



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 4

INFORMATION

Information powers and information notices

100 Power to require information

- (1) OFCOM may by notice under this subsection require a person within subsection (5) to provide them with any information that they require for the purpose of exercising, or deciding whether to exercise, any of their online safety functions.
- (2) The power conferred by subsection (1) includes power to require a person within subsection (5) to—
 - (a) obtain or generate information;
 - (b) provide information about the use of a service by a named individual.
- (3) The power conferred by subsection (1) also includes power to require a person within any of paragraphs (a) to (d) of subsection (5) to take steps so that a person authorised by OFCOM is able to view remotely—
 - (a) information demonstrating in real time the operation of systems, processes or features, including functionalities and algorithms, used by a service;
 - (b) information generated by a service in real time by the performance of a test or demonstration of a kind required by a notice under subsection (1).
- (4) But the power conferred by subsection (1) must be exercised in a way that is proportionate to the use to which the information is to be put in the exercise of OFCOM's functions.

Status: This is the original version (as it was originally enacted).

- (5) The persons within this subsection are—
- (a) a provider of a user-to-user service or a search service,
 - (b) a provider of an internet service on which regulated provider pornographic content is published or displayed,
 - (c) a person who provides an ancillary service (within the meaning of section 144) in relation to a regulated service (see subsections (11) and (12) of that section),
 - (d) a person who provides an access facility (within the meaning of section 146) in relation to a regulated service (see subsections (10) and (11) of that section),
 - (e) a person who was within any of paragraphs (a) to (d) at a time to which the required information relates, and
 - (f) a person not within any of paragraphs (a) to (e) who appears to OFCOM to have, or to be able to generate or obtain, information required by them as mentioned in subsection (1).
- (6) The information that may be required by OFCOM under subsection (1) includes, in particular, information that they require for any one or more of the following purposes—
- (a) the purpose of assessing compliance with—
 - (i) any duty or requirement set out in Chapter 2, 3, 4 or 5 of Part 3,
 - (ii) any duty set out in section 64 (user identity verification),
 - (iii) any requirement under section 66 (reporting CSEA content),
 - (iv) any duty set out in section 71 or 72 (terms of service),
 - (v) any duty set out in section 75 (deceased child users),
 - (vi) any requirement relating to transparency reporting (see section 77(3) and (4)), or
 - (vii) any duty set out in section 81 (provider pornographic content);
 - (b) the purpose of assessing compliance with a requirement under section 83 (duty to notify OFCOM in relation to the charging of fees);
 - (c) the purpose of a consultation about a threshold figure as mentioned in section 86 (threshold figure for the purposes of charging fees);
 - (d) the purpose of ascertaining the amount of a person's qualifying worldwide revenue for the purposes of—
 - (i) Part 6 (fees), or
 - (ii) paragraph 4 or 5 of Schedule 13 (amount of penalties etc);
 - (e) the purpose of assessing compliance with any requirements imposed on a person by—
 - (i) a notice under section 121(1) (notices to deal with terrorism content and CSEA content), or
 - (ii) a confirmation decision;
 - (f) the purpose of assessing the accuracy and effectiveness of technology required to be used by—
 - (i) a notice under section 121(1), or
 - (ii) a confirmation decision;
 - (g) the purpose of assessing whether to give a notice under section 121(1) relating to the development or sourcing of technology (see subsections (2)(b) and (3)(b) of that section);
 - (h) the purpose of dealing with complaints made to OFCOM under section 169 (super-complaints);

Status: This is the original version (as it was originally enacted).

- (i) the purpose of OFCOM's advice to the Secretary of State about provision to be made by regulations under paragraph 1 of Schedule 11 (threshold conditions for categories of Part 3 services);
 - (j) the purpose of determining whether a Part 3 service meets threshold conditions specified in regulations under paragraph 1 of Schedule 11;
 - (k) the purpose of preparing a code of practice under section 41;
 - (l) the purpose of preparing guidance in relation to online safety matters;
 - (m) the purpose of carrying out research, or preparing a report, in relation to online safety matters;
 - (n) the purpose of complying with OFCOM's duties under section 11 of the Communications Act, so far as relating to regulated services (media literacy).
- (7) See also section 103 (power to include a requirement to name a senior manager).
- (8) The reference in subsection (3) to a person authorised by OFCOM is to a person authorised by OFCOM in writing for the purposes of notices that impose requirements of a kind mentioned in that subsection, and such a person must produce evidence of their identity if requested to do so by a person in receipt of such a notice.
- (9) The power conferred by subsection (1) does not include power to require the provision of information in respect of which a claim to legal professional privilege, or (in Scotland) to confidentiality of communications, could be maintained in legal proceedings.
- (10) In this section—
- “information” includes documents, and any reference to providing information includes a reference to producing a document (and see also section 102(11));
 - “regulated provider pornographic content” and “published or displayed” have the same meaning as in Part 5 (see section 79).