



Molly Rose Foundation

Written supplementary evidence submitted by The Molly Rose Foundation (OSB0233)

30th November 2021

Joint Committee on Draft Online Safety Bill,
House of Lords,
London SW1A 0PW
[by email]

Dear Committee Members,

I am writing to thank you for giving me the opportunity to give oral evidence to the Joint Committee on the Draft Online Safety Bill.

I also want to raise a matter, important to me, one connected to the death of my daughter, Molly but not directly connected to the ongoing inquest.

I strongly believe that when a child dies, in certain circumstances, there should be automatic access to their data, for appropriate authorities.

In Molly's case, she died without having made a will and when a minor dies intestate, their effects officially return to their parents. However, Molly's data has remained unbound by this accepted legal convention and we have had to strive to recover data associated with her digital accounts.

A typical tech company response I received outside the inquest process, stated:

You must be the Administrator of the Estate, or Legal Personal Representative to make this request.

The following documents are required to move forward with this option:

- (1) The death certificate.
- (2) A court document that confirms you are the legal personal representative of the decedent.

This insensitive request and the ensuing application for probate proved a distressing process.

To alleviate such distress, I would propose:

- i) Whenever an inquest is opened into the death of a minor, the Coroner should automatically request all data associated with the child's digital accounts for his/her consideration
- ii) In cases where criminality is suspected, a child's data is provided to the appropriate enforcement or regulatory authorities
- iii) Terms and conditions have an addendum that states clearly that the password to a deceased child's digital account be treated as would their other effects, and should normally become the property of their parents

In each of the above, this would include the data supplied by the child, the data they engaged with and the data that pertained to the recommendations that the platform made to that child. All digital platforms operating in UK territory should provide an undertaking to supply data in the above limited circumstances and the regulator should be empowered to enforce this requirement.

This simple alteration to current practice would help prevent stress, streamline procedure and ensure there is appropriate access to data which could save lives.

I wonder if an amendment could be incorporated into the Online Safety Bill to achieve this. If so, I and many parents like me would be very grateful.

Yours sincerely,

Ian Russell
Chair of Trustees, Molly Rose Foundation

2 December 2021