



## Section 230

**“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 was ultimately incorporated into the Telecommunications Act of 1996, but originated in H.R. 1978, the “Internet Freedom and Family Empowerment Act,” introduced in 1995 by Reps. Chris Cox (R-CA) and Ron Wyden (D-OR). Section 230 provides broad — but not absolute — immunity for Internet intermediaries from legal liability for user-generated content, making Section 230 the core promotor for free speech and innovation online.

Keeping Section 230 intact means Internet 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 against liability under federal civil law. But Section 230 has important exceptions — it doesn’t provide immunity against prosecutions under federal criminal law, or liability based on intellectual property law, communications privacy law, or certain sex trafficking laws.

### Why Section 230 Is Important

- **Innovation** – The legal protections provided by Section 230 are unique to U.S. law. The United States remains the hub of Internet innovation largely because Section 230 creates a legal environment that incentivizes entrepreneurs to develop a variety of unique and useful products and services within the online ecosystem, such as ISPs, web hosting companies, webmail providers, blogging platforms, social media and review sites, online marketplaces, photo and video sharing platforms, and cloud storage providers.
- **Speech** – The legal buffer provided by Section 230 has spurred the innovation that has led to the development of a robust and vibrant variety of open platforms that support all kinds of speech, from the important to the mundane, from the mainstream to the controversial, from the popular to the niche. These platforms facilitate the broad and rapid sharing of information, opinions, and ideas, which is critical to a democratic society.
- **Competition** – The innovation spurred by Section 230 also ensures that competition always remains possible in the online ecosystem. If Section 230 protections were weakened, exposing Internet intermediaries to new forms of liability based on user-generated content, this would create a disincentive for new players to enter the market. This would further entrench today’s dominant companies, who have the means to bear this new legal risk.

### Section 230 is Not Broken

Section 230 does *not* provide immunity to Internet intermediaries for user-generated content in two key contexts:

1. Section 230 protections do not apply to federal criminal prosecutions.
2. Section 230 protections do not apply to civil claims when the company had a direct hand in creating the illegal 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 companies. The world has changed in many ways, but online innovation and the speech it enables is more important, not less, than it was two decades ago.

### Who Benefits from Section 230

A common misconception is that Section 230 only benefits big tech companies. But *all* Internet users benefit from the online ecosystem that Section 230 helped create—whether they are building their own site, posting on a brand-new platform, or using a large intermediary to share their opinion.

**Want more information?** Please contact India McKinney at [india@eff.org](mailto:india@eff.org).