv) in the presence of another person who is engaging in, or apparently engaging in, a sexual pose or sexual activity;

(*b*) that depicts the genital or anal region (whether exposed or covered) of the child where the depiction is sexual and in circumstances (whether or not apparent from the depiction) which a reasonable person would regard as offensive; or

(*c*) that depicts the breasts (whether exposed or covered) of a female child where the depiction is sexual and in circumstances (whether or not apparent from the depiction) which a reasonable person would regard as offensive. 5

(3) Despite subsection (1), "image-based child abuse" does not include the communication of material that —

(*a*) has a legitimate purpose related to science, medicine, education or art; and

(*b*) does not pose an undue risk of harm to any person below 16 years of age. 10

Explanation.— Material has a legitimate purpose related to art which a reasonable person would regard as art.

Illustration

A is a photo-journalist in a war zone. *A* takes a photo of a child victim of torture and communicates this online as part of *A*'s work as a photo-journalist. *A*'s communication has a legitimate purpose related to education. 15

(4) In this section, "distribute" has the meaning given by section 13(2).

Online impersonation 20

15. In this Act, "online impersonation" means online activity conducted by one person (called in this section *X*) in respect of another person (called in this section the victim) which —

(*a*) involves *X* pretending to be the victim without the victim's consent; and 25

(*b*) would lead a reasonable person to believe that the online activity was conducted by the victim when this was not in fact the case.

Explanation.— Parody, satire or commentary which no reasonable person would believe is made by a person is not online impersonation of that person. 30

Illustration

X, a comedian, performs on *X*'s social media an impersonation of a public figure for the purposes of entertainment and satire, which no reasonable person would believe is performed by that public figure. *X*'s online activity is not online impersonation.

Inauthentic material abuse

16.—(1) In this Act, "inauthentic material abuse" means the communication of inauthentic material of a person (called in this section the victim) that a reasonable person would conclude is likely to cause the victim harassment, alarm, distress or humiliation because it is false or misleading.

Illustration

X posts inauthentic material of *Y* with prominent words on the representation indicating that it is generated using generative artificial intelligence technology. This is not material that persons in Singapore would reasonably believe is authentic.

(2) In this section, "inauthentic material", in relation to a victim, means any audio, visual or audiovisual material —

(*a*) that has been altered or generated using digital means;

(*b*) that is a false or misleading depiction, whether express or implied, of the victim's words, actions or conduct, even though the victim may not appear in the material; and

(*c*) that is realistic enough such that a reasonable person would believe that the victim said such words or engaged in such actions or conduct.

Explanation 1.— A depiction of the victim saying or engaging in anything includes a depiction of the victim's likeness saying or engaging in that thing.

Explanation 2.— The technology known as generative artificial intelligence is an example of digital means by which content could be altered or generated.

Illustrations

(*a*) *X* posts an image of *Y* standing on a stage, with a text bubble superimposed on the image containing words allegedly spoken by *Y*. The image is not realistic enough for a reasonable person to believe *Y* spoke those words.

(*b*) *X* posts audiovisual material depicting *Y* engaged in certain conduct, with a prominent label on the material indicating that it is generated using generative artificial intelligence technology. Because of this label, the material is not realistic enough for a reasonable person to believe *Y* engaged in that conduct.

(*c*) *X* posts an image of a car driving into a pedestrian. This image was created by taking a photograph of a car and digitally replacing its number plate with that of a car belonging to *Y*, so that it implies that *Y* had driven *Y*'s car into the pedestrian. The image is realistic enough such that a reasonable person would believe *Y* had done so. This is inauthentic material depicting *Y*'s conduct, even though *Y* does not appear in the image.

Publication of false material

17.—(1) In this Act, "publication of false material" means —

(*a*) the publication of online material that contains or consists of a false statement of fact about a person (called in this section the victim); and

(*b*) that a reasonable person would conclude is likely to cause harm to the victim.

(2) The following apply for the purposes of ascertaining whether online material contains or consists of a statement of fact which bears a particular meaning:

(*a*) the statement is to be ascertained from a reasonable interpretation of the online material whether wholly or in part, and whether on its own or in the context in which it appears;

(*b*) there can be more than one reasonable interpretation of the online material;

(*c*) a statement of fact is a statement that a reasonable person seeing, hearing or otherwise perceiving it would consider to be a representation of fact.

Publication of statement harmful to reputation

18.—(1) In this Act, "publication of statement harmful to reputation" means the publication of online material that contains or consists of a statement that a reasonable person would conclude is likely to cause to a person (called in this section the victim) —

(*a*) harm to the reputation of the victim; and

(*b*) any other additional harm to the victim.

(2) The following apply for the purposes of ascertaining whether online material contains or consists of a statement which bears a particular meaning:

(*a*) the statement is to be ascertained from a reasonable interpretation of the online material whether wholly or in part, and whether on its own or in the context in which it appears;

(*b*) there can be more than one reasonable interpretation of the online material;

(*c*) the statement may be a statement of fact or an opinion, and if a statement of fact, it may be a true or false statement of fact.

Online instigation of disproportionate harm

19.—(1) In this Act (other than Part 10), "online instigation of disproportionate harm" means the communication of online material that contains or consists of a statement where the following requirements are met:

(*a*) the statement tends to instigate the public or a section of the public to act or omit to act in response to an alleged speech or conduct of a person (called in this section the victim) or a person associated with the victim (called in this section the victim's associate);

(*b*) the act or omission that the statement tends to instigate would increase the risk of the victim suffering harm;

(*c*) the act or omission or the harm mentioned in paragraph (*b*) is disproportionate to —

(i) where the statement tends to instigate a response to an alleged speech or conduct of the victim — the wrongfulness (if any) of the alleged speech or conduct, or of any relevant actual speech or conduct, of the victim; or

(ii) where the statement tends to instigate a response to an alleged speech or conduct of the victim's associate —

(A) the wrongfulness (if any) of the alleged speech or conduct, or of any relevant actual speech or conduct, of the victim's associate; and

(B) the extent and nature of the association (if any) between the victim and the victim's associate's alleged or actual speech or conduct, as the case may be.

Illustration

A is the father of *B*. *B* acted in a highly offensive manner. *C* makes a statement that tends to instigate the public to act in a manner that increases the risk of harm to *A* in response to *B*'s conduct. In assessing the extent and nature of the association (if any) between the victim and the victim's associate's conduct (as mentioned in subsection (1)(*c*)(ii)(B)), so as to determine whether the requirement of disproportionality in subsection (1)(*c*) is met, the Commissioner may consider whether *A* taught *B* to act or not to act in that way.

(2) The following apply for the purposes of ascertaining whether online material contains or consists of a statement which bears a particular meaning:

(*a*) the statement is to be ascertained from a reasonable interpretation of the online material whether wholly or in part, and whether on its own or in the context in which it appears;

(*b*) there can be more than one reasonable interpretation.

(3) In assessing whether the requirement of disproportionality in subsection (1)(*c*) is satisfied, the Commissioner may consider —

(*a*) the nature of the act or omission that the statement tends to instigate, including whether the act or omission is or is likely to constitute a criminal offence under any written law;

(*b*) the nature of the harm mentioned in subsection (1)(*b*), including the severity of that harm;

(*c*) whether the victim or the victim's associate did in fact engage in the alleged speech or conduct;

(*d*) whether the alleged speech or conduct, or any relevant actual speech or conduct of the victim or the victim's associate, would be a reasonable expression of an opinion on a matter of public interest or public controversy; and

(*e*) any other relevant factor.

(4) This section does not apply where the act or omission that the statement tends to instigate is any of the following:

(*a*) voting for any candidate in an election for the purpose of electing the President or a Member of Parliament;

(*b*) conducting or otherwise participating in or attending a political activity;

(*c*) communicating a statement calling for the removal or suspension of a political office holder or Member of Parliament from his or her office;

(*d*) communicating a statement to a political office holder, a Member of Parliament or a public body on a matter of public interest or public controversy.

(5) In this section —

"candidate" has the meaning given by the Presidential Elections Act 1991 or the Parliamentary Elections Act 1954, as the case may be;

"political activity" includes —

(*a*) any activity that is directed to influence, or seek to influence, the outcome of an election to the office of the President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum;

(*b*) any activity that is directed towards promoting the interests of a political party or other group of persons organised in Singapore for a political object; and

(*c*) any activity that is directed to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process or outcome in Singapore; 5

"political office holder" means the holder of the office of —

(*a*) the President;

(*b*) the Prime Minister;

(*c*) a Deputy Prime Minister;

(*d*) a Minister, Senior Minister or Co-ordinating Minister; 10

(*e*) a Senior Minister of State or Minister of State;

(*f*) a Senior Parliamentary Secretary or Parliamentary Secretary;

(*g*) the Speaker of Parliament or a Deputy Speaker of Parliament; 15

(*h*) a Mayor;

(*i*) a Political Secretary; or

(*j*) the Leader of the House;

"public body" means — 20

(*a*) the Government, including any ministry, department, agency or Organ of State;

(*b*) a prescribed statutory body; and

(*c*) any prescribed board, prescribed commission, prescribed committee or similar prescribed body, whether corporate or unincorporate. 25

Incitement of enmity

20.—(1) In this Act, "incitement of enmity" means the communication of online material that a reasonable person would conclude incites, or is likely to incite, feelings of enmity, hatred or hostility against any group in Singapore. 30

(2) Subsection (1) does not apply to —

(*a*) communication which is private or domestic in nature, having regard to —

(i) the number of persons who are likely to hear, see or otherwise perceive the communication in question;

(ii) the relationship between the persons that the communication is being or has been made; and

(iii) all other relevant circumstances; or

(*b*) communication made in circumstances that may reasonably be taken to indicate that the parties to the communication desire it to be heard, seen or otherwise perceived only by themselves.

(3) To avoid doubt, the definition in subsection (1) is not satisfied solely because one or more persons feel offended by or uncomfortable with the material mentioned in that subsection.

(4) The following factors are relevant in considering whether a reasonable person would conclude that a communication incites, or is likely to incite, feelings of enmity, hatred or hostility against any group in Singapore:

(*a*) whether the material dehumanises any person or persons, or otherwise portrays them as less than human;

(*b*) the intensity of the feelings of enmity, hatred or hostility that are incited or are likely to be incited;

(*c*) the tendency of the material to incite any act or omission that is or is likely to constitute a criminal offence under any written law.

(5) In this section, "group" means a group of persons of any description.

Incitement of violence

21.—(1) In this Act, "incitement of violence" means the communication of online material that a reasonable person would

conclude incites or is likely to incite one or more persons to use unlawful force or unlawful violence against any group in Singapore.

(2) In this section, "group" means a group of persons of any description.

PART 4

REPORTS

Eligibility to make report

22.—(1) A victim of an alleged online harmful activity (other than incitement of enmity and incitement of violence) who is —

(*a*) a citizen of Singapore;

(*b*) a permanent resident of Singapore; or

(*c*) a person who has a prescribed connection to Singapore,

is eligible to make a report to the Commissioner about the alleged online harmful activity.

(2) The following persons are eligible to make a report to the Commissioner on behalf of a victim mentioned in subsection (1):

(*a*) where the victim is below 18 years of age, the victim's parent or guardian;

(*b*) a person (including a public agency) of such description as may be prescribed, and different descriptions of persons may be prescribed in relation to each type or description of online harmful activity;

(*c*) a person (including a public agency) whom or which the Commissioner is satisfied has obtained the written authorisation or written consent to make the report on behalf of the victim.

(3) A person is eligible to make a report to the Commissioner about any alleged incitement of enmity or incitement of violence if the person —

(*a*) is a citizen of Singapore, a permanent resident of Singapore or a person who has a prescribed connection to Singapore; and

(*b*) fulfils the requirements that are prescribed in relation to the report on alleged incitement of enmity or incitement of violence, as the case may be.

(4) In this section, "victim" means the victim mentioned —

(*a*) in Part 3, in the definition of the type of online harmful activity that is the subject of the report mentioned in subsection (1); or

(*b*) in the definition of any prescribed type of online harmful activity mentioned in paragraph (*n*) of the definition of "online harmful activity" in section 3(1).

Report of online harmful activity

23.—(1) Subject to subsections (2) and (3), a person eligible to make a report under section 22(1), (2) or (3) may make a report of the alleged online harmful activity to the Commissioner.

(2) A person making a report under subsection (1) must comply with any prescribed requirements, which may include preconditions which must be satisfied before the report is made, and different requirements may be prescribed in relation to each type or description of online harmful activity.

(3) A report made under subsection (1) must be —

(*a*) made in the form and manner that the Commissioner may determine; and

(*b*) accompanied by any other particulars, statements, information or documents as the Commissioner may require.

Assessment and investigation of report, etc.

24.—(1) On receiving a report under section 23(1), the Commissioner must assess the report to determine whether or what further action, including any investigation, is appropriate under this Act.

(2) The Commissioner may, subject to any written law, seek and receive any information that the Commissioner considers will assist the Commissioner in the conduct of the Commissioner's assessment or investigation.

(3) The Commissioner may, for the purposes of an investigation under this section, exercise the powers of investigation set out in sections 49 and 51.

(4) The Commissioner may suspend, discontinue or refuse to assess a report, or the conduct of an investigation, or the taking of any further action under this section, if the Commissioner thinks fit, including but not limited to any of the following circumstances:

(*a*) the person who made the report is not a person who is eligible to make a report under section 22;

(*b*) the person who made the report did not comply with any prescribed requirement mentioned in section 23(2);

(*c*) the report did not comply with any requirement under section 23(3);

(*d*) the Commissioner is of the opinion that the matter may be more appropriately addressed by another public agency and has referred the matter to that public agency;

(*e*) the Commissioner is of the opinion that —

(i) the report has been resolved; or

(ii) any other circumstances warrant such suspension, discontinuation or refusal.

Trivial, frivolous or vexatious reports

25.—(1) The Commissioner may dismiss any report made under this Act, without any assessment, investigation or further action, if the Commissioner is satisfied that the report is trivial, frivolous or vexatious or not made in good faith.

(2) The Commissioner may decide that any future report by or from a person specified by the Commissioner will not be considered, if the Commissioner is satisfied that the person had persistently made trivial, frivolous or vexatious reports under this Act (including but not limited to reports made on behalf of another person).

(3) The Commissioner may decide that any future report in respect of a matter will not be considered, if the Commissioner is satisfied that one or more persons had persistently made trivial, frivolous or vexatious reports in respect of that matter.

(4) The Commissioner may convey the Commissioner's decision under subsection (2) or (3) to the person affected, and in doing so may specify the matters and the period for which it applies, which must not exceed 3 years after the date of the decision.

(5) The Commissioner's decision under this section is final and not subject to reconsideration or appeal under this Act.

PART 5

POWERS TO GIVE DIRECTIONS AND ORDERS

Division 1 — General matters

Part 5 direction — general

26.—(1) Subject to subsections (5) and (6), after receiving a report made by or on behalf of a person mentioned in section 22(1) or (3), the Commissioner may give one or more Part 5 directions if the Commissioner has reason to suspect that online harmful activity was conducted in respect of the person or the group, as the case may be.

(2) To avoid doubt, the Commissioner may conclude that there is such reason to suspect as mentioned in subsection (1), solely on the

basis of an examination of the report (and without having to conduct any further investigation).

(3) A Part 5 direction may be given to —

(*a*) any individual whether or not a resident or citizen of Singapore, whether physically present in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore; or

(*b*) any entity whether formed, constituted or registered in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore.

(4) A Part 5 direction may direct a person to do an act or to not do an act, whether in Singapore or outside Singapore.

(5) Only a right-of-reply (user) direction or a right-of-reply (online service) direction may be given in respect of a publication of false material as defined in section 17, unless the false material published contains or consists of a false statement of fact that the victim —

(*a*) approved, endorsed, promoted, provided a testimonial for or invested in; or

(*b*) is affiliated or associated with,

any genuine or purported —

(*c*) trade;

(*d*) investment;

(*e*) business;

(*f*) commercial activity; or

(*g*) online location soliciting funding, donations or financial support.

Illustrations

(*a*) *X* publishes a false statement that *Y* recommends the services of a particular business. This is a false statement of fact that *Y* endorsed the business.

(*b*) *X* publishes a false statement that *Y* is a consultant for a purported new investment scheme. This is a false statement of fact that *Y* is associated with the investment scheme.

(*c*) *X* organises a conference to launch new products as part of *X*'s business. *Y* attended the conference. *X* publishes a series of uncaptioned photographs of the audience at this conference, one of which showed *Y* among a crowd of other attendees. This photograph of *Y* does not contain or consist of a statement of fact that *Y* approved, endorsed, promoted, provided a testimonial for or invested in, or is affiliated or associated with, *X*'s business.

(6) Only a right-of-reply (user) direction or a right-of-reply (online service) direction may be given in respect of a publication of statement harmful to reputation as defined in section 18.

Part 5 direction — relevant factors

27. In deciding whether to give a Part 5 direction, or the type and scope of the direction to be given in each case, the Commissioner may take into account all or any of the following factors:

(*a*) the degree of the harm caused or likely to be caused, by the online harmful activity;

(*b*) the number of persons harmed or likely to be harmed, by the online harmful activity;

(*c*) the manner and circumstances in which the online harmful activity occurred;

(*d*) whether the conduct of the online harmful activity was reasonable;

(*e*) the likelihood of further online harmful activity being conducted;

(*f*) whether the direction would be contrary to any public policy;

(*g*) whether the direction would be in the public interest;

(*h*) any factor that may be prescribed;

(*i*) any other relevant factor.

Part 5 direction — given to whom

28. The Part 5 directions and the persons to whom they may be given are listed in the following table:

Direction	*Recipient may be*
1. Stop communication direction	(*a*) The communicator of the relevant material. (*b*) An administrator of the relevant location at which the relevant material is communicated. (*c*) An administrator of the relevant location.
2. Stop communication (class of material) direction	(*a*) The communicator of any online material in the relevant class of material. (*b*) The administrator of a relevant location at which any online material in the relevant class of material is communicated.
3. Restraining direction	(*a*) The communicator of the relevant material. (*b*) The person who conducted the relevant online activity. (*c*) An administrator of the relevant location.
4. Access disabling direction	An online service provider.
5. Access disabling (class of material) direction	A prescribed online service provider.
6. Right-of-reply (user) direction	(*a*) The communicator of the relevant material. (*b*) An administrator of the relevant location.
7. Right-of-reply (online service) direction	An online service provider.

Direction	*Recipient may be*
8. Labelling direction	An administrator of the relevant location.
9. Account restriction (administrator) direction	An administrator of the relevant location.
10. Account restriction (online service) direction	An online service provider.
11. Engagement reduction direction	A prescribed online service provider.

Division 2 — Part 5 directions

Stop communication direction — content

29.—(1) A stop communication direction is a direction requiring the recipient to do one or more of the following, and by the time specified in the direction, such that the relevant material or the relevant location (as the case may be) cannot be accessed by persons in Singapore:

(*a*) to remove the relevant material;

(*b*) to stop storing, posting, providing or transmitting the relevant material;

(*c*) to suspend, remove, delete or terminate the relevant location.

(2) The stop communication direction may also require the recipient to do one or more of the following, and by the time specified in the direction, such that online material similar to the relevant material cannot be accessed by persons in Singapore:

(*a*) to remove any online material similar to the relevant material;

(*b*) to stop storing, posting, providing or transmitting any online material similar to the relevant material.

Stop communication (class of material) direction — content

30.—(1) A stop communication (class of material) direction is a direction requiring the recipient to do one or more of the following, and by the time specified in the direction, such that the relevant class of material cannot be accessed by persons in Singapore:

(*a*) to remove the relevant class of material;

(*b*) to stop storing, posting, providing or transmitting the relevant class of material.

(2) The relevant class of material mentioned in subsection (1) must be identified in the direction by one or more specific identifiers which relate to the online harmful activity concerned.

Examples

Examples of specific identifiers are —

(*a*) a username which a piece of online material is tagged with;

(*b*) a specific term which a piece of online material contains; and

(*c*) the online location which a piece of online material is communicated at.

(3) In addition to applying to online material that is made accessible to persons in Singapore before or on the date the direction is given, a stop communication (class of material) direction may also apply to online material that is first made accessible to persons in Singapore after the date the direction is given.

(4) To avoid doubt, a stop communication (class of material) direction is not invalid merely because, apart from applying to online material communicated through an online harmful activity, the direction also applies to online material not communicated through an online harmful activity.

Restraining direction — content

31. A restraining direction is a direction requiring the recipient to refrain, for a specified period or indefinitely, from all or any of the following:

(*a*) where the recipient had communicated the relevant material — communicating any online material similar or identical to the relevant material;

(*b*) where the recipient had conducted the relevant online activity — conducting any online activity similar or identical to the relevant online activity;

(*c*) where the recipient had developed and maintained, or otherwise administered the relevant location — developing and maintaining, or otherwise administering an online location accessible to persons in Singapore in a manner that facilitates or permits the conduct of the relevant online activity at that location.

Access disabling direction — content

32.—(1) An access disabling direction is a direction requiring the recipient to disable access by end-users in Singapore to one or more of the following, and by the time specified in the direction:

(*a*) any relevant material stored, posted, provided or transmitted on or through the relevant service;

(*b*) any relevant location on the relevant service.

(2) Where the recipient mentioned in subsection (1) is a prescribed online service provider, the access disabling direction may also require the recipient to disable access by end-users in Singapore to online material identical to the relevant material stored, posted, provided or transmitted on or through the relevant service.

(3) Subject to subsection (4), where the recipient mentioned in subsection (1) is a prescribed online service provider and an access disabling direction imposes a requirement under subsection (1)(*b*) to disable access to a relevant location, the direction may additionally —

(*a*) specify relevant material which is or was accessible at that relevant location; and

(*b*) require the recipient to disable access by end-users in Singapore to other locations on the relevant service at which the recipient knows or ought reasonably to know

online material identical to the relevant material mentioned in paragraph (*a*) can be accessed.

(4) The requirement in subsection (3)(*b*) may only be imposed for a period specified in the direction not exceeding 2 years after the date the access disabling direction is given. 5

Access disabling (class of material) direction — content

33.—(1) An access disabling (class of material) direction is a direction requiring the recipient to disable access by end-users in Singapore to any relevant class of material stored, posted, provided or transmitted on or through the relevant service. 10

(2) The relevant class of material mentioned in subsection (1) must be identified in the access disabling (class of material) direction by one or more specific identifiers which relate to the online harmful activity concerned.

Examples 15

Examples of specific identifiers are —

(*a*) a username which a piece of online material is tagged with;

(*b*) a specific term which a piece of online material contains; and

(*c*) the online location which a piece of online material is communicated at.

(3) In addition to applying to online material that is made accessible to persons in Singapore before or on the date the direction is given, an access disabling (class of material) direction may also apply to online material that is first made accessible to end-users in Singapore after the date the direction is given. 20

(4) To avoid doubt, an access disabling (class of material) direction is not invalid merely because, apart from applying to online material communicated through an online harmful activity, the direction also applies to online material not communicated through an online harmful activity. 25

Right-of-reply (user) direction — content 30

34.—(1) A right-of-reply (user) direction is a direction requiring the recipient to communicate in Singapore a reply notice, in relation

to relevant material communicated in Singapore, within a specified time —

(*a*) to any specified person or description of persons; and

(*b*) in a specified form and manner.

(2) For the purposes of subsection (1)(*b*), a requirement to communicate in Singapore a reply notice in a specified form and manner may include a requirement to communicate the reply notice —

(*a*) at a specified online location; or

(*b*) in specified proximity to the relevant material.

(3) For the purposes of subsection (1)(*b*), a requirement to communicate in Singapore a reply notice in a specified form and manner may also include a requirement to communicate the reply notice in specified proximity to every copy of any material substantially similar to the relevant material that is communicated by the recipient in Singapore.

(4) A right-of-reply (user) direction may only be given in respect of a publication of false material as defined in section 17, a publication of statement harmful to reputation as defined in section 18, and an online instigation of disproportionate harm as defined in section 19.

(5) In addition to applying to online material that is made accessible to persons in Singapore before or on the date the right-of-reply (user) direction is given, the requirement in subsection (3) may also apply to online material (substantially similar to the relevant material) that is first made accessible to persons in Singapore after the date the right-of-reply (user) direction is given.

(6) In this section, "specified" means specified in the right-of-reply (user) direction.

(7) To avoid doubt, in this section, material that is substantially similar to the relevant material includes material that is identical to the relevant material.

Right-of-reply (online service) direction — content

35.—(1) A right-of-reply (online service) direction is a direction requiring the recipient to communicate a reply notice, by means of the online service provided by the recipient, to all end-users in Singapore who access the relevant material provided on or through the online service from any specified time.

(2) Where the recipient mentioned in subsection (1) is a prescribed online service provider, the right-of-reply (online service) direction may also require the recipient to do one or more of the following:

(*a*) communicate the reply notice by means of the online service provided by the recipient to all end-users in Singapore who access online material identical to the relevant material provided on or through the online service from a specified time;

(*b*) communicate the reply notice by any means and by a specified time, to all end-users in Singapore that it knows had accessed the relevant material or online material identical to the relevant material (or both) by means of the online service at any time before the specified time mentioned in subsection (1).

(3) A right-of-reply (online service) direction may only be given in respect of a publication of false material as defined in section 17, a publication of statement harmful to reputation as defined in section 18 and an online instigation of disproportionate harm as defined in section 19.

(4) In this section —

(*a*) an end-user in Singapore who accesses a part of any material is taken to access the material;

(*b*) "specified" means specified in the right-of-reply (online service) direction.

Reply notices must be easily perceived

36.—(1) A person who is required by a right-of-reply (online service) direction to communicate a reply notice must ensure that the notice is easily perceived.

(2) Subject to subsection (3), a reply notice is easily perceived if —

(*a*) the notice (not being an audio recording) is conspicuous, regardless of the type of online service or device used by the end-user or viewer;

Illustration

A notice that is in a text form is conspicuous if it is sufficiently differentiated from the background and is of a reasonable type size compared to the rest of the text on the same page.

(*b*) the notice is easy to read, view or listen to, and not easy to miss;

Illustrations

(*a*) A notice that is an audio recording is easy to listen to if it is in a volume and cadence sufficient for it to be heard and understood.

(*b*) A notice that is a video recording or a dynamic display is easy to view if it appears for a duration sufficient for it to be viewed and understood.

(*c*) A notice that is in a text form or the form of a video recording or dynamic display is easy to miss if it is contained in a pop-up window, insofar as access to it may be easily disabled.

(*c*) the notice (not being an audio recording) is placed near the relevant material or material identical to the relevant material (as the case may be), and in a location where end-users or viewers are likely to look; or

(*d*) the end-user or viewer is not required to access another online location or any other thing in order to comprehend the notice.

Illustration

An example of such requirement is the mere provision of a hyperlink to the notice or a part of it.

(3) For the purposes of this section and without limiting the manner of complying with subsection (1), a notice is taken to be easily perceived if the notice is published in accordance with such measures

as may be prescribed by regulations (called in this section the prescribed measures).

(4) A right-of-reply (online service) direction must not impose any requirement that is inconsistent with the prescribed measures.

(5) If the Commissioner is of the view that subsection (1) is not complied with, the Commissioner may require, by written notice, the person to whom the direction is given to take, within such time as may be specified in the notice, such measures as the Commissioner considers necessary or desirable to remedy the non-compliance.

Labelling direction — content

37.—(1) A labelling direction is a direction requiring the recipient to publish a label —

(*a*) at the relevant location; and

(*b*) in the form and manner specified in the direction,

to all persons in Singapore who access the relevant location, for a period specified in the direction, not exceeding 18 months after the date the labelling direction is given.

(2) In this section, "label" means a notice in the terms specified in the direction, that —

(*a*) the recipient has been subject to one or more Part 5 directions (which have not been cancelled, revoked or substituted); or

(*b*) online harmful activity that was the subject of one or more Part 5 directions (which have not been cancelled, revoked or substituted) had occurred at the relevant location.

Account restriction (administrator) direction — content

38.—(1) An account restriction (administrator) direction is a direction requiring the recipient to disallow or restrict, by the specified time, a relevant Singapore account from accessing the relevant location —

(*a*) for a specified period; or

(*b*) indefinitely.

(2) An account restriction (administrator) direction may also require the recipient to disallow or restrict access to the relevant location —

(*a*) for a specified period; or

(*b*) indefinitely,

by any account which the recipient knows or ought reasonably to know was created by the owner of the relevant Singapore account after the direction had been given.

(3) Any requirement to disallow or restrict access mentioned in subsection (2), imposed on the recipient, may apply to the recipient for a specified period not exceeding 2 years after the date the direction is given.

(4) In this section, "specified" means specified in the account restriction (administrator) direction.

Account restriction (online service) direction — content

39.—(1) An account restriction (online service) direction is a direction requiring the recipient to do one or more of the following by the specified time:

(*a*) disallow or restrict interaction between any relevant account on the relevant service and end-users in Singapore —

(i) for a specified period; or

(ii) indefinitely;

(*b*) disable any relevant Singapore account on the relevant service —

(i) for a specified period; or

(ii) indefinitely.

(2) Where the recipient mentioned in subsection (1) is a prescribed online service provider, an account restriction (online service) direction imposing a requirement under subsection (1)(*a*) may also require the recipient to disallow or restrict interaction —

(*a*) for a specified period; or

(*b*) indefinitely,

between end-users in Singapore and any account that the recipient knows or ought reasonably to know was created by the owner of the relevant account after the direction had been given.

(3) Where the recipient mentioned in subsection (1) is a prescribed online service provider, an account restriction (online service) direction imposing a requirement under subsection (1)(*b*) may also require the recipient to disable any Singapore account —

(*a*) for a specified period; or

(*b*) indefinitely,

that the recipient knows or ought reasonably to know was created by the owner of the relevant Singapore account after the direction had been given.

(4) Any requirement to disallow or restrict interaction or to disable an account, mentioned in subsection (2) or (3) respectively, imposed on the recipient, may apply to the recipient for a specified period not exceeding 2 years after the date the direction is given.

(5) In this section, "specified" means specified in the account restriction (online service) direction.

Engagement reduction direction — content

40.—(1) An engagement reduction direction is a direction requiring the recipient to reduce the engagement of end-users in Singapore with the relevant class of material that is stored, posted, provided or transmitted on or through the relevant service.

(2) The relevant class of material mentioned in subsection (1) must be identified in the direction by one or more specific identifiers which relate to the online harmful activity concerned.

Examples

Examples of specific identifiers are —

(*a*) a username which a piece of online material is tagged with;

(*b*) a specific term which a piece of online material contains; and

(*c*) the online location which a piece of online material is communicated at.

(3) An engagement reduction direction may apply for a specified period not exceeding 3 months after the date the direction is given.

(4) An engagement reduction direction may apply to online material that is first made accessible to end-users in Singapore before, on or after the date the direction is given.

(5) An engagement reduction direction must so far as is reasonably practicable, specify the measure or measures which the recipient is to take to reduce engagement, in a way that is sufficient to enable the person given the direction to comply with the direction.

(6) In this section, "engagement" means any form of interaction between an end-user in Singapore and any material stored, posted, provided or transmitted on or through the relevant service.

Examples

Examples of engagement include viewing, commenting on and otherwise reacting to a piece of online material.

Division 3 — Other matters relating to directions

Part 5 directions — general supplementary provisions

41.—(1) A Part 5 direction may be given to a person either individually or as a class.

(2) A Part 5 direction is binding on —

(*a*) the recipient; and

(*b*) if applicable, the personal representatives, successors and assignees of the recipient to the same extent as it applies to the recipient.

(3) It is not necessary to give any person who may be affected by a Part 5 direction an opportunity to be heard before the direction is given.

(4) A Part 5 direction must —

(*a*) so far as is reasonably practicable, identify the account, app, online material (or class of online material) or online location (as the case may be) to which the direction relates

in a way that is sufficient to enable the recipient to comply with the direction;

(*b*) state that it is an offence under this Act to fail to comply with the direction; and

(*c*) state that the recipient may apply for reconsideration of the direction or appeal against the direction.

(5) A Part 5 direction may state whether the recipient must do all or any of the following, whichever being applicable:

(*a*) notify the Commissioner by the time specified in the direction of the means by which the recipient proposes to comply with the direction;

(*b*) keep records of information about the matters that are the subject of the direction for a time specified in the direction;

(*c*) regularly notify the Commissioner at the times specified in the direction about the steps being taken towards compliance with the direction;

(*d*) give written notice to the Commissioner when the recipient has complied with the direction.

(6) The recipient of a Part 5 direction must comply with the Part 5 direction until the earlier of the following occurs:

(*a*) the expiry date and time (if any) stated in the direction is reached;

(*b*) the Part 5 direction is cancelled, revoked or substituted under section 42(1), 59(1) or 64.

Part 5 direction — self-initiated cancellation or substitution

42.—(1) The Commissioner may at any time, on his or her own initiative —

(*a*) cancel a Part 5 direction;

(*b*) vary a Part 5 direction; or

(*c*) substitute a Part 5 direction with a Part 5 direction of a different type.

(2) Where a Part 5 direction is cancelled under subsection (1)(*a*), written notice of the cancellation must be given to every person who has been given that Part 5 direction.

Division 4 — Orders following non-compliance

5 **Order following non-compliance**

43.—(1) The Commissioner may give an order following non-compliance if any person has not complied with a requirement of a Part 5 direction, unless the direction is a right-of-reply (user) direction or a right-of-reply (online service) direction.

10 (2) An order following non-compliance may be given to —

(*a*) any individual whether or not a resident or citizen of Singapore, whether physically present in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore; or

15 (*b*) any entity whether formed, constituted or registered in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore.

(3) An order following non-compliance may direct a person to do an act or to not do an act, whether in Singapore or outside Singapore.

20 **Access blocking order — content**

44.—(1) An access blocking order is an order requiring the provider of an internet access service to disable access by end-users in Singapore to the relevant location by means of that internet access service, by the time specified in the access blocking 25 order.

(2) The relevant location specified in the access blocking order must be —

(*a*) an online location of an administrator who did not comply with a Part 5 direction in respect of —

30 (i) that online location;

(ii) any online material accessible at that online location; or

(iii) any online activity conducted at that online location; or

(*b*) an online location at which an online service of an online service provider can be accessed, where the online service provider did not comply with a Part 5 direction in respect of —

(i) that online service;

(ii) any online account, app, online material or online location accessible on or through that online service; or

(iii) any online activity conducted on or through that online service.

App removal order — content

45.—(1) An app removal order is an order requiring the provider of an app distribution service to stop distributing the relevant app to persons in Singapore and stop enabling persons in Singapore to download the relevant app by means of that service, by the time specified in the app removal order.

(2) The relevant app specified in the app removal order must be an app used exclusively to access an online service provided by an online service provider which did not comply with a Part 5 direction in respect of —

(*a*) that online service;

(*b*) any online account, online material or online location accessible on or through that online service; or

(*c*) any online activity conducted on or through that online service.

Order following non-compliance — general supplementary provisions

46.—(1) An order following non-compliance is binding on —

(*a*) the recipient; and

(*b*) if applicable, the personal representatives, successors and assignees of the recipient to the same extent as it applies to that recipient.

(2) It is not necessary to give any person who may be affected by an order following non-compliance an opportunity to be heard before the order is given.

(3) An order following non-compliance must —

(*a*) so far as is reasonably practicable, identify the relevant location, the relevant app or the relevant service (as the case may be) to which the order relates in a way that is sufficient to enable the recipient to comply with the order;

(*b*) state that it is an offence under this Act to fail to comply with the order; and

(*c*) state that the recipient may apply for reconsideration of the order or appeal the order.

(4) An order following non-compliance may state whether the recipient must do all or any of the following, whichever being applicable:

(*a*) notify the Commissioner by the time specified in the order of the means by which the recipient proposes to comply with the order;

(*b*) keep records of information about the matters that are the subject of the order for a time specified in the order;

(*c*) regularly notify the Commissioner at the times specified in the order about the steps being taken towards compliance with the order;

(*d*) give written notice to the Commissioner when the person has complied with the order.

(5) The recipient of an order following non-compliance must comply with the order until the earlier of the following occurs:

(*a*) the expiry date and time (if any) stated in the order is reached;

(*b*) the order is cancelled, revoked or substituted under section 47(1), 59(1) or 64(2).

Order following non-compliance — self-initiated cancellation or substitution

47.—(1) The Commissioner may at any time, on his or her own initiative —

(*a*) cancel an order following non-compliance;

(*b*) vary an order following non-compliance; or

(*c*) substitute an access blocking order with an app removal order or vice versa.

(2) Where an order following non-compliance is cancelled under subsection (1)(*a*), written notice of the cancellation must be given to every person who has been given that order.

PART 6

INFORMATION AND END-USER IDENTITY MATTERS

Retention of records

48.—(1) The Commissioner may, by written notice, require an online service provider to retain all relevant records in relation to —

(*a*) any alleged online harmful activity that is the subject of a report made under Part 4; or

(*b*) any end-user who is the subject of a written notice under section 52,

for one year after the date of the notice in this section or any longer period specified in the notice.

(2) An online service provider who fails to comply with any written notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction —

(*a*) if the online service provider is an individual, to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 months or to both; or

(*b*) in any other case, to a fine not exceeding $10,000.

Power to require information and documents

49.—(1) The Commissioner may, by written notice, require any person to provide, in the form and manner and within the time specified in the notice, any information or document (whether the information or document is stored or kept in Singapore or outside Singapore) relating to any matter that the Commissioner may require for the purposes of this Act, as is within that person's knowledge, in that person's custody or under that person's control.

(2) The Commissioner may require the recipient of the notice mentioned in subsection (1) to provide any information or document for the following purposes:

(*a*) the investigation by the Commissioner of any report that was made under Part 4;

(*b*) the Commissioner's determination of whether to give a Part 5 direction under section 26 or an order following non-compliance under section 43;

(*c*) the Commissioner's determination under section 59 of any application for reconsideration made under section 58;

(*d*) assisting the Appeal Committee pursuant to a request made by the Appeal Committee under section 65(1)(*b*);

(*e*) the Commissioner's identification of an end-user, if the Commissioner reasonably suspects that that end-user has conducted online harmful activity;

(*f*) the Commissioner's investigation of any offence under this Act, if the Commissioner reasonably suspects that such an offence has been committed;

(*g*) any other prescribed purpose necessary for the exercise of the functions, powers or duties of the Commissioner under this Act.

(3) The power to require a person to provide any information or document under subsection (1) includes the power —

(*a*) to require that person, or any person who is or was an officer or employee of that person, to provide an explanation of the information or document;

(*b*) if the information or document is not provided, to require that person to state, to the best of his or her knowledge and belief, where it is;

(*c*) if the information is recorded otherwise than in legible form, to require the information to be made available to the Commissioner in legible form; and

(*d*) if the information or document is contained in or available to a computer or other electronic device, and the person is reasonably suspected to have knowledge of or access to any username, password or other authentication information required to gain access to the information or document, to require the person to provide assistance (including but not limited to providing any username, password or other authentication information) to gain access to the computer or electronic device and the information or document contained in or available to it.

(4) The Commissioner is entitled without payment to keep any information or document, or any copy or extract of it, provided to the Commissioner under subsection (1).

(5) A person shall be guilty of an offence if the person —

(*a*) is given a written notice under subsection (1); and

(*b*) without reasonable excuse, fails to comply with that written notice,

whether in Singapore or outside Singapore.

(6) Any person guilty of an offence under subsection (5) shall be liable on conviction —

(*a*) if the person is an individual, to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 months or to both; or

(*b*) in any other case, to a fine not exceeding $10,000.

Written notice may be given to persons outside Singapore, etc.

50. A written notice under section 49 may be given to —

(*a*) any individual whether or not a resident or citizen of Singapore, whether physically present in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore; or

(*b*) any entity whether formed, constituted or registered in Singapore or outside Singapore, and whether carrying on a business or operating in Singapore or outside Singapore.

Power to examine and secure attendance

51.—(1) The Commissioner may do all or any of the following for the purposes of investigating any report made under Part 4 or any offence under this Act if the Commissioner reasonably suspects that such an offence has been committed:

(*a*) issue a written order requiring anyone within the limits of Singapore, who appears to be acquainted with any of the facts and circumstances of matters under this Act, to attend before him or her, and that person must attend as required;

(*b*) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act.

(2) Any person examined under this section is bound to state truly what the person knows of the facts and circumstances concerning matters under this Act, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section must —

(*a*) be reduced to writing;

(*b*) be read over to the person;

(*c*) if the person does not understand English, be interpreted for him or her in a language that the person understands; and

(*d*) after correction, if necessary, be signed by the person.

(4) If any person fails to attend as required by an order under subsection (1), the person shall be guilty of an offence and shall be liable on conviction —

(*a*) if the person is an individual, to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 3 months or to both; or

(*b*) in any other case, to a fine not exceeding $10,000.

End-user identity information collection notice

52.—(1) Where the Commissioner reasonably suspects that an end-user has engaged in online harmful activity by means of an online service provided by a prescribed online service provider, the Commissioner may, by written notice, require the prescribed online service provider to —

(*a*) take reasonable steps to obtain specified information of that end-user that may identify or lead to the identification of that end-user (whether that end-user is in Singapore or outside Singapore);

(*b*) provide to the Commissioner the specified information collected within a specified time; and

(*c*) inform the Commissioner, by a specified time, of all the steps that have been taken by this time to obtain the specified information mentioned in paragraph (*a*).

(2) The reasonable steps mentioned in subsection (1)(*a*) may include requiring the end-user to provide the specified information in order to continue using some or all functions of the online service.

(3) A prescribed online service provider who fails to comply with the notice mentioned in subsection (1) shall be guilty of an offence and shall be liable on conviction —

(*a*) if the prescribed online service provider is an individual, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding $2,000

for every day or part of a day during which the offence continues after conviction; or

(*b*) in any other case, to a fine not exceeding $500,000 and, in the case of a continuing offence, to a further fine not exceeding $50,000 for every day or part of a day during which the offence continues after conviction.

(4) The Minister may prescribe steps or measures that, if taken by the prescribed online service provider, would constitute the reasonable steps mentioned in subsection (1)(*a*).

(5) An online service provider may be prescribed whether the provider is located or operating in Singapore or outside Singapore.

Disclosure of end-user identity information or contact details

53.—(1) The Commissioner may, upon the receipt of an application by a person mentioned in subsection (2) (called in this section the applicant), and despite sections 54 and 55, disclose to the applicant any identity information or contact details of an end-user that is known to the Commissioner, whether or not obtained by the Commissioner under section 49, 51 or 52.

(2) The following persons may make an application under subsection (1):

(*a*) a person who is eligible to make a report under section 22(1) or (3);

(*b*) a person who may make a report to the Commissioner on behalf of a victim under section 22(2)(*a*) or (*c*).

(3) The Commissioner may make a disclosure under subsection (1) only if —

(*a*) the Commissioner is satisfied that the identity information or contact details relates to an end-user whom the Commissioner reasonably suspects has engaged in online harmful activity in relation to the applicant, the victim or the group, as the case may be;

(*b*) the disclosure is for a prescribed purpose; and

(*c*) the application mentioned in subsection (1) is —

(i) submitted in writing to the Commissioner within the prescribed period or any longer period as the Commissioner may allow;

(ii) made in the form and manner determined by the Commissioner; and

(iii) accompanied by the prescribed fee and any particulars, statements, information or documents that may be required by the Commissioner.

(4) The Commissioner may, in approving the application, impose any conditions on the applicant in relation to any information disclosed under subsection (1), including restraining the applicant from publishing, directly or indirectly, the information or using, directly or indirectly, the information for any purpose other than the purpose for which the application was approved.

(5) An applicant who fails to comply with any condition imposed under subsection (4) shall be guilty of an offence and shall be liable on conviction —

(*a*) if the applicant is an individual, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; or

(*b*) in any other case, to a fine not exceeding $50,000.

Preservation of secrecy

54.—(1) A specified person who has information in his or her capacity as such that would not otherwise be available to him or her, must not disclose that information to any person except —

(*a*) in the performance of the specified person's functions or duties;

(*b*) where the specified person is not the Commissioner — with the prior authorisation of the Commissioner to do so; or

(*c*) as lawfully required by any court, or lawfully required or allowed by or under this Act or any other written law.

(2) A person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) In this section and section 55, "specified person" means a person who is or has been —

(*a*) the Commissioner;

(*b*) a Deputy Commissioner;

(*c*) an Assistant Commissioner;

(*d*) an authorised officer;

(*e*) any person authorised, appointed or employed to assist the Commissioner; or

(*f*) a member of a committee appointed under this Act or a secretary to the committee or a person acting under their direction.

Disclosure of information

55.—(1) Despite anything in this Act, the Commissioner may disclose to any person, or authorise any specified person to disclose to any person, any information obtained pursuant to an exercise of the Commissioner's powers and functions under this Act, if the Commissioner is satisfied that such disclosure is —

(*a*) necessary to enable a public agency to perform its public duty in relation to online harmful activity under this Act;

(*b*) in accordance with and to the extent permitted by a data sharing direction given to the Commissioner;

(*c*) in the interest of public safety;

(*d*) necessary or expedient for the redress or prevention of any online harmful activity or other harm to any person;

(*e*) for the purposes of an investigation into or prosecution for an offence under any written law;

(*f*) consented to in writing by the person to whom the information relates or by the parent or guardian of the

person if he or she is below 18 years of age (called in this section a minor); or

(*g*) to give effect to the purposes of or any provision of this Act.

(2) Without limiting subsection (1), where a minor is suspected to be involved in any online harmful activity (whether as a victim or otherwise), the Commissioner may disclose or authorise any specified person to disclose to the parent or guardian or other immediate relative of the minor or the principal or a teacher of the school that the minor is attending for the purposes of counselling, redress or prevention.

(3) The Commissioner may, for the purposes of public education and awareness, disclose and publish information in an anonymised form relating to any report received by the Commissioner, the action taken by the Commissioner and the outcome of the action.

(4) In this section, "data sharing direction" means a direction given under section 4 of the Public Sector (Governance) Act 2018 on the sharing of information or re-identification of anonymised information under the control of a Singapore public sector agency.

PART 7

RECONSIDERATION AND APPEALS

Part 5 direction — eligibility to apply for reconsideration

56. The following persons are eligible to apply under section 58(1) to the Commissioner for reconsideration of the Commissioner's decision to give (or not to give) a Part 5 direction in relation to a report made under section 23(1):

(*a*) the person eligible to make a report under section 22(1) or (3) (as the case may be) who made the report (called in this section the relevant person), or the victim on whose behalf the report was made by a person eligible to do so under section 22(2);

(*b*) where the relevant person or victim mentioned in paragraph (*a*) is below 18 years of age, the relevant person's or the victim's parent or guardian;

(*c*) the person of a prescribed description mentioned in section 22(2)(*b*) who made the report under section 23(1);

(*d*) a person (including a public agency) whom or which the Commissioner is satisfied has obtained the written authorisation or written consent to make an application under section 58(1) on behalf of the relevant person or victim mentioned in paragraph (*a*);

(*e*) the recipient of a Part 5 direction that was given;

(*f*) a person affected by a Part 5 direction that was given, who is of such description as may be prescribed, and different descriptions of persons may be prescribed in relation to each type of Part 5 direction given by the Commissioner.

Order following non-compliance — eligibility to apply for reconsideration

57. The following persons are eligible to apply under section 58(1) to the Commissioner for reconsideration of the Commissioner's decision to give an order following non-compliance:

(*a*) the recipient of the order following non-compliance;

(*b*) a person affected by the order following non-compliance who is of such description as may be prescribed, and different descriptions of persons may be prescribed in relation to each type of order following non-compliance given by the Commissioner.

Application for reconsideration of Commissioner's decision, Part 5 direction or order following non-compliance

58.—(1) Subject to section 25(5), a person who is eligible to apply under section 56 or 57 to the Commissioner for reconsideration of a decision, direction or order made under Part 5 (called in this section and in section 59 the initial decision, direction or order) may make a

written application to the Commissioner to reconsider the respective initial decision, direction or order in accordance with this section.

(2) The application for reconsideration must —

(*a*) be submitted to the Commissioner within the prescribed period or such longer period as the Commissioner may allow;

(*b*) be made in the form and manner determined by the Commissioner;

(*c*) be accompanied by any other particulars, statements, information or documents as the Commissioner may require; and

(*d*) set out the reasons for which the applicant is requesting the reconsideration.

(3) Unless the Commissioner decides otherwise in any particular case, an application for reconsideration does not suspend the effect of the initial decision, direction or order sought to be reconsidered.

Reconsideration of Commissioner's decision, Part 5 direction or order following non-compliance

59.—(1) Subject to subsection (6), on receiving an application for reconsideration made under section 58(1), the Commissioner must, within a reasonable time —

(*a*) in all cases — affirm, revoke or vary the initial decision, direction or order as the Commissioner thinks fit;

(*b*) where the application under section 58(1) is in respect of a Part 5 direction — substitute the Part 5 direction which is the subject of the application with a Part 5 direction of a different type which is more appropriate; or

(*c*) where the application under section 58(1) is in respect of an order following non-compliance — substitute the order following non-compliance which is the subject of the application with an order following non-compliance of a different type which is more appropriate.

(2) Upon making a determination under subsection (1), the Commissioner must inform the applicant of the result of the reconsideration within a reasonable time.

(3) To avoid doubt, where the initial decision is a decision not to give a Part 5 direction, a revocation of that decision under subsection (1)(*a*) means that the Commissioner must give a Part 5 direction.

(4) In making a determination under subsection (1), the Commissioner may take into account any information or event, whether arising before or after the date of the making of the initial decision, direction or order being reconsidered, whether or not the matter was included as part of the applicant's reasons for requesting reconsideration.

(5) After an applicant has been informed under subsection (2) of the result of the reconsideration, the applicant may not apply for a further reconsideration of that result.

(6) The Commissioner may dismiss any application for reconsideration made under section 58(1) without reconsidering the initial decision, direction or order sought to be reconsidered, if the Commissioner is satisfied that the application —

(*a*) is not made in accordance with any requirement in section 58(2);

(*b*) is trivial, frivolous or vexatious; or

(*c*) is not made in good faith.

Online Safety Appeal Panel and Online Safety Appeal Committees

60.—(1) There is established an Online Safety Appeal Panel.

(2) The Minister must appoint the members of the Appeal Panel on the terms and conditions determined by the Minister.

(3) The Chairperson of the Appeal Panel must be appointed by the Minister from among the members of the Appeal Panel.

(4) For the purpose of determining any appeal under section 64, the Chairperson of the Appeal Panel may constitute an Online Safety

Appeal Committee comprising 3 or more members of the Appeal Panel.

(5) For the proper functioning of any Appeal Committee, the Chairperson of the Appeal Panel may at any time —

(*a*) terminate the nomination of any member of the Appeal Committee; and

(*b*) reconstitute the Appeal Committee upon the termination of the nomination, the expiry of the term of appointment or the withdrawal of any member of the Appeal Committee.

(6) The reconstitution of an Appeal Committee under subsection (5)(*b*) does not affect the validity of anything done by the Appeal Committee under this Act before, on or after the reconstitution of the Appeal Committee.

Part 5 direction — eligibility to appeal

61.—(1) The following persons are eligible to appeal under section 63(1) to the Chairperson of the Appeal Panel against the Commissioner's reconsidered decision made under section 59(1) in relation to a report made under section 23(1):

(*a*) the person eligible to make a report under section 22(1) or (3) (as the case may be) who made the report (called in this section the relevant person), or the victim on whose behalf the report was made by a person eligible to do so under section 22(2);

(*b*) where the relevant person or victim mentioned in paragraph (*a*) is below 18 years of age, the relevant person's or the victim's parent or guardian;

(*c*) the person of a prescribed description mentioned in section 22(2)(*b*) who made the report under section 23(1);

(*d*) a person (including a public agency) whom or which the Commissioner is satisfied has obtained the written authorisation or written consent to appeal on behalf of the relevant person or victim mentioned in paragraph (*a*);

(*e*) the recipient of a Part 5 direction that was affirmed, given, varied, or substituted for another Part 5 direction, under section 59(1);

(*f*) a person affected by a Part 5 direction that was affirmed, given, varied, or substituted for another Part 5 direction, under section 59(1), of such description as may be prescribed, and different descriptions of persons may be prescribed in relation to each type of Part 5 direction given by the Commissioner.

(2) Where on an appeal made under section 63(1), the Appeal Committee gives, varies or substitutes one Part 5 direction for another under section 64(2), the following persons are eligible to appeal under section 63(2) against the resulting Part 5 direction:

(*a*) the recipient of the resulting Part 5 direction;

(*b*) any person affected by the resulting Part 5 direction, of such description as may be prescribed, and different descriptions of persons may be prescribed in relation to each type of resulting Part 5 direction.

Order following non-compliance — eligibility to appeal

62. The following persons are eligible to appeal under section 63(1) to the Chairperson of the Appeal Panel against the Commissioner's reconsidered decision made under section 59(1):

(*a*) the recipient of an order following non-compliance that was affirmed, given, varied or substituted under section 59(1);

(*b*) a person affected by any order following non-compliance that was affirmed, given or varied under section 59(1), of such description as may be prescribed, and different descriptions of persons may be prescribed in relation to each type of order following non-compliance given by the Commissioner.

Appeal against Commissioner's reconsidered decision, etc.

63.—(1) A person who is dissatisfied with the result of the Commissioner's reconsidered decision made under section 59(1), and is eligible under section 61 or 62 to appeal against it, may appeal against it.

(2) Where on an appeal made under subsection (1), the Appeal Committee gives, varies or substitutes one Part 5 direction for another under section 64(2), a person dissatisfied with the resulting Part 5 direction, and is eligible under section 61(2) to appeal against it, may appeal against it.

(3) The appeal must —

(*a*) be submitted to the Chairperson of the Appeal Panel within the prescribed period or any longer period as the Chairperson may allow;

(*b*) be made in the prescribed form and manner; and

(*c*) set out the reasons for which the appellant is making the appeal.

(4) Unless the Chairperson of the Appeal Panel decides otherwise in any particular case, the making of an appeal under this section does not suspend the effect of the decision, direction or order to which the appeal relates.

(5) Subject to subsection (2), there is to be no further appeal made against the result of an appeal made under subsection (1).

(6) There is to be no further appeal against the result of an appeal made under subsection (2).

Determination of appeal against Commissioner's reconsidered decision, etc.

64.—(1) For the purpose of hearing any appeal made under section 63(1) or (2), the Chairperson of the Appeal Panel is to constitute, under section 60(4), an Appeal Committee to determine the appeal, unless the Chairperson of the Appeal Panel determines that the appeal —

(*a*) is not made in accordance with any requirement in section 63(3);

(*b*) is trivial, frivolous or vexatious; or

(*c*) is not made in good faith.

5 (2) Subject to subsection (4), an Appeal Committee determining an appeal made under section 63(1) may —

(*a*) remit the matter under appeal to the Commissioner;

(*b*) affirm, revoke or vary —

(i) any decision not to give a Part 5 direction which is
10 the subject of the appeal; or

(ii) any Part 5 direction which is the subject of the appeal;

(*c*) substitute a Part 5 direction which is the subject of the appeal, with a Part 5 direction of a different type which is
15 more appropriate;

(*d*) affirm or revoke any order against non-compliance which is the subject of the appeal; or

(*e*) take any other step that the Commissioner could have taken relating to the subject of the appeal.

20 (3) An Appeal Committee determining an appeal made under section 63(2) may —

(*a*) affirm, revoke or vary the Part 5 direction; or

(*b*) substitute a Part 5 direction which is the subject of the appeal, with a Part 5 direction of a different type which is
25 more appropriate.

(4) An Appeal Committee must not give or vary any order following non-compliance.

(5) After determining an appeal under subsection (2) or (3), the Appeal Committee must —

30 (*a*) document in writing the reasons for the Appeal Committee's decision in respect of the appeal; and

(*b*) inform the Commissioner and the appellant of its decision in respect of the appeal.

(6) In determining an appeal under subsection (2), the Appeal Committee may —

(*a*) take into account any information or event, whether arising before or after the date of the making of the reconsidered decision under section 59(1) being appealed against, whether or not the matter was included as part of the applicant's reasons for appeal; and

(*b*) consider any information, document, record or article provided or produced pursuant to a request by the Appeal Committee under section 65(1)(*a*) or obtained through any exercise of the Commissioner's powers (whether pursuant to a request under section 65(1)(*b*) or otherwise).

(7) In determining an appeal under subsection (3), the Appeal Committee may —

(*a*) take into account any information or event, whether arising before or after the date of the giving, variation or substitution of the Part 5 direction under section 64(2) being appealed against, whether or not the matter was included as part of the applicant's reasons for appeal; and

(*b*) consider any information, document, record or article provided or produced pursuant to a request by the Appeal Committee under section 65(1)(*a*) or obtained through any exercise of the Commissioner's powers (whether pursuant to a request under section 65(1)(*b*) or otherwise).

(8) To avoid doubt, the revocation of a decision not to give a Part 5 direction under subsection (2)(*b*)(i) means that the Appeal Committee must give a Part 5 direction.

(9) A decision or direction of an Appeal Committee on an appeal has the same effect, and may be enforced in the same manner, as the result of the Commissioner's reconsidered decision made under section 59(1).

(10) An Appeal Committee may immediately dismiss any appeal which the Appeal Committee determines —

(*a*) is not made in accordance with any requirement in section 63(3);

(*b*) is trivial, frivolous or vexatious; or

(*c*) is not made in good faith.

Powers of Appeal Committees

65.—(1) An Appeal Committee may do all or any of the following:

(*a*) request any person to provide such information or produce such document, record or article in the possession or under the control of that person, as the Appeal Committee considers relevant for the purposes of the proceedings;

(*b*) request the Commissioner to seek and receive any information under section 24(2) or exercise any power under section 49 or 51, on any matter the Appeal Committee considers relevant for the purposes of the proceedings.

(2) The Appeal Committee may inspect, keep or make copies of any document, record or article provided or produced pursuant to a request under subsection (1)(*a*) or obtained by the Commissioner pursuant to a request under subsection (1)(*b*).

(3) Subject to any other provisions of this Act, an Appeal Committee may regulate its own procedure.

Allowances

66. Members of the Appeal Committee may receive such remuneration and allowances as the Minister may determine.

Validity of act or proceeding

67.—(1) No appeal proceeding before an Appeal Committee, and no act of the Chairperson of the Appeal Panel or of any member of an Appeal Committee, is to be nullified only because of —

(*a*) in the case of an appeal or proceeding before or act of an Appeal Committee — any vacancy in, or defect in the constitution of, the Appeal Committee; or

(*b*) in every case — any defect in the appointment of the Chairperson of the Appeal Panel, or any member of an Appeal Committee, as the case may be.

(2) To avoid doubt, a proceeding mentioned in subsection (1) may be conducted in an asynchronous manner by exchange of written correspondence with the parties.

PART 8

OFFENCES AND ENFORCEMENT

Notice to attend court

68.—(1) Where the Commissioner has reasonable grounds for believing that a person has committed an offence under this Part, the Commissioner may, in lieu of applying to a court for a summons, serve upon that person a prescribed notice requiring that person to attend at the court described, at the hour and on the date specified in the notice.

(2) A duplicate of the notice must be prepared by the Commissioner and, if so required by a court, produced to the court.

(3) The notice may be served on the person alleged to have committed the offence in the same manner as the service of a summons under section 116 of the Criminal Procedure Code 2010.

(4) On an accused person appearing before a court pursuant to a notice under subsection (1), the court is to take cognisance of the offence alleged, and is to proceed as though the accused person were produced before it pursuant to section 153 of the Criminal Procedure Code 2010.

(5) If a person upon whom a notice has been served under subsection (1) fails to appear before a court in person or by counsel on the date required by that notice, the court may, if satisfied that the notice was duly served, issue a warrant for the arrest of the person unless, in the case of an offence which may be compounded,

that person has before that date been permitted to compound the offence.

(6) Upon a person arrested pursuant to a warrant issued under subsection (5) being produced before a court, the court is to proceed as though the person were produced before it pursuant to section 153 of the Criminal Procedure Code 2010.

(7) The Commissioner may, at any time before the date specified in the notice under subsection (1), cancel the notice.

Offence of providing false information, etc.

69.—(1) A person shall be guilty of an offence if —

(*a*) the person provides a document, or makes a statement (whether orally, in writing or any other way) or gives information, to the Commissioner, a Deputy Commissioner or an Assistant Commissioner, an authorised officer, the Appeal Committee, the Appeal Panel or any person acting under their direction (called in this section a specified person);

(*b*) the document, statement or information is false or misleading, or the document, statement or information omits any matter or thing without which the document, statement or information (as the case may be) is misleading;

(*c*) the person —

(i) knows, or ought reasonably to know, that the document, statement or information is as described in paragraph (*b*); or

(ii) is reckless as to whether the document, statement or information is as described in paragraph (*b*); and

(*d*) the document is provided in, or the statement is made or the information is given in, or in connection with —

(i) any report, application or submission (whether for that person or for another) under this Act; or

(ii) any question, requirement or investigation by a specified person under this Act or pursuant to the exercise of a specified person's powers under this Act.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(*a*) if the person is an individual, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; or

(*b*) in any other case, to a fine not exceeding $50,000.

(3) If a person intentionally alters, suppresses or destroys any document which the person has been required by a specified person to provide pursuant to the exercise of a specified person's powers under this Act, the person shall be guilty of an offence and shall be liable on conviction —

(*a*) if the person is an individual, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 12 months or to both; or

(*b*) in any other case, to a fine not exceeding $50,000.

(4) Subsection (1) does not apply if the document, statement or information is not false or misleading in a material particular, or if the document, statement or information did not omit any matter or thing without which the document, statement or information (as the case may be) is misleading in a material particular.

Publicity regarding non-compliance with directions, etc.

70.—(1) If the Commissioner is satisfied that the recipient of a Part 5 direction or an order following non-compliance (called in this section the relevant recipient) fails to comply with the direction or order, the Commissioner may publish a statement to that effect on the official website of the Commissioner.

(2) If the statement mentioned in subsection (1) has been published on the official website and the Commissioner is satisfied that the relevant recipient has complied with the Part 5 direction or order

following non-compliance for which the statement was published, the Commissioner may remove the statement from the official website.

(3) Statements published under this section are protected by absolute privilege.

5 **Offences of non-compliance with directions**

71.—(1) A person shall be guilty of an offence if the person —

(*a*) is given any Part 5 direction; and

(*b*) without reasonable excuse, fails to comply with any requirement of the Part 5 direction,

10 whether in Singapore or outside Singapore.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(*a*) if the person is an individual, to a fine not exceeding $20,000 or to imprisonment for a term not exceeding 15 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding $2,000 for every day or part of a day during which the offence continues after conviction; or

(*b*) in any other case, to a fine not exceeding $500,000 and, in 20 the case of a continuing offence, to a further fine not exceeding $50,000 for every day or part of a day during which the offence continues after conviction.

Offences of non-compliance with orders

72.—(1) A person shall be guilty of an offence if the person —

25 (*a*) is given an access blocking order; and

(*b*) without reasonable excuse, fails to comply with any requirement of the access blocking order,

whether in Singapore or outside Singapore.

(2) A person who is guilty of an offence under subsection (1) shall 30 be liable on conviction to a fine not exceeding $250,000 and, in the case of a continuing offence, to a further fine not exceeding $20,000

for every day or part of a day during which the offence continues after conviction.

(3) A person shall be guilty of an offence if the person —

(*a*) is given an app removal order; and

(*b*) without reasonable excuse, fails to comply with any requirement of the app removal order,

whether in Singapore or outside Singapore.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding $500,000 and, in the case of a continuing offence, to a further fine not exceeding $50,000 for every day or part of a day during which the offence continues after conviction.

Defences

73.—(1) It is not a defence to a charge for an offence under section 69, 71 or 72 that —

(*a*) the person is subject to a duty of confidentiality or privacy imposed by any rule of law or a duty imposed by any contract or any rule of professional conduct, that prevents or restricts the person from complying with a requirement of the relevant direction or order following non-compliance, as the case may be; or

(*b*) the person has applied for a reconsideration of, or has appealed against, the relevant direction or order following non-compliance.

(2) It is not a defence to a charge for an offence under section 49(5) or 52(3) that the person is subject to a duty of confidentiality or privacy imposed by any rule of law or a duty imposed by any contract or any rule of professional conduct, that prevents or restricts the person from complying with a written notice under section 49 or 52.

(3) Without limiting the meaning of "reasonable excuse", it is a defence to a charge for an offence under Part 6 or this Part if the accused proves, on a balance of probabilities, that —

(*a*) it was not reasonably practicable to do more than what was in fact done to comply with the relevant direction or order following non-compliance or written notice under section 49, as the case may be; or

(*b*) there was no better practicable means than what was in fact used.

Offences by corporations

74.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(*a*) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(*b*) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under section 49(5) or 69(1) or (3), a person —

(*a*) who is —

(i) an officer of the corporation; or

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(*b*) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to

take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(*a*) Chapters 5 and 5A of the Penal Code 1871; or

(*b*) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act and applies whether or not the corporation is convicted of the offence.

(6) In this section —

"corporation" includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

"officer", in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(*a*) any person purporting to act in any such capacity; and

(*b*) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

"state of mind" of a person includes —

(*a*) the knowledge, intention, opinion, belief or purpose of the person; and

(*b*) the person's reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

75.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(*a*) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(*b*) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership (as the case may be) had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under section 49(5) or 69(1) or (3), a person —

(*a*) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

(iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(*b*) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all

reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly. 5

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear. 10

(4) To avoid doubt, this section does not affect the application of —

(*a*) Chapters 5 and 5A of the Penal Code 1871; or

(*b*) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability 15 of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

"officer", in relation to an unincorporated association (other than 20 a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(*a*) any person holding a position analogous to that of president, secretary or member of a committee of the 25 unincorporated association; and

(*b*) any person purporting to act in any such capacity;

"partner" includes a person purporting to act as a partner;

"state of mind" of a person includes —

(*a*) the knowledge, intention, opinion, belief or purpose 30 of the person; and

(*b*) the person's reasons for the intention, opinion, belief or purpose.

Online harmful activity remedial initiative

76.—(1) In deciding whether to institute proceedings against a person for an offence under this Act relating to any failure to comply with any requirement of a Part 5 direction, the Public Prosecutor may consider any remedial action of the person.

(2) For the purposes of subsection (1), the Commissioner may —

(*a*) specify either generally or in a particular case any remedial action that —

(i) relates to online safety;

(ii) facilitates remedy of the harm caused;

(iii) facilitates the rehabilitation of the person; or

(iv) allows contribution to society;

(*b*) determine a person's suitability for a remedial action; and

(*c*) certify whether a person has satisfactorily completed a remedial action.

Composition of offences

77.—(1) The Commissioner or any other person authorised in writing by the Commissioner, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one half of the amount of the maximum fine that is prescribed for the offence.

(2) On payment of the sum of money, no further proceedings may be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

Jurisdiction of courts

78.—(1) Where an offence under this Act is committed by a person outside Singapore, the person may be dealt with in respect of that offence as if it had been committed wholly within Singapore.

(2) Despite the Criminal Procedure Code 2010, a District Court or a Magistrate's Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

PART 9

GENERAL AND MISCELLANEOUS

Service of documents

79.—(1) The Minister may make regulations to make provision for —

(*a*) the manner of service of any notice, direction, order or other document permitted or required to be given under this Act to be served on a person or a class of persons (called in this section a specified document);

(*b*) the circumstances under which and time at which service of a specified document takes effect, including the following:

(i) where the specified document was served on a person without that person's prior written consent to being served in that way;

(ii) where a specified document is returned undelivered; and

(*c*) the exceptions, modifications or adaptations to the application of any provision of or under this Act if the Commissioner is satisfied that the person to be served did not have adequate notice of the service of a specified document.

(2) Regulations made under subsection (1) may make different provisions for —

(*a*) different persons or documents;

(*b*) different classes of persons or documents; or

(*c*) different circumstances.

(3) An affidavit or oral evidence of the Commissioner or an authorised officer as to the service of any notice, direction, order or other document to be served under this Act is admissible as prima facie proof of service of the document.

(4) In this section, "document" excludes any document to be served in proceedings in court.

Immunity

80.—(1) No person or officer, employee or agent of the person is to incur any civil or criminal liability under any written law or rule of law, or be liable for any breach of confidence or to any disciplinary action by a professional body, for doing or omitting to do any act, if the act is done or omitted to be done in good faith and with reasonable care and for the purpose of complying with or giving effect to —

(*a*) any Part 5 direction or order following non-compliance given to the person; or

(*b*) any written notice under section 49, 51 or 52 given to the person.

(2) No liability shall lie against the Commissioner, a Deputy Commissioner or an Assistant Commissioner, an authorised officer, the Secretary to an Appeal Committee or the Appeal Panel or a member of an Appeal Committee or the Appeal Panel or any person acting under their direction for anything done or intended to be done in good faith and with reasonable care in the execution or purported execution of this Act.

(3) For the purpose of determining whether a person or appointment holder mentioned in subsection (1) or (2) has acted in good faith and with reasonable care in respect of anything done or omitted to be done by the person or appointment holder, a court has to consider such matters and circumstances as may be prescribed by the Minister and different matters and circumstances may be prescribed for different classes of persons or appointment holders.

General exemption for Parts 1 to 9

81. The Minister may, by order in the *Gazette*, exempt any online activity or online harmful activity, or class of online activities or online harmful activities, from all or any provision of Parts 1 to 9, either generally or in a particular case and subject to any conditions that the Minister may impose.

Regulations for Parts 1 to 9

82.—(1) The Minister may make regulations for carrying out or giving effect to Parts 1 to 9, and for any matter that is required to be prescribed under those Parts.

(2) Without limiting subsection (1), the regulations may —

(*a*) provide for anything that may be prescribed under Parts 1 to 9;

(*b*) provide for the composition of the Appeal Panel;

(*c*) provide for the constitution and procedure for the conduct of any proceedings by an Appeal Committee, including for the conduct of any meeting or hearing using remote communication technology;

(*d*) provide for fees payable in respect of any report, application or appeal made, or for any other purpose, under Parts 1 to 9;

(*e*) provide for such saving, transitional and other consequential provisions as the Minister considers necessary or expedient.

(3) The powers conferred by this section do not extend to any matter for which Rules of Court or Family Justice Rules may be made under section 104 or 105, respectively.

PART 10

ONLINE HARMFUL ACTIVITIES — TORTS

Tort of intimate image abuse

83.—(1) A person (*X*) must not make any communication that constitutes intimate image abuse.

(2) If *X* contravenes subsection (1), the victim of the intimate image abuse may bring civil proceedings in a court against *X*.

(3) In any proceedings mentioned in subsection (2), it is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable;

(*b*) that *X* had reasonable grounds to believe that the victim consented to the communication of the intimate image or recording; or

(*c*) that *X* did not know and had no reason to suspect that the material that *X* had communicated was an intimate image or recording.

(4) In this section —

"intimate image or recording" has the meaning given by section 13(2);

"victim", in relation to intimate image abuse, means the victim mentioned in section 13(1).

Tort of image-based child abuse

84.—(1) A person (*X*) must not make any communication that constitutes image-based child abuse.

(2) If *X* contravenes subsection (1), the victim of the image-based child abuse, who was below 16 years of age at the time the victim was depicted in the child abuse image or recording in question, may bring civil proceedings in a court against *X*.

(3) In any proceedings mentioned in subsection (2), it is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable; or

(*b*) that *X* did not know and had no reason to suspect that the material that *X* had communicated was a child abuse image or recording.

(4) In this section —

"child abuse image or recording" has the meaning given by section 14(2);

"victim", in relation to image-based child abuse, means the victim mentioned in section 14(1).

Tort of online impersonation

85.—(1) A person (*X*) must not conduct any online activity that constitutes online impersonation if the online activity is likely to cause a victim harassment, alarm, distress or humiliation.

(2) If *X* contravenes subsection (1), the victim of the online impersonation may bring civil proceedings in a court against *X*.

(3) In any proceedings mentioned in subsection (2), it is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable; or

(*b*) that *X* had reasonable grounds to believe that the victim consented to the online impersonation.

(4) In this section, "victim", in relation to online impersonation, means the victim mentioned in section 15.

Tort of inauthentic material abuse

86.—(1) A person (*X*) must not make any communication that constitutes inauthentic material abuse by communicating material that *X* knew or had reasonable grounds to believe was inauthentic material of a victim.

(2) If *X* contravenes subsection (1), the victim of the inauthentic material abuse may bring civil proceedings in a court against *X*.

(3) In any proceedings mentioned in subsection (2), it is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable; or

(*b*) that *X* had reasonable grounds to believe that the victim consented to the communication of the inauthentic material.

(4) In this section —

5 "inauthentic material" has the meaning given by section 16(2);

"victim", in relation to inauthentic material abuse, means the victim mentioned in section 16(1).

Tort of online instigation of disproportionate harm

87.—(1) A person (*X*) must not communicate online material that
10 contains or consists of a statement where the following requirements are met:

(*a*) the statement tends to instigate the public or a section of the public to act or omit to act in response to an alleged speech or conduct of a person (called in this section the victim) or
15 a person associated with the victim (called in this section the victim's associate);

(*b*) the act or omission that the statement tends to instigate would cause harm to the victim;

(*c*) the act or omission or the harm mentioned in paragraph (*b*)
20 is disproportionate to —

(i) where the statement tends to instigate a response to an alleged speech or conduct of the victim — the wrongfulness (if any) of the alleged speech or conduct, or of any relevant actual speech or
25 conduct, of the victim; or

(ii) where the statement tends to instigate a response to an alleged speech or conduct of the victim's associate —

(A) the wrongfulness (if any) of the alleged speech
30 or conduct, or of any relevant actual speech or conduct, of the victim's associate; and

(B) the extent and nature of the association (if any) between the victim and the victim's associate's

alleged or actual speech or conduct (as the case may be).

Illustration

A is the father of *B*. *B* acted in a highly offensive manner. *C* makes a statement that tends to instigate the public to act in a manner that harms *A* in response to *B*'s conduct. In assessing the extent and nature of the association (if any) between the victim and the victim's associate's conduct (as mentioned in subsection (1)(*c*)(ii)(B)), so as to determine whether the requirement of disproportionality in subsection (1)(*c*) is met, the court may consider whether *A* taught *B* to act or not to act in that way.

(2) If *X* contravenes subsection (1), the victim may bring civil proceedings in a court against *X*.

(3) In assessing whether the requirement of disproportionality in subsection (1)(*c*) is satisfied, the court may have regard to all or any of the following factors:

(*a*) the nature of the act or omission that the statement tends to instigate, including whether the act or omission is or is likely to constitute a criminal offence under any written law;

(*b*) the nature of the harm mentioned in subsection (1)(*b*), including the severity of that harm;

(*c*) whether the victim or the victim's associate did in fact engage in the alleged speech or conduct;

(*d*) whether the alleged speech or conduct, or any relevant actual speech or conduct of the victim or the victim's associate, would be a reasonable expression of an opinion on a matter of public interest or public controversy;

(*e*) any other relevant factor.

(4) In any civil proceedings under subsection (2), *X* is not liable if *X* proves that —

(*a*) the statement did not in fact cause the loss and damage suffered by the victim;

(*b*) it was not reasonably foreseeable that the statement would instigate the act or omission which caused the loss and damage suffered by the victim; or

(*c*) *X* had acted reasonably in the circumstances.

(5) In considering whether *X* had acted reasonably in the circumstances, the court may have regard to all or any of the following factors:

(*a*) whether *X* had explored alternative means that may be more proportionate in addressing the wrongfulness (if any) of the alleged speech or conduct of the victim or the victim's associate;

(*b*) where *X* made allegations regarding the alleged speech or conduct of the victim or the victim's associate, whether *X* had any reasonable basis for doing so and had provided proper context;

(*c*) whether *X* had acted in good faith;

(*d*) any other relevant factor.

(6) The following apply for the purposes of ascertaining whether online material mentioned in subsection (1) contains or consists of a statement which bears a particular meaning:

(*a*) the statement is to be ascertained from a reasonable interpretation of the online material whether wholly or in part, and whether on its own or in the context in which it appears;

(*b*) there can be more than one reasonable interpretation.

(7) This section does not apply where the act or omission that the statement tends to instigate is any of the following:

(*a*) voting for any candidate in an election for the purpose of electing the President or a Member of Parliament;

(*b*) conducting or otherwise participating in or attending a political activity;

(*c*) communicating a statement calling for the removal or suspension of a political office holder or Member of Parliament from his or her office;

(*d*) communicating a statement to a political office holder, a Member of Parliament or a public body on a matter of public interest or public controversy. 5

(8) In this section —

"candidate" has the meaning given by the Presidential Elections Act 1991 or the Parliamentary Elections Act 1954, as the case may be; 10

"political activity" includes —

(*a*) any activity that is directed to influence, or seek to influence, the outcome of an election to the office of the President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum; 15

(*b*) any activity that is directed towards promoting the interests of a political party or other group of persons organised in Singapore for a political object; and

(*c*) any activity that is directed to bring about, or seek to bring about, changes of the law in the whole or a part of Singapore, or to otherwise influence, or seek to influence, the legislative process or outcome in Singapore; 20

"political office holder" means the holder of the office of — 25

(*a*) the President;

(*b*) the Prime Minister;

(*c*) a Deputy Prime Minister;

(*d*) a Minister, Senior Minister or Co-ordinating Minister; 30

(*e*) a Senior Minister of State or Minister of State;

(*f*) a Senior Parliamentary Secretary or Parliamentary Secretary;

(*g*) the Speaker of Parliament or a Deputy Speaker of Parliament;

(*h*) a Mayor;

(*i*) a Political Secretary; or

(*j*) the Leader of the House;

"public body" means —

(*a*) the Government, including any ministry, department, agency or Organ of State;

(*b*) a prescribed statutory body; and

(*c*) any prescribed board, prescribed commission, prescribed committee or similar prescribed body, whether corporate or unincorporate.

Tort of incitement of violence

88.—(1) A person (*X*) must not make any communication that constitutes incitement of violence.

(2) If *X* contravenes subsection (1), a victim of incitement of violence may bring civil proceedings in a court against *X*.

(3) In any proceedings mentioned in subsection (2), it is a defence for *X* to prove that *X*'s conduct was reasonable.

(4) In this section, each member of the group against which the unlawful force or unlawful violence is incited or likely to be incited is a victim.

PART 11

ADMINISTRATORS — DUTIES AND TORTS

Application of this Part

89.—(1) This Part applies only to the following online harmful activities (each called in this Part an applicable online harmful

activity), other than an activity the definition of which in Part 3 has not been brought into operation:

(*a*) online harassment;

(*b*) doxxing;

(*c*) online stalking;

(*d*) intimate image abuse;

(*e*) image-based child abuse;

(*f*) online impersonation;

(*g*) inauthentic material abuse;

(*h*) incitement of violence.

(2) In this Part —

(*a*) a reference to a victim in relation to an applicable online harmful activity mentioned in subsection (1)(*a*) to (*g*) is a reference to the victim mentioned in the definition of that applicable online harmful activity in Part 3; and

(*b*) a reference to a victim in relation to an applicable online harmful activity mentioned in subsection (1)(*h*) is a reference to each member of the group against which the unlawful force or unlawful violence is incited or likely to be incited.

Tort of facilitating or permitting applicable online harmful activity

90.—(1) A person must not develop and maintain, or otherwise or administer an online location —

(*a*) in a manner that facilitates or permits any applicable online harmful activity to be conducted at that location; and

(*b*) intending for any applicable online harmful activity to be conducted or with the knowledge that any applicable online harmful activity is likely to be conducted, at that location.

(2) Whether a person has contravened subsection (1) is to be determined having regard to all or any of the following factors:

(*a*) the purpose for which the online location is administered or used;

(*b*) the profile of users who regularly access or are members or participants of the online location;

(*c*) the nature and content of the materials communicated at the online location;

(*d*) the moderation policies and practices applied at the online location;

(*e*) the extent to which any applicable online harmful activity is being conducted or is prevalent at the online location;

(*f*) any other relevant factor.

Illustrations

(*a*) *X* administers a website inviting users to make harassing posts about a person. *X* has facilitated the conduct of online harassment.

(*b*) *X* administers a chat group inviting users to share intimate images of women. Although *X* requires users to confirm that the images are shared with consent, the profile of the users and the nature of the materials communicated in this group is such that *X* knows that it is likely that one or more persons will share these images without the consent of the women. *X* has facilitated the conduct of intimate image abuse in the chat group with the knowledge that such activity is likely to be conducted.

(*c*) *X* administers a website for users to post job advertisements. Many users begin posting advertisements offering the sale of intimate images taken without consent. *X* is aware of those advertisements and the nature of what they offer. Even though intimate image abuse is prevalent on *X*'s website, *X* takes no steps to moderate the website. *X* has permitted the conduct of intimate image abuse at the website with the knowledge that such activity is likely to be conducted.

(*d*) As in illustration (*c*), but *X* promptly takes down any offending advertisement within an hour, bans the accounts of those who post such advertisements, and issues warnings to users against posting such advertisements. *X* has not facilitated or permitted the conduct of intimate image abuse at the website.

(3) If a person contravenes subsection (1) (called in this section the respondent), a victim of any applicable online harmful activity

conducted at the online location mentioned in that subsection may bring civil proceedings in a court against the respondent.

(4) In any civil proceedings mentioned in subsection (3), it is a defence for the respondent to prove that the respondent's conduct was reasonable in the circumstances. 5

Tort of failing to respond reasonably to online harm notice

91.—(1) A victim of an applicable online harmful activity may send an administrator of an online location a written notice that an applicable online harmful activity in relation to the victim has occurred at that location (called in this section an online harm notice). 10

(2) An online harm notice mentioned in subsection (1) must —

(*a*) identify the applicable online harmful activity in a way that is sufficient to enable the administrator to address that activity; and

(*b*) be sent in such manner and form, and contain such particulars, as may be prescribed. 15

(3) Where an administrator is sent an online harm notice in accordance with subsections (1) and (2), the administrator has a duty to the victim to do the following within a reasonable time:

(*a*) take reasonable care to assess whether the applicable online harmful activity identified in the notice has occurred; 20

(*b*) if so, take reasonable steps to address that applicable online harmful activity.

(4) In determining what steps are reasonable for an administrator to take to address the applicable online harmful activity under subsection (3), the court is to have regard to the following factors where relevant: 25

(*a*) the circumstances in which the applicable online harmful activity identified in the online harm notice was conducted; 30

(*b*) the extent to which the applicable online harmful activity identified in the online harm notice is likely to persist or continue at the online location;

(*c*) the past conduct of the person who conducted the applicable online harmful activity;

(*d*) the impact on any person who may be affected by the steps taken to address the applicable online harmful activity;

(*e*) any other relevant factor.

Illustrations

(*a*) *X* is the administrator of a messaging group. *Y* posts an intimate image of *Z* on this messaging group without *Z*'s consent. *Z* sends *X* an online harm notice of the intimate image abuse that has occurred in relation to *Z*. *X* promptly removes *Y*'s post from the messaging group. *X* has taken reasonable steps to address the intimate image abuse identified in *Z*'s online harm notice.

(*b*) *X* is the administrator of an online forum. *Y* repeatedly makes harassing posts of *Z* on the online forum. *Z* sends *X* an online harm notice of the online harassment that has occurred in relation to *Z*. *X* promptly suspends *Y*'s online account on this forum and warns *Y* against repeating *Y*'s actions. *X* has taken reasonable steps to address the online harassment identified in *Z*'s online harm notice.

(*c*) *X* is the administrator of an online forum. *Y* creates a thread on the online forum to harass *Z*, and multiple users make harassing posts of *Z* on the thread. *Z* sends *X* an online harm notice of the online harassment that has occurred in relation to *Z*. *X* promptly removes the thread created by *Y* from the online forum. *X* has taken reasonable steps to address the online harassment identified in *Z*'s online harm notice.

(5) If an administrator contravenes subsection (3), a person who —

(*a*) sent the online harm notice in accordance with subsections (1) and (2); and

(*b*) is a victim of the applicable online harmful activity identified in the notice,

may bring civil proceedings in a court against the administrator (called in this section the respondent).

(6) In any civil proceedings mentioned in subsection (5), it is presumed until the contrary is proved that the respondent failed to take the reasonable steps mentioned in subsection (3)(*b*), if the victim proves that —

(*a*) an online harm notice was sent to the respondent in accordance with subsections (1) and (2);

(*b*) the applicable online harmful activity identified in the online harm notice occurred at the online location administered by the respondent;

(*c*) the applicable online harmful activity involved the communication of online material; and

(*d*) after a reasonable period of time had passed since the online harm notice was sent, that online material was not removed from the online location administered by the respondent.

(7) In any civil proceedings mentioned in subsection (5), it is a defence for the respondent to prove that, through no fault of the respondent, the respondent did not receive the online harm notice that was sent in accordance with subsections (1) and (2).

Tort of sending frivolous or false online harm notices to administrators

92. An administrator, *X*, has a right of action in civil proceedings against *Z* if *Z* sent an online harm notice to *X* under section 91 and the online harm notice —

(*a*) is frivolous; or

(*b*) is false in a material way and which *Z* knew to be false.

PART 12

ONLINE SERVICE PROVIDERS — DUTIES AND TORTS

Application of this Part

93.—(1) This Part applies only to the following online harmful activities (each called in this Part an applicable online harmful activity), other than an activity the definition of which in Part 3 has not been brought into operation:

(*a*) online harassment;

(*b*) doxxing;

(*c*) online stalking;

(*d*) intimate image abuse;

(*e*) image-based child abuse;

(*f*) online impersonation;

(*g*) inauthentic material abuse;

(*h*) incitement of violence.

(2) In this Part —

(*a*) a reference to a victim in relation to an applicable online harmful activity mentioned in subsection (1)(*a*) to (*g*) is a reference to the victim mentioned in the definition of that applicable online harmful activity in Part 3; and

(*b*) a reference to a victim in relation to an applicable online harmful activity mentioned in subsection (1)(*h*) is a reference to each member of the group against which the unlawful force or unlawful violence is incited or likely to be incited.

Tort of failing to respond reasonably to online harm notice

94.—(1) A victim of an applicable online harmful activity may send an online service provider a written notice that an applicable online harmful activity in relation to the victim has occurred by means of the online service (called in this section an online harm notice).

(2) An online harm notice mentioned in subsection (1) must —

(*a*) identify the applicable online harmful activity in a way that is sufficient to enable the online service provider to address that activity; and

(*b*) be sent in such manner and form, and contain such particulars, as may be prescribed.

(3) Where an online service provider is sent an online harm notice in accordance with subsections (1) and (2), the online service provider has a duty to the victim to do the following within a reasonable time:

(*a*) take reasonable care in assessing whether the applicable online harmful activity identified in the notice has occurred;

(*b*) if so, take reasonable steps to address that applicable online harmful activity.

(4) In determining what steps are reasonable for an online service provider to take to address the applicable online harmful activity under subsection (3), the court is to have regard to the following factors:

(*a*) the circumstances in which the applicable online harmful activity identified in the online harm notice was conducted;

(*b*) the extent to which the applicable online harmful activity identified in the online harm notice is likely to persist or continue by means of the online service;

(*c*) the past conduct of the person who conducted the applicable online harmful activity identified in the online harm notice;

(*d*) the impact on any person who may be affected by the steps taken to address the applicable online harmful activity;

(*e*) any other consideration or factor that may be prescribed.

Illustrations

(*a*) *Z* provides a social media service. *X* posts an intimate image of *Y* using this service without *Y*'s consent. *Y* sends *Z* an online harm notice of the intimate image abuse that has occurred in relation to *Y*. *Z* promptly disables access by end-users on its service to *X*'s post. *Z* has taken reasonable steps to address the intimate image abuse identified in *Y*'s online harm notice.

(*b*) *Z* provides a social media service. *X* repeatedly makes harassing posts of *Y* using this service. *Y* sends *Z* an online harm notice of the online harassment that has occurred in relation to *Y*. *Z* promptly suspends *X*'s online account on the service and warns *X* against repeating *X*'s actions. *Z* has taken reasonable steps to address the online harassment identified in *Y*'s online harm notice.

(*c*) *Z* provides a social media service. *X* creates a page on this service to harass *Y*, and multiple users make harassing posts of *Y* on this page. *Y* sends *Z* an online harm notice of the online harassment that has occurred in relation to *Y*. *Z* promptly disables access by end-users on its service to this page created by *X*. *Z*

has taken reasonable steps to address the online harassment identified in *Y*'s online harm notice.

(5) If an online service provider contravenes subsection (3), a person who —

(*a*) sent the online harm notice in accordance with subsections (1) and (2); and

(*b*) is a victim of the applicable online harmful activity identified in the notice,

may bring civil proceedings in a court against the online service provider (called in this section the respondent).

(6) In any civil proceedings mentioned in subsection (5), it is presumed until the contrary is proved that the respondent failed to take the reasonable steps mentioned in subsection (3)(*b*), if the victim proves that —

(*a*) an online harm notice was sent to the respondent in accordance with subsections (1) and (2);

(*b*) the applicable online harmful activity identified in the online harm notice has occurred by means of the respondent's online service;

(*c*) the applicable online harmful activity involved the communication of online material; and

(*d*) after a reasonable period of time had passed since the online harm notice was sent, that online material remained accessible to end-users of the online service.

(7) In any civil proceedings mentioned in subsection (5), it is a defence for the respondent to prove that, through no fault of the respondent, the respondent did not receive the online harm notice that was sent in accordance with subsections (1) and (2).

(8) Where the respondent is a prescribed online service provider —

(*a*) the reasonable time mentioned in subsection (3) is to be read as the prescribed period of time; and

(*b*) the respondent is in contravention of the respondent's duty in subsection (3) if the respondent fails to take such steps

within the prescribed period of time, unless the respondent can show that it was not reasonable for the respondent to do so.

(9) Where the respondent has responded to an online harm notice in accordance with requirements that may be prescribed as applicable to the respondent, the respondent is deemed to have fulfilled the respondent's duty under subsection (3).

(10) To avoid doubt, the fact that the respondent did not respond to an online harm notice in accordance with the prescribed requirements mentioned in subsection (9) does not, without more, lead to the conclusion that the respondent had failed to fulfil the respondent's duty under subsection (3).

Tort of sending frivolous or false online harm notices to online service providers

95. An online service provider, *X*, has a right of action in civil proceedings against *Z* if *Z* sent an online harm notice to *X* under section 94 and the online harm notice —

(*a*) is frivolous; or

(*b*) is false in a material way and which *Z* knew to be false.

PART 13

DAMAGES AND REMEDIES

Damages in proceedings under Part 10, 11 or 12

96.—(1) Subject to subsections (2), (3), (4) and (5), if any person is found liable in any civil proceedings brought under Part 10, 11 or 12, the court may award any damages that the court may, having regard to all the circumstances of the case, think just and equitable.

(2) Without limiting subsection (1), the court may make an order or award for —

(*a*) damages for loss of future earnings and loss of earning capacity in proceedings brought under —

(i) Part 10, in relation to the claims relating to the type or description of torts specified in regulations; or

(ii) Part 11 or 12, in relation to the claims relating to the type or description of online harmful activities specified in regulations; or

(*b*) an account of profits (even if no loss or harm is proved) in proceedings brought under —

(i) Part 10 in relation to the claims relating to the type or description of torts specified in regulations; or

(ii) Part 11 or 12 in relation to the claims relating to the type or description of online harmful activities specified in regulations.

(3) The damages that a court may award under subsection (1) in proceedings brought under Part 10, 11 or 12 with respect to a claim or class of claims by any person or class of persons is subject to the maximum limits that may be specified and determined in accordance with regulations in relation to a specified type or description of the tort or online harmful activity related to the tort (as the case may be) specified in those regulations.

(4) The court is to award under subsection (1) a minimum amount of damages with respect to a claim or class of claims brought in proceedings under Part 10, 11 or 12 for a specified type or description of the tort or online harmful activity related to the tort (as the case may be) specified in regulations.

Damages for incitement of violence

97.—(1) Subject to subsections (2), (3) and (4), in any civil proceedings brought under Part 10, 11 or 12 in relation to the online harmful activity of incitement of violence, the court may award damages to the members of the group that is the subject of those proceedings.

(2) The court may determine the amount of the damages mentioned in subsection (1), as the court thinks just and equitable, having regard to all the circumstances, including the loss or harm suffered by members of the group or suffered by the group as a whole.

(3) The damages mentioned in subsection (1) are to be allocated and distributed in accordance with the procedures that may be prescribed in Rules of Court made under section 104.

(4) Where it is not possible or practicable to allocate or distribute all or any part of the damages awarded under this section, the court may order that those damages be applied to purposes and activities that will fulfil the objectives of the group or otherwise for its benefit.

Enhanced damages under Part 10 or section 90

98.—(1) Subject to subsection (4), in any proceedings brought by a victim of a tort under Part 10, the court may, if it thinks just and equitable in the circumstances to do so, award enhanced damages to the victim where —

(*a*) the victim made a reasonable written request to the respondent the effect of which is to ask the respondent to address the online harmful activity that is the subject of the claim; and

(*b*) the respondent failed, without reasonable excuse, to address the online harmful activity within a reasonable time.

(2) Subject to subsection (4), in any proceedings brought by a victim of an online harmful activity for a claim under section 90(3), the court may, if it thinks just and equitable in the circumstances to do so, award the victim enhanced damages against the respondent if —

(*a*) the victim had made a reasonable written request to the respondent the effect of which is to ask the respondent to address the online harmful activity at the online location that is the subject of the claim; and

(*b*) the respondent failed, without reasonable excuse, to address the online harmful activity within a reasonable time.

(3) The award of enhanced damages that a court may award under subsection (1) or (2) —

(*a*) is in addition to any general and special damages that may be awarded;

(*b*) is distinct from punitive damages or aggravated damages, and the principles governing the award of those damages need not apply to an award of enhanced damages; and

(*c*) may in the court's discretion be awarded in addition to or in lieu of any punitive or aggravated damages.

(4) The Minister may make regulations —

(*a*) to prescribe the maximum limits of enhanced damages that a court may award under subsection (1) or (2), as the case may be; and

(*b*) to clarify the application of the Limitation Act 1959 to an action for a claim for enhanced damages under this Act, including prescribing a period of limitation for that action.

Reliefs and remedies against respondents in proceedings under Part 10, 11 or 12

99.—(1) Without affecting sections 96, 97 and 98, in any proceedings brought under Part 10, 11 or 12, the court may grant any relief or remedy against the respondent that the court may, having regard to all the circumstances of the case, think just and equitable, including but not limited to the orders set out in subsections (2), (3) and (4).

(2) The court may order the respondent in any civil proceedings brought under section 83(2), 84(2), 85(2), 86(2), 87(2) or 88(2) to do all or any combination of the following:

(*a*) to remove any specified material or any online material similar to it such that the material cannot be accessed by persons in Singapore;

(*b*) to stop storing, posting, providing or transmitting any specified material or any online material similar to it such that the material cannot be accessed by persons in Singapore;

(*c*) to suspend, remove, delete or terminate a specified online location such that the online location cannot be accessed by persons in Singapore;

(*d*) to stop conducting any online activity in relation to the victim as may be specified in the order.

(3) The court may order the respondent in any civil proceedings brought under section 90(3) and 91(5) to do all or any combination of the following:

(*a*) to remove any specified material or any online material similar to it such that the material cannot be accessed by persons in Singapore;

(*b*) to suspend, remove, delete or terminate a specified online location such that the online location cannot be accessed by persons in Singapore;

(*c*) to disallow or restrict a specified Singapore account from accessing a specified online location;

(*d*) to refrain from developing and maintaining, or otherwise administering an online location (accessible by end-users in Singapore) that is similar to the specified online location mentioned in paragraph (*b*).

(4) The court may order the respondent in any civil proceedings brought under section 94(5) to do all or any combination of the following:

(*a*) to disable access by end-users in Singapore to the specified material or any online material identical to it that is stored, posted, provided or transmitted on or through the online service provider's online service;

(*b*) to disable access by end-users in Singapore to a specified online location on the online service provider's online service;

(*c*) to disallow interaction between a specified online account on the online service provider's online service from interacting with end-users in Singapore or to restrict such interactions;

(*d*) to disallow a specified Singapore account from accessing a specified online location on the online service provider's online service or to restrict such access;

(*e*) to disallow a specified person from establishing or maintaining an online account on the online service provider's online service that can interact with end-users in Singapore.

(5) The court may in any civil proceedings brought under section 92 or 95 —

(*a*) declare that the online harm notice that is the subject of the proceedings brought under section 92 or 95 is frivolous or false in a material way; and

(*b*) order the respondent to stop sending any further online harm notice that is the subject of those proceedings.

(6) To avoid doubt —

(*a*) subsection (2), (3), (4) or (5) does not prevent the court from making any variation of the orders mentioned in that subsection or any other order that the court may make under any written law; and

(*b*) in this section, material that is similar to specified material includes material that is identical to the specified material.

Orders against third parties in proceedings under Part 10, 11 or 12

100.—(1) In any proceedings brought under Part 10, 11 or 12 —

(*a*) that relate to online harmful activity involving the communication of online material (called in this section the offending material); and

(*b*) where it is likely that the offending material will continue to be communicated or any online material that is similar to the offending material (called in this section the similar material) will be likely to be communicated,

the court may, if it is just and equitable in the circumstances to do so, make an order specified in subsection (2) to the individuals or entities specified in that subsection.

(2) The orders mentioned in subsection (1) are —

(*a*) an order to an individual or entity that is likely to communicate (or continue to communicate) the offending material or similar material, to —

(i) stop communicating, by a specified time, the offending material or similar material; or

(ii) not communicate the offending material or similar material;

(*b*) an order to an administrator of an online location, at which the communication of the offending material is likely to occur, to stop the offending material or any online material identical to the offending material from being communicated in Singapore at the online location within a specified time; or

(*c*) an order to the online service provider, of the online service at which the communication of the offending material is likely to occur, to disable access by end-users in Singapore, within a specified time, to —

(i) the offending material; or

(ii) in the case of a prescribed online service provider, the offending material or any online material identical to the offending material.

(3) To avoid doubt, material that is similar to the offending material includes material that is identical to the offending material.

PART 14

JURISDICTIONAL, PROCEDURAL AND MISCELLANEOUS MATTERS

Tort treated as taking place in Singapore

101. For the purposes of any proceedings for a tort under Part 10, 11 or 12, that tort is to be treated as having taken place in Singapore if any act or omission or any part of an act or omission that is an element of the tort —

(*a*) was initiated or occurred in or from Singapore;

(*b*) is perceived by one or more persons in Singapore; or

(*c*) caused damage, loss or harm suffered in Singapore.

Limits to exclusion of liability

5 **102.**—(1) This Act has effect despite any provision or term to the contrary in any contract, agreement or notice and any provision or term in a contract, agreement or notice is void if and to the extent that —

(*a*) it is inconsistent with Part 11 or 12;

10 (*b*) it purports to exclude or limit the jurisdiction of the courts of Singapore for a claim made under Part 11 or 12; or

(*c*) it purports to prevent a person from making a claim under Part 11 or 12.

(2) Subsection (1) does not apply to a provision or term of a 15 contract, agreement or notice that is fair and reasonable having regard to the circumstances which were, or ought reasonably to have been, known to or in the contemplation of the parties when the contract, agreement or notice was made.

(3) In determining for the purposes of subsection (2) whether a 20 provision or term of a contract, agreement or notice is fair and reasonable, the court is to take into consideration the prescribed matters.

(4) To avoid doubt, section 26(1) of the Electronic Transactions Act 2010 (which relates to the limitation of liability of network 25 service providers) does not apply in relation to any liability under the provisions of Part 12 or 13 in relation to the liability of an online service provider.

Regulations for Parts 10 to 14

103.—(1) The Minister may make regulations for carrying out or 30 giving effect to Parts 10 to 14, and for any matter that is required or permitted to be prescribed under those Parts.

(2) Without limiting subsection (1), the regulations may provide for such saving, transitional and other consequential provisions as the Minister considers necessary or expedient.

(3) The powers conferred by this section do not extend to any matter for which Rules of Court or Family Justice Rules may be made under section 104 or 105.

Rules of Court

104.—(1) The Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act 1969 may make Rules of Court to regulate and prescribe the procedure and practice to be followed in respect of civil proceedings brought under this Act, and any matters incidental to or relating to any such procedure and practice.

(2) Without affecting subsection (1), Rules of Court may be made for the following purposes:

(*a*) to provide for pre-action and non-party discovery;

(*b*) to provide for service of court documents and court process;

(*c*) to provide for expedited procedures;

(*d*) to provide for any direction or order made in the course of any civil proceedings under this Act to be published in a specified manner;

(*e*) to provide for the procedure for the court to grant any injunctive relief or make any ancillary orders for the purposes of actions in civil proceedings brought under this Act;

(*f*) in relation to proceedings for an order under Part 13, where the name of any party to whom the order is intended to apply is unknown, for that party to be identified by an Internet location address, a website, a username or account, an electronic mail address or any other unique identifier;

(*g*) to expressly empower a court to do any of the following things in any civil proceedings brought under this Act in

the court, where the court thinks it fit to do so in the interest of justice, safety or propriety:

(i) to order the redaction of any information (including the name of a party) contained in any document filed in those civil proceedings;

(ii) to order that those civil proceedings be heard in private;

(iii) to order any person to do any act or refrain from any conduct, so as to prevent the identification of any witness or party in those civil proceedings;

(*h*) to provide for the procedures in any proceedings brought —

(i) under Part 10 in relation to a claim relating to the tort of incitement of violence mentioned in section 88; or

(ii) under Part 11 or 12 in relation to a claim relating to the online harmful activity of incitement of violence,

and for the allocation and distribution of damages awarded to members of the group to which the proceedings relate;

(*i*) to provide for the proceedings mentioned in paragraph (*h*) to be brought by one or more members of the group on behalf of the group without naming or identifying the members of the group or without the consent of those members and to provide for the procedure for members of the group to register their interests in the proceedings;

(*j*) to provide for the costs (including disbursements) and fees of any civil proceedings brought under this Act, and for regulating any matter relating to the costs of such proceedings;

(*k*) to prescribe anything that this Act requires or permits to be prescribed by Rules of Court.

Family Justice Rules

105.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules to regulate and prescribe the procedure and practice to be followed in the Family Justice Courts in respect of civil proceedings under this Act that are within the jurisdiction of the Family Justice Courts and any matters incidental to or relating to any such procedure and practice.

(2) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the Registrar of the Family Justice Courts.

Commencement of proceedings in Family Court

106.—(1) Any Part 10 proceedings may be commenced in the first instance in a Family Court, in which any related family proceedings are pending, with the permission of that court.

(2) A court may grant permission under subsection (1) only if it is just, expeditious and economical for the disposal of the Part 10 proceedings, for the Part 10 proceedings to be commenced in that court.

(3) A Family Court may, on the application of any party or on the Family Court's own initiative, order that any Part 10 proceedings pending in the Family Court be transferred to a District Court or a Magistrate's Court, if there is sufficient reason to do so.

(4) A District Court or a Magistrate's Court may, on the application of any party or on that court's own initiative, if it is just, expeditious and economical for the disposal of the Part 10 proceedings, transfer any Part 10 proceedings pending in the District Court or Magistrate's Court to a Family Court in which any related family proceedings are pending.

(5) This section does not affect —

(*a*) any power of a District Court to transfer proceedings to itself under section 54A of the State Courts Act 1970;

(*b*) any power of a District Court to transfer proceedings to a Magistrate's Court under section 54D of the State Courts Act 1970; and

(*c*) any power of the General Division of the High Court to transfer proceedings to itself or to any other court under section 54B or 54C of the State Courts Act 1970 or any other law.

(6) In this section —

(*a*) "family proceedings" has the meaning given by section 2(1) of the Family Justice Act 2014;

(*b*) "Part 10 proceedings" means any proceedings for a claim or action under Part 10 seeking relief under section 99 or 100 (excluding proceedings seeking relief under section 96, 97 or 98); and

(*c*) family proceedings are related to Part 10 proceedings if —

(i) both of those proceedings involve any common issue of law or fact; or

(ii) the rights to relief claimed in both of those proceedings are in respect of the same conduct or course of conduct.

PART 15

AMENDMENTS TO OTHER ACTS

Amendment of Defamation Act 1957

107.—(1) In the Defamation Act 1957, after section 18, insert —

"**Enhanced damages when defendant fails to comply with request to publish reply statement to online defamation**

18A.—(1) In any action for defamation in relation to a statement published at an online location, if it is proved that —

(*a*) the claimant has made a reasonable request that the defendant publish a reasonable statement by way of explanation or contradiction to the alleged

defamatory statement (referred to in this section as a reply statement); and

(*b*) the defendant has refused or neglected to publish a reasonable reply statement, or has published it in a manner that is not adequate or reasonable having regard to all the circumstances,

the court may award enhanced damages to the claimant as the court thinks is just and equitable in the circumstances.

(2) The award of enhanced damages that a court may award under subsection (1) —

(*a*) is in addition to any general and special damages that may be awarded;

(*b*) is distinct from punitive damages or aggravated damages, and the principles governing the award of those damages need not apply to an award of enhanced damages; and

(*c*) may in the court's discretion be awarded in addition to or in lieu of any punitive or aggravated damages.

(3) In this section, "online location" means any internet domain, website, webpage, chatroom, chat group, channel, group, forum, social media account page or any other location, that can be accessed by means of the Internet.

(4) The Minister may make regulations —

(*a*) to prescribe the maximum limit of enhanced damages that a court may award under subsection (1) and such regulations may make provisions of a saving or transitional nature; and

(*b*) to clarify the application of the Limitation Act 1959 to an action for a claim for enhanced damages under this Act including prescribing a period of limitation for that action.".

(2) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, make provisions of

a saving or transitional nature consequent on the enactment of this section that the Minister may consider necessary or expedient.

Amendment of Private Security Industry Act 2007

108.—(1) In the Private Security Industry Act 2007, in section 17C —

(*a*) in the section heading, replace "**alarm or distress**" with "**alarm, distress or humiliation**";

(*b*) in subsection (1)(*a*) and (*b*), replace "indecent, threatening, abusive or insulting" with "threatening, abusive, insulting, sexual or indecent"; and

(*c*) in subsection (1), replace "alarm or distress" wherever it appears with "alarm, distress or humiliation".

(2) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, make provisions of a saving or transitional nature consequent on the enactment of this section that the Minister may consider necessary or expedient.

Amendment of Protection from Harassment Act 2014

109.—(1) The Protection from Harassment Act 2014 is amended in the manner set out in the Schedule.

(2) For a period of 2 years after the date of commencement of any provision of the Schedule, the Minister may, by order in the *Gazette*, make provisions of a saving or transitional nature consequent on the enactment of the provision that the Minister may consider necessary or expedient.

Related amendment to Family Justice Act 2014

110.—(1) In the Family Justice Act 2014 —

(*a*) in section 23, replace subsection (2B) with —

"(2B) An appeal shall lie to the General Division of the High Court from a decision of a Family Court in —

(*a*) proceedings under Part 3 of the Protection from Harassment Act 2014; or

(*b*) proceedings under Part 10 of the Online Safety (Relief and Accountability) Act 2025, 5

only with permission of that Family Court or the General Division of the High Court."; and

(*b*) in section 26, replace subsection (6A) with —

"(6A) The Family Court has the jurisdiction and powers of a District Court to hear civil proceedings in 10 relation to —

(*a*) any claim or order under the Protection from Harassment Act 2014, except any claim under section 11 of that Act; and

(*b*) any claim or action under Part 10 of the 15 Online Safety (Relief and Accountability) Act 2025 seeking relief under section 99 or 100 of that Act (excluding proceedings seeking relief under section 96, 97 or 98 of that Act).". 20

(2) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, make provisions of a saving or transitional nature consequent on the enactment of this section that the Minister may consider necessary or expedient.

Related amendment to Info-communications Media Development Authority Act 2016 25

111.—(1) In the Info-communications Media Development Authority Act 2016, in section 5(1), after paragraph (*e*), insert —

"(*ea*) to establish and administer systems in Singapore for the promotion of online safety including but not 30 limited to any system necessary for the administration of the Online Safety (Relief and Accountability) Act 2025;

(*eb*) to provide administrative and personnel support services to the Commissioner of Online Safety appointed under section 5 of the Online Safety (Relief and Accountability) Act 2025;".

5 (2) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, make provisions of a saving or transitional nature consequent on the enactment of this section that the Minister may consider necessary or expedient.

THE SCHEDULE

10 Section 109

AMENDMENTS TO PROTECTION FROM HARASSMENT ACT 2014

Amendment of section 2

1. In the Protection from Harassment Act 2014 (called in this Schedule the
15 POHA), in section 2(1) —

(*a*) before the definition of "author", insert —

" "administrator", in relation to an online location, means an individual or entity who —

(*a*) develops and maintains the online location;

20 (*b*) organises, manages or supervises the use of the online location;

(*c*) manages or regulates membership of, or access to, the online location; or

(*d*) has the authority to decide whether any
25 communication or material may be included on or excluded from the online location, or where to place the communication or material on the online location, or otherwise exercise editorial control over the online location,

30 but does not include —

(*e*) an internet intermediary;

(*f*) the provider of a service which gives the public access to the internet;

(*g*) the provider of a computing resource service; and

(*h*) the provider of a telecommunication service;";

(*b*) after the definition of "computing resource service", insert —

" "correction (administrator) order" means an order made under section 15CB;";

(*c*) after the definition of "interim disabling order", insert —

" "interim notification (administrator) order" means an order made under section 16BAA;";

(*d*) after the definition of "interim notification order", insert —

" "interim stop publication (administrator) order" means an order made under section 16AB;";

(*e*) after the definition of "offending communication", insert —

" "online activity" means any activity conducted by means of the internet;";

(*f*) replace the definition of "online location" with —

" "online location" means any internet domain, website, webpage, chatroom, chat group, channel, group, forum, social media account page or any other location, that can be accessed by means of the internet;"; and

(*g*) after the definition of "statement", insert —

" "stop publication (administrator) order" means an order made under section 15CA;".

Amendment of section 3

2. In the POHA, in section 3 —

(*a*) replace the section heading with —

"**Intentionally causing harassment, alarm, distress or humiliation**";

(*b*) replace subsection (1) with —

"(1) An individual or entity must not, with intent to cause harassment, alarm, distress or humiliation to another person (called in this section the target person), by any means —

(*a*) use any threatening, abusive, insulting, sexual or indecent words or behaviour;

(*b*) make any threatening, abusive, insulting, sexual or indecent communication; or

(*c*) publish any identity information of the target person or a related person of the target person,

and as a result causing the target person or any other person (each called in this section the victim) harassment, alarm, distress or humiliation."; and

(*c*) after illustration (*d*), insert —

"(*e*) *X* is a photo-journalist who documents indigenous tribes. *X* takes a photograph of a group of naked tribes people preparing a meal and posts it on a news website as part of a feature on the tribe. *X*'s post is not sexual or indecent.".

Amendment of section 4

3. In the POHA, in section 4 —

(*a*) replace the section heading with —

"**Harassment, alarm, distress or humiliation**";

(*b*) replace subsection (1) with —

"(1) An individual or entity must not by any means —

(*a*) use any threatening, abusive, insulting, sexual or indecent words or behaviour;

(*b*) make any threatening, abusive, insulting, sexual or indecent communication,

which is heard, seen or otherwise perceived by any person (called in this section the victim) likely to be caused harassment, alarm, distress or humiliation.

(1A) An individual or entity does not contravene subsection (1) where the sexual or indecent words or behaviour, or the sexual or indecent communication (as the case may be), has a legitimate purpose related to science, medicine, education or art.

Explanation.— Sexual or indecent words or behaviour, or sexual or indecent communication, has a legitimate purpose related to art which a reasonable person would regard as art."; and

(*c*) after illustration (*c*), insert —

"(*d*) *X*, the supervisor of a counselling service provider, circulates training material with case studies of sexually harassing online posts in an internal messaging group for counsellors. *X*'s communication has a legitimate purpose related to education.

(*e*) *X* posts sex-education graphics in a messaging group with *X*'s colleagues. The material is unrelated to the group's work, and *X* continues despite requests from *X*'s colleagues to stop because they find it harassing. *X*'s posts do not have a legitimate purpose related to science, medicine, education or art.".

Amendment of section 6

4. In the POHA, in section 6(1)(*a*) and (*b*), replace "indecent, threatening, abusive or insulting" with "threatening, abusive, insulting, sexual or indecent".

Amendment of section 7

5. In the POHA, in section 7 —

(*a*) in subsections (2)(*b*) and (*c*)(i) and (ii), (4) and (5), replace "alarm or distress" with "alarm, distress or humiliation";

(*b*) in subsection (3), after paragraph (*c*), insert —

"(*ca*) engaging in online activity in any online location (whether public or private) which is visited by the victim or a related person;

(*cb*) making a presence felt to the victim or a related person in any online location (whether public or private);"; and

(*c*) after illustration (*c*), insert —

"(*d*) *Y* repeatedly posts emojis or symbols on *X*'s social media account page even though *X* has asked *Y* on multiple occasions to stop interacting with *X*.

(*e*) *Y* sends messages to the social media accounts of many family members and friends of *X*, with disparaging comments about *X*.

(*f*) *X* has blocked *Y* on a social media service and told *Y* to stop associating with *X*. Despite this, *Y* joins every online community that *X* is part of across multiple social media services, and persistently makes *Y*'s presence felt to *X* by engaging in online

activity in these communities, even though *X* cannot communicate with *Y* directly.

This act is not an act associated with stalking of *X* by *Y*:

(*g*) *Y* uses *Y*'s social media account to follow *X*'s public social media page and regularly checks for updates, where *X* has not taken steps to stop *Y* from doing so.".

Amendment of section 8A

6. In the POHA, in section 8A(3), in the definition of "harm", in paragraph (*b*), replace "alarm or distress" with "alarm, distress or humiliation".

Amendment of section 8B

7. In the POHA, in section 8B(5)(*b*), replace "alarm or distress" with "alarm, distress or humiliation".

New section 11A

8. In the POHA, after section 11, insert —

"**Enhanced damages for statutory tort under section 11**

11A.—(1) In any civil proceedings for a statutory tort under section 11 against any individual or entity alleged to have contravened section 3, 4, 5 or 7 in respect of the victim (called in this section the respondent), where the conduct that is the subject of the claim comprises wholly or partly of any online activity, the court may, if it thinks just and equitable in the circumstances to do so, award enhanced damages attributable to the online activity to the victim where —

(*a*) the victim made a reasonable written request to the respondent the effect of which is to ask the respondent to address the online activity that is the subject of the claim; and

(*b*) the respondent failed, without reasonable excuse, to address the online activity within a reasonable time.

(2) The award of enhanced damages that a court may award under subsection (1) —

(*a*) is in addition to any general and special damages that may be awarded;

(*b*) is distinct from punitive damages or aggravated damages, and the principles governing the award of those damages need not apply to an award of enhanced damages; and

(*c*) may in the court's discretion be awarded in addition to or in lieu of any punitive or aggravated damages.

(3) The Minister may make regulations —

(*a*) to prescribe the maximum limits of enhanced damages that a court may award under subsection (1); and

(*b*) to clarify the application of the Limitation Act 1959 to an action for a claim for enhanced damages under this Act including prescribing a period of limitation for that action.".

Amendment of section 12

9. In the POHA, in section 12 —

(*a*) in subsection (2B)(*b*), delete "substantially";

(*b*) in subsection (2E), delete "substantially" wherever it appears;

(*c*) after subsection (2F), insert —

"(2G) Where a court is satisfied on the balance of probabilities that —

(*a*) the respondent's contravention involves an offending communication; and

(*b*) the respondent or a third party has published, or is likely to publish or continue to publish, the offending communication on an online location,

the court may also, if it is just and equitable in the circumstances to do so, make a protection order requiring the administrator concerned to stop the offending communication or any identical copy of the offending communication from being published in Singapore at the online location within a specified time.";

(*d*) in subsection (3), replace "(2E) or (2F)" with "(2E), (2F) or (2G)";

(*e*) in subsection (9), replace "alarm or distress" with "alarm, distress or humiliation";

(*f*) in subsection (9), replace "alarmed or distressed" with "alarmed, distressed or humiliated"; and

(*g*) after subsection (10), insert —

"(11) To avoid doubt, in this section, a communication that is similar to the offending communication includes a communication that is identical to the offending communication.".

Amendment of section 13

10. In the POHA, in section 13 —

(*a*) in subsection (1B)(*a*)(ii), delete "substantially";

(*b*) after subsection (1C), insert —

"(1D) A court may, on an application for a protection order under section 12(2G), make an expedited protection order against an administrator providing any thing that may be provided in a protection order under section 12(2G), if the court is satisfied that —

(*a*) there is prima facie evidence that —

(i) the respondent's alleged contravention involves an offending communication; and

(ii) the publication of the offending communication by the respondent or the third party mentioned in section 12(2G) is —

(A) imminent or is likely to continue; and

(B) likely to have a substantial adverse effect on the victim or the victim's day-to-day activities; and

(*b*) it is just and equitable in the circumstances to make the protection order on an expedited basis.";

(*c*) in subsection (2), replace "and (1C)" with ", (1C) and (1D)";

(*d*) in subsection (3A)(*c*), after "third party's communication", insert ", or an administrator to stop the publication of a third party's communication"; and

(*e*) after subsection (5), insert —

"(6) To avoid doubt, in this section, a communication that is similar to the offending communication includes a communication that is identical to the offending communication.".

Amendment of section 15

11. In the POHA, in section 15(1) —

(*a*) in paragraph (*e*), replace the full-stop at the end with a semi-colon; and

(*b*) after paragraph (*e*), insert —

"(*f*) a correction (administrator) order;

(*g*) a stop publication (administrator) order.".

Amendment of section 15A

12. In the POHA, in section 15A —

(*a*) in subsection (3), delete "substantially"; and

(*b*) after subsection (4), insert —

"(5) To avoid doubt, in this section, a statement that is similar to the relevant statement includes a statement that is identical to the relevant statement.".

Amendment of section 15B

13. In the POHA, in section 15B, after subsection (5), insert —

"(6) To avoid doubt, in this section, a statement that is substantially similar to the relevant statement includes a statement that is identical to the relevant statement.".

Amendment of section 15C

14. In the POHA, in section 15C, after subsection (3), insert —

"(4) In this section, "specified" means specified in the disabling order.".

New sections 15CA and 15CB

15. In the POHA, after section 15C, insert —

"**Stop publication (administrator) order**

15CA.—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section the relevant statement), make a stop publication (administrator) order against an administrator of an online location (called in this section the respondent) if —

(*a*) the court is satisfied on the balance of probabilities that —

(i) any material consisting of or containing the relevant statement has been or is being published on the online location; and

(ii) the relevant statement is a false statement of fact; and

(*b*) it is just and equitable in the circumstances to make the stop publication (administrator) order.

(2) A stop publication (administrator) order may require the respondent to stop, within a specified time, the publication in Singapore of any specified material on the online location administered by the respondent that consists of or contains the relevant statement, or any similar copy of the specified material.

(3) In this section, "specified" means specified in the stop publication (administrator) order.

(4) To avoid doubt, in this section, material that is similar to the specified material includes material that is identical to the specified material.

Correction (administrator) order

15CB.—(1) A court may, on an application by the subject of an alleged false statement of fact (called in this section the relevant statement), make a correction (administrator) order against an administrator of an online location (called in this section the respondent) if —

(*a*) the court is satisfied on the balance of probabilities that —

(i) any material consisting of or containing the relevant statement has been or is being published on the online location; and

(ii) the relevant statement is a false statement of fact; and

(*b*) it is just and equitable in the circumstances to make the correction (administrator) order.

(2) A correction (administrator) order may require the respondent to publish in Singapore a correction (administrator) notice, within a specified time —

(*a*) to any specified person or description of persons; and

(*b*) in a specified form and manner, which may include publication at a specified online location, or in specified proximity to every copy of the specified material published on the online location administered by the respondent that consists of or contains the relevant statement.

(3) A correction (administrator) notice must contain all or any of the following as may be specified in the correction (administrator) order:

(*a*) a statement, in such terms as may be specified, that the court has determined the specified material consists of or contains a false statement of fact;

(*b*) a statement, in such terms as may be specified, correcting the false statement of fact, or a reference to a specified location where the statement may be found.

(4) In this section, "specified" means specified in the correction (administrator) order.".

Amendment of section 15D

16. In the POHA, in section 15D, after subsection (4), insert —

"(5) In this section, "specified" means specified in the targeted correction order.".

Amendment of section 16

17. In the POHA, in section 16(1) —

(*a*) replace "16B and 16BA" with "16AB, 16B, 16BA and 16BAA";

(*b*) replace "or (*d*)" with ", (*d*), (*e*) or (*f*)";

(*c*) in paragraph (*d*), replace the full-stop at the end with a semi-colon; and

(*d*) after paragraph (*d*), insert —

"(*e*) a stop publication (administrator) order — an interim stop publication (administrator) order;

(*f*) a correction (administrator) order — an interim notification (administrator) order.".

New section 16AB

18. In the POHA, after section 16AA, insert —

"**Interim stop publication (administrator) order**

16AB.—(1) A court may make an interim stop publication (administrator) order against the respondent in relation to an application for a stop publication (administrator) order if —

(*a*) the court is satisfied that there is prima facie evidence that —

(i) any material consisting of or containing the relevant statement (called in this section the specified material) has been or is being published on an online location;

(ii) the relevant statement is a false statement of fact; and

(iii) the publication of the specified material on the online location administered by the respondent has caused or is likely to cause the subject harm; and

(*b*) it is just and equitable in the circumstances to make the stop publication (administrator) order on an expedited basis.

(2) Section 15CA(2) and (3) applies to an interim stop publication (administrator) order as it applies to a stop publication (administrator) order.".

Amendment of section 16B

19. In the POHA, in section 16B, after subsection (4), insert —

"(5) To avoid doubt, in this section, a statement that is substantially similar to the relevant statement includes a statement that is identical to the relevant statement.".

Amendment of section 16BA

20. In the POHA, in section 16BA(2)(*a*), replace "false" with "relevant".

New section 16BAA

21. In the POHA, after section 16BA, insert —

"**Interim notification (administrator) order**

16BAA.—(1) A court may make an interim notification (administrator) order against the respondent in relation to an application for a correction (administrator) order if —

(*a*) the court is satisfied that there is prima facie evidence that —

(i) any material consisting of or containing the relevant statement (called in this section the specified material) has been or is being published on an online location;

(ii) the relevant statement is a false statement of fact; and

(iii) the publication of the specified material on the online location administered by the respondent has caused or is likely to cause the subject harm; and

(*b*) it is just and equitable in the circumstances to make the interim notification (administrator) order.

(2) An interim notification (administrator) order may require the respondent to publish in Singapore an interim (administrator) notice, within a specified time —

(*a*) to any specified person or description of persons; and

(*b*) in a specified form and manner, which may include publication at a specified online location, or in specified proximity to every copy of the specified material published on the online location administered by the respondent that consists of or contains the relevant statement.

(3) An interim (administrator) notice must —

(*a*) state that there is a pending application for a correction (administrator) order in respect of the specified material; and

(*b*) be in such form and published in such manner as may be specified in the interim notification (administrator) order.".

Amendment of section 16C

22. In the POHA, in section 16C —

(*a*) in paragraph (*a*)(iii), after "third party's communication,", insert "or an administrator to stop the publication of a third party's communication,"; and

(*b*) in paragraph (*c*), after "a targeted correction order", insert ", a stop publication (administrator) order, a correction (administrator) order".

Amendment of section 17

23. In the POHA, in section 17(3)(*a*), replace "alarm or distress" with "alarm, distress or humiliation".

5 **Amendment of section 19**

24. In the POHA, in section 19(2)(*d*), replace "section 12" with "section 11, 12".

Amendment of section 21

25. In the POHA, in section 21(1), after paragraph (*ba*), insert —

"(*bb*) a protection order made under section 12(2G), or an
10 expedited protection order made under section 13(1D);".

EXPLANATORY STATEMENT

This Bill seeks to improve and promote online safety by —

(*a*) establishing the office of the Commissioner of Online Safety (the Commissioner), which will receive reports of online harmful activities from victims or their representatives and provide timely relief by making directions and orders to address such online harmful activities;

(*b*) creating statutory torts which will set out the duties of various actors, the breach of which will provide a clear legal basis for victims of online harmful activities to hold those responsible for such harms accountable in court and to obtain remedies for the harm they have suffered; and

(*c*) defining various online harmful activities for the purposes of the functions and powers of the Commissioner and the statutory torts.

The Bill is divided into 15 Parts.

The Bill makes amendments to the Defamation Act 1957, the Private Security Industry Act 2007 and the Protection from Harassment Act 2014 to align those Acts with the relevant provisions in the Bill. The Bill also makes related amendments to the Family Justice Act 2014 and the Info-communications Media Development Authority Act 2016.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement. The clause also provides that a commencement notification may specify different dates for different provisions of the Schedule to come into operation.

Clause 2 sets out the purposes of the Bill which are —

(*a*) to provide persons affected by online harmful activity with timely means of redress and statutory rights of action and remedies in court proceedings;

(*b*) to improve and promote online safety for persons;

(*c*) to deter and prevent online harmful activity and mitigate harm caused to persons by such activity; and

(*d*) to promote accountability and responsible and reasonable conduct among participants and stakeholders in the online environment.

Clause 3 is a general interpretation provision. The clause contains definitions of terms used in the Bill. Technical terms such as "access", "account", "app", "app distribution service", "material", "online account", "online activity", "online location", "online material" and "online service" are defined. Terms relating to the notices, directions and orders that may be given under the Bill, such as "order following non-compliance", "Part 5 direction", "relevant account", "relevant online activity", "relevant location", "relevant material" and "relevant service" are also defined. Key persons who can be subject to duties, notices, directions or orders under the Bill are also defined, such as "administrator", "communicator" and "online service provider". The term "online harmful activity" is defined so that its meaning excludes any type of online harmful activity for which the relevant definition in Part 3 has not yet been brought into operation. This is to cater for staged implementation of the Bill.

Clause 4 limits the application of the Bill as regards public agencies. Public agencies cannot avail themselves of the measures and reliefs under the Bill, being unable to make a report to the Commissioner under Part 4 (except on behalf of another person) or to sue under the statutory torts under Parts 10, 11 and 12. Public agencies also cannot be the subject or recipient of any direction or order of the Commissioner under Part 5 or 7 or be liable in any proceedings under the statutory torts under Parts 10, 11 and 12. However, a public agency can make a report under Part 4 on behalf of a person, or assist a person to make such a report. A public agency can also make an application for reconsideration or appeal under Part 7 on behalf of a person, or assist a person to make such an application.

PART 2

ADMINISTRATION OF ACT

Part 2 sets out provisions concerning the administration of the Bill.

Clause 5 provides for the appointment of the Commissioner, Deputy Commissioners of Online Safety and Assistant Commissioners of Online Safety, for the administration of Parts 2 to 9 and to perform the various functions set out in the clause. The Commissioner, Deputy Commissioners and Assistant Commissioners of Online Safety are deemed to be public servants for the purposes of the Penal Code 1871. The Minister may give the Commissioner directions of a general or special character as to the exercise of the Commissioner's powers, discretion and duties, that are not inconsistent with the provisions of the Bill.

Clause 6 provides for the appointment of authorised officers. Authorised officers may be appointed from among public officers or officers or employees of any statutory body, or may be any other individual who has suitable training or expertise to properly exercise the functions and powers delegated to an authorised officer. Every person appointed as an authorised officer is deemed to be a public servant for the purposes of the Penal Code 1871. The Commissioner may delegate his or her functions or powers (with some exceptions) to authorised officers, subject to such conditions or limitations set out in the Bill or specified by the Commissioner. The delegated functions or powers may be generally exercisable by the authorised officer in question or limited to a particular report made under Part 4 or instance of online harmful activity.

Clause 7 provides that the Commissioner may consult with any person that the Commissioner thinks appropriate for the purposes of performing any of the Commissioner's duties and functions.

Clause 8 empowers the Commissioner to issue written advisory guidelines to provide practical guidance or certainty in respect of requirements imposed under Parts 1 to 9, to indicate the manner in which the Commissioner will interpret the provisions of the Bill, and on any other matter about online harmful activity or online safety that the Commissioner considers necessary. Such advisory guidelines do not have any legislative effect.

PART 3

ONLINE HARMFUL ACTIVITIES

Part 3 sets out and defines online harmful activities.

Clause 9 defines "online harassment", taking reference from Part 2 of the Protection from Harassment Act 2014. "Online harassment" is defined as the communication of online material that a reasonable person would conclude is

threatening, abusive, insulting, sexual or indecent, and likely to cause a person (called the victim) harassment, alarm, distress or humiliation.

The inclusion of "sexual or indecent" makes it clear that the communication of such online material can constitute online harassment. The inclusion of "humiliation" makes it clear that humiliation is a form of actionable harm that can be suffered by victims of online harassment, in addition to harassment, alarm or distress.

"Online harassment" does not include the communication of sexual or indecent material that has a legitimate purpose related to science, medicine, education or art. Online material has a legitimate purpose related to art which a reasonable person would regard as art.

The clause makes clear that a person (*X*) can be a victim even if the communication is not directed at *X*, where *X*'s personal relationship with the person targeted means that *X* is likely to be caused harassment, alarm, distress or humiliation from it. For example, the personal relationship could be that of a spouse or parent. The clause also provides that, for the purposes of Parts 4, 5 and 6 only, multiple acts when considered together may amount to online harassment even if each of the individual acts on its own does not. See also the definition of "online harassment" in clause 3.

Clause 10 defines "doxxing", taking reference from Part 2 of the Protection from Harassment Act 2014. "Doxxing" is defined as the publication of any identity information of a person that a reasonable person would conclude was likely to have been intended to cause harassment, alarm, distress or humiliation to that person or any related person (both of whom would be a victim under the clause). That is to say, it is not the impact of the publication on the victim per se, but the objectively inferred intention of the person making the publication that is material. The clause also sets out what "identity information" means, including a person's residential address, telephone number, and any information about the person's family, employment or education.

Clause 11 defines "non-consensual disclosure of private information" to mean the publication of any private information of a person (called the victim) without the victim's consent, where a reasonable person would conclude that the publication was likely to cause the victim harassment, alarm, distress or humiliation. The private information is information about a person that was not widely available to the public at large prior to the publication. Information that is widely available to the public at large would not be regarded as private information. Regulations may clarify the types of information to be considered (or not to be considered) private information. The clause also does not apply to any private information that was obtained by perceiving in public or through publicly available information such as the physical appearance or the conduct or activities of the person. This online harmful activity is not the subject of any statutory tort under Part 10, 11 or 12. To avoid doubt, the clause does not seek to recognise or

codify any common law cause of action for misuse of private information or breach of confidence, nor create a right to privacy.

Clause 12 defines "online stalking", taking reference from Part 2 of the Protection from Harassment Act 2014. "Online stalking" is defined as a course of online conduct engaged in by one person in respect of another person (called the victim) that involves online acts or omissions associated with stalking, and that a reasonable person would conclude is likely to cause the victim harassment, alarm, distress or humiliation. The victim may also be a related person to the person whom the acts or omissions were directed at, so long as a reasonable person would conclude that the course of online conduct would also be likely to cause the victim harassment, alarm, distress or humiliation. Non-exhaustive examples of online acts or omissions associated with stalking are listed. The clause also sets out a list of factors which are relevant in considering whether a reasonable person would conclude a course of online conduct is likely to cause harassment, alarm, distress or humiliation. For example, using a social media account to follow another person's public social media page and to regularly check for updates, without more, would not constitute online stalking.

Clause 13 defines "intimate image abuse" to mean the communication of online material that contains one of the following, without the person's (called the victim) consent, that a reasonable person would conclude is likely to cause the victim harassment, alarm, distress or humiliation:

(*a*) an intimate image or recording of the victim;

(*b*) an offer to sell or distribute an intimate image or recording of the victim;

(*c*) an advertisement of an intimate image or recording of the victim.

The clause defines "intimate image or recording" and what it means to "distribute" an "intimate image or recording", and also provides clarification as to what it means for a person to be doing a private act. The clause clarifies that an intimate image or recording includes an image or a recording that has been altered or generated by any means, both digital and non-digital, such that a reasonable person would believe it depicts the victim.

Clause 14 defines "image-based child abuse" to mean the communication of online material that contains any of the following:

(*a*) a child abuse image or recording of a person (called the victim);

(*b*) an offer to sell or distribute a child abuse image or recording of the victim;

(*c*) an advertisement of a child abuse image or recording of the victim;

(*d*) any material which appears to be designed or communicated in such a way as to lead to any child abuse image or recording of the victim.

Clause 14(1)(*d*) refers to online material such as phrases, keywords, descriptions, hints or hyperlinks which appear designed or communicated in such a way as to lead to any child abuse image or recording of the victim. This includes material that may appear innocuous to some, but which is designed or communicated in a way to enable persons who are interested in such material to locate or access them. This practice is colloquially known as "breadcrumbing".

The clause defines "child abuse image or recording" and also clarifies that "image-based child abuse" does not include the communication of material that has a legitimate purpose related to science, medicine, education or art which does not pose an undue risk of harm to any person below 16 years of age. A material has a legitimate purpose related to art which reasonable persons would regard as art. The clause clarifies that a child abuse image or recording includes an image or a recording that has been altered or generated by any means, both digital and non-digital, such that a reasonable person would believe it depicts a child as a victim of child abuse.

Clause 15 defines "online impersonation" to mean online activity conducted by a person (*X*) in respect of another person (called the victim) that involves *X* pretending to be the victim, without the victim's consent and which would lead a reasonable person to believe that the online activity was conducted by the victim when this was not in fact the case. It is not necessary to show that the impersonation has caused, or is likely to cause, harm such as harassment, alarm, distress or humiliation, as impersonation by its nature carries clear potential to cause harm to the victim. The clause also clarifies that parody, satire or commentary which no reasonable person would believe is made by the victim is not online impersonation.

Clause 16 defines "inauthentic material abuse" to mean the communication of inauthentic material of a person (called the victim) that a reasonable person would conclude is likely to cause the victim harassment, alarm, distress or humiliation because it is false or misleading. "Inauthentic material" means any audio, visual or audiovisual material that has been altered or generated using digital means. It must be a false or misleading depiction, whether express or implied, of the victim's words, actions or conduct, that is realistic enough such that a reasonable person would believe that the victim said such words or did such actions or conduct. This includes material colloquially known as "deepfakes". The victim need not appear in the inauthentic material.

Clause 17 defines "publication of false material" to mean the publication of material that contains or consists of a false statement of fact about a person (called the victim) that a reasonable person would conclude is likely to cause harm to the victim. The harm may include, but is not limited to, reputational harm, emotional distress and financial loss. It must first be ascertained whether the online material contains or consists of a statement of fact which bears a particular meaning on a

reasonable interpretation described in clause 17(2). The statement so ascertained must then be determined to be false.

Clause 18 defines "publication of statement harmful to reputation" to mean the publication of online material that contains or consists of a statement that a reasonable person would conclude is likely to cause a person (called the victim) harm to the victim's reputation and any other additional harm such as emotional distress and financial loss.

Clause 19 defines "online instigation of disproportionate harm" to mean the communication of a statement where certain requirements are met. The first requirement (clause 19(1)(*a*)) is that the statement must tend to instigate the public or a section of the public to act or omit to act in response to an alleged speech or conduct of a victim or an associate of the victim. The second requirement (clause 19(1)(*b*)) is that the act or omission that the statement tends to instigate would increase the risk of the victim suffering harm. The third requirement, where the statement tends to instigate a response to an alleged speech or conduct of the victim (clause 19(1)(*c*)(i)), is that the act or omission or the harm referred to in the second requirement is disproportionate to the wrongfulness (if any) of the alleged speech or conduct, or of any relevant actual speech or conduct, of the victim. Where the statement tends to instigate a response to the alleged speech or conduct of the victim's associate (clause 19(1)(*c*)(ii)), the act or omission or the harm referred to in the second requirement must also be disproportionate to the extent and nature of the association (if any) between the victim and the victim's associate's alleged or actual speech or conduct, as the case may be.

This definition does not apply to Part 10 which contains a similar but different definition of "online instigation of disproportionate harm". In assessing whether the second requirement is met, the Commissioner may have regard to the factors listed in the clause or any other relevant factor.

Clause 19(4) provides for an exception for statements that tend to instigate the public to undertake core political activities, such as calling for others to vote for a candidate in a Presidential or Parliamentary election. The making of such statements will not constitute "online instigation of disproportionate harm".

Clause 20 defines "incitement of enmity" to mean the communication of online material that a reasonable person would conclude incites, or is likely to incite, feelings of enmity, hatred or hostility against any group in Singapore. Clause 20(4) lists the relevant factors to be considered. They are whether the material dehumanises any person or persons, or otherwise portrays them as less than human, the intensity of the feelings of enmity, hatred or hostility that are or are likely to be incited and the tendency of the material to incite any act or omission that is or is likely to constitute a criminal offence. Statements describing or expressing an opinion on the law or government policy, without more, would not constitute incitement of enmity. Neither would statements which merely describe a person's beliefs, such as a statement that the beliefs or practices of a group is

inconsistent with some other set of beliefs or practices. Communication of material does not constitute incitement of enmity solely because one or more persons feels offended by or uncomfortable with the material communicated. The clause also does not apply to private or domestic communication and communication made in circumstances that may reasonably be taken to indicate that the parties to the communication desire it to be perceived only by themselves.

Clause 21 defines "incitement of violence" to mean the communication of online material that a reasonable person would conclude incites or is likely to incite one or more persons to use unlawful force or violence against any group in Singapore.

PART 4

REPORTS

Part 4 relates to reports that may be made to the Commissioner about alleged online harmful activity.

Clause 22 sets out the persons who are eligible to make a report to the Commissioner about any alleged online harmful activity. This includes victims, as defined in the definitions of the respective online harmful activity in Part 3, who are Singapore citizens, permanent residents of Singapore and other persons with a prescribed connection to Singapore. In addition to the victim, the following persons may make a report on behalf of the victim, if that person is —

(*a*) the victim's parent or guardian, where the victim is below 18 years of age;

(*b*) a person (including an entity or a public agency) of such description as may be prescribed in relation to each type or description of online harmful activity; or

(*c*) a person (including an entity or a public agency) whom or which has obtained the written authorisation or written consent of the victim.

The person mentioned in paragraph (*b*) may be allowed to make reports in respect of some online harmful activities but not others. Such a person does not require the written authorisation or written consent of the victim before making a report.

Clause 23 provides that an eligible person under clause 22 may make a report of the alleged online harmful activity to the Commissioner. A person making a report must comply with prescribed requirements which may include preconditions which must be satisfied before the report is made. The report must be made in the form and manner that the Commissioner may determine and be accompanied by any other particulars, statements, information or documents as the Commissioner may require.

Clause 24 provides that, upon receipt of a report under clause 23(1), the Commissioner must assess the report to determine whether or what further action, including any investigation, is appropriate. The Commissioner may seek and receive any information that the Commissioner considers will assist the Commissioner in the conduct of the Commissioner's assessment or investigation. For the purposes of investigating the report, the Commissioner may exercise the Commissioner's powers of investigation in clauses 49 and 51. The Commissioner may suspend, discontinue or refuse to assess a report, or the conduct of an investigation, or the taking of any further action if the Commissioner thinks fit.

Clause 25 provides that the Commissioner may dismiss any report, without any assessment, investigation or further action, if the Commissioner is satisfied that the report is trivial, frivolous or vexatious or not made in good faith.

The Commissioner may refuse to consider any report from a person specified by the Commissioner, or in relation to a specified matter, if the Commissioner has received persistent trivial, frivolous or vexatious reports from the specified person or in relation to the specified matter. Where the Commissioner has made such a decision, the Commissioner may inform the person affected by the decision and the period for which it applies, which must not exceed 3 years after the date of the decision.

Any decision under clause 25 is final and is not subject to reconsideration or appeal under the Bill.

PART 5

POWERS TO GIVE DIRECTIONS AND ORDERS

Part 5 relates to the Commissioner's powers to give directions and orders following non-compliance with directions.

Clause 26 provides that after receiving a report made under Part 4 by or on behalf of a person, the Commissioner may give one or more Part 5 directions if the Commissioner has reason to suspect that online harmful activity was conducted in respect of the person or the group, as the case may be. The clause makes clear that the Commissioner may reach this conclusion solely on the basis of an examination of the report, without having to conduct further investigation. The Commissioner will largely give Part 5 directions in relation to online harmful activity mentioned by the victim in the report, but may also give Part 5 directions in relation to online harmful activity not directly mentioned in the report, if needed. This may occur if the Commissioner comes across such online harmful activity through the Commissioner's investigations in relation to the report.

A Part 5 direction may be given against a person (including an entity) whether or not the person is in Singapore, or is registered or operating in Singapore. A

Part 5 direction may direct a person to do an act or to not do an act, whether in Singapore or outside Singapore.

Only a right-of-reply (user) direction or a right-of-reply (online service) direction may be given in respect of a publication of false material as defined in clause 17, unless the false online material published contains or consists of a false statement of fact that the victim approved, endorsed, promoted, provided a testimonial for or invested in, or is affiliated or associated with, any genuine or purported trade, investment, business, commercial activity, or online location soliciting funding, donations or financial support.

Only a right-of-reply (user) direction or a right-of-reply (online service) direction may be given in respect of a publication of statement harmful to reputation as defined in clause 18.

Clause 27 sets out a list of factors which the Commissioner may take into account in the exercise of discretion as to whether to give a Part 5 direction or the type and scope of the direction to be given.

Clause 28 sets out the Part 5 directions and who each Part 5 direction may be given to.

Clause 29 describes a stop communication direction. The recipient may be a communicator of the relevant material, an administrator of the relevant location at which the relevant material is communicated or an administrator of the relevant location. The direction may require the recipient to remove, to stop storing, posting, providing or transmitting, the relevant material or any material similar to the relevant material, or to suspend, remove, delete or terminate the relevant location, by a specified time, such that the relevant material or the relevant location cannot be accessed by persons in Singapore.

Clause 30 describes a stop communication (class of material) direction. The recipient may be a communicator of any online material in the relevant class of material or an administrator of a relevant location at which any online material in the relevant class of material is communicated. The direction may require the recipient to remove, or to stop storing, posting, providing or transmitting, the relevant class of material, by a specified time, such that the relevant class of material cannot be accessed by persons in Singapore. The relevant class of material must be identified in the direction by one or more specific identifiers which relate to the online harmful activity concerned. The direction may apply not only to online material already accessible to persons in Singapore when the direction is given, but also to online material in the relevant class of material that is first made accessible to persons in Singapore after the direction is given.

Clause 31 describes a restraining direction. The recipient may be a communicator of the relevant material, a person who conducted the relevant online activity or an administrator of the relevant location. The direction requires

the recipient to refrain, for a specified period or indefinitely, from all or any of the following:

(*a*) communicating any online material similar or identical to the relevant material;

(*b*) conducting any online activity similar or identical to the relevant online activity;

(*c*) developing and maintaining, or otherwise administering an online location in a manner that facilitates or permits the conduct of the relevant online activity at that location.

Clause 32 describes an access disabling direction. The recipient may be an online service provider. The direction requires the recipient to disable access by end-users in Singapore to one or more of the following, by a specified time:

(*a*) any relevant material stored, posted, provided or transmitted on or through the relevant service;

(*b*) any relevant location on the relevant service.

If the recipient is a prescribed online service provider, it may also be required to disable access by end-users in Singapore to identical copies of the relevant material stored, posted, provided or transmitted on or through the relevant service. Where the direction to a prescribed online service provider imposes a requirement to disable access to a relevant location, the direction may also —

(*a*) specify relevant material that is or was accessible at that relevant location; and

(*b*) require the recipient to disable access by end-users in Singapore to other locations on the relevant service at which the recipient knows or ought reasonably to know online material identical to the relevant material can be accessed. This requirement may only be imposed for a specified period not exceeding 2 years after the date the direction is given.

Clause 33 describes an access disabling (class of material) direction. The recipient may be a prescribed online service provider. This direction requires the recipient to disable access by end-users in Singapore to any relevant class of material stored, posted, provided or transmitted on or through the relevant service. The relevant class of material must be identified in the direction by one or more specific identifiers which relate to the online harmful activity concerned. The direction may apply not only to online material already accessible to persons in Singapore when the direction is given, but also to online material in the relevant class of material that is first made accessible to end-users in Singapore after the direction is given.

Clause 34 describes a right-of-reply (user) direction. The recipient may be a communicator of the relevant material or an administrator of the relevant location. The direction may only be given in respect of a publication of false online material, a publication of statement harmful to reputation and an online instigation of disproportionate harm. The direction requires the recipient to communicate in Singapore a reply notice to a specified person or description of persons, in a specified form and manner, and within a specified time. Where the direction requires the reply notice to be placed in specified proximity to every copy of material substantially similar to the relevant material, the direction may apply not only to online material (substantially similar to the relevant material) already accessible to persons in Singapore when the direction is given, but also to online material that is first made accessible to persons in Singapore after the direction is given. Material that is substantially similar to the relevant material includes material that is identical to the relevant material.

Clause 35 describes a right-of-reply (online service) direction. The recipient may be an online service provider. The direction may only be given in respect of a publication of false online material, a publication of statement harmful to reputation and an online instigation of disproportionate harm. The direction requires the recipient to communicate a reply notice, by means of the online service provided by the recipient, to all end-users in Singapore who access the relevant material provided on or through the online service from any specified time. If the recipient is a prescribed online service provider, it may be required to carry out the following additional acts:

(*a*) communicate the reply notice by means of its online service to all end-users in Singapore who access identical copies of the relevant material by means of that online service from a specified time;

(*b*) communicate the reply notice by any means and by a specified time to all end-users in Singapore that it knows had accessed the relevant material or identical copies of the relevant material (or both) by means of that online service at any time before the specified time mentioned in clause 35(1).

Clause 36 requires reply notices communicated by online service providers pursuant to a right-of-reply (online service) direction to be easily perceived and defines what is meant by "easily perceived". A reply notice is taken to be easily perceived if the notice is published in accordance with measures prescribed by regulations. If the Commissioner is of the view that the reply notice is not easily perceived, the Commissioner may require, by written notice, the person to whom the direction is given, to remedy the non-compliance within a specified time.

Clause 37 describes a labelling direction. The recipient may be an administrator of the relevant location. The direction requires the recipient to publish a label at the relevant location, in the form and manner specified in the direction, for a specified period not exceeding 18 months. "Label" means a notice

in the terms specified in the direction, that the recipient has been subject to one or more Part 5 directions, or that online harmful activity that was the subject of one or more Part 5 directions had occurred at the relevant location. This does not apply to Part 5 directions which have been cancelled, revoked or substituted.

Clause 38 describes an account restriction (administrator) direction. The recipient may be an administrator of the relevant location. The direction requires the recipient to disallow or restrict, by a specified time, a relevant Singapore account from accessing the relevant location for a specified period or indefinitely. The direction may also require the recipient to disallow or restrict access to the relevant location, for a specified period or indefinitely, by any account which the recipient knows or ought reasonably to know was created by the owner of the relevant Singapore account after the direction had been given. This requirement may only be imposed for a specified period not exceeding 2 years after the date the direction is given. A "Singapore account" is defined in clause 3 to mean one in which the owner of the account is a citizen or permanent resident of Singapore, an entity formed, constituted or registered in Singapore, or an individual physically present in Singapore.

Clause 39 describes an account restriction (online service) direction. The recipient may be an online service provider. The direction requires the recipient to do one or more of the following by a specified time:

(*a*) disallow or restrict interaction between any relevant account on the relevant service and end-users in Singapore for a specified period or indefinitely;

(*b*) disable any relevant Singapore account on the relevant online service for a specified period or indefinitely.

If the recipient is a prescribed online service provider, the direction may also require the recipient to do one or more of the following, for a specified period not exceeding 2 years after the date the direction is given:

(*a*) disallow or restrict interaction, for a specified period or indefinitely, between end-users in Singapore and any account that the recipient knows or ought reasonably to know was created by the owner of the relevant account after the direction had been given;

(*b*) disable any Singapore account, for a specified period or indefinitely, that the recipient knows or ought reasonably to know was created by the owner of the relevant Singapore account after the direction had been given.

Clause 40 describes an engagement reduction direction. The recipient may be a prescribed online service provider. The direction requires the recipient to reduce the engagement of end-users in Singapore with the relevant class of material that is stored, posted, provided or transmitted on or through the relevant service, for a

specified period not exceeding 3 months. For example, the recipient may be required to warn end-users against communicating material in the relevant class of material, or delay the transmission of material in the relevant class of material to end-users. The relevant class of material must be identified in the direction by one or more specific identifiers which relate to the online harmful activity concerned. The direction may apply to online material that is first made accessible to end-users in Singapore, before, on or after the date the direction is given. The direction must also, so far as is reasonably practicable, specify the measures which the recipient is to take to reduce engagement, in a way that is sufficient to enable the recipient to comply with the direction.

Clause 41 relates to other matters relating to Part 5 directions. A Part 5 direction may be given to a person either individually or as a class. It is not necessary to give any person who may be affected by a Part 5 direction an opportunity to be heard before the direction is given. The clause also sets out what a Part 5 direction must contain, and what a Part 5 direction may require the recipient to do, including to give written notice to the Commissioner when the recipient has complied with the direction. A recipient of a Part 5 direction must comply with the direction until the expiry date and time (if any) stated in the direction is reached, or until the direction is cancelled, revoked or substituted, whichever occurs earlier.

Clause 42 provides that the Commissioner may cancel, vary or substitute a Part 5 direction on his or her own initiative at any time. Where a Part 5 direction is cancelled, written notice must be given to every person who has been given that Part 5 direction.

Division 4 contains the provisions that apply to orders following non-compliance with Part 5 directions.

Clause 43 provides that an order following non-compliance may be given if the recipient of a Part 5 direction (unless the direction is a right-of-reply (user) direction or a right-of-reply (online service) direction) has not complied with a requirement of the Part 5 direction. Like directions, an order following non-compliance may be given to a person (including an entity) whether or not the person is in Singapore, or is registered or operating in Singapore. Also like directions, an order following non-compliance may direct a person to do an act or to not do an act, whether in Singapore or outside Singapore.

Clause 44 describes an access blocking order. The order requires an internet access service provider to disable access by end-users in Singapore to the relevant location by means of that internet access service, by a specified time. The relevant location must be —

(*a*) an online location of an administrator who did not comply with a Part 5 direction in respect of that online location, any online material

accessible at that online location or any online activity conducted at that online location; or

(*b*) an online location at which an online service of an online service provider can be accessed, where the online service provider did not comply with a Part 5 direction in respect of that online service, any online account, app, online material or online location accessible on or through that online service, or any online activity conducted on or through that online service.

Clause 45 describes an app removal order. The order requires a provider of an app distribution service to stop distributing the relevant app to persons in Singapore and stop enabling persons in Singapore to download the relevant app by means of that service, by a specified time. The relevant app must be an app used exclusively to access the online service provided by an online service provider which did not comply with a Part 5 direction in respect of that online service, any online account, online material or online location accessible on or through that online service, or any online activity conducted on or through that online service.

Clause 46 relates to matters relating to orders following non-compliance. It is not necessary to give any person who may be affected by an order following non-compliance an opportunity to be heard before the order is given. The clause also sets out what an order following non-compliance must contain and what an order following non-compliance may require the recipient to do, including to give written notice to the Commissioner when the recipient has complied with the order. A recipient of an order following non-compliance must comply with the order until the expiry date and time (if any) stated in the order is reached, or until the order is cancelled, revoked or substituted, whichever occurs earlier.

Clause 47 provides that the Commissioner may cancel, vary or substitute an order following non-compliance on his or her own initiative at any time. Where an order following non-compliance is cancelled, written notice must be given to every person who has been given that order.

PART 6

INFORMATION AND END-USER IDENTITY MATTERS

Part 6 relates to the Commissioner's powers to obtain information for the purposes of discharging his or her functions. This can include the identity information of end-users.

Clause 48 provides that the Commissioner may give written notice to an online service provider to retain all relevant records relating to any alleged online harmful activity that is the subject of a report, or any end-user who is the subject of a notice under clause 52, for one year after the date of notice or any longer specified period. Failure to comply with a written notice is an offence.

Clause 49 confers power on the Commissioner to require by written notice any person to provide, in the form and manner and within the time specified in the notice, any information or document relating to any matter that the Commissioner may require for the purposes of the Bill, as is within that person's knowledge, in that person's custody or under that person's control. Clause 49(2) sets out what these purposes of the Bill are. The power conferred in this clause allows the Commissioner to require, amongst other things, the recipient to provide any information or document about the identity of an end-user or their contact details. Failure to comply with a written notice without reasonable excuse is an offence.

Clause 50 clarifies that the written notice under clause 49 may be given to a person (including an entity) whether or not in Singapore, or whether or not registered in or operating in Singapore.

Clause 51 empowers the Commissioner to do all or any of the following, for the purposes of investigating any report made under Part 4 or any suspected offence under the Bill:

(*a*) issue a written order requiring anyone within the limits of Singapore, who appears to be acquainted with any of the facts and circumstances of matters under the Bill, to attend before him or her, and that person must attend as required;

(*b*) examine orally any person who appears to be acquainted with the facts and circumstances of matters under the Bill.

Failure to attend as required by an order under clause 51(1) is an offence.

Clause 52 provides that where the Commissioner reasonably suspects that an end-user has engaged in online harmful activity by means of a prescribed online service provider's online service, the Commissioner may, by written notice, require the provider to take reasonable steps to obtain specified information of that end-user that may identify or lead to the identification of that end-user. The specified information must be collected and provided to the Commissioner within a specified time. It does not matter if the end-user is outside Singapore. Reasonable steps may include requiring the end-user to provide the specified information in order to continue using some or all of the functions of the online service. The clause empowers the Minister to prescribe steps or measures that if taken, would constitute reasonable steps. The provider may also be required to inform the Commissioner of all the steps taken to obtain the specified information. Failure to comply with a written notice mentioned in clause 52(1) is an offence.

Clause 53 provides that upon receipt of an application by persons specified in clause 53(2) (called the applicant), the Commissioner may disclose to the applicant any identity information or contact details of an end-user. The Commissioner may make this disclosure only if the Commissioner is satisfied that the identity information or contact details relates to an end-user whom the Commissioner reasonably suspects has engaged in online harmful activity in

relation to the applicant, that the disclosure is for a prescribed purpose, and that the application complies with the requirements in clause 53(3)(*c*). The Commissioner may impose conditions on the applicant in relation to any information disclosed, including restraining the applicant from using the disclosed information for any unapproved purpose. Failure to comply with any condition imposed is an offence. The use of the disclosed information remains subject to other prohibitions by law, including the prohibition against using the information to engage in doxxing of the end-user.

Clause 54 makes it an offence for certain specified persons to disclose information that would not otherwise be available to him or her to any other person except in the circumstances listed in clause 54(1).

Clause 55 provides that despite anything in the Bill, the Commissioner may disclose, or authorise any specified person, to disclose information in certain circumstances. The Commissioner may also disclose and publish information in an anonymised form relating to any report, the action taken by the Commissioner and the outcome of the action, for the purposes of public education and awareness.

PART 7

RECONSIDERATION AND APPEALS

Part 7 relates to applications for reconsideration of decisions of the Commissioner, and appeals against decisions made on reconsideration. This Part does not limit the Commissioner's ability, under clause 42 or 47, to cancel, vary or substitute a Part 5 direction or order following non-compliance on his or her own initiative.

Clause 56 sets out the persons who are eligible to apply for reconsideration of the Commissioner's decision in relation to a report made under Part 4.

Clause 57 sets out the persons who are eligible to apply for reconsideration of the Commissioner's decision in relation to an order following non-compliance.

Clause 58 sets out the procedure by which an eligible person can apply for reconsideration of a decision, direction, or order following non-compliance made under Part 5 (called the initial decision, direction or order). The application for reconsideration does not suspend the effect of the decision, direction or order to which the reconsideration application relates, unless the Commissioner decides otherwise in any particular case.

Clause 59 provides for what the Commissioner must do on receiving an application for reconsideration, within a reasonable time.

In making a decision under clause 59, the Commissioner may take into account any information or event that arises before or after the date of the making of the initial decision, direction or order being reconsidered, whether or not the matter

was included as part of the applicant's reasons for requesting reconsideration. After an applicant has been informed of the result of the application for reconsideration, the applicant may not apply for a further reconsideration of that result. The Commissioner may dismiss any application for reconsideration without reconsidering the initial decision, direction or order sought to be reconsidered, if the Commissioner is satisfied that the application is not made in accordance with any requirement, or is trivial, frivolous or vexatious or not made in good faith.

Clause 60 establishes an Online Safety Appeal Panel, and provides for the appointment of the Chairperson and members of the Appeal Panel. The Chairperson may constitute an Online Safety Appeal Committee comprising 3 or more members of the Panel for the purpose of determining any appeal.

Clause 61 sets out the persons who are eligible to appeal to the Chairperson of the Appeal Panel against the Commissioner's reconsidered decision in relation to a report made under Part 4.

Clause 62 sets out the persons who are eligible to appeal to the Chairperson of the Appeal Panel against the Commissioner's reconsidered decision in relation to an order following non-compliance.

Clause 63 sets out the procedure by which an eligible person can appeal against the result of the Commissioner's reconsidered decision. The making of an appeal does not suspend the effect of the decision, direction or order to which the appeal relates, unless the Chairperson of the Appeal Panel decides otherwise in any particular case.

Clause 64 provides that for the purpose of hearing any appeal, the Chairperson of the Appeal Panel is to constitute an Appeal Committee to determine the appeal, unless the Chairperson determines that the appeal is not made in accordance with any requirement, or is trivial, frivolous or vexatious or not made in good faith. Clause 64(2) lists out what the Appeal Committee may do when determining an appeal. An Appeal Committee must not give or vary any order following non-compliance. After determining the appeal, the Appeal Committee must document in writing its reasons for its decision, and inform the Commissioner and the appellant of its decision. In making a decision, the Appeal Committee may take into account any information or event that arises before or after the date of the making of the reconsidered decision being appealed against, whether or not the matter was included as part of the appellant's reasons for appeal. In deciding an appeal, the Appeal Committee may consider any information or documents provided or produced or obtained by the Commissioner pursuant to investigations conducted pursuant to the Committee's request. An Appeal Committee may immediately dismiss any appeal which it determines to be not made in accordance with any requirement, or is trivial, frivolous or vexatious or not made in good faith.

Clause 65 sets out the powers of an Appeal Committee. In particular, the Appeal Committee may request any person to provide and produce information or documents as the Committee considers relevant for the purposes of the proceedings, and request the Commissioner to seek and receive any information under clause 24(2) or exercise any powers under clause 49 or 51 on any matter the Committee considers relevant for the purpose of the proceedings.

Clause 66 provides that members of the Appeal Committee may receive remuneration and allowances as determined by the Minister.

Clause 67 provides that no appeal proceeding before an Appeal Committee, and no act of the Chairperson of the Appeal Panel or any Appeal Committee member is to be nullified only because of any vacancy in, or defect in the constitution of the Appeal Committee, or any defect in the appointment of the Chairperson of the Appeal Panel, or any Appeal Committee member. An appeal proceeding may be conducted in an asynchronous manner by exchange of written correspondence (including by means of electronic mail) with the parties.

PART 8

OFFENCES AND ENFORCEMENT

Part 8 contains provisions on offences and enforcement.

Clause 68 empowers the Commissioner to serve a prescribed notice to attend court on a person whom the Commissioner has reasonable grounds for believing has committed an offence under this Part.

Clause 69 creates offences for providing false or misleading information to the Commissioner, a Deputy Commissioner or an Assistant Commissioner, an authorised officer, the Appeal Committee, the Appeal Panel, or any person acting under their direction. It is also an offence to intentionally alter, suppress or destroy any document which a person has been required by these persons to provide.

Clause 70 provides that if the Commissioner is satisfied the recipient of a Part 5 direction or an order following non-compliance fails to comply with the respective direction or order, the Commissioner may publish a statement to that effect on the Commissioner's official website. The Commissioner may remove the statement from the official website if the recipient has complied with the relevant direction or order. Such statements are protected by absolute privilege.

Clause 71 creates offences for non-compliance with Part 5 directions without reasonable excuse.

Clause 72 creates offences for non-compliance with access blocking orders and app removal orders without reasonable excuse.

Clause 73 provides that certain duties that prevent or restrict a person from complying with a requirement of the relevant direction or order following non-compliance are not defences to an offence under clause 69, 71 or 72. An application for reconsideration of or appeal against the relevant direction or order following non-compliance is also not a defence to an offence under those clauses. It is a defence to a charge for an offence under Part 6 or this Part if the accused proves, on a balance of probabilities, that it was not reasonably practicable to do more than what was in fact done to comply, or there was no better practicable means than what was in fact used.

Clauses 74 and 75 are standard provisions regarding the liability of officers of corporations, unincorporated associations and partnerships which have committed an offence under the Bill. An officer will not be liable for certain offences committed by the officer's corporation, unincorporated association or partnership. Examples of these offences are offences of non-compliance with Part 5 directions under clause 71, offences of non-compliance with access blocking orders and app removal orders under clause 72, and offences of non-compliance with a written notice that requires the provider to take reasonable steps to obtain specified information of an end-user under clause 52.

Clause 76 empowers the Commissioner to specify, generally or in a particular case, any remedial action for persons who have failed to comply with any requirement of a direction given under Part 5. The Commissioner may also determine that person's suitability for a remedial action and certify whether that person has satisfactorily completed a remedial action. In deciding whether to institute proceedings against a person for an offence of non-compliance with a Part 5 direction, the Public Prosecutor may consider any remedial action of the person.

Clause 77 empowers the Commissioner or any person authorised in writing by the Commissioner to compound offences that are prescribed as compoundable.

Clause 78 provides for the jurisdiction of the courts to deal with offences under the Bill which are committed outside Singapore, and gives a District Court or a Magistrate's Court jurisdiction to try any offence under the Bill and to impose the full punishment for the offence despite the Criminal Procedure Code 2010.

PART 9

GENERAL AND MISCELLANEOUS

Part 9 contains general and miscellaneous provisions.

Clause 79 empowers the Minister to make regulations to provide for —

(*a*) the manner of service of any notice, direction, order or other document permitted or required to be given under the Bill to be served on a person or class of persons (called a specified document);

(*b*) the circumstances under which and time at which service of a specified document is treated as taking effect; and

(*c*) the exceptions, modifications or adaptations to the application of any provision of or under the Bill if the Commissioner is satisfied that the person to be served did not have adequate notice of the service of a specified document.

An affidavit or oral evidence of the Commissioner or an authorised officer as to the service of any notice, direction, order or other document to be served under the Bill is admissible as prima facie proof of service. "Document" excludes any document to be served in proceedings in court.

Clause 80 confers immunity from civil or criminal liability under any written law or rule of law, breach of confidence or any disciplinary action by a professional body, for anything done or omitted to be done, in good faith and with reasonable care and for the purpose of complying with or giving effect to any Part 5 direction, order following non-compliance, or written notice under clause 49, 51 or 52. The clause also confers immunity on the Commissioner, a Deputy Commissioner or an Assistant Commissioner, an authorised officer, the Secretary to an Appeal Committee or the Appeal Panel or a member of an Appeal Committee or the Appeal Panel or any person acting under their direction, for anything done or intended to be done in good faith and with reasonable care in the execution or purported execution of the Bill. For the purpose of determining whether such person acted in good faith and with reasonable care in respect of anything done or omitted to be done by the person, a court has to consider such matters and circumstances, as may be prescribed by the Minister, which may differ for different classes of persons.

Clause 81 empowers the Minister by order to exempt any online activity or online harmful activity, or class of online activities or online harmful activities, from all or any provision of Parts 1 to 9.

Clause 82 empowers the Minister to make regulations for carrying out or giving effect to Parts 1 to 9, for prescribing fees, and for any matter that is required to be prescribed under those Parts.

PART 10

ONLINE HARMFUL ACTIVITIES — TORTS

Part 10 provides for the statutory right to bring an action in civil proceedings in respect of the various torts of causing online harmful activities. Not all the online harmful activities in Part 3 are the subject of statutory torts under this Part. In particular, Part 10 will not create a statutory tort where the equivalent or a similar statutory tort is found in the Protection from Harassment Act 2014.

Clause 83 provides for the tort of intimate image abuse. A person (*X*) must not make any communication that constitutes intimate image abuse. A victim has a right of action in civil proceedings in a court against *X*. It is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable;

(*b*) that *X* had reasonable grounds to believe that the victim consented to the communication of the intimate image or recording; or

(*c*) that *X* did not know and had no reason to suspect that the material *X* had communicated was an intimate image or recording.

Clause 84 provides for the tort of image-based child abuse. A person (*X*) must not make any communication that constitutes image-based child abuse. A victim, who was below 16 years of age at the time the victim was depicted in the child abuse image or recording in question, has a right of action in civil proceedings in a court against *X*. It is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable; or

(*b*) that *X* did not know and had no reason to suspect that the material communicated was a child abuse image or recording.

Clause 85 provides for the tort of online impersonation. A person (*X*) must not conduct any online activity that constitutes online impersonation if the online activity is likely to cause a victim harassment, alarm, distress or humiliation. A victim has a right of action in civil proceedings in a court against *X*. It is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable; or

(*b*) that *X* had reasonable grounds to believe that the victim consented to the online impersonation.

Unlike clause 15, clause 85 applies only to online impersonation that is likely to cause a victim harassment, alarm, distress or humiliation. It does not extend to impersonation that is unlikely to cause such harm, such as impersonation in a commercial context. Civil remedies for such situations already exist under other causes of action, for example the tort of passing off.

Clause 86 provides for the tort of inauthentic material abuse. A person (*X*) must not make any communication that constitutes inauthentic material abuse by communicating material that *X* knew or had reasonable grounds to believe was inauthentic material of a victim. A victim has a right of action in civil proceedings in a court against *X*. It is a defence for *X* to prove —

(*a*) that *X*'s conduct was reasonable; or

(*b*) that *X* had reasonable grounds to believe that the victim consented to the communication of the inauthentic material.

Clause 87 provides for the tort of online instigation of disproportionate harm. A person (*X*) must not communicate a statement where certain requirements are met. These requirements (in clause 87(1)(*a*), (*b*) and (*c*)) are the same as those in clause 19(1)(*a*), (*b*) and (*c*), except that the second requirement (in clause 87(1)(*b*)) is that the act or omission that the statement tends to instigate would cause harm to the victim.

A victim has a right of action in civil proceedings in a court against *X*. Under clause 87(4)(*c*), it is a defence for *X* to prove that *X* had acted reasonably in the circumstances. In considering this defence, the court may have regard to all or any of the factors listed in clause 87(5). Clause 87(7) provides for exceptions for statements instigating acts of core political activities, such as calling for others to vote for a candidate in a Presidential or Parliamentary election.

Clause 88 provides for the tort of incitement of violence. A person (*X*) must not make any communication that constitutes incitement of violence against any group in Singapore. Each member of the group is a victim and has a right of action in civil proceedings in a court against *X*. It is a defence for *X* to prove that *X*'s conduct was reasonable.

PART 11

ADMINISTRATORS — DUTIES AND TORTS

Part 11 sets out the duties of administrators and torts in relation to certain applicable online harmful activities.

Clause 89 provides that Part 11 only applies to certain "applicable online harmful activities", but not an activity the definition of which has not yet been brought into operation.

Clause 90 prohibits persons from intentionally or knowingly (through developing, etc. an online location) facilitating or permitting an applicable online harmful activity by creating the tort of facilitating or permitting an applicable online harmful activity. A person (*X*) must not develop and maintain, or otherwise administer an online location in a manner that facilitates or permits any applicable online harmful activity to be conducted at that location, intending for any applicable online harmful activity to be conducted or with the knowledge that any applicable online harmful activity is likely to be conducted. A victim of any applicable online harmful activity at the online location has a right of action in civil proceedings in a court against *X*. The clause contains a list of factors that go towards determining whether a person has contravened the prohibition. It is a defence for the respondent to prove that the respondent's conduct was reasonable in the circumstances.

Clause 91 imposes a duty on administrators of online locations to respond reasonably when notified of applicable online harmful activity that has occurred at

the location they administer. It provides for the tort of failing to respond reasonably to an online harm notice. A victim of an applicable online harmful activity may send an administrator of an online location an online harm notice that an applicable online harmful activity in relation to the victim has occurred at that location. Where an administrator (*X*) of an online location is sent an online harm notice, the administrator has a duty to the victim to —

(*a*) take reasonable care to assess whether the applicable online harmful activity identified in the online harm notice has occurred; and

(*b*) if so, take reasonable steps to address that applicable online harmful activity.

An online harm notice must identify the online harmful activity in a way that sufficiently allows the administrator to address that activity, and be sent in such manner and form, and contain such particulars as may be prescribed. The victim has a right of action in civil proceedings in a court against the administrator if the administrator has contravened clause 91(3). The clause contains a list of factors that go towards determining what steps are reasonable for the administrator to take to address the applicable online harmful activity. Clause 91(6) provides for a rebuttable presumption to facilitate proof that the administrator failed to take reasonable steps. It is a defence for the administrator to prove that, through no fault of the administrator, the administrator did not receive the online harm notice.

Clause 92 provides for the tort of sending frivolous or false online harm notices to administrators. An administrator (*X*) has a right of action in civil proceedings in a court against *Z* if *Z* sent an online harm notice to *X* that is frivolous, or if *Z* knew the online harm notice is false in a material way.

PART 12

ONLINE SERVICE PROVIDERS — DUTIES AND TORTS

Part 12 sets out the duties of online service providers and torts in relation to applicable online harmful activities.

Clause 93 provides that Part 12 only applies to certain "applicable online harmful activities", but not an activity the definition of which has not yet been brought into operation.

Clause 94 imposes a duty on online service providers to respond reasonably when notified of an applicable online harmful activity that has occurred by means of their online service. It provides for the tort of failing to respond reasonably to an online harm notice. A victim of an applicable online harmful activity may send an online service provider an online harm notice that an applicable online harmful activity in relation to the victim has occurred by means of the online service. Where an online service provider (*X*) is sent an online harm notice that a relevant

online harmful activity has been conducted by means of the online service, *X* has a duty to —

(*a*) take reasonable care in assessing whether the applicable online harmful activity identified in the notice has occurred; and

(*b*) if so, take reasonable steps to address that applicable online harmful activity.

Where *X* is a prescribed online service provider, *X* must comply with *X*'s duty within the prescribed period of time. Where *X* is not a prescribed online service provider, *X* must comply with *X*'s duty within a reasonable time. If the prescribed service provider fails to take reasonable steps to address the online harmful activity within the prescribed time, it would have contravened its duty, unless it shows that it was not reasonable to take such steps within the prescribed time.

The victim has a right of action in civil proceedings in a court against *X* where *X* has contravened clause 94(3).

The clause sets out a list of factors that go towards determining whether *X* has fulfilled *X*'s duty. There is also a rebuttable presumption to facilitate proof that *X* failed to take the reasonable steps to address the applicable online harmful activity. Where *X* responded to an online harm notice in accordance with any applicable prescribed requirements, *X* is deemed to have fulfilled *X*'s duty. The fact that *X* did not respond to an online harm notice in accordance with the prescribed requirements does not, without more, lead to the conclusion that *X* failed to fulfil *X*'s duty.

It is a defence for *X* to prove that, through no fault of *X*, *X* did not receive the online harm notice.

Clause 95 provides for the tort of sending frivolous or false online harm notices to online service providers. An online service provider (*X*) has a right of action in civil proceedings in a court against *Z* if *Z* sent an online harm notice to *X* that is frivolous or if *Z* knew the online harm notice was false in a material way.

PART 13

DAMAGES AND REMEDIES

Part 13 relates to damages and remedies in relation to statutory torts.

Clause 96 provides that in any proceedings brought under Part 10, 11 or 12, the court may award any damages as the court may, having regard to all the circumstances of the case, think just and equitable. Without limiting the damages that the court may award, the court can make an order or award for —

(*a*) damages for loss of future earnings, and loss of earning capacity, in proceedings brought under torts or online harmful activities specified in regulations; and

(*b*) an account of profits, even if no loss or harm is proved, in proceedings brought under torts or online harmful activities specified in regulations.

This means that such damages can expressly be made available by regulations in relation to one or more torts and one or more types of online harmful activities. The damages that a court may award is subject to maximum and minimum limits that may be specified in regulations. These limits may be specified in relation to one or more torts and in relation to one or more types of online harmful activities.

Clause 97 provides that in any proceedings brought under Part 10, 11 or 12 in relation to the online harmful activity of inciting violence, damages may be awarded to members of the group. These damages are to be allocated and distributed in accordance with procedures that may be prescribed in Rules of Court. Where it is not possible or practical to do so, the court may order that the damages be applied to purposes and activities that will fulfil the objectives of the group or otherwise for its benefit.

Clause 98 allows the court to award enhanced damages to the victim of a tort under clauses 83 to 88 and 90 if the court thinks it just and equitable in the circumstances to do so. These pertain to respondents who have engaged in online harmful activity against the victim, or who have intentionally or knowingly facilitated or permitted such activity at the online location developed and maintained, or otherwise administered by them, and who persist in their conduct despite the victim's request. Enhanced damages may be awarded where the victim made a reasonable written request the effect of which is to ask the respondent to address the online harmful activity, and the respondent failed, without reasonable excuse, to do so within a reasonable time. The award of enhanced damages is in addition to any general and special damages that may be awarded. The award is distinct from punitive or aggravated damages and the principles governing the award of those damages need not apply to an award of enhanced damages. The award of enhanced damages also may, in the court's discretion, be awarded in addition to or in lieu of any punitive or aggravated damages. The Minister may make regulations to prescribe the maximum limits of enhanced damages that a court may award. Regulations may also clarify the application of the Limitation Act 1959 to a claim for enhanced damages.

Clause 99 provides that the court may, in any proceedings brought under Part 10, 11 or 12, grant any relief or remedy against the respondent, that the court may, having regard to the circumstances of the case, think just and equitable. Clause 99(2), (3) and (4) each set out a non-exhaustive list of injunctive reliefs that the court may order in any civil proceedings brought under Part 10, 11 or 12 respectively.

Clause 100 provides for orders for injunctive relief that the court may make against third parties in proceedings brought under Part 10, 11 or 12. These orders may generally be made where it is likely that the offending material in those proceedings will continue to be communicated or any similar material will be likely to be communicated.

PART 14

JURISDICTIONAL, PROCEDURAL AND MISCELLANEOUS MATTERS

Part 14 contains jurisdictional, procedural and miscellaneous provisions.

Clause 101 clarifies that for the purposes of any proceedings for a tort under Part 10, 11 or 12, the tort is to be treated as having taken place in Singapore if any act or omission or any part of an act or omission that is an element of the tort was initiated or occurred in or from Singapore, is perceived by one or more persons in Singapore, or caused damage, loss or harm suffered in Singapore.

Clause 102 provides that the Bill has effect despite any term to the contrary in any contract, agreement or notice, and any term in a contract, agreement or notice is void if and to the extent that —

(*a*) it is inconsistent with Part 11 or 12;

(*b*) it purports to exclude or limit the jurisdiction of the courts of Singapore for a claim made under Part 11 or 12; or

(*c*) it purports to prevent a person from making a claim under Part 11 or 12.

The clause seeks to prevent in the public interest the avoidance or contracting out of liability under Part 11 or 12 or the circumvention or exclusion of the jurisdiction of Singapore courts over claims under Part 11 or 12. The public policy consideration is to allow victims of online harmful activity ready recourse to available remedies in Singapore courts.

The clause does not apply to a provision or a term of a contract, agreement or notice that is fair and reasonable having regard to the circumstances which were, or ought reasonably to have been, known to or in the contemplation of the parties when the contract, agreement or notice was made. The court is to take into consideration the prescribed matters in determining whether a provision or a term of a contract, agreement or notice is fair and reasonable. Section 26(1) of the Electronic Transactions Act 2010 (which relates to the limitation of liability of network service providers) does not apply in relation to any liability under the provisions of Part 12 or 13 in relation to the liability of an online service provider.

Clause 103 empowers the Minister to make regulations for carrying out or giving effect to Parts 10 to 14 and for any matter that is required to be prescribed under those Parts.

Clause 104 empowers the Rules Committee constituted under the Supreme Court of Judicature Act 1969 to make Rules of Court in respect of civil proceedings brought under the Bill, and any matters incidental to or relating to any such procedure and practice.

Clause 105 empowers the Family Justice Rules Committee constituted under the Family Justice Act 2014 to make Family Justice Rules in respect of civil proceedings brought under the Bill that are within the jurisdiction of the Family Justice Courts, and any matters incidental to or relating to any such procedure and practice.

Clause 106 provides that certain Part 10 proceedings may be commenced in the first instance in a Family Court, in which any related family proceedings are pending, with the Family Court's permission. A Family Court may grant permission to do so only if it is just, expeditious and economical for the disposal of such Part 10 proceedings. Clause 106(3) and (4) provide for the transfer of Part 10 proceedings between the Family Court and the District Court or the Magistrate's Court. In general, Part 10 proceedings pending in a Family Court may be transferred to a District Court or Magistrate's Court if there is sufficient reason to do so. A District Court or a Magistrate's Court may transfer certain Part 10 proceedings to a Family Court in which related family proceedings are pending, if it is just, expeditious and economical for the disposal of such proceedings.

PART 15

AMENDMENTS TO OTHER ACTS

Part 15 contains amendments to other Acts.

Clause 107 inserts a new section 18A in the Defamation Act 1957, to provide that the court can award enhanced damages as it thinks just and equitable, having regard to all the circumstances, where the claimant had made a reasonable request that the defendant publish the claimant's reply, but the defendant refused or neglected to do so, or the defendant published the reply in a manner that is not adequate or reasonable having regard to all the circumstances. It is clarified that the award of enhanced damages is in addition to any general and special damages awarded, and is distinct from punitive damages or aggravated damages, and the principles governing the award of those damages need not apply to an award of enhanced damages. The new section allows the Minister to make regulations to prescribe the maximum limit of enhanced damages, and to clarify the application of the Limitation Act 1959 to an action for a claim for enhanced damages under the Defamation Act 1957.

Clause 108 amends section 17C of the Private Security Industry Act 2007 to replace the words "indecent, threatening, abusive or insulting" with the words "threatening, abusive, insulting, sexual or indecent", and to replace the words "alarm or distress" with the words "alarm, distress or humiliation". This aligns the definition of harassment under the Private Security Industry Act 2007 with the amended definitions in the Protection from Harassment Act 2014 (by clause 109).

Clause 109 provides that the Protection from Harassment Act 2014 is amended in the manner set out in the Schedule. Further details of the Schedule are provided below.

Clause 110 makes related amendments to the Family Justice Act 2014 —

(*a*) to replace section 23(2B) to provide that an appeal shall lie to the General Division of the High Court from a decision of a Family Court in proceedings under Part 10 of the Bill only with the permission of that Family Court or the General Division of the High Court; and

(*b*) to replace section 26(6A) to confer on the Family Court the jurisdiction and powers of a District Court to hear civil proceedings in relation to any claim or action under Part 10 of the Bill seeking relief under clause 99 or 100 (excluding proceedings seeking relief under clause 96, 97 or 98).

Clause 111 makes a related amendment to section 5 of the Info-communications Media Development Authority Act 2016 to allow the Info-communications Media Development Authority to establish and administer systems in Singapore for the administration of the Bill and to provide administrative and personnel support to the Commissioner.

THE SCHEDULE

The Schedule contains amendments to the Protection from Harassment Act 2014 (called the POHA) generally to align the POHA with the provisions of the Bill.

Paragraph 1 amends section 2 of the POHA to insert new definitions that are used in the provisions that are inserted by this Schedule. The paragraph also replaces the definition of "online location" in that section.

Paragraph 2 amends section 3 of the POHA to provide that sexual or indecent words, behaviour or communication also constitutes harassment. This recognises that sexual or indecent material also constitutes harassment even if it is not threatening, abusive or insulting. The paragraph also amends section 3 to provide that humiliation is also a type of harm that can be caused by harassment. This recognises that humiliation can be a form of harm that should not be inflicted on victims. A new illustration is added.

Paragraph 3 amends section 4 of the POHA to provide that sexual or indecent words, behaviour or communication also constitutes harassment, and to provide that humiliation is also a type of harm that can be caused by harassment. The paragraph also inserts new subsection (1A) to clarify that there is no contravention of section 4(1) of the POHA where the sexual or indecent words, behaviour or communication, has a legitimate purpose related to science, medicine, education or art.

Paragraph 4 amends section 6 of the POHA to provide that sexual words, behaviour or communication also constitutes harassment.

Paragraph 5 amends section 7 of the POHA to provide that humiliation is also a type of harm that can be caused by stalking. The paragraph also inserts new illustrations of an act or omission which, in particular circumstances, is one associated with stalking.

Paragraphs 6 and 7 amend sections 8A and 8B of the POHA respectively to provide that humiliation is also a type of harm that can be caused by harassment.

Paragraph 8 inserts a new section 11A of the POHA, to allow the court, if it thinks just and equitable in the circumstances, to award enhanced damages attributable to the online activity to the victim of a statutory tort under section 11, where the conduct that is the subject of the claim comprises wholly or partly of any online activity. The court may do so where the victim made a reasonable written request to the respondent the effect of which is to ask the respondent to address the online activity, and the respondent failed, without reasonable excuse, to do so within a reasonable time. The new section mirrors clause 98 of the Bill.

Paragraph 9 amends section 12 of the POHA to, among other things —

(*a*) delete the word "substantially" in section 12(2B) and (2E);

(*b*) insert a new section 12(2G) to allow the court to make a protection order requiring an administrator to stop an offending communication or an identical copy of the offending communication from being published in Singapore at an online location; and

(*c*) insert a new section 12(11) to clarify that a communication that is similar to an offending communication includes an identical communication.

Paragraph 10 amends section 13 of the POHA to, among other things —

(*a*) delete the word "substantially" in section 13(1B);

(*b*) insert a new section 13(1D) to allow the court to make an expedited protection order against an administrator to stop an offending communication or an identical copy of the offending communication from being published in Singapore at an online location; and

(*c*) amend section 13(3A) to provide that an administrator who has been ordered to stop the publication of a third party's communication can apply to the court to vary, suspend or cancel the expedited protection order.

Paragraph 11 inserts new paragraphs (*f*) and (*g*) in section 15(1) of the POHA.

Paragraph 12 amends section 15A of the POHA to delete the word "substantially" in subsection (3) and insert a new subsection (5) to clarify that a statement that is similar to a relevant statement includes an identical statement.

Paragraph 13 inserts a new subsection (6) in section 15B of the POHA, to clarify that a statement that is substantially similar to a relevant statement includes an identical statement.

Paragraph 14 makes a technical amendment to section 15C of the POHA.

Paragraph 15 inserts —

(*a*) a new section 15CA of the POHA to allow the court to make a stop publication (administrator) order against an administrator; and

(*b*) a new section 15CB of the POHA to allow the court to make a correction (administrator) order against an administrator.

Paragraphs 16 and 17 make technical amendments to sections 15D and 16 of the POHA, respectively.

Paragraph 18 inserts a new section 16AB of the POHA to allow the court to make an interim stop publication (administrator) order.

Paragraph 19 makes a similar amendment to section 16B of the POHA as paragraph 13 makes to section 15B.

Paragraph 20 amends section 16BA(2)(*a*) of the POHA for consistency with section 15D(2)(*a*).

Paragraph 21 inserts a new section 16BAA of the POHA to allow the court to make an interim notification (administrator) order.

Paragraph 22 makes consequential amendments to section 16C.

Paragraph 23 makes an amendment to section 17 of the POHA that is related to the amendment to section 3 regarding humiliation.

Paragraph 24 makes a technical amendment to section 19(2)(*d*) of the POHA.

Paragraph 25 amends section 21 of the POHA to empower the Minister to prescribe by order published in the *Gazette* classes of persons against whom orders under sections 12(2G) and 13(1D) cannot be made.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.