Economy

Consultation Response: Online Harms – Content Removal and Online Privacy

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Government of Jersey

Contents

Executive Summary **3**
Background **4**
Consultation engagement **5**
Roundtables and Drop-In Session **5**
Online Consultation **5**
Written Feedback **5**
School Council Network **5**
Publicity **6**
Consultation Feedback **7**
Roundtables and Drop-In Session **7**
School Council Network **7**
Online Survey and Written Responses **7**
Additional feedback received **15**
Next Steps **17**
APPENDIX: Consultation questions **18**

Executive Summary

The Government of Jersey sought the views of Islanders on proposed legislative measures designed to:

1. make it easier for people in Jersey to get illegal content or content which breaches the internet service's own rules removed from social media, websites and search engines; and
2. enhance online privacy by establishing clear guidelines to support the removal of images and videos that depict Islanders and are causing distress.

We received 96 responses via the consultation website or by email. In addition, policy officers engaged with more than 100 people through events, drop-in sessions and round-table discussions and the Schools Council Network.

Respondents demonstrated strong support for the proposed legislative initiatives. More than 80% expressed approval for granting Islanders a statutory right to request the removal of online content that is illegal in Jersey. Likewise, over 75% supported the introduction of online privacy rules. Approval levels for both proposals were higher among participants who are parents compared with those without children.

Respondents also showed clear support for ensuring that any rules introduced are drafted with maximum clarity, especially when it comes to online privacy rules. Supporters noted that formal legal rights against platforms would improve the effectiveness of takedown processes, which are currently perceived as inconsistent, difficult to navigate, and currently dependent on voluntary cooperation from service providers.

The most frequently cited concerns related to the enforceability of the proposed legal provisions. Many respondents questioned whether major internet companies would comply with the requirements of a relatively small jurisdiction or heed directions issued by its authorities. Five or less also raised concerns about the potential financial burden on taxpayers associated with enforcing the new regulatory framework.

These concerns underscore the importance of aligning the proposed legislation as closely as possible with recognised international best practices. Such alignment would help to minimise compliance costs for regulated internet services and enhance enforceability through strengthened international cooperation mechanisms. Nevertheless, 48% indicated that they would prefer internet companies who find new rules too burdensome to withdraw from the market rather than see regulatory standards weakened in favour of service providers.

The development of the proposed legislation, considering the valuable insights gained through the consultation, is intended to be a priority in 2026 subject to the new Council of Ministers continuing such work with States Assembly support.

Background

The Government of Jersey is committed to supporting Islanders to stay safe online. The internet offers many benefits, but it also brings risks.

The "Violence against Women and Girls" task force recommended in its 2023 report (Recommendation 10, page 91) that "*the Government of Jersey should ensure that similar protections to those afforded by the UK Online Safety Bill, in relation to the regulation of online platforms to ensure they are protecting their users, are brought in through other means*."

A key aspect of the UK Online Safety Act 2023 was to place a range of duties on social media companies and search services to make them more responsible for the safety of their users. The new duties included the implementation of systems and processes to reduce the risk that their services being used for illegal activity and a requirement for them to take down illegal content.

The UK Online Safety Act reflects the European Digital Services Act 2022, which also requires platforms to minimise the risks of exposing European citizens to illegal and harmful content and requires platforms to respond to requests of removal of illegal content via an easy-to-use-mechanism directly on the platform.

To ensure Islanders are afforded similar protections when using social media and search services provided to the Island, the consultation sought feedback on proposed new legislation. Obligations would be placed on internet services to tackle illegal content and keep Islanders safe. The proposed legislative measures have two main objectives:

1. to make it easier for people in Jersey to get illegal content or content which breaches the internet service's own rules removed from social media, websites, and search engines, and
2. to enhance online privacy by establishing clear guidelines to support the removal of images and videos that depict Islanders and are causing distress.

Unlike criminal law, which punishes identified offenders, this proposed new law focuses on providing rights of recourse to victims.

The proposed new legislation would require platforms to make available simple and effective complaints handling procedures to ensure that Islanders can request illegal content or content which breaches the internet service's own rules to be removed quickly. The proposals put out for consultation are based on best practices from around the world and take into consideration current legislation in the UK and Europe.

Consultation engagement

The consultation took place from 5 January to 6 March 2026. Feedback was collated at roundtable discussions, public meetings, an open drop-in session in Jersey Public Library, via response to the on-line survey form on the Government of Jersey web page and through written feedback shared directly. The voice of children and young people was also sought, through engagement with the School Council Network.

Roundtables and Drop-In Session

Three roundtable discussions were held to which the Island's internet service providers, youth organisations and members of the public with an identified interest in online harms were invited.

The roundtable for internet providers was attended by a majority of those companies operating on the Island. The roundtable for youth organisations was attended by representatives from the Children's Commissioner for Jersey, CYPES, SPPP and the Jersey Office of the Information Commissioner.

Online Consultation

An online survey form was readily available throughout the consultation period. The full set of questions can be found the Appendix. In total 92 survey responses were received, including partially complete responses.

Written Feedback

For those wishing to provide further written feedback, responses directly emailed to the Department for the Economy were also accepted and reviewed. Four directly emailed responses were received. All of these submissions included a completed questionnaire, identical to the one used in the online consultation. Two of these responses came from individuals, one from an internet service provider and one from the Office of the Information Commissioner.

School Council Network

The School Council Network was established to give children and young people the opportunity to have a voice in policy development and decision making. The Network brings school council representatives together from both primary and secondary schools and meets a number of times during the academic year.

During the consultation period, two briefings were held with the School Council Network on 4 March 2026. Both primary and secondary school council representatives were engaged, reflecting that young people are particularly affected by what happens on social media and in online forums. The internet

plays a more significant role in the lives of young people than in other age groups[1], and at the same time, they are more vulnerable than adults at a critical stage of their personal development.[2]

Publicity

Publicity of the consultation period was supported via various newspaper articles, including a frontpage article on the weekend edition of the of the Island's highest circulation print newspaper on 3 January 2026, newsletter and social media advertising.

A supporting consultation document was publicly available via the gov.je consultation website throughout the consultation and remains publicly available.

[1] https://www.pewresearch.org/short-reads/2019/09/09/us-generations-technology-use/#:~:text=Previous%20Pew%20Research%20Center%20surveys,topline%20results%20and%20methodology%20here.

[2] https://joint-research-centre.ec.europa.eu/jrc-explains/why-are-children-and-adolescents-vulnerable-social-media_en ;

Consultation Feedback

Roundtables and Drop-In Session

The roundtable discussions provided valuable insights into the work and technical routine of internet service providers and youth organisations. The discussions with the Island's telecom providers, youth organisation representatives and engaged members of the public were held under the Chatham House Rule and are therefore the comments and insights shared remain confidential.

School Council Network

Participating School Council representatives, both from primary and secondary school, consistently supported stronger privacy protections and the ability to have unlawful content removed more easily. Understanding the proposed process to report content to be removed was high, with consistent feedback to support that the hardest step of the process would be to initially tell a trusted adult about the illegal online content seen. For secondary school aged representatives, it was clear that multiple reporting steps would be taken – including self-reporting direct to a platform, reporting to a parent or friend or via a trusted adult in a school setting.

The feedback also highlighted who young people turn to when their privacy is violated, mainly teachers or teaching assistants and sports or activity leaders. Only a few responses chose safeguarding leads or school counsellors. This was a valuable insight which indicated that future guidance and policies, to support successful implementation of the legislation will need to be targeted at relevant trusted adults.

Of the children and young people involved in the School Council Network, feedback collated indicated that they feel safer online when they know what is being shared and when they have given permission. Lack of consent, unexpected visibility (for example photos being shared wider than expected) and negative intention of posts was shown to lead to feelings of discomfort, embarrassment or harm. The proposed enhanced privacy protections will address some of these concerns, and the policy intention in this space will continue to be developed with input from children and young people.

Online Survey and Written Responses

Feedback was received through completion of the online survey form as well as responses directly emailed to the Department for the Economy, via the economy@gov.je email address. Feedback from the 92 complete or partial responses and 4 email responses individually submitted were reviewed together. The total feedback received represents a mix of individual and organisational responses.

The responses received from individuals came from across all age groups, with the 35–44 age group being most strongly represented (32.5%). Parents of young people may have shown a particular interest in the subject matter.

Nearly two thirds of all participants reported being parents — 35% indicated they had children under 18 and 29% of adult children. 35% of participants have already had personal experience with online

content that violated their privacy; however, less than half (45%) of those attempted to have such content removed. Government does not hold data on what percentage of Islanders has been impacted by online violations of their privacy already and to which extent this is representative for the population.

Question 1: Do you agree that it is appropriate to give Islanders, by law, the right to request the removal from social media, websites and search engines (internet services) of content that is illegal in Jersey or breaches the internet service's own rules?

Overall, respondents expressed strong support (60%) or support (22%) for giving Islanders a legal right to request the removal of online content that is illegal in Jersey or breaches an internet service's own rules. Many participants agreed that such a measure is necessary to protect individuals from harm, citing experiences of online abuse, sharing private images without consent, manipulated photos or videos, and other upsetting or intrusive content. Several respondents stressed that vulnerable groups—including young people, women, and those subject to targeted harassment—require stronger safeguards. Respondents also highlighted that current takedown processes are inconsistent, difficult to access, and often reliant on voluntary cooperation, and that a legal right would give victims clearer, more effective recourse.

Respondents in favour of the proposal, who make up more than 80%, frequently framed it as a matter of natural justice, privacy, and proportionality to request the removal of content from platforms that host such content, especially if the uploader is unknown. Five or less suggested the proposals should also cover related harms such as health misinformation, hate speech, and the re-uploading of previously removed content.

Seven responses raised concerns about feasibility of enforcement and jurisdiction. The respondents questioned whether such obligations could realistically be enforced against large multinational platforms.

Five or less respondents felt that additional regulation may duplicate existing laws on harassment, data protection, or indecent imagery. If legislation regulating internet services—such as online platforms—is introduced, the Government will need to emphasise that such measures create a right exercised by an individual against the platform itself. By contrast, criminal law is directed at the uploader of unlawful content, aiming to hold that person to account, but it does not, in itself, provide direct remedies or relief for the victim of such uploads.

Other concerns raised were the risk of unintended censorship if platform rules change over time; difficulties in defining what is illegal content; lack of public awareness and concern that internet services might withdraw access from a small jurisdiction.

In summary, while respondents raised some concerns, the consultation revealed broad and strongly expressed support for establishing a clear legal right to request the removal of illegal online content

or content that breached the internet service's own rules, reflecting widespread recognition of the need for more effective protections.

Question 2: Do you agree with the proposed requirements for social media, websites, and search engines (internet services) to set up a clear and easily accessible complaint mechanism for Islanders to request removal of illegal content or content which breaches the internet service's own rules?

A clear majority of respondents expressed strong support (58%) or support (14%) for the proposed requirement that social media platforms, websites and search engines provide accessible and effective complaint mechanisms for Islanders to request the removal of illegal content or material that breaches platform rules. Many respondents emphasised that, although most major platforms already offer some form of reporting tool, these systems are often difficult to locate, inconsistent in their application, or insufficiently responsive. Supporters felt that the proposal would strengthen protections for young people and vulnerable individuals, help reduce the spread of harmful or distressing content, and ensure that Islanders have a straightforward route to request timely intervention when online harms occur.

Respondents welcomed measures that aim to make complaint processes more transparent, quicker to use, and more consistently applied across services provided to Jersey. This would require the level of services offered in line with larger surrounding jurisdictions.

As with the previous question, concerns raised centred around the ability to enforce local requirements against large international companies, and fears that some providers might withdraw services from such a small jurisdiction rather than adapt their systems. Five or less suggested alignment with UK or EU frameworks to support enforcement and consistency.

Recognising these comments, the policy intent remains to align recommendations for Jersey with already established frameworks, for example within the EU or UK.

Question 3: Do you agree with the requirement for these online actors to respond to such removal requests within 48 hours, by either acknowledging the complaint and removing the content in question or informing the user that the content was considered legal and in accordance with the internet service's terms and conditions?

Feedback on the proposed requirement for online service providers to respond to removal requests within 48 hours were mixed.

Whilst 70% of the respondents supported the principle of a 48hour deadline for online service providers to respond to removal requests, several respondents suggested that 24 or even 12 hours may be more appropriate for highly sensitive material such as intimate images, threats, or harassment. Many felt that complainants should receive both prompt acknowledgement and a clear decision, with some noting the value of a standardised process and an escalation route to a Jersey authority for accountability.

However, nine respondents to this question expressed doubts about the practicality and enforceability of the proposal. Many questioned whether large international platforms have the capacity or incentive to process complaints, observing that current response times are often much longer. Concerns were raised about smaller or niche services that may not operate continuous moderation teams, particularly during weekends or holiday periods, and respondents asked for clarity on whether the 48-hour window refers to business or calendar hours.

Further reservations related to the risk of over removal. Five or less respondents feared that to meet deadlines, platforms would resort to automated decisions or default to removing content without proper assessment, potentially undermining freedom of expression or enabling malicious or coordinated reporting. Several noted that distinguishing illegal content from lawful but controversial speech can be complex, and questioned whether platforms possess sufficient legal expertise to make such determinations.

The policy intent remains to pursue a 48-hour deadline as the standard maximum timeframe for content removal. This period is designed to ensure smaller platforms can meet statutory requirements, including during consecutive public holidays, and aligns with common practice in jurisdictions such as the UK[3]. It generally provides sufficient time for services to investigate and assess complaints appropriately. Some larger companies with greater resources voluntarily apply shorter deadlines, including 24-hour turnaround times for certain types of content.[4] It may be worth considering a provision that allows platforms, in particularly complex or difficult-to-assess cases, to extend the deadline—after acknowledging the complaint and providing a clear justification—in order to carry out a thorough investigation.

The policy intent remains to identify a suitable Island-based authority, with which Islanders can seek support and provide a route for escalation of a request should a platform not respond, as explored further in Question 4.

Question 4: Do you agree that, if a platform does not respond favourably to a request for removal of illegal content, Islanders should be given the right to escalate the matter to an authority based in Jersey, such as the Jersey Office of the Information Commissioner, which would be given the authority to formally order platforms to take down content that is considered illegal or content which breaches the internet service's own rules?

Many of the respondents who supported the principle of an escalation route (70%) argued that, without a locally empowered authority to intervene, users have limited options when large platforms refuse or fail to act on content that is clearly illegal. There seems to be a general assumption that regulatory pressure makes it more likely that major technology companies respond timely. They expressed that a Jersey authority could provide accountability, procedural fairness, and provide a timely remedy for victims of image based abuse, harassment or threats.

Five or less respondents felt that the relevant local authority should have the ability to issue binding takedown orders and impose sanctions or fines where necessary.

[3] https://www.gov.uk/government/news/tech-firms-will-have-to-take-down-abusive-images-within-48-hours-under-new-law-to-protect-women-and-girls
[4] https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1135

Confidence was expressed explicitly by five or less respondents that the Jersey Office of the Information Commission (JOIC) could act as such authority, if they had clearly defined powers and were sufficiently resourced and funded to act.

Those who raised concerns usually questioned Jersey's ability to enforce local laws against large multinational companies based overseas, particularly in the United States. Five or less respondents addressed costs, either for companies to comply or the risk of taxpayer expense if government funded bodies were required to pursue noncompliance, especially for frivolous complaints or complainants acting in bad faith. Five or less respondents argued that online harms should remain the responsibility of the courts or police, and warned against expanding JOIC's powers or contributing to excessive internet regulation.

JOIC's submission primarily addressed issues of enforceability and jurisdiction. This includes questions such as whether meaningful enforcement is realistically achievable; what forms of international cooperation would need to be established and what resources would be required to support effective cross-border enforcement. As the policy intention is developed, discussions will continue with JOIC to further explore these concerns.

Overall, there appears to be agreement that legislation will only make a meaningful difference for Islanders if it is overseen by an authority based in Jersey and that authority has sufficient funds and resources to respond and has clearly defined powers and transparent processes.

Question 5: Should the proposed requirement for platforms to provide a clear complaint mechanism for content removal extend to all types of content that is currently illegal under Jersey Law, including the examples listed?

74% of survey respondents agreed that clearly illegal content—including child sexual abuse material (CSAM), sexual exploitation, coercive or abusive material, non-consensual intimate imagery, and illegal sales—should unquestionably fall within the scope of any takedown mechanism. Fewer than five respondents welcomed the proposal as an opportunity to modernise protections, particularly by including deepfakes, AI-generated sexual images, false criminal allegations, and misuse of private medical information, which many felt present emerging and serious risks.

Several respondents suggested to an outright ban of making, or at least publishing, AI generated pictures that seemingly depict a real, identifiable individual. This is currently out of scope of the current proposals.

Several warned that concepts such as "terrorist propaganda," copyright infringement, or reputational harm can be misapplied, and that new privacy rights must be defined narrowly to avoid misuse. These concerns will be taken into consideration as policy is refined and legislation developed.

Question 6: With respect to online privacy and access to digital services, some privacy rules could be so burdensome that an internet service provider may choose to remove the service rather than comply. Thinking about online privacy and access to digital services, which of the following statements best reflects your view on this risk?

26% of respondents strongly prioritise stronger privacy rules, even if some services might be withdrawn and 24% lean toward stronger privacy rules, accepting the risk of some service withdrawal.

25% of respondents seek a balanced approach that avoids service withdrawal while still improving privacy.

10% of respondents lean toward keeping services available, even if privacy protections are more limited, and 15% strongly prioritise keeping services available, even if privacy protections are weaker.

About 25% of the respondents that provided additional input warned that service providers may simply block Jersey users rather than adapt or invest in compliance. Several referenced examples from other jurisdictions—such as the withdrawal of services in response to the UK Online Safety Act when age verification was enforced for specific service providers —to highlight the risk that overly burdensome requirements could reduce Islanders' access to widely used platforms. The Government will be pursuing an approach that seeks to prevent service withdrawal by supporting compliance, drawing on legislative best practices from jurisdictions internationally recognised for driving legislative developments for online privacy.

Two respondents strongly prioritising stronger privacy rules expressed the view that if providers refuse to comply with reasonable privacy safeguards, their departure would be acceptable or even beneficial, citing concerns about addiction, mental-health impacts, and the commodification of personal data.

A number of respondents also emphasised the need to safeguard freedom of expression, especially in areas involving satire, political speech or journalism. The Government acknowledges this and will continue to ensure a balanced approach as policy is refined.

Across responses, the prevailing view seems to be that the protection of an individual's privacy carries such weight that complying with mandatory rules designed to safeguard that privacy is more important than ensuring a broader availability of internet services.

Question 7: To what extent do you support or oppose introducing new privacy rules that would initially apply to situations involving: intimate or sexually explicit images shared without consent; photos taken during vulnerable moments; images used to bully or harass others?

More than 75% of all respondents strongly agree or agree with introducing new privacy rules to address the sharing of intimate or sexually explicit images without consent, photographs captured during vulnerable moments, and images used to bully or harass others.

Many respondents underline that such content causes significant personal harm, including emotional distress, reputational damage, and in some cases serious safety risks. Several responses emphasised the particular vulnerability of children and young people, noting that image-based abuse can contribute to mental health crises and long-term trauma. Five or less respondents stated that these categories represent clear and unambiguous forms of wrongdoing, and that victims deserve strong protections and rapid removal mechanisms. This sentiment was also reflected in the feedback received from children and young people at the School Council Network.

A few respondents raised concerns about definition, scope, and unintended consequences. Five or less warned that terms such as "intimate," "vulnerable moment," and "harassment" can be subjective. Several respondents cited the risk that individuals might use privacy rules to suppress legitimate journalism, public interest reporting, or evidence of wrongdoing, particularly in cases involving public figures. Therefore, it will be necessary to frame any such provision so narrowly that the general need for information is indeed satisfied, but not at the expense of the privacy of an individual, nor for the purpose of gratifying curiosity or voyeurism.

As with other questions, concerns about enforceability were raised. Five or less cautioned against creating expectations that regulators cannot meet, noting that subjective complaints or disputes over consent could overwhelm the system.

Despite these concerns, the overall sentiment was that certain online privacy rules were needed. Policy development will continue to refine definitions to avoid ambiguity of any legislative proposal and to avoid the suppression of legitimated content.

Question 8: Would you agree with a proposal to establish clear rules to enhance "online privacy" for individuals, allowing them to request, subject to specific exceptions, the more general removal of photos or videos of that person if: they were taken without their consent and; their publication causes the depicted person harm, distress, or damage to their reputation?

51% of the respondents strongly agreed and 18% agreed that individuals should have meaningful rights over the use of their image online, particularly in the context of rapidly evolving technology such as AI-generated likenesses, deepfakes, and non-consensual sharing. Several highlighted the ethical principle that people should retain control over their own likeness. Five or less respondents were of the view that consent should always be obtained from the individuals depicted, even when recordings are made in public spaces.

It will therefore be necessary to draft any potential legislative proposal in a sufficiently technology-neutral way, so that it focuses on the resemblance to a real, existing person.

Eleven of the respondents supportive of the proposal emphasised the importance of "clear rules," transparency, and narrow, well-defined exceptions to protect legitimate uses such as public interest journalism, educational materials, and lawful photography in public spaces, as mentioned in the supporting materials to the consultation.

In the response to question 8, concerns about enforceability were the most frequently raised objection. A recurring theme was that concepts such as "harm," "distress," and "damage to reputation" are inherently subjective and could be misused to suppress legitimate content, including news reporting, political criticism, satire, or images taken lawfully in public. Five or less respondents

feared that overly broad rights might lead to censorship, suppress public-interest scrutiny, or generate conflicts—such as disputes over group photos where only one person seeks removal.

Therefore, it will be necessary to continue to develop any potential statutory provision in a restrictive and precise manner to avoid misinterpretation.

Despite the reservations, overall more than 70% of the respondents expressed support for carefully defined, proportionate measures targeting clearly harmful non-consensual imagery.

Question 9: Should the following continue to be permitted? Photos taken in public places (sports events, street scenes). Images taken with your agreement (the photographer owns them). Photos published for public interest (search warrants, news about crimes). Certain images, including satirical images, of public figures, who generally have fewer privacy rights.

Respondents generally supported the continued permission of photography and image use in clearly defined public-interest contexts, though the comments revealed important nuances and concerns about privacy, safety, and the boundaries of free expression.

Many respondents agreed that photos taken in public places, images taken with consent, and photographs used for legitimate public-interest purposes—such as crime reporting or search warrants—should remain permissible. These exceptions were viewed as essential for preserving journalistic freedom, transparency, creativity, community life, and the practical realities of everyday photography. Several respondents emphasised that public spaces inherently limit expectations of privacy and that prohibiting general photography would be unworkable, undermining activities such as news reporting, event coverage, and arts or documentary photography. Satire and commentary about public figures were widely seen as legitimate forms of expression that contribute to democratic scrutiny and should not be curtailed, provided they do not cross into harassment.

Five or less respondents pointed out cases where individuals were filmed or photographed in public places without their knowledge and felt distressed upon discovering the content online. There were also calls to ensure that public figures retain reasonable privacy in their private lives and are protected from abusive or highly offensive imagery, especially in the context of AI-generated content or manipulated photographs. While certain exceptional cases may require an interpretation of the law that is adapted to the specific situation, the general intention that was the subject of question 9 was approved.

Overall, the comments show strong support for maintaining established permissions for photography in public spaces and legitimate public-interest contexts.

Additional feedback received

Question 10: Besides the removal of illegal online content and establishing rules to enhance "online privacy", which areas (if any) do you feel the Government should also address to strengthen the online safety of Jersey's inhabitants through legislative and regulative measures?

53% of the participants in the consultation used the opportunity to propose additional legislative measures in the area of online privacy. Respondents offered a wide range of suggestions on areas where the Government could strengthen online safety, reflecting diverse views on the appropriate balance between protection, personal responsibility, and government intervention.

The most frequently raised issue was in relation to restrictions for children and young people with respect to internet services. 13 out of 49 respondents recommended measures such as implementing age restrictions for social media use, compulsory age-verification for accessing harmful content, limits on children's exposure to addictive platforms, and stronger parental-control support, including device-level or network-level restrictions. Five or less advocated bold steps, such as banning social media for under-16s or requiring platforms to remove under-age accounts. Others stressed the importance of digital literacy, education, and clear guidance for families in navigating online risks. Five or less argued that education, not regulation, is the more effective response to online harms.

As during the wider policy engagement with Islanders on online harms the topic of possible age restrictions was raised, particularly regarding access to social media. Discussions at Ministerial level, being led by the Minister for Children and Families, are considering the implications and will help shape policy development refining online content removal and privacy. To this end, an Online Safety Ministerial Group has been established by the Chief Minister to co-ordinate a balanced, sustainable and proportionate policy position in relation to online safety across the Government. The Minister for Children and Families will be the Chair and is supported by the Ministers for Education and Lifelong Learning, Justice and Home Affairs and Sustainable Economic Development.

Several respondents raised concerns about emerging technological harms, especially those linked to artificial intelligence. Suggestions included legislation allowing individuals to copyright or control their facial likeness, voice, and body to prevent misuse in deepfakes; restrictions on "nudify" apps and similar tools; and stronger regulation of AI-generated sexual or abusive content. This underlines the importance that potential legislation should not be based solely on actual images of individuals but — similar to a fundamental principle in data protection law — should focus on the identifiability of a specific person, thereby remaining technologically neutral and future proof.

Other respondents advocated examining device-level safety mechanisms, noting that harmful material often circulates through encrypted channels beyond the reach of platform-focused regulation. Conversely, many respondents warned against government overreach and questioned whether additional legislation is necessary or workable for a small jurisdiction. Five or less recommended blocking known scam websites at ISP level. On the other hand, a small number expressed concerns that legislation on content removal could restrict freedom of expression. In this context, it must be noted that the focus of the proposed regulation is on removal of content that is accessible to the public that, through its wide reach, may affect the personal rights of an individual to privacy. Restriction of internet traffic or telecommunications is not within the scope of the regulation that is the subject of this consultation.

Five or less emphasised that Jersey should avoid duplicating UK or EU initiatives and instead rely on existing international frameworks, focusing domestic efforts on clarity, proportionality, and enforceability. In substance, aligning with international best practices is appropriate to overcome resistance and ensure appropriateness and proportionality. Policy officers are exploring a mechanism with international reach to support effectiveness of the legislation.

Overall, the consultation highlighted strong support for targeted measures addressing serious harms—particularly to children and victims of image-based abuse—combined with caution about expanding regulation too broadly or in ways that could be ineffective, costly, or intrusive.

Next Steps

The valuable insights gained from this consultation will feed into the development of a draft law for Jersey to enhance ease of removal for illegal online content and to increase privacy rights for individuals. Wider comments and feedback will be shared with officers supporting the Online Safety Ministerial Group for consideration as policy is intended across Government in support of online safety.

Development of the proposed draft law remains a priority for 2026 and will continue to be developed in consultation with key stakeholders both internal and external to Government and with the new Council of Ministers. Subject to continued Council of Ministers support, we will continue our ongoing regulatory dialogue with the JOIC throughout the law-drafting process, given its potential role as the authority responsible for enforcement.

It is the intention that the draft law will be subject to a further round of Island-wide consultation before being lodged for debate by the States Assembly. Pending on priorities of the new Council of Ministers and decisions made by the Assembly, it is anticipated that a law regulating content removal and online privacy will be lodged with the Assembly during 2027.

APPENDIX: Consultation questions

1. Do you agree that it is appropriate to give Islanders, by law, the right to request the removal from social media, websites and search engines (internet services) of content that is illegal in Jersey or breaches the internet service's own rules?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

What are the main reasons for your answer?

2. Do you agree with the proposed requirements for social media, websites, and search engines (internet services) to set up a clear and easily accessible complaint mechanism for Islanders to request removal of illegal content or content which breaches the internet service's own rules?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

3. Do you agree with the requirement for these internet services to respond to such removal requests within 48 hours, by either acknowledging the complaint and removing the content in question or informing the user that the content was considered legal and in accordance with the internet service's terms and conditions?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

If no or unsure, what do you regard as missing or excessive?

4. Do you agree that, if a platform does not respond favourably to a request for removal of illegal content, Islanders should be given the right to escalate the matter to an authority based in Jersey, such as the Jersey Office of the Information Commissioner, which would be given the authority to formally order platforms to take down content that is considered illegal or content which breaches the internet service's own rules?

☐ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

What are the main reasons for your answer?

5. Do you agree with the proposed scope of the illegal content that the law should require platforms to provide a clear complaint mechanism to request the removal of should extend to all types of content that currently is illegal under Jersey Law, including for example

- Child sexual abuse material
- Photos or videos that violate copyright rules
- Selling banned items (such as drugs, exotic animals, or counterfeit goods)
- Posts that threaten public safety (for example, terrorist propaganda)

☐ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

If no, what do you regard as missing or excessive?

6. With respect to online privacy and access to digital services, some privacy rules could be so burdensome that an internet service provider may choose to remove the service rather than comply. Thinking about online privacy and access to digital services, which of the following statements best reflects your view on this risk?

☐ Strongly prioritise stronger privacy rules, even if some services might be withdrawn

☐ Lean toward stronger privacy rules, accepting the risk of some service withdrawal

☐ Seek a balanced approach that avoids service withdrawal while still improving privacy

☐ Lean toward keeping services available, even if privacy protections are more limited

☐ Strongly prioritise keeping services available, even if privacy protections are weaker

☐ Don't know / Prefer not to say

What are the main reasons for your answer?

7. To what extent do you support or oppose introducing new privacy rules that would initially apply to situations involving:

- **Intimate or sexually explicit images shared without consent**
- **Photos taken during vulnerable moments** (for example, during injury, trauma, or intoxication)
- **Images used to bully or harass others** (for example, mocking a child's appearance)

☐ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

What are the main reasons for your answer?

8. Would you agree with a proposal to establish clear rules to enhance "online privacy" for individuals, allowing them to request, subject to specific exceptions, the more general removal of photos or videos of that person if

1. they were taken without their consent and
2. their publication causes the depicted person harm, distress, or damage to their reputation

☐ Strongly agree

☐ Agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

What are the main reasons for your answer?

9. Should the following continue to be permitted?

- Photos taken in public places (sports events, street scenes).
- Images taken with your agreement (the photographer owns them).
- Photos published for public interest (search warrants, news about crimes).
- Certain images, including satirical images, of public figures, who generally have fewer privacy rights.

☐ Strongly agree

☐ Agree

☐ Partly agree

☐ Neither agree nor disagree

☐ Disagree

☐ Strongly disagree

What are the main reasons for your answer?

10. Besides the removal of illegal online content and establishing rules to enhance "online privacy", which areas (if any) do you feel the Government should also address to strengthen the online safety of Jersey's inhabitants through legislative and regulative measures?