

Significant Social Media Intermediaries (SSMIs)

Some of us underestimate the potential and power that social media has, which automatically means that it has its own set of pros and cons. The undeniable fact is that there needs to be some standard of control placed on such platforms to prevent miscreants from converting the positive feature of freedom and autonomy offered by these forums into a negative set-up of hate speech, misinformation, defamation, etc.

What are SSMIs?

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 were released via a [notification](#) dating 25th February 2021. It introduced the concept of SSMIs - Significant Social Media Intermediaries.

[Rule 2\(1\)\(w\) of the IT Rules 2021](#) define a “social media intermediary” as “an intermediary which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using its services.” Social media intermediaries with more than 50,00,000 registered users in India fall in the category of being classified as SSMIs, and are thus mandated to meet the additional due diligence requirements.

The concept of Additional Due Diligence for SSMIs

Looking at the quantum of traffic on such platforms, as mentioned above, significant social media intermediaries are required to maintain additional due diligence, in addition to the Rule 3 of the IL & DMEC Rules which cover ‘Due diligence by an intermediary’.

SSMIs are [mandated to appoint certain personnel](#) for compliance related processes, enable the identification of the first originator of the information on its platform under certain numbered conditions, and deploy technology-based measures to identify certain types of content, at the best functioning capacity. Some of these important compliance related procedures are:

- Mandatory Appointments under [Rule 4](#):
 - A Chief Compliance Officer
 - A Nodal Contact Officer who should be available round the clock
 - A Resident Grievance Officer
- **Grievance Redressal Mechanism:** The guidelines have instructed social media platforms to have a grievance



Ravi Singhania
Managing Partner
E: ravi@singhania.in

redressal mechanism so that any content that is shared and if it is violative of public order or is not regulatory, a complaint of the same can be registered with the Grievance Redressal Officer. This officer is mandated to acknowledge the complaint made, within a time span of 24 hours and provide a resolution for it within a 15 days time slot. In those cases which are directly related to crimes against women, the mandate is that the complaint should be resolved [within 24 hours](#).

- **Monthly Reports:** SSIMs are also tasked with publishing a [monthly report](#) that contains the number of complaints their platforms have received and the consequent actions taken in response to the issues raised.
- **Identification of First Originator of Information:** SSIMs need to be equipped to provide the identification of the first originator of information, based on requirement posed through an order passed by a court of competent jurisdiction or an order passed [under Section 69 by the Competent Authority](#) as per the Information Technology (Procedure and Safeguards for interception, monitoring and decryption of information) Rules, 2009, which shall be supported with a copy of such information in electronic form.

These compliance related regulations/procedures/mandates are to be strictly followed by SSIM's in order to avoid losing the 'safe harbour' protection that is offered to them under [Section 79 of the IT Act 2000](#).

Conclusion

Free speech and the autonomy offered through platforms like Instagram, Facebook, WhatsApp, etc have a powerful pull on both advocates of liberty and expression but also those individuals/groups in the society that use these to target others and spread chaos in any and every possible manner. It is important to draw a Line of Control (LOC) in these situations and this is what was the aim of the 2021 Rules which contained within it a specific and dedicated section on regulating Significant Social Media Intermediaries (SSIMs).

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