

Consultation response form

Please complete this form in full and return to DCUguidance@ofcom.org.uk

Consultation title	Consultation: Deceased Child User Duties
Full name	
Contact phone number	
Representing (delete as appropriate)	Organisation
Organisation name	5Rights Foundation
Email address	

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Nothing
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None
For confidential responses, can Ofcom publish a reference to the contents of your response?	Yes

Your response

Please tell us how you came across about this consultation.

- ☐ Email from Ofcom
- ☐ Saw it on social media
- ☐ Found it on Ofcom's website
- ☐ Found it on another website
- ☐ Heard about it on TV or radio
- ☐ Read about it in a newspaper or magazine
- ☐ Heard about it at an event
- ☐ Somebody told me or shared it with me
- ☐ Other (please specify)

Question	Your response
Question 1: Do you agree with our proposed objectives for the Guidance? Please explain why.	Confidential? N 5Rights agrees with these objectives. This duty is about supporting parents through an unmanageable and deeply distressing period, and it is right that companies are given clear guidance on their obligations. Overall, the proposed Guidance broadly provides a practical framework that promotes transparency, ensures parents are treated with dignity and sensitivity, and helps reduce the burden on them during an already difficult time.
Question 2 a): In relation to each of the following areas, do you agree with our proposals? Please tell us why: i) A provider of a relevant service's policy about disclosure of information; ii) The procedure for parents to make a request; iii) The evidence the provider will require; iv) Sufficient detail about the disclosure of information.	Confidential? – N i) The guidance should include a requirement that bereaved parents are supported by a consistent point of contact or team throughout the request process. Having continuity in communication can help reduce stress and ensure that parents receive consistent information and support at each stage. This issue was raised in our consultation with bereaved parents and would strengthen the guidance's focus on clarity, accessibility and sensitivity. iii) In relation to the evidence required to make such a request, the guidance should be strengthened to provide greater precision on

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	what forms of identification may reasonably be required. Ofcom should set clearer expectations for services on the types of formal identification that are appropriate and proportionate in this context. While it is welcome that the draft best practice recognises that some parents may not have access to certain forms of identification, and that services must be mindful of this, the guidance should go further in addressing data protection considerations. Services should be explicitly reminded of their obligations under UK GDPR, including the principle of data minimisation and the need for heightened care when dealing with members of the public in a vulnerable state. We therefore recommend that Ofcom provide a clearer indication of what constitutes a proportionate level of identification, developed in collaboration with the Information Commissioner's Office. This would support consistency across services while ensuring that verification processes remain both accessible and compliant with data protection law. iv) Given that Ofcom states that the aim of the guidance is to “create greater transparency,” and that clarity and accessibility are fundamental to the purpose of this duty, the guidance should go further in specifying the format in which information is disclosed. In particular, services should be expected to provide information in commonly accessible, user-friendly formats (such as PDF or JPEG) that can be easily opened across a range of devices. Where this is not feasible due to the size or complexity of the dataset, services must be required to provide clear and effective support to parents to enable them to access the

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	information in an appropriate format. This should not be left as optional good practice but established as a minimum requirement to ensure that disclosures are genuinely accessible in practice.
Question 2 b): In relation to the provisions in Question 2(a), are there other examples of good practice we should consider?	Confidential? – N Best practice should, at a minimum, require that parents receive an acknowledgement of their request. As noted elsewhere in the guidance, not receiving any communication can compound stress in what is already an extremely challenging situation for bereaved parents. Ofcom should therefore make clear that timely acknowledgement is a baseline expectation. The Act provides Ofcom the discretion to require this. In addition, Ofcom should recommend that, where it is a service's policy not to offer support to parents requesting this information, they provide a clear rationale for this position. This would promote transparency and accountability, in addition to helping to ensure that parents understand the basis for any limitations in the support provided. To further support transparency, Ofcom should maintain a publicly accessible record on its website of services' policies in relation to supporting bereaved parents. This would enable greater consistency and help parents understand what they can expect from different services. Best practice could also include a recommendation that services work collaboratively with parents to clarify exactly what information is required, where appropriate and feasible. This approach would help ensure parents are not overwhelmed with unnecessary information,

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	while also reducing the burden on services by limiting disclosures to what is genuinely needed. Such tailored communication supports efficiency and sensitivity in handling these requests.
Question 3 a): Do you agree with our proposals regarding providers responding in a timely manner? Provide any evidence to support your answer.	Confidential? – N While we recognise that mandating timescales for providing a full, substantive response may reasonably vary depending on factors such as the complexity of the request, the period it covers and the size of the data set involved insufficient rationale has not been provided by Ofcom for the absence of a defined timescale for interim updates to parents. As Ofcom itself acknowledges in the draft guidance, this process often takes place during a period of profound grief and distress for bereaved parents. In this context, a requirement to provide regular updates on the status of requests would be both proportionate and appropriate. Our work with bereaved parents consistently highlights the additional difficulty caused by prolonged periods without any communication, however brief, regarding the progress of their requests or where their questions have been directed. This lack of transparency can exacerbate an already deeply challenging experience. We note that the Act affords Ofcom sufficient discretion to require providers to issue updates within a specified timeframe. We would therefore recommend that providers be required to supply updates at regular intervals.
Question 3 b): Are there other examples of good practice we should consider?	Confidential? – N If this is not already explicitly required within the guidance to demonstrate compliance with

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	this duty, Ofcom should set out a recommended timeframe for responses, along with expectations for interim updates on the progress of requests. This would help ensure that parents are not left waiting for an unreasonable length of time without information. For a substantive response, Ofcom could also provide an indicative timeframe based on the volume of data involved and the period over which the request applies.
Question 4: Do you agree with our proposal to require providers of relevant services to also make their disclosure policy statement accessible as well as clear? Please explain why.	Confidential? – N The guidance would benefit from including a requirement for services to work with children’s rights organisations and/or child development specialists to design language that is appropriate for children. Given the sensitive and potentially challenging nature of this subject, information should be presented in a way that children can understand, and that is delivered with care, clarity and age-appropriate language.
Question 5: Do you have any comments in relation to our proposal to align our approach to clarity and accessibility with the approaches taken in our Illegal Harms and Protection of Children Codes? Please explain why.	Confidential? – Y / N
Question 6: Are there other examples of good practice in relation to clarity and accessibility we should consider?	Confidential? – Y/ N
Question 7: Do you have any comments on our proposals in relation to how providers should provide a support function?	Confidential? – Y / N

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Question 8: Do you have any comments in relation to the details about a support function which a provider of a relevant service must include in its terms of service?	Confidential? – N The guidance should include a recommendation that parents are informed about the operational details of any support function included in a service’s terms of service. In particular, parents should be made aware of how frequently a phone line or email address is monitored, and during which hours support is available. Providing this information clearly helps manage expectations, ensures timely access to support, and reduces additional stress for parents in already difficult circumstances.
Question 9: Are there other examples of good practice in relation to the provision of a support function or the details to be included in the terms of service we should also consider?	Confidential? – Y / N
Question 10: Do you have any comments on our proposal to align our guidance for how providers of relevant services should operate a complaints function with the approach taken in the Illegal Content and Protection of Children Codes?	Confidential? – Y / N
Question 11: Do you agree with our proposal not to require providers of relevant services to operate a separate complaints function? Please explain why.	Confidential? – N We do not agree with the rationale that it is disproportionate to expect providers of relevant services to operate a separate complaints function for bereaved parents. While providers may organise complaints handling in different ways, the circumstances addressed by this guidance are highly specific, as Ofcom has

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	acknowledged elsewhere. We are not confident that existing complaints procedures are sufficient or effectively monitored. In 2024 5Rights worked with a specialist police force who had reported CSAM found on Instagram accounts to the dedicated email address on Meta’s website. The service itself subsequently admitted that this was not monitored. As a result, illegal content went unaddressed. This was raised with Ofcom in correspondence in December 2024. Given the exceptional sensitivity of requests from bereaved parents, and the significant risks and stress involved, Ofcom should require a dedicated complaints function specifically for these requests. This would help ensure that complaints are properly tracked, monitored and addressed in a timely and sensitive manner, reflecting the seriousness of the circumstances under which these requests are made.
Question 12: Do you have any comments on our proposal in relation to easily accessible policies and processes that govern the handling and resolution of such complaints?	Confidential? – Y / N
Question 13: Are there any further examples of good practice in relation to the operation of a complaints function or the provision of relevant provisions in the terms of service we should consider?	Confidential? – Y / N
Question 14: Do you have any comments on the; impact assessment; rights assessments; equality 99 assessment; and Welsh language impact assessment. Please provide any	Confidential? – Y / N

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information or evidence in support of your views.	

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