



Online Safety Act 2023

2023 CHAPTER 50

PART 4

OTHER DUTIES OF PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

CHAPTER 4

DECEASED CHILD USERS

75 Disclosure of information about use of service by deceased child users

- (1) A provider of a relevant service must make it clear in the terms of service what their policy is about dealing with requests from parents of a deceased child for information about the child's use of the service.
- (2) A provider of a relevant service must have a dedicated helpline or section of the service, or some similar means, by which parents can easily find out what they need to do to obtain information and updates in those circumstances, and the terms of service must provide details.
- (3) A provider of a relevant service must include clear and accessible provisions in the terms of service—
 - (a) specifying the procedure for parents of a deceased child to request information about the child's use of the service,
 - (b) specifying what evidence (if any) the provider will require about the parent's identity or relationship to the child, and
 - (c) giving sufficient detail to enable child users and their parents to be reasonably certain about what kinds of information would be disclosed and how information would be disclosed.
- (4) A provider of a relevant service must respond in a timely manner to requests from parents of a deceased child for information about the child's use of the service or for updates about the progress of such information requests.

- (5) A provider of a relevant service must operate a complaints procedure in relation to the service that—
 - (a) allows for complaints to be made by parents of a deceased child who consider that the provider is not complying with a duty set out in any of subsections (1) to (4),
 - (b) provides for appropriate action to be taken by the provider of the service in response to such complaints, and
 - (c) is easy to access, easy to use and transparent.
- (6) A provider of a relevant service must include in the terms of service provisions which are easily accessible specifying the policies and processes that govern the handling and resolution of such complaints.
- (7) If a person is the provider of more than one relevant service, the duties set out in this section apply in relation to each such service.
- (8) The duties set out in this section extend only to the design, operation and use of a service in the United Kingdom, and references in this section to children are to children in the United Kingdom.
- (9) A “relevant service” means—
 - (a) a Category 1 service (see section 95(10)(a));
 - (b) a Category 2A service (see section 95(10)(b));
 - (c) a Category 2B service (see section 95(10)(c)).
- (10) In this section “parent”, in relation to a child, includes any person who is not the child’s parent but who—
 - (a) has parental responsibility for the child within the meaning of section 3 of the Children Act 1989 or Article 6 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)), or
 - (b) has parental responsibilities in relation to the child within the meaning of section 1(3) of the Children (Scotland) Act 1995.
- (11) In the application of this section to a Category 2A service, references to the terms of service include references to a publicly available statement.

76 OFCOM’s guidance about duties set out in section 75

- (1) OFCOM must produce guidance for providers of relevant services to assist them in complying with their duties set out in section 75.
- (2) OFCOM must publish the guidance (and any revised or replacement guidance).
- (3) In this section “relevant service” has the meaning given by section 75.