Economy

Consultation: Online Harms – Content Removal

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Introduction: What is the purpose of the proposed legislation?

This consultation seeks to capture feedback about proposed new legislation that places obligations on internet services to tackle illegal content and protect Islanders.

The proposed legislation has 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.

Any proposed legislation needs to strike an appropriate balance between allowing freedom of expression and safeguarding the privacy of individuals in supporting needed cultural change.

Background

The Government of Jersey is committed to supporting Islanders to stay safe online. The internet offers many benefits, but it also brings risks. This proposed new law aims to reduce online harms by giving people in Jersey stronger rights when using social media, websites, and search engines (internet services).

The "Violence against Women and Girls" task force recommended in its 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."

Unlike criminal law, which punishes identified offenders, this proposed new law focuses on providing rights of recourse to victims. Currently, Islanders do not have a clear and consistent way to request the removal of content. Some platforms already provide complaint systems, but these are voluntary and often hard to use. The proposed draft law will require platforms to have 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 outlined below are based on best practices from around the world.

Related questions (all questions in Appendix A)

1. Do you agree that it is appropriate to give Islanders, by law, the right to request 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, and what are the main reasons for your answer?

What are the proposed new rules for social media, websites, and search engines?

The proposed new law will require social media, websites, and search engines (internet services) to have simple and accessible complaint procedures for users, so that they can request the removal of "illegal content" or content which breaches the internet service's own rules.

Internet services will be obliged to respond to such requests for removal within 48 hours. Within that timeframe, the internet service should either acknowledge the complaint, and remove the content in question, or inform the user that the content was considered legal and in accordance with the internet service's terms and conditions.

Should an Islander remain dissatisfied with the response received from the platform, they will have the right to escalate the matter to a designated authority based in Jersey. This could be 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.

This structure follows best practices from other jurisdictions to enforce rights for content removal, such as those set by the "Digital Services Act" in EU countries or the "Online Safety Act" in Australia.

Related questions (all questions in Appendix A)

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?

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? If no or unsure, what do you regard is 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? What are the main reasons for your answer?

What will be considered 'illegal content'?

"Illegal content" means any material that breaks Jersey law - whether civil, criminal, or administrative - no matter what the topic or subject matter is.

Examples of 'illegal content' include:

- 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)

These types of content are already illegal in Jersey but removing them from the internet is often difficult. The proposed law will require internet services to introduce easily accessible complaint mechanisms for Islanders, to make it easier for Jersey citizens to report and remove such material quickly.

Related questions (all questions in Appendix A)

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, 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)

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

Proposal to develop new rules for “online privacy”

Currently, Jersey law does not clearly define online privacy.

This has created a grey area: should it be permissible for someone to post a photo or video online depicting you without your consent?

Experience, both in Jersey and internationally, has shown that this often leads to distress and disputes, especially if intimate images, embarrassing photos, or deepfakes are involved. Therefore, the second objective of the proposed new law is to provide Islanders with clearer online privacy rights whilst balancing the right of freedom of expression.

For Islanders, it is proposed that clearer rules are developed to establish under what circumstances certain photos or videos depicting yourself can or cannot be shared in addition to content that currently is illegal under Jersey law. One example is provided by Finland which is currently exploring whether to amend their copyright laws to give individuals copyright protection over their own likeness (body, facial features and voice). If such a rule were applied in Jersey, you would not be able to post any images of other people without their consent and vice versa.

There is a risk of certain internet services regarding compliance with the online privacy rules of certain jurisdictions as excessively burdensome, resulting in the removal of that service altogether in the relevant jurisdiction. The risk is less where a significant number of jurisdictions have adopted similar rules at the same time.

Other countries have, or are seeking to, bring in stronger legislation around the creation and distribution of certain AI-generated material without consent, for example intimate or sexually explicit images.

It is proposed for Jersey, that new rules are developed to apply in certain circumstances to images or videos where you can be recognised and which are shared without consent, even if they were AI-generated or created using photo editing software, regardless of whether they currently are illegal under Jersey law.

Examples of content to which the new rules would apply in the first instance include:

- Intimate or sexually explicit images shared without consent.
- Photos taken during vulnerable moments (e.g. injury, trauma, intoxication).

- Images used to bully or harass (e.g. mocking a child's appearance).

Consideration could also be given to developing proposals for the proposed new law to enable requests for certain photos or videos depicting yourself to be removed by internet services (for example, social media, websites, and search engines) if:

1. they were taken without your consent (subject to specific exemptions) and
2. posting them has caused harm or distress to you or damages your reputation.

Contrary to criminal law, that focusses on punishing the perpetrator, this proposed part of the proposed law would focus on increasing the online privacy rights of the depicted person and would provide a clear complaint mechanism which that person could use to request the removal of such content. This would enable Islanders to protect themselves from unwanted exposure online, even when the uploader is unknown and even if the content is not currently illegal under Jersey law.

It is anticipated uploading of the following would 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.

This proposal follows best international practice, such as the "Digital Services Act" in EU countries.

Related questions (all questions in Appendix A)

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 statements (listed in Appendix) best reflects your view on this risk?

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 (e.g. injury, trauma, intoxication).
- Images used to bully or harass (e.g. mocking a child's appearance).

What are the main reasons for your answer?

8 Would you agree with a proposal to establish new rules to further 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?

   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.

   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?

Consultation Questions

Please answer the following questions. Submissions should be received no later than Friday 6 March 2026.

You can submit your response:

- Online, by completing the questions via gov.je/consultations
- By email, to economy@gov.je with the subject heading *Online Harms - Content Removal Consultation*
- By post, to: FAO Digital Economy Team, Department for the Economy, Government of Jersey, Union Street, St Helier, JE2 3DN

Data protection

The information you provide will be processed in compliance with the Data Protection (Jersey) Law 2018. Find more information in the Department for the Economy privacy notice.

The Government of Jersey may quote or publish responses to this consultation but will not publish the name and addresses of individuals without consent.

Types of publishing may include:

- sending to other interested parties on request
- sending to the Scrutiny Office
- quoting in a published report
- reporting in the media
- publishing on the Government website
- listing on a consultation summary

Confidential responses will still be included in any summary of statistical information received and views expressed.

Under the Freedom of Information (Jersey) Law 2011, information submitted to this consultation may be released if a Freedom of Information request requires it, but no personal data may be released.

Appendix A: Questions

About you

Are you answering this survey as:

☐ an individual
☐ on behalf of an organisation
☐ on behalf of a business

Name of business/organisation……

If you are answering as an individual:

Have you ever seen content that you regarded as or as an infringement of your privacy or that of your family members? If yes, how did you handle it?

(*Select one*)

☐ No, I've never seen such content.
☐ Yes, I saw it but didn't ask the provider or platform for removal.
☐ Yes, I asked the provider or platform for removal but it didn't work.
☐ Yes, I asked the provider or platform for removal and it worked.
☐ Yes, I asked a non-governmental agency or free service for help.
☐ Yes, I paid a company to remove it.
☐ Prefer not to answer this question

What is your age group?

☐ Under 18
☐ 18–24
☐ 25–34
☐ 35–44
☐ 45–54
☐ 55–64
☐ 65+
☐ Prefer not to say

Are you a parent?

☐ No
☐ Yes, of children aged under 18
☐ Yes, of children aged over 18

Do you live or work in Jersey?

☐ Yes - I have entitled status
☐ Yes - I live in Jersey and have residential status
☐ No - I am responding from outside Jersey

If you are answering on behalf of a business:

Please provide this information to help us better understand the concerns of different sectors – please tick the box that best describes your business.

Size of business / Type of business	Online content management is a core component of my business	Online content management is part of my business, but not the core	A business which has no involvement in online content management
Jersey-based with ten or fewer employees			
Jersey-based with more than ten employees			
Jersey-based part of organisation with presence in other jurisdictions			
A business with no presence in Jersey			

Questions: Online harms and content removal

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. 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, 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?

5. Photos taken in public places (sports events, street scenes).
6. Images taken with your agreement (the photographer owns them).
7. Photos published for public interest (search warrants, news about crimes).
8. 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?