



Department for  
Science, Innovation  
& Technology

Secretary of State for Science, Innovation  
and Technology  
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London SW1A 2BQ

[www.gov.uk/dsit](http://www.gov.uk/dsit)

21 February 2024

Mr Paul Rogers  
HM Assistant Coroner Inner West London

Our Ref:

Dear Mr Rogers,

Thank you for your correspondence of 3 January to the Secretary of State for Culture, Media and Sport, [REDACTED] regarding your Regulation 28: Report to Prevent Future Deaths regarding the tragic death of Chloe Elizabeth MacDermott. Your correspondence was passed to the Department for Science, Innovation and Technology due to our responsibility for points raised in the report, including the Online Safety Act (the act).

First and foremost, I would like to extend my deepest condolences to the family and friends of Chloe. The government recognises that the internet can, in some cases, be used to access appalling content with devastating consequences. As you may know, the act received Royal Assent in October last year. This legislation will force companies to take more accountability for the safety of their users. I will address matters (2)-(8) from the report in my response, as per my department's remit and having engaged with the Ministry of Justice on the areas which fall into their remit.

As you will be aware, under section 2(1) of the Suicide Act 1961 (as amended by section 59 of the Coroners and Justice Act 2009) it is an offence for a person to do an act capable of encouraging or assisting the suicide or attempted suicide of another person, with the intention that their act will encourage or assist the other person to commit or attempt to commit suicide. The person committing the offence need not know the other person or even be able to identify them. An offence may be committed whether or not a suicide or attempted suicide takes place. Section 2(1) of the Suicide Act 1961 applies when the act of encouraging or assisting suicide is committed in England or Wales. Forums causing concern, such as the one mentioned in your report, are often hosted outside the UK, which may prevent successful prosecution due to issues related to jurisdiction and enforcement. Under common law rules in cross-border cases, however, the courts of England and Wales will have jurisdiction over an act done outside the jurisdiction if it has a "substantial connection" with the jurisdiction (unless it could be argued that the conduct ought to be dealt with by the courts of another country). Whether or not this test is met in any individual case will be a matter for the Court.

Providing information about or discussing the issue of suicide, where there is no intention to encourage or assist suicide, is not an offence. There can, of course, be a fine line between simply providing information about suicide, sharing content that unintentionally has the effect on an individual of encouraging them to take their life, and someone intentionally encouraging a person to take their own life. There is a difficult balance to be struck between reducing the availability of harmful material and allowing the positive contribution that the internet can provide for those seeking help and support to overcome suicidal feelings. The 1961 criminal offence has a high threshold to avoid criminalising people who are expressing suicidal feelings and those offering them support.



I will now turn to the provisions in the act, and how the regulatory framework will address online suicide content, such as the type of content that Chloe may have accessed before her death. The act's illegal safety duties will apply to all in-scope 'user-to-user' services which allow users to post content online, or to interact with each other - including online forums. This means that once these duties are in force, they will be required to have systems and processes in place to proactively prevent users from encountering priority illegal content via their service and to minimise the length of time for which such content is present. The priority offences are set out in schedules 5, 6 and 7 and includes content that amounts to an offence under the Suicide Act 1961. This will help to protect all users - children and adults - from encountering this appalling content. The act also creates a new offence of intentionally encouraging or assisting serious self-harm. This offence applies to acts committed outside the UK if the act is committed by a person habitually resident in the UK. In other circumstances, the common law rules on jurisdiction will apply as with offences under the Suicide Act 1961. All in-scope user-to-user services will be required to put in place systems and processes that allow them to rapidly remove content where it reaches the threshold of this offence.

Search services will also have targeted duties that focus on mitigating and minimising the risk of users encountering illegal search content, including illegal suicide and self-harm search content. This includes, under section 27(4), a requirement for search services to take or use, where proportionate, measures to be applied to the services' user support measures. The regulator now responsible for online safety, Ofcom, will recommend measures that search services can put in place to achieve these objectives. These could include removing results for sites that are known to host illegal suicide and self-harm content such as the forum you reference in your report, as well as signposting users that search for suicide methods away from this material and towards sources of support, which you highlight as a measure that was non-existent on the site Chloe had accessed. These duties will play a key role in reducing the volume of user traffic directed to websites with illegal suicide and self-harm content, reducing the ease at which users can find these kinds of horrifying sites and content.

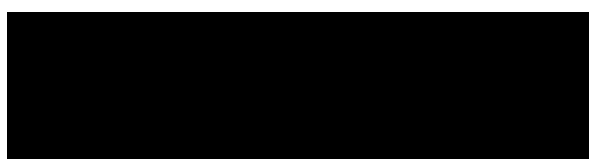
It is especially important that children are protected from encountering content that may encourage them to self-harm or take their life. The act therefore places additional requirements on relevant in-scope online services to shield their child users from content that is legal, but nonetheless presents significant harm to them. All in-scope user-to-user services that are likely to be accessed by children will need to put in place systems and processes to prevent children of all ages from encountering legal content that encourages, promotes, or provides instructions for suicide or deliberate self-injury. Ofcom will recommend the measures companies can put in place to fulfil this objective. Many services prohibit this kind of content on their service, but where services actively permit it the act places more robust requirements on them - in acknowledgement of the serious risk this content poses to children. User-to-user services that allow these types of content are required to put in place systems and processes to prevent children from accessing this damaging content, including the use of highly effective age verification or age estimation solutions.

The government is acutely aware that users may decide to use virtual private networks (VPNs) to bypass protections, which is an issue you have raised. Under the act, in scope services will need to consider any risks arising from how their service is used as part of their illegal content and child safety risk assessment duties and then effectively mitigate and manage risks that they identify. Service providers may therefore be required to think about how safety measures they put in place could be circumvented - including through the use of VPNs - and take steps to prevent that or risk being treated as non-compliant. Ofcom is currently running a public consultation on its draft 'illegal content duties' codes of practice and details of this are on its website: <https://www.ofcom.org.uk/consultations-and-statements/category-1/protecting-people-from-illegal-content-online>.

There will be sites and services that choose not to comply with the act's regulatory framework. In these instances, Ofcom has a suite of robust enforcement powers to support its regulatory functions. These extend to instances where companies are based overseas but have a significant number of UK users or the UK as a target market. Ofcom's powers include the ability to apply to the court for business disruption measures. These are court orders that require third parties (those who provide an access facility to such services, such as internet service providers) to prevent, restrict or deter access to non-compliant services in extreme circumstances.

Every suicide is a tragedy, and it is essential that the vital protections delivered for users by the act come into force as soon as possible. My department is working closely with Ofcom to ensure that the implementation of the framework is as short as possible and all users, especially vulnerable users, get the online protections they so greatly need and deserve.

Yours sincerely,



**Secretary of State for Science, Innovation and Technology**