



What to expect in the Section 5 process

You will need to be able to stand by anything you post on the Forum as being truthful or based on your honest opinion, or else you could be liable. While we host the MSE Forum, if we're contacted by persons complaining that your post is defamatory, we'll follow a legal process set out in Section 5 of the Defamation Act 2013. This offers us a defence against what you have written and means that you, and not us, could be subject to defamation action because of what you've written.

Below we have outlined what both complainants and posters can expect in the Section 5 process.

What to expect as a complainant

If you believe that you've been defamed, please contact us at forumteam@moneysavingexpert.com with the following information:

- 01** Your name and email address
- 02** Details of what has been said on the Forum and a link to where it's posted
- 03** An explanation of why you believe it's defamatory, what about it is inaccurate and what you take it to mean
- 04** Confirmation that you cannot pursue the poster directly due to lack of information
- 05** Confirmation of whether we can provide your name and email address to the poster

If all of the above is sent to us, you can expect:

- Within 48 hours you will hear back from us confirming we've got your defamation notice and that we've contacted the poster about the content you believe is defamatory. We'll tell the poster that we'll remove their post within five days unless they tell us they want us to retain the post and provide certain information we ask for. We'll also ask whether we can pass their contact details onto you.
- If we don't hear from the poster within five days, or they don't give us all the information we've asked for, we'll delete the post and let you know within 48 hours of the five-day deadline that we've done this. Alternatively, if they tell us they want us to retain their post and have given us all the information we asked for, we'll retain their post. If they've told us we can pass their details onto you, we'll pass them on at the same time as letting you know we've kept the post up. If they don't want us to pass their contact details to you, we'll also let you know and you'll need to decide whether you want to take further legal action.

What to expect as a poster

If you've written the allegedly defamatory content on the Forum, you can expect:

- That we'll contact you once we've received a valid defamation notice.
- We'll tell you that we'll remove your post within five days unless you tell us you want us to retain the post and provide certain information we ask for. We'll also ask whether we can pass your contact details onto the person who's complained that your post is defamatory.
- If we don't hear from you within five days, or if you don't give us all the information we've asked for, we'll delete your post. Alternatively, if you tell us you want us to retain your post and have given us all the information we ask for, we'll retain it. We'll also pass your contact details onto the person complaining about your post, if you've said we can do this. The persons who've complained to us about your post may go on to decide to take legal action against you directly, but at this stage MSE will have discharged its responsibilities and will have no liability to you or the persons complaining about your post.

This process can be incredibly time consuming and most platforms that receive defamation complaints simply remove the content. Subject to you posting within the Forum Rules, we try to retain relevant MoneySaving content. To do this, we rely on you only posting content that is truthful or based on your honest opinion and relevant to the thread. We'd therefore expect you to be happy to stand by what you say if challenged. Please think carefully about whether you would stand by what you've posted before you post it.

