Chief Coroner

GUIDANCE No.46

OBTAINING INFORMATION REGARDING THE USE OF ONLINE SERVICES IN RELATION TO THE DEATH OF A CHILD

Introduction

1. It is the coroner's responsibility to determine the scope of any death investigation, and to gather relevant, sufficient and proportionate evidence.

2. The purpose of this guidance is to help coroners understand their options when it comes to obtaining evidence relating to a child's use of online services (including social media), should such information fall within the scope of an investigation.

3. Coroners should note that their wide-ranging powers under Schedule 5 Coroners and Justice Act 2009 (CJA) to obtain information relating to a death investigation remain the same. However, to help coroners to preserve and access information about the use of online services that is relevant to an investigation into the death of a child, the Online Safety Act 2023 (OSA):

    a) enables coroners to request that the Office of Communications (Ofcom) issues data preservation notices (DPNs) to online service providers to prevent data relating to the child from being altered or deleted; and
    b) extends the information Ofcom can obtain from online service providers, so that Ofcom can disclose that information to coroners.

Data Preservation Notices

4. Section 101 OSA, as amended by the Data (Use and Access) Act 2025, enables a coroner investigating the death of a child to request that Ofcom issues a DPN to a service that Ofcom regulates. On receipt of a DPN from Ofcom, the service must retain any information it holds relating to the deceased child, including taking reasonable steps, without delay, to prevent deletion of the child's information. This might be important where, for example, a service provider automatically deletes dormant accounts after a set period. If the provider is unable to find any information relating to the child, it will confirm this to Ofcom, and the coroner will be informed.

5. The purpose of a DPN is to arrange for the preservation of information, so that if a coroner subsequently wishes to obtain that information, it has not been altered or deleted. To obtain the information that has been preserved, there is a separate power and process (see below).

6. To request a DPN, the coroner needs to write to Ofcom (see the template letter attached at Appendix 1) setting out the name of the child who has died and the child's date of birth. If the coroner has information about any email addresses used by the child, that information should also be provided.

7. Currently, there are no regulations falling within s101(E1)(a) OSA. This means that Ofcom is only required to issue a DPN to service providers that the coroner confirms are of interest in connection with the child's death. Accordingly, any request for a DPN should set out which online services the coroner considers may be relevant to the investigation.

8. It will also make it easier for service providers to locate the child's account, if additional information can be provided, such as the child's mobile phone number, account identities, usernames and any other information the child might have used to log in to services. This information does not have to be provided to Ofcom when the coroner requests a DPN, but if it can be obtained, the DPN is more likely to be successful in preserving the relevant information.

9. To be effective, the DPN process needs to be used at an early stage, as some service providers' deletion schedules can be very short. As coroners may not know at an early stage whether information from online service providers is relevant, it is the Chief Coroner's view that in any case where relevance cannot be ruled out, the family should be asked about the child's internet use, and for details of any email addresses, usernames or other information that might assist service providers to identify the child's accounts. Such information could also be sought from the police, where appropriate. If there is sufficient information to request a DPN, a request should then be sent to Ofcom. It is important to note that the family does not have to be certain about the information they provide before the coroner can act upon it. The DPN request is a quick method of ascertaining whether a particular service provider can locate an account used by the child, and if they can, preserving the information within it.

10. Ofcom can issue Data Preservation Notices at any point during a coroner's investigation into the death of a child. This means that if further information comes to light after a coroner's initial request for a DPN, further requests can be made.

11. It does not matter that the coroner ultimately might not request the information preserved by a DPN. The DPN process simply provides a safeguard against deletion should a coroner later decide that information regarding the deceased child's use of online services might be relevant to their investigation.

12. Coroners may wish to make it clear to families that requesting a DPN does not mean information will definitely be preserved, as the effectiveness of the DPN process depends on various factors, including:

    a) The ability of service providers to locate the child's accounts using the information available about the child's internet use;
    b) Whether the child had email addresses and accounts of which their family was unaware;
    c) Whether the child deleted any relevant content from their accounts; and
    d) Whether content has already been deleted by service providers in line with their data retention policies.

13. Once a DPN has been put in place, the coroner will be informed by Ofcom of the steps that have been taken by the service provider to preserve the child's data. The preserved data will then be retained by the service provider for a year beginning with the date of the notice. During that time, the coroner can:

    a) request it directly from the service provider;
    b) request it from Ofcom, using the provisions in s101 OSA;
    c) seek an extension for the retention of the information;
    d) inform Ofcom that the data no longer needs to be preserved; or
    e) do nothing and therefore allow the information to be deleted at the end of the retention period.

14. To request an extension of a DPN, the coroner should write to Ofcom in good time ahead of the lapse of the retention period using the email address CoronersSupport@ofcom.org.uk and set out the further period (up to 6 months) for which information needs to be retained. The coroner should also give a brief reason why an extension is needed. A DPN can be extended any number of times in this way[1].

15. It is the coroner's responsibility to observe the retention periods and seek extensions to DPNs if required. Once a retention period has lapsed without extension, the relevant service provider may delete the information.

Obtaining information from service providers via Ofcom in connection with the death of a child

16. When a coroner who is investigating the death of a child sends a Schedule 5 notice to Ofcom in relation to services that Ofcom regulates, section 101 OSA gives Ofcom the power to obtain relevant information from service providers to enable Ofcom to respond. This is the case whether or not a DPN has previously been issued.

17. Ofcom's powers to obtain information can be exercised in respect of the use of a regulated service by the child whose death is under investigation e.g. their exposure to harmful content via a social media platform's algorithms. This may also include information about the use of a regulated service by a living person, where that is relevant to the deceased child e.g. where a living person's social media account evidences bullying of a deceased child.

18. Section 101 sets out the following examples of information that Ofcom can obtain from regulated services:

    a) content encountered by the child;

    b) how the content came to be encountered by the child (including the role of algorithms or particular functionalities);

    c) how the child interacted with the content (for example, by viewing, sharing or storing it or enlarging or pausing on it); and

    d) content generated, uploaded or shared by the child.

[1] See s102(5C) OSA

Section 163 reports

19. Section 163 OSA allows Ofcom to prepare a report in relation to a death investigation following the receipt of a Schedule 5 notice from a coroner. This power is not limited to the death of a child and took effect on 10 January 2024.

20. Before s163 took effect, coroners already had the power under Schedule 5 to require Ofcom to provide a written statement. However, if a report from Ofcom is required from a coroner in connection with the death of a child, Ofcom can now use its s101 powers to require regulated services to provide information to Ofcom that may assist with Ofcom's report.

Practical considerations when obtaining information via Ofcom pursuant to s101 OSA

21. Coroners have previously been advised that unless there are exceptional circumstances, they should attempt to obtain disclosure by agreement before issuing a formal notice under Schedule 5 CJA. To enable Ofcom to exercise their s101 OSA powers, coroners will have to issue a formal Schedule 5 notice, but informal engagement with Ofcom beforehand is advisable. This will enable Ofcom to discuss with the coroner the reasonableness of the request and the coroner's proposed timeframe, as well as how best to structure requests to elicit the information the coroner is trying to obtain based on Ofcom's knowledge and experience of the sector.

22. It will be for the coroner in each individual case to decide whether it is preferable to seek information from services directly or to approach Ofcom. In some investigations, coroners or Interested Persons might already have a contact within a regulated service, making it possible to obtain information directly without difficulty. However, in some cases, the following factors might make it advantageous for a coroner to issue a Schedule 5 notice to Ofcom:

    a) Ofcom might be able to assist the coroner to formulate the notice in a way that enables the coroner to obtain relevant, sufficient and proportionate information from services rather than being overwhelmed by irrelevant data.

    b) Where appropriate, Ofcom could advise the coroner on how to frame a request so as to obtain data in a format that can be understood without the need for specialist analysis. For example, instead of requesting the code for a social media company's recommender system[2], it might be preferable in the circumstances of a particular case to seek a description of how the recommender system operates.

    c) It is possible for Ofcom to contact multiple providers on a coroner's behalf, which could reduce the administrative work for the coroner's office.

    d) Ofcom might be able to advise on any limits to Ofcom's power to obtain information relating to a request (for example, where Ofcom's information gathering powers are limited because of barriers imposed

[2] A recommender system is system that suggests products, services or information that might suit the user based on their previous interactions with the site or data collated about them.

by foreign law). An understanding of any barriers could help coroners to formulate requests in the most effective way.

e) Ofcom has enforcement powers relating to the s101 OSA notices that it issues to regulated services[3].

23. It is important that coroners bear in mind that online service providers are likely to hold extensive material about any relevant individual and that requests could return large volumes of information. For a Schedule 5 notice to be effective, coroners are advised to:

a) Identify the child in connection with whose death a notice relates;

b) Identify a particular service or various services of interest (this information is likely to be available to coroners through discussions with the family and/or other Interested Persons);

c) Describe the information sought, including what personal information is needed. If there is personal information that is likely to be returned in the context of the request that is not relevant, confirm that such information can be omitted or redacted;

d) Describe the timeframe within which the information is sought to enable a proportionate search to be conducted and to prevent the coroner from being overwhelmed with irrelevant information;

e) Set a reasonable deadline for Ofcom to respond, which takes into account the time it will take for Ofcom to provide their own notice to the relevant services and obtain the information.

24. To discuss with Ofcom the content of any proposed Schedule 5 notice, coroners should contact CoronersSupport@ofcom.org.uk.

25. Ofcom will need to be sure that requests from coroners are genuine before disclosing information, so coroners should include their name and coroner area in all communications.

26. After receiving information from Ofcom, coroners will need to decide which documents to disclose to Interested Persons and ensure that any necessary redactions are made.

HHJ Alexia Durran
Chief Coroner

30 September 2025

[3] See chapter 6 OSA.