

August 26 2022

Digital Intermediary Services Act draft put on hold

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ARTHUR SHAY

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Introduction

On 19 August 2022, the National Communications Commission (NCC) announced that the consultation on the Digital Intermediary Services Act (DISA) draft would be put on hold until it is made available for public comment.

The NCC disclosed the initial DISA draft on 29 June 2022. Since then, the NCC has conducted a series of at least three information sessions to disclose the details of its proposed regulation on fighting disinformation. Unfortunately, the NCC's efforts have so far been in vain.

What is DISA?

The DISA draft is a transformation of the bill on the Digital Communications Act (DCA), which was prepared in 2016 in the form of a guidance on the implementation of internet governance with numerous digital human rights initiatives (for further details please see "[Digital Human Rights Initiative Announced](#)".) The NCC designed the DCA together with the new Telecommunications Act to improve NCC regulation in the digital world. However, while the DCA bill did not pass the legislative review, the new Telecommunications Act entered into force in June 2019.

The Legislative Yuan called for immediate action from the NCC to fight disinformation, which is most notably produced by Chinese content farms. The NCC produced the DCA bill, which assembled principles for the safeguarding of digital human rights into a so-called "mini EU DSA" (a miniature version of the Digital Services Act enacted by the European Union), according to the local press. The draft regulation not only enlarges its scope by adding twice the number of provisions but also by toughening its stance: 10 out of the total of 58 provisions are about penalty against non-compliance. The draft regulation was renamed as DISA draft in NCC's announcement of 29 June 2022.

Comment

The DISA draft does not mention foreign interference, despite it being clear that government intends this regulation as a way to strengthen internet security in the face of disinformation from China and hostile states.

This broad and unclear definition of "regulated digital intermediary service players" has puzzled many internet access providers, social media companies and online platform service providers, from small-medium-enterprises to industry tycoons, which do not have permanent presence in Taiwan. A great number of industry players consider the heavy burden of regulatory compliance and cooperation in removing illegal content from those services to be one of the most notable concerns.

On 21 August 2022, the NCC clarified through a news release that it is not withdrawing the DISA bill, but it is taking the collective comments to the initial DISA draft into consideration.

For further information on this topic please contact [Arthur Shay](#) at Shay & Partners by telephone (+886 2 8773 3600) or email (arthur@elitelaw.com). The Shay & Partners website can be accessed at www.elitelaw.com.