A3. Impact Assessments

Impact assessments

A3.1 Impact assessments provide a way of assessing the options for regulation and showing why the chosen option was preferred. They form part of best practice policy making. As a matter of policy, Ofcom is committed to carrying out impact assessments for the large majority of our policy decisions and has discretion as to the substance and form of an impact assessment. Our impact assessment guidance sets out our general approach to how we assess and present the impact of our proposed decisions.[1]

A3.2 Our Guidance aims to advise providers of relevant services how they can comply with their duties under the Act. The Guidance also provides good practice steps they should consider taking to further increase transparency and reduce uncertainty for bereaved parents seeking information about their child's use of an online service. In this annex, we present our assessment of the expected impact on providers of relevant services of following these recommendations for compliance and the suggested good practice steps. In line with Ofcom's general approach, we assess the impact of the recommendations in the Guidance over which we have discretion and not what is required to comply with the duties in the Act.

A3.3 Ofcom is required, when exercising its regulatory functions, to have regard to the desirability of promoting economic growth, including ensuring that regulatory action is necessary and proportionate. This is referred to as the 'growth duty'.

A3.4 We are also required to have regard to the UK Government's statutory guidance on the growth duty, which explains that the growth duty needs to be considered alongside our other statutory duties and that its purpose is not to achieve or pursue economic growth at the expense of necessary protections. Among other things, it also identifies particular drivers of economic growth, including innovation, investment and competition.

A3.5 The growth duty has applied to our online safety functions since 6 April 2026, following the end of a time-limited exclusion for these functions. As such we did not expressly consider the growth duty in our December 2025 Deceased Child User Duties Guidance Consultation ('December 2025 Consultation'). For this statement, we have therefore reassessed the wider economic impacts of our decisions.

Our provisional assessment

A3.6 At consultation, our provisional view was that the recommended steps for compliance or the good practice steps in the draft Guidance were unlikely to impose any significant burdens on providers of relevant services. We explained this was because they were closely aligned with the duties in the Act and did not mandate any new requirements. Rather they advised providers of relevant services on practical steps to comply with the duties or, where the recommendations extend beyond the duties in the Act, they were expected to involve minimal incremental costs.

A3.7 Nevertheless, we recognised that providers of relevant services may incur some costs. In particular, there may be some small costs (e.g. staff time) from engaging with the Guidance, by familiarising themselves with the Guidance and considering the actions recommended

[1] Ofcom, 2023. Impact assessment guidance.

for compliance with the duties and, where they choose to implement these, good practice steps. There may also be additional, more substantial costs (e.g. one-off and ongoing costs) for providers that take the good practice steps. We expected that these costs would vary according to the size, complexity, and services' existing systems and processes.

Respondents feedback and our final assessment

A3.8 We consider that our cost assessment set out in consultation remains appropriate, we have made no changes to that assessment.

A3.9 We considered the updates made to the suggested good practice steps following consultation in response to respondent feedback regarding the support function (described in detail in paragraphs 3.45 – 3.55), and information which could be included in the terms of service (described in detail in paragraph 3.7 – 3.21). These changes relate to the suggested good practice steps, and we have made no amendments to our required steps for compliance.

A3.10 In our view, the recommended steps for compliance and the good practice steps set out in the Guidance, including those updated following consultation, are unlikely to impose a significant cost burden on providers of relevant services. This is because they are closely aligned with the Act and do not mandate any new requirements. Where the Guidance recommendations extend beyond the duties in the Act, the associated costs are expected to be minimal.

Benefits of the guidance including steps for good practice

A3.11 We expect that by following the Guidance, including the good practice steps, providers of relevant services will provide meaningful benefits for bereaved parents, including:

- The Guidance will help providers of relevant services ensure clarity and transparency for bereaved parents from the earliest point they seek to request information, so parents can understand what they can expect throughout the process.
- The Guidance will support providers of relevant services in ensuring that bereaved parents are treated with dignity and respect throughout their engagement, and that providers adopt a humane and sensitive approach to these interactions.
- The Guidance sets out ways providers of relevant services can alleviate the burden on bereaved parents by making the process of requesting information as straightforward and supportive as possible.

Impacts and costs of recommended steps for compliance with the duties

A3.12 In our Consultation, we outlined the practical steps that providers of relevant services could take to comply with the duties in section 75 of the Act. We explained that the recommended steps for compliance are closely aligned with the duties and therefore considered the incremental cost for providers of relevant services in following them would be limited.[2] We have made no changes to the recommended steps for compliance since the Consultation and continue to take the view that the associated costs for providers of relevant services following the recommended steps for compliance are minimal.

[2] A2 DCU Guidance Impact Assessments. Impact Assessment. Paragraph A2.5 - A2.8.

Impacts and costs of good practice steps

A3.13 In the Consultation, we set out the good practice steps that we recommended providers of relevant services take in addition to complying with their legal duties. We stated in the Consultation that services implementing the good practice steps would likely only incur small costs in absolute terms.[3] Since the Consultation, we have updated the Guidance to include additional Guidance on the procedure for parents to make a request, and the support function. Our analysis suggests that these additions would not require significant costs to implement. We therefore still consider that the cost of implementing the full Guidance measures will be minimal and that these costs are proportionate to the benefits they provide for bereaved parents.

Table 1: Potential costs for providers of relevant services to implement good practice

Service duties	Good practice steps	Potential costs of good practice steps
Ensure their terms of service clearly and accessibly specify the procedure for a bereaved parent to request information about their child's use of the service	Providers of relevant services should consider including additional procedural steps in their terms of service, illustrative examples of which include: • specifying whether information requests will be acknowledged and details of the acknowledgment; • stating who will communicate with parents including whether a dedicated point of contact will be appointed, and any other appropriate case-handling processes; • setting out the next steps if the evidence submitted by bereaved parents is incomplete or unclear; • setting out an overview of the types of internal steps which would be undertaken by the provider such as the initial review of a request; and • providing indicative processing timelines for a response to a request, including a non-exhaustive list of factors which may impact the timescale for a response.	• Minimal one-off staff costs to draft an update to the terms of service outlining the request procedure.

[3] A2 DCU Guidance Impact Assessments. Consultation Impact Assessment. Paragraph A2.9.

Ensure their terms of service clearly and accessibly specify what evidence (if any) the provider will require about the parent's identity or relationship to the child	Providers of relevant services should consider following the good practice steps including accepting a number of different forms of identification, bearing in mind accessibility requirements and the diversity of users on the platform.	• Minimal one-off staff costs to research and then draft an update to their terms of service detailing the different forms of identification that they would accept.
Ensure their terms of service clearly and accessibly give sufficient detail to enable child users and their parents to be reasonably certain about what kinds of information would be disclosed, and how the information would be disclosed	Providers of relevant services should consider following the good practice steps including setting out in their terms of service: • the types of information they would not disclose under any circumstances; • whether information disclosed in response to a request may be redacted and in what circumstances; • whether special software might be required to access any disclosed information and whether they offer support to bereaved parents to access this; and • further information on the method through which the information will be delivered.	• Minimal one-off staff costs to update the terms of service, outlining the type of information they will not disclose under any circumstances, whether information disclosed in a response may be redacted and in which circumstances, the software access and support process and further details regarding the disclosure delivery method.

Respond in a timely manner to requests from bereaved parents for information about their child's use of the service or for updates about the progress of such requests	Providers of relevant services should consider following the good practice steps, including: • promptly acknowledging a bereaved parent's request for information and including information regarding the procedure, next steps, expected timescales and how a bereaved parent can request an update; • wherever possible, avoiding asking bereaved parents unnecessarily to repeat details or resubmit evidence that has already been provided; • providing the rationale for any policy for non-disclosure (if applicable); and • setting performance targets for the time it takes to respond to a bereaved parent's request for information and effectively measure and monitor their performance against these targets.	• Minimal ongoing staff costs to support prompt acknowledgement to information requests and to inform bereaved parents of key information and the expected next steps. We expect these costs to rise in proportion with the number of bereaved parents submitting requests for information, as each acknowledgement will incur a corresponding cost. • Ongoing costs may be negligible if the communication process is automated. • For providers of relevant services with a non-disclosure policy, minimal ongoing staff costs associated with communicating the rationale for this policy to bereaved parents. • Minimal one-off staff costs to create performance targets. • Minimal ongoing staff costs to measure and monitor performance against these targets.
Ensure that their disclosure policy is set out clearly, and that other provisions are set out clearly and accessibly in their terms of service	Providers of relevant services should consider following the good practice steps, including using sensitive language and wording in the relevant parts of their terms of service which are underpinned by the principles of trauma informed practice.	• Minimal one-off cost to research optimal trauma informed practice. • Minimal one-off staff cost to draft the updated sections of the terms of service, so they are trauma informed and sensitive to the subject matter.

Operate a dedicated helpline or section of the service, or some similar means ('support function') by which bereaved parents can easily find out what they need to do to obtain information and updates	Providers of relevant services should consider using the support function to inform bereaved parents of further information, 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 could affect this timescale; • details of how bereaved parents can complain if they are not satisfied with how their request has been handled; • details of the support function including, where applicable, monitoring arrangements, operating hours, and expected availability of support channels; and • updates, where applicable, when the responsibility for handling a request is transferred or escalated to another individual or team.	• Minimal one-off costs associated with creating training material and training staff to communicate the additional information. • Minimal ongoing staff costs to account for the extra time needed to communicate the additional information to bereaved parents. These costs would be expected to scale with the benefits to bereaved parents as higher ongoing costs would arise with increased use of the support function. • Minimal one-off staff and system infrastructure costs associated with incorporating the additional information into any system or process underlying an automated support function. • Minimal ongoing costs if the process is automated. • Minimal one-off staff costs to draft the terms of service to ensure that details of the support function are clear and accessible.

Operate an easy to access, easy to use and transparent complaints procedure in relation to the service that allows for complaints to be made by bereaved parents who consider that the provider is not complying with the duties and which provides for appropriate action to be taken	Providers of relevant services should consider following the good practice steps, including: • training individuals or teams responsible for handling complaints to respond with appropriate sensitivity to ensure the process allows for bereaved parents to be treated with respect and dignity; and • when responding to bereaved parents' requests for information, directing parents to the complaint's procedure, for example by using a hyperlink.	• Minimal one-off staff costs associated with creating training material and training staff on how to handle complaints sensitively. • Minimal ongoing staff costs to direct bereaved parents to the complaint's procedure when responding to requests.
Include in their terms of service provisions which are easily accessible specifying their policies and processes which govern the handling and resolution of such complaints	Providers of relevant services should consider following the good practice steps including setting out in their terms of service details of the appeals process in relation to the outcome of complaints.	• Minimal one-off staff costs to update the terms of service setting out details of their complaints policy to also include details of the appeals process.

Growth

A3.14 We anticipate that any impact on UK economic growth resulting from providers following the recommended steps for compliance and the Guidance will be negligible. The costs of enacting the guidance including good practice steps are expected to be minimal as they are closely aligned with the duties in the Act and do not mandate any new requirements. The Guidance instead advises providers of relevant services on practical steps to comply with the duties or, where the recommendations extend beyond the duties in the Act, they are expected to involve minimal incremental costs.

A3.15 We also consider it unlikely that providers following the recommended steps for compliance and the good practice steps set out in the Guidance will give rise to significant indirect effects on adjacent markets or the wider economy. As the Guidance only applies to categorised services, we expect these providers to have the capacity to implement the proposed measures without any meaningful adverse impact on known drivers of growth in their markets, such as competition, innovation or investment.

Rights impact assessments

A3.16 In Annex 2 of this statement, we have set out Ofcom's duties under the European Convention of Human Rights ('ECHR'). In carrying out our rights assessment of the proposals, we had addressed the relevant rights impacts on users, services and other persons and had considered the extent to which our proposals may interfere with certain rights in the ECHR as set out in Schedule 1 to the Human Rights Act 1998. Where a right is engaged, the interference may be justified where it is:

- in accordance with the law;
- the law in question pursues a legitimate aim and it is proportionate to that aim; and
- there is a pressing social need.

Our provisional rights assessment

A3.17 In our provisional assessment we noted the specific obligations on Ofcom under the Act in relation to protecting the right of individuals to freedom of expression within the law and protecting the privacy of users when setting out measures in a code of practice.[4] We confirmed that we are not proposing new codes measures and that to the extent that the draft Guidance drew upon measures already set out in the Illegal Content Codes and Protection of Children Codes, those obligations have been considered in detail. We therefore did not separately consider any relevant impacts. Our approach was to consider rights impacts of the steps recommended for compliance with the duties and additional good practice set out in the draft Guidance.

A3.18 We explained that the duties imposed on providers of regulated services under section 75 of the Act, relate to the clarity and transparency of their policy and procedure for dealing with requests from bereaved parents for information about their child's use of the service, and for dealing with complaints from bereaved parents. The duties also ensure that providers of relevant services respond in a timely manner to requests for information and updates about the progress of requests, and that they have a support function for parents to find out what they need to do to obtain information and updates. We made clear that the purpose of our Guidance was to assist providers of relevant services in complying with these duties, and covered both the operational requirements – for example, to respond in a timely manner – and requirements for terms of service in respect of substance, clarity and accessibility.

A3.19 In relation to freedom of expression under Article 10 ECHR, we considered that our approach to the draft Guidance would not result in any interference with individuals' or services' rights to freedom of expression. We explained that this is because the duties do not require providers of relevant services to take any specific actions in relation to users' content, and we did not make any recommendations in the draft Guidance that would restrict what users do or share online.

[4] Paragraph 10(1) of Schedule 4 to the Act states that '*Measures described in a code of practice which are recommended for the purpose of compliance with any of the relevant duties must be designed in the light of the principles...and (where appropriate) incorporate safeguards for the protection of the matters mentioned in those principles*.' Paragraph 10(2) sets out that those principles are the importance of protecting the right of users and (in the case of search services or combined services) interested persons to freedom of expression within the law, and (b)the importance of protecting the privacy of users.

A3.20 We also considered Article 8 of the ECHR which sets out the right to respect for an individual's private and family life. We explained that the duties in section 75 of the Act do not require providers of relevant services to take any specific action in relation to personal data, and that we considered that our approach to the draft Guidance would not result in any interference with users' privacy rights. We said that our proposals focused on promoting clarity and transparency, and on ensuring bereaved parents receive timely responses to their requests for information and updates. We made clear that we did not make recommendations on how information about a child's use of the service is stored, processed, or shared, as these decisions remain at the discretion of providers.

A3.21 We considered that our proposals relating to the provision of specific information in the terms of service and support function, as mandated by the duties, may have positive impacts on users' rights to privacy. We explained that, by clearly setting out the policies and procedures for handling requests relating to a deceased child user's use of a service, providers would enable users and bereaved parents to understand what information may be disclosed, under what conditions, and through which mechanisms. We considered that this transparency would reduce uncertainty and help ensure that any disclosure of information occurs within a predictable framework, thereby supporting trust in the service. We highlighted that providers that were required to process personal data in complying with the duties and implementing any good practice steps set out in the draft Guidance would need to comply with relevant data protection legislation and refer to relevant guidance from the Information Commissioner's Office.

Stakeholder feedback and Ofcom's response

A3.22 We received comments related to this rights assessment in response to our December 2025 consultation. We have assessed this feedback and have set out our response, before setting out our overall conclusions below. The key themes of stakeholder feedback, explored in greater detail in the paragraphs which follow, are:

- Freedom of expression and concerns about a chilling effect on child users;
- Privacy and data protection; and
- The rights assessment should consider the best interests of the child principle.

Freedom of expression and concerns about a chilling effect on child users

Stakeholder feedback

A3.23 Dr Harbinja was concerned that living children may self-censor or lose trust in digital spaces if they believe their data will be disclosed to their parents upon their death. Further, that this may create a chilling effect on the freedom of expression of living children, particularly if the Guidance focuses solely on the ease of parental access.[5]

Our response

A3.24 We do not agree that the deceased child user duties, or the steps we recommend in our Guidance, are likely to create a chilling effect on the freedom of expression of child users. The duties do not require providers to disclose information relating to deceased child users to parents. Rather, they focus on transparency by requiring providers to set out their policy

[5] Response to our December 2025 consultation: Harbinja, E. p.3.

about dealing with requests from bereaved parents for information, and to give sufficient detail about what kinds of information would be disclosed and how it would be disclosed.

A3.25 In particular, neither the duties or our Guidance require providers to adopt, expand or amend their existing disclosure policies. Decisions about whether, and in what circumstances, information may be disclosed remain a matter for providers, subject to any applicable legal requirements. Instead, providers should be transparent about the approach they take, enabling users and bereaved parents to better understand how a provider will respond to such requests.

A3.26 We consider that this transparency can support, rather than undermine, users' freedom of expression. By providing clear information about a provider's policies and practices, users are better placed to make informed decisions about their use of a service and the information they choose to share through it. In this way, the duties and our Guidance promote transparency and informed choice.

Privacy and data protection

Stakeholder feedback

A3.27 Dr Harbinja argued that the rights assessment appeared to underestimate the interference with Article 8 of the ECHR as any disclosure of a deceased child's private data is an interference with the child's post-mortal privacy.[6] In particular, Dr Harbinja was concerned that a purely parent-centric objective of the Guidance risks ignoring the child's autonomous right to a private life that may have included secrets kept even from their parents.[7]

A3.28 Two stakeholders noted that requests for information about a deceased child's use of the service may engage the privacy rights of third parties, including users who interacted with the deceased child.[8] Dr Harbinja argued that the rights assessment should account for the risk of harm to third parties, particularly the child's peers, whose intimate correspondence may be revealed to the parent without their consent.[9] They stated that such disclosure would be an interference with the correspondence rights of third parties.[10]

A3.29 Dr Harbinja stated that the rights impact assessment should recognise the positive privacy impact of transparency as, if users understand the conditions of disclosure, they can make better-informed choices about their informational body and footprint during their lifetime.[11]

Our response

A3.30 As we have explained, the duties and our Guidance do not require providers to disclose information relating to a deceased child user to parents or any other person. We also do not make recommendations about how information is stored, processed or shared.

A3.31 We do not agree that the duties, or our Guidance, give rise to an interference with the privacy rights or data protection of deceased child users. The rights protected by Article 8 of the ECHR and data protection legislation apply to living individuals rather than deceased persons. In any event, the duties and Guidance are concerned with transparency regarding

[6] Response to our December 2025 consultation: Harbinja, E. p.22.
[7] Response to our December 2025 consultation: Harbinja, E. p.3.
[8] Response(s) to our December 2025 consultation: Harbinja, E. p.22.; [✂]
[9] Response to our December 2025 consultation: Harbinja, E. p.23.
[10] Response to our December 2025 consultation: Harbinja, E. p.22.
[11] Response to our December 2025 consultation: Harbinja, E. p.23.

providers' policies and processes, regardless of the disclosure policy a provider chooses to have. The Guidance is neutral on whether information should be disclosed to parents. The substantive decisions providers make about whether information should be disclosed, and the circumstances in which any disclosure may occur, are outside the scope of both the duties and our Guidance.

A3.32 We recognise that, when considering requests relating to a deceased child's use of a service, providers may process personal data relating to living individuals, including users who interacted with the deceased child user, users connected to that child on a service or individuals whose content was encountered by the deceased child user. Where providers process personal data relating to living individuals in connection with such requests, they must do so in accordance with the applicable data protection legislation. We therefore consider that existing legal frameworks provide safeguards in relation to the privacy rights and interests of third parties.

A3.33 We agree that greater transparency can support users making informed choices about their use of a service and the information they share through it and we consider that our approach to the guidance supports this. For the reasons set out at paragraph A3.26, we consider that providing clear information about providers' policies and processes can support user autonomy and informed decision-making.

The rights assessment should consider the best interests of the child principle

Stakeholder feedback

A3.34 Dr Harbinja recommended that the rights assessment place greater emphasis on the best interests of the child principle as people have an interest in "digital self-determination" that persists after death. Further, that a robust assessment must consider the "future-decedent interest" of living children.[12]

Our response

A3.35 We note that the UK has ratified the United Nations Convention on the Rights of the Child (UNCRC)[13] and the UK Government is required to make law that gives effect to it. Among other things, the UNCRC requires that the best interests of the child should be a primary consideration in all actions concerning children, including those taken by public authorities such as Ofcom.[14] Of particular relevance in this context is General Comment No. 25 (2021) on children's rights in relation to the digital environment,[15] which explains that State parties should ensure that (1) in all actions relating to the regulation, design, management and use of the digital environment, the best interests of the child is a primary consideration, and that (2) in considering best interests, regard should be had to all children's rights. General Comment No. 25 also highlights the need to respect the evolving capacities of the child, and the risks and opportunities of their engagement in the digital environment depending on their age and stage of development.

[12] Response to our December 2025 consultation: Harbinja, E. p.23.

[13] United Nation Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25.

[14] See Article 3 of the UNCRC. Other important rights under the UNCRC include the right to freedom of expression and access to information (Articles 13 and 17) and the right to privacy (Article 16). We note that these rights are also reflected in the rights enshrined in the ECHR as discussed above.

[15] General comment No. 25 of the UN Committee on the Rights of the Child, published 2 March 2021.

A3.36 We have considered the interests and rights of children as part of our assessment. As explained above, the duties and Guidance do not require providers to disclose information relating to deceased child users. We therefore do not consider that this consideration affects our assessment. Further, we do not consider that the concept of a child's "future-decedent interest", or posthumous digital self-determination, requires a different conclusion in this context.

A3.37 To the extent that the handling of a request involves the processing of personal data relating to living children, such data must be handled in accordance with applicable data protection legislation. We do not consider that the duties or Guidance give rise to concerns which would alter our assessment of the rights and interests of living children.

Our final conclusion on rights

A3.38 In developing the Guidance, and taking into account stakeholder feedback on these issues, we have carefully considered whether the recommendations made would constitute undue interference with users' fundamental rights, such as their rights to privacy and freedom of expression (Articles 8 and 10 ECHR). In addition, we have considered whether the recommendations in the Guidance would constitute interference with services' freedom of expression rights. Our assessment is that they do not. We confirm our view in the provisional assessment that the Guidance would not result in any interference. This is because we do not make any recommendations in the Guidance that would restrict what users do or share online, or on how information about a child's use of the service is stored, processed, or shared.

Equality impact assessment

Legal Context

A3.39 Section 149 of the Equality Act 2010 ('the 2010 Act') imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.

A3.40 Section 75 of the Northern Ireland Act 1998 ('the 1998 Act') also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.[16]

A3.41 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.

[16] Ofcom, 2014. Revised Northern Ireland Equality Scheme for Ofcom.

A3.42 When thinking about equality we consider the potential impacts more broadly and not just in relation to those groups of persons that share protected characteristics identified in equalities legislation (see paragraph 4.7 of our impact assessment guidance[17]).

A3.43 In particular, section 3(4) of the 2003 Act also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:

- the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;
- the needs of persons with disabilities, older persons and persons on low incomes; and
- the different interests of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.

A3.44 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers.

Equality impact assessment

A3.45 In developing our draft guidance, we carefully considered the impacts of our proposals on individuals with protected characteristics and any potential risks of discrimination, as well as impacts on equality of opportunity and fostering good relations. We also considered wider impacts on other groups, such as people from different socio-economic groups and vulnerable groups, including children. In our provisional assessment, we considered that our proposed recommendations for compliance and good practice would not have a detrimental impact on any group of people.

A3.46 We received feedback from Dr Harbinja that the equality impact assessment should address the "digital divide in bereavement", highlighting that vulnerable bereaved parents such as those without standard forms of government-issued identification or those for whom English is a second language, may face barriers when seeking information about their child's use of a service. They considered that these groups could therefore be disproportionately disadvantaged by the proposed framework.[18]

A3.47 We have considered this feedback, alongside the other responses to our consultation, and have assessed our recommendations for compliance and good practice outlined in the final Guidance. We do not consider that the final Guidance would have a detrimental impact on any group of people.

A3.48 In relation to identification providers may require, the Act does not empower us to specify the particular types of evidence that providers should accept, and the final Guidance reflects this. However, as good practice we recommend that providers consider accepting a range of forms of identification, taking into account accessibility requirements and the diversity of users and their parents. We consider that this approach appropriately addresses the concern raised by Dr Harbinja, while remaining consistent with the flexibility afforded to providers under the Act.

A3.49 As set out in paragraph 3.31 of our Statement, we also do not consider it necessary to recommend specific language requirements. This is consistent with our approach in the

[17] Ofcom, 2023. Impact assessment guidance.

[18] Dr Edina Harbinja's response to the December 2025 Consultation: Guidance - Deceased Child User Duties

Illegal Content Codes and Protection of Children Codes, which do not prescribe the languages in which relevant information must be made available. Those Codes have been subject to Equality Impact Assessments, and we do not consider that our recommendations or decisions made in relation to the final Guidance change this assessment.

A3.50 Taken together, we expect our recommendations for compliance and good practice to improve transparency and reduce uncertainty for all bereaved parents who wish to seek information about their child's use of a relevant service, including those with protected characteristics, in line with the broader aims of the Act.

A3.51 Our recommendations are intended to help ensure that bereaved parents experience clarity, dignity and support throughout their interactions with providers of relevant services. We consider this is likely to have a positive on individuals with protected characteristics. For example, our good practice recommendation that providers consider accepting a number of different forms of identification, bearing in mind accessibility requirements and the diversity of users on a platform, can help to ensure that parents who may face administrative barriers are not excluded from accessing information about their child's use of a service. We consider that this may benefit people who do not have English as a first language or who have a non-British nationality (which can be associated with race), and people with relevant disabilities.

A3.52 Our good practice recommendation that providers should avoid asking bereaved parents to unnecessarily repeat details or resubmit evidence that has already been provided is intended to reduce the administrative burden for bereaved parents. This could increase accessibility for older users and those with disabilities by reducing complexity. It also supports parents who may not have English as a first language by reducing the need to re-interpret instructions.

A3.53 The requirements and recommendations for the support function to be easily locatable for those not registered with the service and designed to be compatible with assistive technologies are intended to reduce barriers to accessing information about the request process. We consider that this may help to ensure that bereaved parents can quickly access support without unnecessary barriers. Overall, we expect a wide range of users and parents to benefit from implementing the recommendations in our guidance.

A3.54 Following consultation, we have made a limited number of changes to our good practice recommendations. These concern communication with bereaved parents where responsibility for a request changes; information about the availability of the support function; and information about whether information disclosed in response to a request may be redacted and, where relevant, the circumstances in which this may occur. We consider that these recommendations may further reduce uncertainty and barriers for bereaved parents, including those with protected characteristics. We have not identified any adverse equality impacts arising from these changes.

A3.55 We expect our evidence base and understanding to improve over time, and we will continue to assess the potential impacts of our guidance and good practice recommendations.

Welsh language impact assessment

Legal context

A3.56 The Welsh Language (Wales) Measure 2011 made the Welsh language an officially recognised language in Wales. This legislation also led to the establishment of the office of the Welsh Language Commissioner who regulates and monitors our work. Ofcom is required

to take Welsh language considerations into account when formulating, reviewing or revising policies which are relevant to Wales (including proposals which are not targeted at Wales specifically but are of interest across the UK).[19]

A3.57 Where the Welsh Language Standards are engaged, we consider the potential impact of a policy proposal on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language. We also consider how a proposal could be formulated so as to have, or increase, a positive impact, or not to have adverse effects or to decrease any adverse effects. The following sections provide our Welsh language impact assessment.

Welsh language Impact Assessment

A3.58 The Welsh language has official status in Wales. To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards.[20] Accordingly, we have considered:

- the potential impact of our policy proposals on opportunities for persons to use the Welsh language;
- the potential impact of our policy proposals on treating the Welsh language no less favourably than the English language; and
- how our proposals could be formulated so as to have, or increase, a positive impact; or not to have adverse effects or to decrease any adverse effects.

A3.59 Ofcom's powers and duties in relation to online safety regulation are set out in the Act and must be exercised in accordance with our general duties under section 3 of the CA 2003. In finalising this Guidance, where relevant and to the extent we have discretion to do so in the exercise of our functions, we have considered the potential impacts on opportunities to use Welsh and treating Welsh no less favourably than English.

A3.60 We have assessed our recommendations for compliance and good practice in the final Guidance, including the changes we have made following consultation. In line with the approach set out in our November 2023 consultation[21] where we stated that it would not be proportionate to recommend that terms of service or public statements be made available in specific languages, we have taken the same view in relation to these duties. We have not identified any adverse effects on opportunities to use Welsh or on treating Welsh no favourably than English arising from the final Guidance. The limited changes we have made to the good practice recommendations following consultation do not prescribe the language in which providers must communicate with bereaved parents, and we do not consider that they alter our assessment of the effects of the Guidance on the Welsh language.

A3.61 Some of our recommendations in the final Guidance reflect Codes measures we have already set for service providers (in statement or consultation) elsewhere. These recommendations have undergone previous Welsh Impact Assessments, as part of previous consultations and statements on implementing those aspects of the regime, which have concluded that our

[19] See Standards 84-89 of Hysbysiad cydymffurfio (in Welsh) and compliance notice (in English). Section 7 of the Welsh Language Commissioner's Good Practice Advice Document provides further advice and information on how bodies must comply with the Welsh Language Standards.

[20] The Welsh language standards with which Ofcom is required to comply are available on our website here. https://www.ofcom.org.uk/about-ofcom/structure-and-leadership/welsh-language

[21] Our November 2023 Consultation on Protecting People from Illegal Harms Online: Volume 4, p.225.

proposals are likely to have positive effects or increased positive effects on opportunities to use Welsh, and treating Welsh no less favourably than English, with no known adverse effects. We do not consider that the final Guidance changes that assessment.