

Consultation on Data Preservation Notices

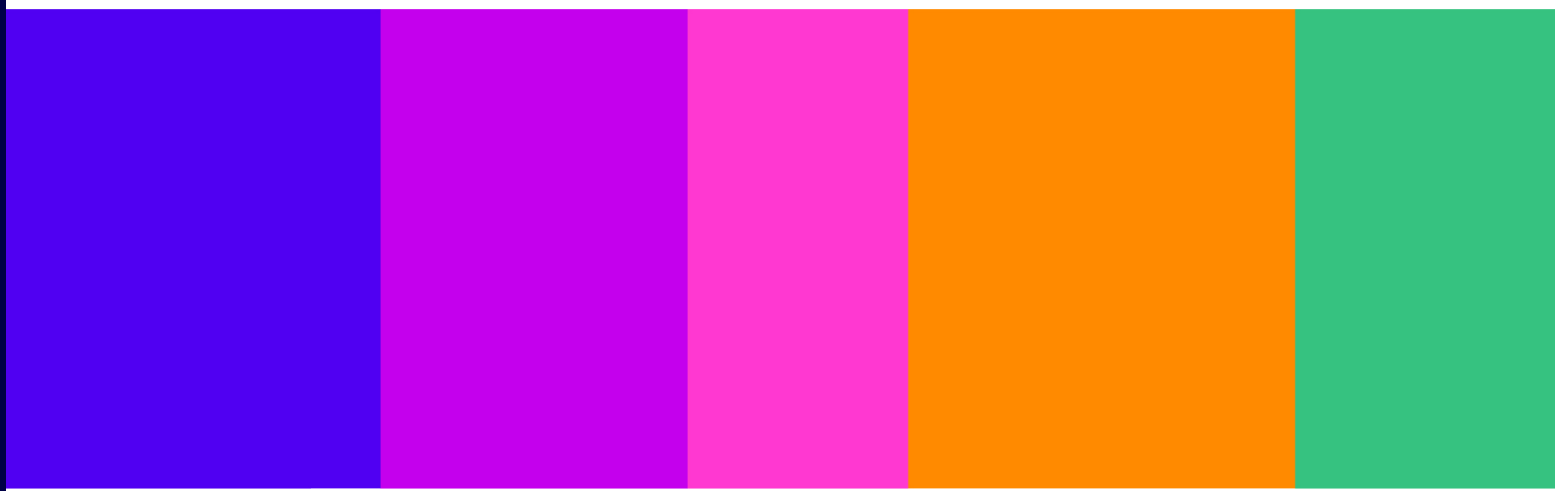
Updates to Online Safety Information Powers Guidance

Consultation

Published 16 September 2025

Closing date for responses: 28 October 2025

For more information on this publication, please visit [ofcom.org.uk](https://www.ofcom.org.uk).



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1. Overview

- 1.1 The Online Safety Act 2023 ('the Act') gives Ofcom powers to request information for the purposes of exercising, or deciding whether to exercise, our online safety functions. In February 2025 we published our [Online Safety Information Powers Guidance](#) ('Guidance') to help stakeholders understand when and how we might use these powers.
- 1.2 The death of a child has a devastating impact on families and wider communities. Among our wider information gathering powers, the Act provides us with functions to support the role played by coroners¹ in establishing the underlying causes of a child's death. If we receive a formal request for information from a coroner to support an investigation or inquest into the death of a child, we have the power to issue a Coroner Information Notice to gather information from certain persons, including regulated service providers.
- 1.3 In June 2025 the Data (Use and Access) Act 2025 ('the DUAA') received Royal Assent. The DUAA gives Ofcom additional functions to support a coroner's investigation into the death of a child. From 30 September 2025,² if a coroner provides Ofcom with certain information about the death of a child, we have a duty to issue a Data Preservation Notice to certain regulated services.³ Data Preservation Notices are designed to complement our existing information gathering powers, ensuring that a child's data is not deleted or altered following their death, prior to the issue of a Coroner Information Notice.
- 1.4 This document consults on our proposed updates to our Guidance to reflect the new Data Preservation Notice functions brought about by the DUAA. We are also taking the opportunity to consult on a small number of updates to the section on Coroner Information Notices based on our experience of processing these requests so far.
- 1.5 We are very aware of the acute impact on bereaved parents who may be asked by coroners to assist in the Data Preservation Notice process. For example, there may be cases in which it is necessary for a family member to search the child's personal devices to obtain relevant account information. We want to ensure that this process works with and for bereaved families, with minimal burden placed on them at times of profound grief and distress. We are immensely grateful for the ongoing input of a group of bereaved parents, who have already offered their invaluable perspectives on how the Data Preservation Notice process can be managed both effectively and compassionately. We remain committed to taking these perspectives into account as we finalise our guidance.

What we are proposing – in brief

We are proposing to update our Guidance to include detail on Ofcom's functions in relation to Data Preservation Notices. This includes details of:

- the information for coroners to provide to Ofcom;
- the process for issuing Data Preservation Notices; and
- information to be preserved by the recipient of a Data Preservation Notice.

¹ In this document we use the term 'coroners' but these functions also extend to Procurators Fiscal in Scotland.

² [The Data \(Use and Access\) Act 2025 \(Commencement No. 2\) Regulations 2025](#).

³ We also have a power to issue a Data Preservation Notice to certain others. We discuss this in further detail in Section 2.

We are also consulting on a small number of updates to the section on Coroner Information Notices based on lessons learned from our early experience of processing requests.

We welcome responses to our consultation on the proposed updates to the Guidance by 5pm on 28 October 2025. Details on how to respond to this consultation are set out in Annex 3 of this document. Once we have considered responses to this consultation, we will aim to publish the final guidance alongside our statement by the end of 2025.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on, and our reasoning, are set out in the full document.

2. Introduction

- 2.1 This section provides a more detailed discussion of the legal framework underpinning both Coroner Information Notices and Data Preservation Notices. This is intended to provide context for proposed updates to our Guidance in relation to Data Preservation Notices (Section 3) and Coroner Information Notices (Section 4).

Data Preservation Notices

- 2.2 Data Preservation Notices provide a mechanism to ensure that data about a child's use of a regulated service which may be relevant to a coroner's inquest or investigation is not deleted or altered.⁴ Data Preservation Notices would typically be issued early in an investigation, providing coroners with the later option of asking Ofcom to issue a Coroner Information Notice to obtain data from services.
- 2.3 Where (a) Ofcom receives notification from a coroner that they are conducting an investigation in connection with the death of a child⁵ and (b) the coroner provides details of the child's name, date of birth, any known email addresses of the child and the name of any regulated service(s) of interest,⁶ Ofcom must issue Data Preservation Notices to those regulated services.⁷ Ofcom also has discretion to issue a notice to certain other relevant persons, including the provider of an ancillary service or access facility in relation to a regulated service.⁸
- 2.4 The Secretary of State has a power to describe kinds of services in regulations. Where such regulations are in place, Ofcom must issue a Data Preservation Notice to the kinds of services described, even if the coroner does not identify regulated services of interest.⁹ At present no such regulations have been made.
- 2.5 In broad terms, a Data Preservation Notice requires the recipient to ensure the retention of information relating to the use of the service by the child who has died.¹⁰ This ensures that a child's data isn't deleted or altered in the event that a coroner subsequently wishes to obtain that information, either directly from the regulated service or from Ofcom via the Coroner Information Notice process, for the purposes of an investigation, inquiry or inquest into the child's death.
- 2.6 The proposed changes to our Guidance include more detail on the legal framework underpinning Data Preservation Notices. These proposed changes are mainly to Section 4 of

⁴ The statutory provisions associated with Data Preservation Notices were inserted into the Act by section 124 of the Data (Use and Access) Act 2025.

⁵ Section 101(A1)(a) of the Act.

⁶ Sections 101(A1)(b) and (B1) of the Act.

⁷ Section 101(C1)(a) of the Act.

⁸ Section 101(C1)(b) of the Act.

⁹ Sections 101(C1)(a) and (E1)(a) of the Act.

¹⁰ A notice given by Ofcom under section 101(C1) requires the recipient to ensure the retention of information relating to the child's use of a service by the child who has died, which includes taking all reasonable steps, without delay, to prevent the deletion of such information by the routine operation of systems or processes. See section 101(D1) of the Act. We note that while data protection law does not apply to the personal data of deceased persons, it may apply to any third-party personal data that might potentially be within scope of a Data Preservation Notice. Where that is the case, providers must comply with UK data protection law.

the Guidance (Information Notices), but there are also minor changes to Sections 1 (Introduction), 2 (Ofcom’s General Approach to Online Safety Information Gathering) and 8 (Consequences of Failure to Comply with Information Gathering Powers).

Coroner Information Notices

- 2.7 Ofcom’s power under the Act to issue a section 101(1) notice (“Coroner Information Notice”) is designed to support coroners in their role of seeking to understand the underlying causes of a child’s death, where the child’s online activity may be relevant.¹¹ If we receive a formal request from a coroner, we may issue a Coroner Information Notice to gather information from certain persons including regulated services.
- 2.8 Information that we may request via a Coroner Information Notice includes, in particular:
- content encountered by the child;
 - how the content came to be encountered by the child;
 - how the child interacted with the content; and
 - content generated, uploaded or shared by the child.¹²
- 2.9 Our power under section 101(1) of the Act is discretionary and each request is considered on a case-by-case basis, taking into account all relevant factors before deciding whether it is proportionate to send a Coroner Information Notice.
- 2.10 Our existing Guidance sets out more detail about the legal framework underpinning Coroner Information Notices as well as information about our approach to issuing them.
- 2.11 Based on our experience of issuing Coroner Information Notices since the commencement of our powers in April 2024, we are proposing a small number of updates to the Guidance to improve the clarity and efficiency of Coroner Information Notices. This includes additional guidance on the kind of information that it would be helpful for coroners to provide us with.

Structure of this document

- 2.12 This document includes proposals to make changes to the current version of the Guidance. The rest of the document is structured as follows:
- Section 3 sets out proposed updates to the Guidance to reflect Data Preservation Notices;
 - Section 4 sets out proposed updates to the ‘Coroner Information Notices’ section of the Guidance.
- 2.13 We have published a marked-up version of the Guidance showing our proposed text. We have also published a version showing our proposed updates in tabular format.

¹¹ Ofcom may only issue a Coroner Information Notice to providers of regulated services, providers of ancillary services or access facilities, or a person who was a provider of a regulated service or a provider of an ancillary service or access facility at the time to which the required information relates. See section 101(7) of the Act.

¹² We note that while data protection law does not apply to the personal data of deceased persons, it may apply to any third-party personal data that might potentially be within scope of a Coroner Information Notice. Where that is the case, providers must comply with UK data protection law.

3. Proposed updates to the Guidance: Data Preservation Notices

Introduction

- 3.1 This section explains our proposed updates to the Guidance to reflect Ofcom's new functions in relation to Data Preservation Notices.
- 3.2 Many of the proposed updates reflect the legal framework in relation to Data Preservation Notices, including:
- the circumstances in which we must issue Data Preservation Notices;
 - who we must issue them to (i.e. which regulated services);
 - who we may issue them to (i.e. other 'relevant persons');
 - what obligations are imposed by a Data Preservation Notice;
 - how recipients should respond to a Data Preservation Notice;
 - our powers to extend or cancel a Data Preservation Notice; and
 - information on the consequences of failing to comply with a Data Preservation Notice.
- 3.3 We are aware that some regulated services automatically delete data related to a user after that user is inactive for a certain period. This means that the process for coroners notifying Ofcom of relevant information, and Ofcom issuing Data Preservation Notices, is more likely to achieve its core aim of effectively preserving data where these steps take place soon after the child's death. Therefore, in formulating these proposals, our key policy objective is to ensure that our guidance and processes enable the prompt and effective use of Data Preservation Notices.
- 3.4 With this in mind, we have identified three key areas of policy consideration:
- the issuing of draft notices;
 - information for coroners to provide to Ofcom; and
 - information for services to preserve.
- 3.5 These considerations and the reasoning underpinning our proposals are set out in the sub-sections below.
- 3.6 In developing our proposals, we have engaged with the government, the Chief Coroner of England and Wales (the Chief Coroner) and the Information Commissioner's Office (ICO). The Chief Coroner will shortly issue updated guidance to coroners in England and Wales regarding the Data Preservation Notice process and we have taken this into account in developing our draft guidance.
- 3.7 We acknowledge the acute emotional impact on parents who may be asked by coroners to assist in the Data Preservation Notice process following the death of a child. In some cases,

this may involve providing details about the child's internet use, which can be difficult to obtain without undertaking steps such as searching the child's personal devices for account information. This process can be distressing and must be approached with sensitivity. We are grateful for the time and input of a group of bereaved parents who have already shared their initial views on the Data Preservation Notice process. Their perspectives are essential in ensuring that this process is managed in a way that is both effective and compassionate and we remain committed to taking these perspectives into account in developing our guidance and processes.

- 3.8 New information may come to light at a later point in a coroner's investigation relating to a child's online activity on other services. This does not preclude us from issuing additional Data Preservation Notices to other services at a later point in the coroner's investigation.

Issuing of draft Data Preservation Notices

- 3.9 As set out in our existing guidance, we generally issue information requests in draft, including Coroner Information Notices under section 101(1) of the Act. This allows for constructive engagement with stakeholders on the scope and timing of the request and also provides an opportunity for us to discuss and resolve any issues in responding.
- 3.10 However, we are *not* proposing to generally issue Data Preservation Notices in draft. This is for two reasons:
- Data Preservation Notices are more likely to be effective where they are issued as quickly as possible after a child's death. The earlier a Data Preservation Notice can be issued, the more likely it is to be successful in preserving the relevant information (especially where a service automatically deletes data associated with inactive accounts); and
 - the Act enables a recipient of a Data Preservation Notice to respond by confirming that the child did not use the service or that the recipient does not hold any information of the kind required to be retained.¹³ Therefore, to the extent that the objective of issuing a Data Preservation Notice in draft might be to identify services with which the child used (and which they did not), a draft Data Preservation Notice is not necessary.

Information for coroners to provide to Ofcom

- 3.11 In order for Ofcom to issue a Data Preservation Notice, the Act specifies that coroners should provide us with:
- the name of the child who has died;
 - the child's date of birth;
 - any email addresses used by the child (so far as the coroner knows); and
 - the name of the service (if any regulated service has been brought to the attention of the coroner as being of interest in connection with the death of the child).
- 3.12 Our proposed additions to the Guidance include optional additional information that coroners may wish to provide to Ofcom if known at the time. Based on our experience to

¹³ Section 102(5A)(d)(ii) of the Act.

date of issuing Coroner Information Notices, we believe that this additional information may make it easier for service providers to locate a child's account. For example:

- any known mobile numbers; and,
- any known usernames or similar.

3.13 We are mindful of the emotional context in which family members may be asked to search a child's personal device for usernames and other account details to assist a coroner, unless the relevant devices are already being searched by the police. Therefore, our proposed additions to the Guidance make it clear that such information is a helpful *optional* addition, but it is not essential to the issuing of a Data Preservation Notice. This approach is intended to reduce unnecessary pressure on bereaved families while still supporting the investigative process where possible.

Information for services to retain

3.14 The Act does not require a coroner to specify or describe what information they would like to be retained.¹⁴ However, it does require Ofcom to specify this when issuing a Data Preservation Notice.¹⁵ It will therefore be necessary for Ofcom to take a view on the scope of a Data Preservation Notice, informed by the purpose of the coroner's request.

3.15 In line with our policy objective, we propose that the guidance identifies a set of information that we will – in general – require regulated services (or persons who were previously regulated services) to preserve. We consider that taking this approach should enable us to act quickly to issue a Data Preservation Notice. It also gives services a clear sense of what will generally be expected of services on receipt of a Data Preservation Notice. We have based the proposed set of information set out below on the types of information which coroners have typically asked us to obtain via Coroner Information Notices to date, and on the types of information which may otherwise be automatically deleted by some services as a result of account inactivity. We therefore consider this is information which could assist coroners in response to future Coroner Information Notices.

3.16 We propose that Data Preservation Notices will generally require the retention of the following information for **user-to-user services** (where available at the time of the notice):¹⁶

- a) **content** (including direct messages, comments, reactions, etc.) that the child user has either uploaded, generated or shared on the service, or encountered by means of the service; and
- b) **metadata**¹⁷ **associated with that content**, e.g. time, date, account details of a user who uploaded, generated or shared content encountered by the child; how long a child paused on content; etc.; and

¹⁴ Section 101(B1) of the Act.

¹⁵ Section 102(5A)(a).

¹⁶ We have sought to use terms and concepts used in the Act e.g. "content" which is "generated", "uploaded" or "shared" by a user, or which is "encountered" by a user; in relation to search services, "search requests" made by a user and "search results" presented to a user in response.

¹⁷ Metadata is a set of descriptive information that describes and gives information about the content which can include various attributes that provide context, structure, and insights into the content, such as type (for example, text, image, video), caption, hashtags, mentions, and engagement (for example, likes, shares, and view counts).

- c) any **search requests** entered by the child to locate content on the service (and metadata associated with those requests e.g. date/time).
- 3.17 We are also considering requiring services to retain **friend/connection lists and channels that the child followed**. As part of this consultation, we are seeking feedback on whether this information would be useful from coroners' perspectives and, if so, the appropriate way to capture this information in our guidance. We also welcome feedback from regulated user-to-user services on the practicability of this proposal.
- 3.18 We propose that Data Preservation Notices will generally require the retention of the following information for **search services** (where available at the time of the notice):
- a) **search requests** entered by the child;
 - b) the **content shown to the child in response to each search request**. This includes the search results shown to the user on the pages of results that they visited and any images, warnings, supportive messaging or AI-generated content shown to the user;
 - c) **metadata** associated with the above e.g. the time and date of each search request, details of each search result that the user clicked on.
- 3.19 Depending on the individual circumstances of a case, we may require the retention of a different set of information to that set out above. We may do this where, for example, the coroner informs us that they would like us to require the retention of different information.

Question 1: Do you agree with our proposal to not generally issue Data Preservation Notices in draft?

Question 2: Do you agree with our proposal to refer to additional optional information that coroners may provide to Ofcom (beyond that set out in the Act) as part of the Data Preservation Notice process e.g. mobile numbers or usernames?

Question 3: Do you agree with our proposal to set out a 'standard' set of information for user-to-user services – content, metadata associated with that content and search requests – that we will generally require user-to-user services to preserve when we issue a Data Preservation Notice? Are there any pieces of information that you think we should or should not include? If so, why?

Question 4: Do you agree with our proposal to set out a 'standard' set of information for search services – search requests, content shown in response and metadata – that we will generally require search services to preserve when we issue a Data Preservation Notice? Are there any pieces of information that you think we should or should not include? If so, why?

Question 5: Do you agree with our proposal to include friend/connection lists and channels that the child followed as part of the standard set of information for user-to-user services to preserve when we issue a Data Preservation Notice? Do you have comments on the appropriate way to capture this information in our guidance?

Question 6: Do you have any other comments in relation to our proposed guidance on Data Preservation Notices?

4. Proposed updates to the Guidance: Coroner Information Notices

Introduction

- 4.1 Based on our experience of issuing Coroner Information Notices since the commencement of our powers in April 2024, we are proposing a small number of updates to improve the clarity of our guidance and the efficiency of the Coroner Information Notice process.
- 4.2 Specifically, we are proposing to incorporate more detail about matters that coroners should consider when formulating their requests to Ofcom.

Matters for coroners to consider when framing their request

- 4.3 The Chief Coroner in England and Wales will shortly issue guidance to coroners on obtaining information regarding a child's online activity in connection with Ofcom's power under section 101(1) of the Act. In line with that guidance, our Guidance currently states that, where a coroner requests information from Ofcom in connection with the death of a child, we would ordinarily expect that the request would:
- a) identify the child whose death is the subject of the investigation or inquest;
 - b) identify a particular service or various services of interest (this is particularly important as it may not be feasible for Ofcom to issue a Coroner Information Notice unless Ofcom can understand the relevant services in question);
 - c) describe the information sought, including what personal information is needed;
 - d) describe the timeframe within which the information is sought; and
 - e) set a reasonable deadline for Ofcom to respond, which takes into account the time it will take Ofcom to issue its Coroner Information Notice and obtain the relevant information.
- 4.4 We acknowledge that 'information sought' could cover a broad range of material. Our engagement to date has involved detailed consideration and discussion with both coroners and services in relation to point (c) above, namely, the information sought as part of the request.
- 4.5 We consider that it would be beneficial to expand our explanation of what the 'information sought' could include, to assist coroners when framing the questions within their requests.
- 4.6 As such, we are proposing to update the Guidance to suggest that coroners consider the following:
- Whether they are seeking content and, if so:
 - what was the child's **relationship to the content?** I.e. is it content that the child uploaded, generated or shared? Content that the child encountered? Or both?

- **what type of content is sought?** is it all content types or specific kinds? For example, direct messages, likes, comments or reactions etc.
 - **are they seeking content associated with search?** If so, are they interested in the search requests entered by the child (this could be on a user-to-user service where this has a search functionality, and/or a search service), the content shown in response to a search request, or both? If they are seeking content shown in response to a search request, should this include AI-generated content shown to the child?
 - Whether they are seeking **metadata** related to the content (e.g. date / time, the account details of another user who generated, uploaded or shared content which the child encountered, etc)? Or are they seeking other metadata not associated with content (e.g. date / time an account was created)?
- 4.7 We are proposing to include these questions in the guidance as they commonly arise in our discussions with coroners and these additions can help speed up the process.
- 4.8 We are also proposing to add to the Guidance some common relevant definitions (e.g. 'metadata'), or statutory definitions (e.g. 'content', 'upload, generate or share') where applicable for ease of reference and understanding.

Providing a service's comments on a draft Coroner Information Notice to the coroner

- 4.9 As noted in our Guidance, we typically issue information notices, including Coroner Information Notices, in draft and seek comments from the intended recipient. This is to ensure that the final notice is appropriately worded and targeted and sufficiently clear for the recipient to respond within the proposed timeframe.
- 4.10 Where an intended recipient provides comments on a draft Coroner Information Notice, we consider it helpful to provide these comments back to the coroner and propose to do so without notice. This is because our Coroner Information Notices typically annex the coroner's request for information from Ofcom and require the recipient to provide information that corresponds with the coroner's request to us. Therefore, an intended recipient's comments on a draft Coroner Information Notice are likely to be relevant to the coroner for the purpose of finalising its request for information to Ofcom. We have proposed an addition to our Guidance at paragraph 4.93 to address this.

Benefits of early engagement with the coroner

- 4.11 We also propose to update our guidance to note that, in general, we will seek to discuss the scope and details of the request with the coroner.
- 4.12 Our engagement to date has shown that, where a coroner expresses interest in utilising the Coroner Information Notice process, an initial meeting at the outset is beneficial for both parties. It ultimately helps to draft the request in the best way to support the coroner with its inquest. We have proposed an addition to our Guidance at 4.98 to address this.
- 4.13

Question 7: Do you agree with our proposal to update the Guidance to suggest issues that coroners may wish to consider when framing their requests to Ofcom?

Question 8: Do you agree with our proposal to, in general, disclose a recipient's comments on a draft Coroner Information Notice to the coroner without further notification to the service?

Question 9: Do you agree with our proposed update to the guidance to note that, in general, we will seek to meet with the coroner to discuss the scope and details of the request?

A1. Draft updates to Online Safety Information Powers Guidance

The updates to the guidance have been published as a [separate document](#).

A2. Impact assessments

Impact assessment

- A2.1 Section 7 of the Communications Act requires us to carry out and publish an assessment of the likely impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities. In accordance with section 7(4B) of the Communications Act, we have to consider the likely impact on small and micro businesses in relation to proposals connected with our online safety functions. As a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions, although the form of that assessment will depend on the particular nature of the proposal.
- A2.2 Our guidance on online safety information gathering powers is intended to help interested persons understand our statutory information gathering powers under the Act, when and how we might use each power, and the potential consequences of noncompliance. Our proposed updates to the guidance are intended to help interested persons understand our new responsibilities in relation to Data Preservation Notices, and to provide additional guidance on Coroner Information Notice. As such this draft updated guidance does not in itself impose any additional burdens on providers of regulated services or any other persons who might end up being subject to these powers, including small and micro businesses. Rather, by explaining our approach, it is intended to assist providers in understanding the regime and our approach and therefore should help to reduce the future burden on affected persons as to what such a request might involve. We therefore do not consider we need to separately consider the costs the draft updated guidance might pose on businesses.
- A2.3 Our functions under section 101 of the Act are important in supporting coroners in their investigations, inquests or inquiries into the death of a child. Under section 101(1) of the Act (as amended by the DUAA), we have a duty to issue Data Preservation Notices to regulated service providers rather than a discretion to do so. To the extent that we have discretion to issue Data Preservation Notices to other relevant persons, we will exercise this power proportionately. Section 3 of the draft updated guidance already sets out Ofcom's general principles to information gathering, including the need to exercise powers proportionately. Further, we have set out why we consider it proportionate not to generally issue Data Preservation Notices in draft form in paragraph 3.10 above.
- A2.4 In relation to our proposal to require services to retain a 'standard' set of information when issuing a Data Preservation Notice, we have set out in paragraph 3.15 above why we provisionally consider this to be proportionate where the child's use of a regulated service may be relevant to the coroner's investigation.
- A2.5 As set out in Section 3 of the Guidance, we will seek to limit the personal data which we may require to that which is necessary for the performance of our functions under the Act. With regards to Data Preservation Notices specifically, a Data Preservation Notice cannot require processing that would contravene data protection legislation.

Equality impact assessment

- A2.6 We have given careful consideration to whether our proposals will have a particular impact on persons sharing protected characteristics (broadly including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular, whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.
- A2.7 When thinking about equality we think more broadly than persons that share protected characteristics identified in equalities legislation and think about potential impacts on various groups of persons (see paragraph 4.7 of our Impact Assessment Guidance¹⁸).
- A2.8 We do not consider that our proposals will in themselves have any adverse equality impacts. As noted above, our proposals should provide additional certainty and transparency to stakeholders, by setting clear expectations around when and how we might use each power, and the potential consequences of non-compliance.

Welsh language

- A2.9 The Welsh language has official status in Wales. To give effect to this, certain public bodies, including Ofcom, are required to comply with certain Welsh language standards.¹⁹ Accordingly, we have considered:
- a) the potential impact of our policy proposals on opportunities for persons to use the Welsh language;
 - b) the potential impact of our policy proposals on treating the Welsh language no less favourably than the English language; and
 - c) 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.
- 4.14 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 Communications Act. In formulating our proposals in this consultation, 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. We do not think that our proposals set out in this consultation will have any adverse treatment of the Welsh language, and we do not consider that there is scope, acting within our powers, to formulate our proposed updated guidance differently so as to have increased positive effects on these matters.
- 4.15 We will continue to issue some statutory information notices in Welsh, where required by Welsh stakeholders. We do not intend to translate our guidance into Welsh.

¹⁸ Ofcom's [Impact Assessment Guidance](#), 19 July 2023.

¹⁹ The [Welsh language standards](#) with which Ofcom is required to comply are available on our website.

A3. Responding to this consultation

How to respond

- A3.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 28 October.
- A3.2 You can download a response form from [here](#). You can return this by email or post to the address provided in the response form.
- A3.3 If your response is a large file, or has supporting charts, tables or other data, please email it to OSinfoguidance@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet. This email address is for this consultation only and will not be valid after 28 October.
- A3.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- OS Information Guidance
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A3.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- > send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - > upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A3.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A3.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A3.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A3.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex X. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A3.10 If you want to discuss the issues and questions raised in this consultation, please email OSinfoguidance@ofcom.org.uk.

Confidentiality

- A3.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A3.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A3.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.14 Even if your response is not marked as confidential, we might still decide not to publish all or part of it in certain circumstances. For example, if we have concerns about the impact on your privacy or the privacy of others, that the content of the response might facilitate the commission of crime, or about the sensitive nature of the content more generally. If we decide not to publish all or part of your response, we will still take it into account in our consideration of the matter.
- A3.15 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A3.16 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A3.17 Following this consultation period, Ofcom plans to publish a statement in December 2025.
- A3.18 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A3.19 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex x.
- A3.20 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A3.21 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A4. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

1. Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

2. We will be clear about whom we are consulting, why, on what questions and for how long.
3. We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
4. When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.
5. A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
6. If we are not able to follow any of these principles, we will explain why.

After the consultation

7. We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A5. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- | | |
|----------------------------------|--------------------------|
| > Nothing | ☐ |
| > Name/contact details/job title | ☐ |
| > Whole response | ☐ |
| > Organisation | ☐ |
| > Part of the response | ☐ |

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes ☐

No ☐

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A6. Consultation questions

We welcome views and evidence on the questions below. It is not necessary to answer every question – please answer those on which you have a view. Where possible, please also provide any information or evidence in support of your comments.

Question 1: Do you agree with our proposal to not generally issue Data Preservation Notices in draft?

Question 2: Do you agree with our proposal to refer to additional optional information that coroners may provide to Ofcom (beyond that set out in the Act) as part of the Data Preservation Notice process e.g. mobile numbers or usernames?

Question 3: Do you agree with our proposal to set out a ‘standard’ set of information for user-to-user services – content, metadata associated with that content and search requests – that we will generally require user-to-user services to preserve when we issue a Data Preservation Notice? Are there any pieces of information that you think we should or should not include? If so, why?

Question 4: Do you agree with our proposal to set out a ‘standard’ set of information for search services – search requests, content shown in response and metadata – that we will generally require search services to preserve when we issue a Data Preservation Notice? Are there any pieces of information that you think we should or should not include? If so, why?

Question 5: Do you agree with our proposal to include friend/connection lists and channels that the child followed as part of the standard set of information for user-to-user services to preserve when we issue a Data Preservation Notice? Do you have comments on the appropriate way to capture this information in our guidance?

Question 6: Do you have any other comments in relation to our proposed guidance on Data Preservation Notices?

Question 7: Do you agree with our proposal to update the Guidance to suggest issues that coroners may wish to consider when framing their requests to Ofcom?

Question 8: Do you agree with our proposal to, in general, disclose a recipient’s comments on a draft Coroner Information Notice to the coroner without further notification to the service?

Question 9: Do you agree with our proposed update to the guidance to note that, in general, we will seek to meet with the coroner to discuss the scope and details of the request?