



Section 230

Section 230 is a core protection for free speech and innovation on the Internet.

"No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider" ([47 U.S.C. § 230\(c\)\(1\)](#)).

Commonly referred to as Section 230, this language originated in H.R. 1978, the "Internet Freedom and Family Empowerment Act," introduced in 1995 by Reps. Chris Cox and Ron Wyden. Several court cases have demonstrated how protecting platforms from liability for user-generated content is critical to protecting free speech and innovation online.

Keeping Section 230 intact means online intermediaries that host third-party content are protected against a range of laws that might otherwise be used to hold them legally responsible for what their users say and do. Specifically, Section 230 provides immunity to platforms against liability under state law, whether criminal or civil, and under federal civil law. But Section 230 doesn't provide immunity against prosecutions under federal criminal law, or liability based on intellectual property law or communications privacy law.

Why This Protection Is Important

- **Innovation that Supports Free Speech** – The legal protections provided by Section 230 are unique to U.S. law. The United States remains the central hub of Internet innovation, in part, because Section 230 creates a legal environment that incentivizes entrepreneurs to develop unique and open platforms that support all kinds of speech, even controversial speech. These platforms facilitate the broad and fast sharing of information, opinions, and ideas, which is critical to a democratic society.
- **Connection** – User-generated content is the central appeal of sites like YouTube, Facebook, Tumblr, NextDoor and Yelp. Allowing users to freely find and connect to online communities has profoundly changed the world. Marginalized groups, from political dissidents to anonymous victims, can find critical resources and support online.

Section 230 is Not Broken

- **Section 230 does not provide immunity for platforms in federal prosecutions.** Under 18 USC § 1591, it's a crime for a person or entity to engage in sex trafficking or to benefit financially from sex trafficking. In 2015, Congress passed the [SAVE Act](#), which amended Section 1591 to give federal prosecutors an additional tool to target sex traffickers: knowingly "advertising" sex trafficking, or benefiting financially from an ad knowing it's for sex trafficking, is a federal crime.
- Court have permitted civil claims based on third-party content to proceed against platforms when the facts show that a platform had a direct hand in creating the harmful content.

In passing Section 230, Congress made the deliberate choice to protect online free speech and innovation, while also providing discrete tools to go after culpable platforms. The world has changed in many ways, but online innovation and the speech it enables is more important, not less, than it was 20 years ago.

For more information on Section 230, please contact India McKinney at india@eff.org.