



Department for
Science, Innovation
& Technology

Rt Hon Michelle Donelan MP
Secretary of State for Science, Innovation
and Technology
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21 February 2024

Victoria Davies
Area Coroner for Cheshire

Dear Ms Davies,

Thank you for your correspondence of 28 December 2023, and for the opportunity to respond to this Report to Prevent Future Deaths, regarding the tragic death of Adrian Brendan Gallagher. I would firstly like to extend my deepest condolences to the family and friends of Adrian. I was very sorry to read about the circumstances surrounding his death.

The Online Safety Act (the act), as you may know, received Royal Assent in October last year and will ensure that tech companies take more responsibility for the online safety of their users. The new laws will apply to search services and all companies that allow users to post content online or to interact with each other (known as user-to-user services), including for example, online forums. The safety duties in the act will not apply to websites that do not host user generated content or facilitate interaction between users or are search services. With this in mind, I will set out how the act will protect users from illegal suicide and self-harm content once the relevant duties are in force.

When the act's illegal safety duties are in force, all in-scope user-to-user services will be required to have systems and processes in place to proactively prevent users from being exposed to 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 include content that amounts to an offence under the Suicide Act 1961, as well as content facilitating the sale of illegal drugs, as per the Misuse of Drugs Act 1971. This will help to protect all users - children and adults - from encountering such content.

The act also creates a new communications offence of encouraging or assisting serious self-harm which applies to acts both inside and outside the UK, if the act is committed by a person who is either in the UK when they commit the offence or are habitually resident in the UK. In other circumstances, a prosecutor may be able to rely on the common law position that, where a case has a "substantial connection" to the UK, the offence can be prosecuted in the UK unless it could be argued that the conduct ought to be dealt with by the courts of another country. Providers will be required to put in place systems and processes that allow them to rapidly remove content that amounts to this offence.

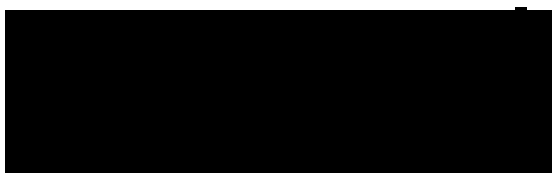
Search services will also have targeted duties that focus on mitigating and minimising the presentation of illegal search content, such as image or text search results, to users. These duties will play a key role in reducing the volume of user traffic directed to websites with illegal suicide and self-harm content, whether or not the content on these websites is user-generated. This will reduce the ease at which users can find these kinds of horrifying sites and content.



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 enforcement powers to support its regulatory functions. These extend to instances where a company is based overseas - if the service has a significant number of UK users or the UK as a target market. Ofcom's powers include the ability to impose substantial fines of up to £18 million or 10% of global revenue (whichever is higher), as well as applying 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 services.

Every suicide is a tragedy, and my department is working with other departments to tackle the deeply concerning issue of vulnerable users gaining access to harmful content online, whether on services that are in scope of the act or otherwise. The act introduces much needed protections for users and we are working closely with Ofcom to ensure that the implementation of the framework is as quick as possible.

Yours sincerely,



Rt Hon Michelle Donelan MP
Secretary of State for Science, Innovation and Technology