



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 7

#### OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

### CHAPTER 4

#### INFORMATION

##### *Investigations and interviews*

#### **105 Investigations**

- (1) If OFCOM open an investigation into whether a provider of a regulated service has failed, or is failing, to comply with any requirement mentioned in subsection (2), the provider must co-operate fully with the investigation.
- (2) The requirements are—
  - (a) a requirement imposed by a notice under section 121(1) (notices to deal with terrorism content and CSEA content), and
  - (b) an enforceable requirement as defined in section 131 (except the requirement in subsection (1) of this section).

#### **106 Power to require interviews**

- (1) The power conferred by this section is exercisable by OFCOM for the purposes of an investigation that they are carrying out into the failure, or possible failure, of a provider of a regulated service to comply with a relevant requirement.
- (2) OFCOM may give an individual within subsection (4) a notice requiring the individual—
  - (a) to attend at a time and place specified in the notice, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) to answer questions and provide explanations about any matter relevant to the investigation.
- (3) A notice under this section must—
- (a) indicate the subject matter and purpose of the interview, and
  - (b) contain information about the consequences of not complying with the notice.
- (4) The individuals within this subsection are—
- (a) if the provider of the service is an individual or individuals, that individual or those individuals,
  - (b) an officer of the provider of the service,
  - (c) if the provider of the service is a partnership, a partner,
  - (d) an employee of the provider of the service, and
  - (e) an individual who was within any of paragraphs (a) to (d) at a time to which the required information or explanation relates.
- (5) If OFCOM give a notice to an individual within subsection (4)(b), (c) or (d), they must give a copy of the notice to the provider of the service.
- (6) An individual is not required under this section to disclose information in respect of which a claim to legal professional privilege, or (in Scotland) to confidentiality of communications, could be maintained in legal proceedings.
- (7) In this section—
- “officer”, in relation to an entity, includes a director, a manager, an associate, a secretary or, where the affairs of the entity are managed by its members, a member;
  - “relevant requirement” has the meaning given by section 104(13).