The Deceased Child User Duties

Draft Guidance

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1. Overview

1.1 Ofcom is the United Kingdom's (UK) communications regulator, overseeing sectors including telecommunications, post, broadcast TV, radio, and online services. We were appointed the online safety regulator under the Online Safety Act 2023 ('the Act') in October 2023.

1.2 This Guidance assists providers of relevant services regulated by the Act in complying with their duties in relation to the disclosure of information about the use of a service by a deceased child user.[1]

1.3 The purpose of these duties is to increase transparency and reduce uncertainty for bereaved parents seeking information about their child's use of an online service. The duties in the Act were informed by the experiences of bereaved parents who have sought such information from providers of online services and experienced significant barriers during the process of doing so.

1.4 The deceased child user duties ('the duties') place requirements on providers of relevant services to make clear to bereaved parents what their policy is in relation to the disclosure of information about the use of a service by a child who has died and to make it clear and easy to find out how they handle and process such requests. Providers of relevant services are also required to respond in a timely manner to such requests for information (as well as requests for updates) and operate a complaints procedure.

1.5 This guidance, which Ofcom is required to produce under section 76 of the Act, will help providers of relevant services understand and comply with the duties set out in section 75 of the Act.

[1] Section 75 of the Act.

2. Introduction

2.6 The loss of a child is a tragic experience for any parent and a source of enormous grief.

2.7 In seeking to come to terms with their loss, some parents may want access to content and memories that their child created online – like photos, videos and messages. However, they often face barriers to doing so – like being unable to easily find out if it is possible to get this content, or how to request it. For some parents, the tragedy may be compounded by not knowing why their child died. In these cases, parents may seek answers in the content that their child accessed or was exposed to, or the contact and interactions that they had with others in the period prior to their death. Despite their best attempts, many parents are unable to get information, which might help them to understand what happened, from online services. In some cases, they may not even get a response to their request.

2.8 The inclusion of the duties in the Act, covered by this Guidance, is a direct response to the difficulties encountered by bereaved parents seeking information about their child's use of online services. Their experiences highlighted a lack of clarity about how to make requests, poor communication by services and inability to submit requests on some services.

2.9 By requiring online services to clearly state their policy on disclosing information to bereaved parents, the duties create greater transparency and reduce uncertainty for parents about what they can expect. The requirements to make it easier to find information about the request process, and easier to navigate in practice, reduces the burden on parents at a point when they are experiencing devastating trauma. Requiring providers of online services to respond in a timely manner to requests for information and updates means parents are not left waiting for a response which may never come.

2.10 While it is for providers of relevant services to decide what their disclosure policy is, we expect them all to consider this Guidance, including good practice, and the importance of having clear, transparent and accessible systems in place to support bereaved parents. It is essential that bereaved parents are treated with dignity and respect in their engagement with providers of online services, and in a way that acknowledges the sensitive situation they find themselves in.

Which services need to comply with the deceased child user duties?

2.11 The duties apply to online services that satisfy the following conditions - in the rest of this guidance we refer to these as 'relevant services':

a) They are regulated under the Act. This means that they are user-to-user services[2], search services or combined services[3], with links to the UK.

[2] By 'user-to-user service' we mean an internet service where users can create, upload, or share content that other users can see. User-to-user service is defined in section 3 of the Act. See Ofcom's Overview of regulated services.

[3] By 'search service' we mean an internet service that is, or includes, a search engine. Search engine is defined in section 229 of the Act.

b) They have been listed on Ofcom's public register of categorised services.[4] This means Ofcom has determined they meet specific criteria relating to user numbers and functionalities set out in secondary legislation.[5] There are three categories of categorised service: Category 1 and Category 2B are user-to-user services meeting the criteria set out in the regulations and Category 2A are search services and combined services meeting the criteria set out in the regulations. The duties under section 75 apply to all Category 1, 2A and 2B services.[6] [7]

What are the deceased child user duties?

2.12 There are a number of things that providers of relevant services must do to comply with the duties and we explain in more detail in Section 3 what providers can do to comply.

2.13 The duties set out that a provider of a relevant service must:

a) 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;[8]
b) include clear and accessible provisions in the terms of service:[9]
    i) specifying the procedure for parents of a deceased child to request information about the child's use of the service;[10]
    ii) specifying what evidence (if any) the providers will require about the parent's identify or relationship to the child;[11] and
    iii) 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;[12]
c) 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;[13]
d) 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 provide details in the terms of service;[14]
e) operate a complaints procedure in relation to the service that:
    i) allows for complaints to be made by parents of a deceased child who consider that the provider is not complying with the deceased child user duties;[15]

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[4] **[Ofcom is in the process of preparing the first public register of categorised services and expects to update this footnote to provide details of the register when it has been published.]**
[5] Schedule 11 to the Act; the Online Safety Act 2023 (Category 1, Category 2A and Category 2B Threshold Conditions) Regulations 2025.
[6] Providers must comply in respect of each categorised service they provide.
[7] Providers of categorised services are also subject to the relevant illegal harms duties and, where applicable, the children's safety duties.
[8] Section 75(1) of the Act.
[9] See sub-section 'How relevant services can make their terms of service clear and accessible' at paragraphs 3.15 - 3.19.
[10] Section 75(3)(a) of the Act.
[11] Section 75(3)(b) of the Act.
[12] Section75(3)(c) of the Act.
[13] Section 75(4) of the Act.
[14] Section 75(2) of the Act.
[15] Section 75(5)(a) of the Act.

ii) provides for appropriate action to be taken by the provider of the service in response to such complaints;[16] and
iii) is easy to access, easy to use and transparent;[17]

f) 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.[18]

2.14 **Terms of service** typically lay out the rights and responsibilities that a provider of a user-to-user service and the users of their service have towards one another and contain information about how aspects of the service functions, including who is allowed to use the service and rules for using the service.[19] For the purpose of the duties, references to the terms of service also include references to a **publicly available statement** for regulated search services and combined services that have been identified as Category 2A services.[20] A publicly available statement is a statement that search services make available to users, often detailing various information about how the service operates.

2.15 For the purpose of the duties, a parent includes any person who has parental responsibility for the deceased child who is the subject of an information request.[21] Where we refer to a 'parent' within this guidance, this includes any other person who falls within this definition.

2.16 The guidance set out in this document describes steps that providers of relevant services should consider when designing their policies and procedures given the sensitive situation that bereaved parents experience. In addition, we have set out good practice steps that should help services to achieve the outcome of supporting and reducing uncertainty for bereaved parents in this traumatic situation. We strongly encourage providers to implement these additional steps along with those necessary to comply with the duties.

2.17 In this Guidance, we consider the duties in several steps:

a) What providers of relevant services should include in their terms of service
b) Responding to bereaved parents in a timely manner
c) How providers of relevant services can make their terms of service clear and accessible
d) Support function – requirement for a dedicated helpline, section of the service, or similar means
e) How providers of relevant services should operate a complaints procedure.

[16] Section 75(5)(b) of the Act.
[17] Section 75(5)(c) of the Act.
[18] Section 75(6) of the Act.
[19] Terms of service are defined in section 236(1) of the Act as "all documents (whatever they are called) comprising the contract for use of the service (or of part of it) by United Kingdom users."
[20] Section 75(11) of the Act.
[21] Within the meaning of section 3 of the Children Act 1989, Article 6 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I.2) or section 1(3) of the Children (Scotland) Act 1995.

3. Complying with the duties

What providers of relevant services should include in their terms of service

3.18 The Act imposes several requirements in respect of a relevant service's terms of service. Some of those requirements relate to specific provisions which providers of relevant services must ensure are included in their terms of service.

A relevant service's policy about disclosure of information

3.19 To comply with the duties, a provider of a relevant service must make clear in their terms of service what their policy is about dealing with requests from bereaved parents for information about their child's use of the service. In essence, a provider should set out within the terms of service if, when and in what circumstances they will disclose information in response to a request from a bereaved parent. Providers should confirm whether it is their policy to disclose information and in what circumstances. If providers will consider requests on a case-by-case basis, for example due to the need to consider relevant legal restrictions such as data protection requirements, this should be explained.

The procedure for parents to make a request

3.20 The Act requires a provider of a relevant service to include clear and accessible provisions in the terms of service specifying the procedure for bereaved parents to request information about their child's use of the service.

3.21 The provider of a relevant service should set out clearly and accessibly its procedure for parents to request information about their child's use of the service, from the point a bereaved parent seeks to make a request to the point where a response is provided.[22] They should also set out how parents can access the service's complaints procedure. We recommend they set out the steps that a bereaved parent must follow and how the service will respond in a chronological order, focusing on the process from the parents' perspective. The following table is an illustrative example of what providers of relevant services should include in their terms of service to comply with the duties:

Table 1: Example of procedural steps

Where to seek information about the request process	Location of the dedicated helpline or section of the service, or some similar means, which parents can visit for information on the process for requesting information and updates in those circumstances.
How to submit a request	Methods of submission for requests such as a portal, email, or hard copy via post, and whether this can be found in the support function (see 'Support function – requirement for a dedicated helpline, section of the service, or similar means') (if parents choose to use this).

[22] See paragraph 3.11 for the definition of a response.

Evidence	What evidence (if any) is required to verify the parent's identity or relationship to the child, and what other supporting material is required. (Please refer to 'The evidence the provider will require' sub-section below for further detail).
Response and updates	What information will be included in a response to a parent's request, how this will be disclosed and how the provider will provide responses and updates in a timely manner.
Complaints procedure	Details of how bereaved parents can access the complaints procedure and of the expected timelines for an acknowledgement and response to a complaint.

The evidence the provider will require

3.22 The Act requires providers of relevant services to specify what evidence (if any) they will require about the parent's identity or relationship to the child.

3.23 Providers of relevant services must provide a list of the evidence they will require (such as a parent's identity documentation, child's birth certificate and/or death certificate), to enable parents to prepare prior to making a request.

3.24 Providers of relevant services should also specify any additional requirements in relation to this evidence, such as whether:

- forms of identity document need to be government issued;
- a scanned or photographed version will be accepted;
- the identity document must be dated within a certain timeframe;
- foreign issued documents are accepted and if translations are required; and,
- legal certification is needed for any documents.

Sufficient detail about the disclosure of information

3.25 The Act requires that providers of relevant services must include clear and accessible provisions in the terms of service 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.

3.26 When setting out detail about how information would be shared, we consider that providers should include the format of disclosed information (e.g. PDF, JPEG) and the method of delivery.

Good practice

In addition to the steps outlined above (in paragraphs 3.2 – 3.9) which are recommended for compliance with the duties, this section sets out the additional information that providers of relevant services should consider setting out in their terms of service to make their processes for requesting and disclosing information even more transparent and accessible for bereaved parents.

The procedure for parents to make a request

Acknowledgement

Specify whether information requests will be acknowledged, the expected timeframe and communication channel for the acknowledgement, and what information the acknowledgement will contain. Providers of relevant services should also consider including the next steps of the process in the request acknowledgement.

Communication

State who will communicate with parents including whether a dedicated point of contact will be appointed, and any other appropriate case-handling processes.

Processing requests and clarifying requirements (if necessary)

Set out the next steps if the evidence submitted by bereaved parents is incomplete or unclear. Providers of relevant services may also need to seek additional information or clarification, and should specify the circumstances and stages at which this might occur. Examples of supporting documentation could include evidence of a change of name, and guidance on how to submit these documents. Additionally, we recommend that providers explain how evidence will be stored and how long it will be retained for.

Internal processes

Set out an overview of the types of internal steps which would be undertaken by the provider, such as the initial review of a request, identity and account verification, and compliance checks.

Timeline for providing a response

Provide indicative processing timelines for a response to a request. Providers of relevant services should consider providing a non-exhaustive list of factors which may impact the timescale for a response in their terms of service, such as legal requirements.

The evidence the provider will require

Providers of relevant services should consider the needs of bereaved parents who may not have access to government issued identification such as a passport or driving licence, and so we encourage them to accept a number of different forms of identification, bearing in mind accessibility requirements and the diversity of users on a platform and their parents.

Sufficient detail about the disclosure of information

We also recommend that providers of relevant services include additional detail to provide further clarity and support where relevant. This could, for example, include:

- Confirming the types of information they would not share in any circumstances.
- Explaining whether special software might be required to access any disclosed information and whether they offer support to parents to access this.
- Further information on the method of delivery. For example, where a provider specifies that information will be delivered via a secure portal, they could include additional information to explain how parents would access these systems.

Responding to bereaved parents in a timely manner

3.27 The Act requires that providers of relevant services respond in a timely manner to bereaved parents who ask for information or updates on the progress of their requests.

3.28 We consider a **response** to be a communication from the provider of a relevant service to the requesting parent which:

a) Provides information about the child's use of the service (whether in full or a partial disclosure); or,
b) Explains why this information is not being provided.

3.29 Providers of relevant services should also anticipate that bereaved parents who are requesting information about their child's use of the service may wish to seek updates on how their request is progressing. An update may include confirming what steps have been taken, what is outstanding and how much longer the request may take.

3.30 In determining what will constitute a timely manner, we acknowledge that the nature and extent of any request may have an impact on timescales for a **response** or a response to a request for an update**.** However, providers of relevant services should complete any internal activities and processes they deem necessary promptly and should then provide the response or update about the progress of a request without delay.

3.31 In instances where it is clear at an early stage that a provider of a relevant service will not be providing any information to bereaved parents, for example if it has a policy that it does not disclose information or because information is unavailable as a result of data retention policies, there is no justification for any delay in providing a response to inform parents of this.

Good practice

In addition to the steps outlined above which are recommended for compliance with the duty, providers of relevant services should consider improving communications and clarity even further for bereaved parents. For example, providers should consider promptly acknowledging a bereaved parent's request for information. It may also be helpful to include some information on the procedure and next steps (for example, remaining internal processes), including expected timescales. They may also wish to consider explaining what a parent can do to request an update following submitting their request.

Given the sensitive nature of requests for information or updates from bereaved parents, providers of relevant services should consider, wherever possible, avoiding asking them to repeat details unnecessarily or to resubmit evidence that has already been provided. We recognise that in certain circumstances — such as those involving data security — some repetition may be necessary. In these cases, providers should clearly explain the reason for the request in their acknowledgement to help parents understand the process and reduce additional distress.

When responding to requests for information from bereaved parents, we recommend that providers of relevant services who have a policy for non-disclosure provide the rationale for this policy when explaining why information is not being provided.

Providers of relevant services may wish to set performance targets for the time it takes to respond to a bereaved parent's request for information. In setting targets, providers will need to consider the need both to respond to a bereaved parent's request in a timely

manner and ensure this response is comprehensive and accurate. Performance targets may assist providers to ensure that the time it takes them to respond is measurable and accountable. We recommend providers effectively measure and monitor their performance against their performance targets.

How providers of relevant services can make their terms of service clear and accessible

3.32 The Act requires that providers of relevant services must make it clear in their terms of service what their policy is about dealing with requests from bereaved parents for information about their child's use of the service. We expect that this information should also be accessible within the terms of service.

3.33 As well as making sure that terms of service include details of their policy on disclosure, the Act places requirements on providers of relevant services to set out information in a clear and accessible way.

3.34 This includes:

a) the procedure for bereaved parents to request information;
b) what evidence is required about the parent's identity or relationship to the child; and
c) giving sufficient detail about what kinds of information would be disclosed, and how.

3.35 When drafting 'clear' provisions, providers of relevant services should implement the following:

a) Layout and formatting: Provisions should be laid out and formatted in a way that helps users read and understand them.
b) Language: Provisions should be written to a reading age comprehensible for the youngest individual permitted to use the service without the consent of a parent or guardian.

3.36 When drafting 'accessible' provisions, providers of relevant services should implement the following:

a) Findability: Provisions should be easy to find within the terms of service and be clearly signposted to the public (including to those who do not use or are not signed-up for the service).
b) Usability: Provisions should be designed to be compatible with assistive technologies, including keyboard navigation and screen reading technology.

Good practice

In addition to the steps outlined above which are recommended for compliance with the duty, providers of relevant services should consider using language that is sensitive to the traumatic circumstances in which bereaved parents will be engaging with these provisions.

We recommend that the wording used in relevant parts of their terms of service is underpinned by the principles of trauma-informed practice.[23]

Support function – requirement for a dedicated helpline, section of the service, or similar means

3.37 The Act requires providers of relevant services to 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 on their request.[24]

3.38 It is a matter for providers of relevant services to decide what type of support function they provide and where this support function is located on their site, but it must be easy for parents to obtain guidance on how they can make a request for information and updates. For example, this support function could take the form of a telephone helpline, an online live chat facility, a clearly labelled section of the service outlining the key steps or a set of frequently asked questions.

3.39 We expect that much of the information provided via this support function will mirror the information providers of relevant services are required to include within their terms of service (see paragraphs 3.2 – 3.9).

3.40 As a starting point, and regardless of what support function providers choose to have in place, a provider of a relevant service should outline what their policy is for dealing with requests from a parent about the child's use of the service, in line with what they have set out in their terms of service (see paragraph 3.2).

3.41 Using the support function, parents should be able to understand whether a provider has a policy to disclose information, to not disclose information or whether they choose to consider requests on a case-by-case basis.

3.42 Providers of relevant services must ensure that parents can easily find out what they need to do to obtain information and updates. Therefore, the dedicated helpline or section of the service, or some similar means, should be easy to find, such that:

a) It is easily locatable regardless of whether parents have registered with or are using the service;
b) It is designed so that people using assistive technology can find it; and
c) Where a service has a search function available, the dedicated helpline or section of the service should be retrievable via this.

3.43 To ensure that parents can easily find out what it is they need to do to obtain information and updates, the support function should also explain:

a) The steps that parents need to follow to obtain information. This should include how a request can be made, including directly pointing bereaved parents to the mechanism for making a request. If the means for making a request for information is via an online

[23] Please see the following resources for further background on trauma-informed practice: Working definition of trauma-informed practice - GOV.UK (England); Trauma-informed practice: toolkit - gov.scot (Scotland); Trauma-Informed Wales (Wales); Trauma Informed Toolkit (Northern Ireland). [accessed 5 December 2025]
[24] Relevant services are also required to include details of the support function in their terms of service. See sub-section 'Details of a dedicated helpline or section of the service, or some similar means in the terms of service' at paragraphs 3.27 – 3.28 for details.

mechanism (such as an online request form), providers should include a hyperlink to this in their support function. Otherwise, providers' support functions should provide details on the mechanism through which bereaved parents can request information about their child's use of the service (i.e. providing a phone number, email address or postal address). It should also describe what evidence, if any, the provider will require about the parent's identity or relationship to the child.

b) What parents need to do to obtain updates. This could include whether there is a specific email address for the service which parents need to contact to request an update.

Good practice

In addition to the steps outlined above which are recommended for compliance with the duty, providers of relevant services should consider providing further information via the support function to make their process even more transparent for bereaved parents. For example:

- The kinds of information that would be disclosed
- How information would be disclosed
- The anticipated timescale for providing a response to the request
- Relevant factors that may affect this timescale
- How bereaved parents can complain if they are not satisfied with how their request has been handled (see paragraphs 3.29 – 3.31 for more details)

Details of a dedicated helpline or section of the service, or some similar means in the terms of service

3.44 Providers of relevant services must provide details of their support function (as outlined above in paragraphs 3.20 - 3.26) in their terms of service.

3.45 To comply with this duty, providers of a relevant service must include the following details in the terms of service:

a) what support function the service has in place, for example, a telephone helpline or online live chat facility; and,

b) where the support function is located. The terms of service should direct bereaved parents to the support function, for example by including a hyperlink where the support is provided online, or by listing a telephone number where the support is offered via a telephone helpline.

Good practice

Providers of relevant services should consider ensuring that the details of the dedicated helpline or section of the service, or some similar means, are clear and accessible in their terms of service. Please see paragraphs 3.15 – 3.19 for guidance on clarity and accessibility.

How providers of relevant services should operate a complaints procedure

3.46 The Act requires providers of a relevant service to operate a complaints procedure which is easy to access, easy to use and transparent, which allows for relevant complaints to be made, and which provides for appropriate action to be taken.

3.47 To make the complaints procedure easy to access and easy to use, providers of relevant services should:

a) Ensure the complaints process is easy to find and navigate. For example, they could signpost their complaints mechanisms to bereaved parents as part of their procedure for making a request, as set out in their terms of service (see paragraphs 3.3 – 3.4). Relevant services should also offer instructions that are easy to comprehend.
b) Allow bereaved parents to give the relevant service provider supporting information when making relevant complaints.
c) Follow industry standards and best practice, and use the information the provider has about UK users' accessibility needs - including disabled people - to design a complaints process that is easy for everyone to use and that works well with assistive technologies (such as keyboard navigation and screen readers).
d) The complaints procedure must also be transparent. To do this, providers of relevant services could set clear expectations for complaint timelines and set out the possible courses of action.

3.48 The nature of appropriate action will depend on the complaint. Appropriate action in response to complaints should include, but is not limited to:

a) Acknowledgement of all complaints, which could include:

i) providing the complainant with a timeline telling them when they can expect to hear the outcome.
ii) setting out the possible outcomes of the complaint, and an explanation of what actions may be taken in response to the complaint. This information could explain how the provider of a relevant service generally handles complaints and does not need to be tailored for each specific complaint.

b) A nominated individual or team to handle the complaint, which could be part of a provider of a relevant service's existing complaints handling function.
c) Handling relevant complaints within timeframes set by the provider of the relevant service.
d) A response which clearly sets out whether the complaint has been upheld, in full or in part, or not upheld, and explains the reasoning for the decision. This may also include details of what, if any, further action will be taken. Providers of relevant services must inform parents of the complaint outcome, even if the outcome is that the complaint is not upheld.

Good Practice

In addition to the steps outlined above which are recommended for compliance with the duty, providers of relevant services should consider training individuals or teams to respond with appropriate sensitivity, to ensure the process allows for bereaved parents to be treated with due respect and dignity.

When responding to requests for information from bereaved parents, providers of relevant services should consider directing them to the complaints procedure which allows them to complain if they consider that the provider is not complying with the duties. For example, providers could include a hyperlink to the complaints procedure.

Policies and procedures governing the handling and resolution of complaints

3.49 Providers of relevant services must include in the terms of service provisions which are easily accessible specifying the policies and processes that govern the handling and resolution of complaints. We interpret 'access' broadly to incorporate accessibility requirements and needs, and expect the same principles set out in paragraph 3.19 to apply here.

3.50 Providers of relevant services should consider comprehensibility, based on the likely reading age of the youngest individual permitted to use the service without the consent of a parent or guardian.

Good practice

In addition to the steps outlined above which are recommended for compliance with the duty, if providers of relevant services have an appeals process in relation to the outcomes of complaints, they should consider setting out details of this process alongside the policies and procedures governing the handling and resolution of complaints.