

Reference: 01891086

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

1 November 2024

## Freedom of Information request: Right to know request

Thank you for your request for various information including information about social media platforms, investigations and complaints.

We received your initial request on 3 September 2024 and sought clarification of your request on 18 September and 1 October 2024.

We have considered your request under the Freedom of Information Act 2000 ('the FOI Act') and provided a response below.

### Your request & our response

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*1. Ofcom has the power to request information from individuals and businesses, and to investigate and fine them if they do not comply. For the last 3 years up to and including today's date (3 September 2024), please provide the following relating to information requests issued to social media firms*

Clarified as:

*Please provide the requested information for any requests for information issued to social media platforms in the specified time period under the Online Safety Act or for any other reason. Please include for each the powers under which the request was made.*

*\* How many have been issues in the time period*

Ofcom has powers to issue requests for information (RFIs) under various pieces of legislation including the Online Safety Act 2023 ('the OSA') and the Communications Act 2003<sup>1</sup> ('the CA 2003') and therefore we may have information relating to this request.

However the OSA and the other legislations that Ofcom carry out functions under do not define the terms 'social media firm' or 'social media platform' and the information we hold on our systems is not categorised under these terms. As the data we hold is not categorised under 'social media firm' or 'social media platform' we are unable to search for how many RFIs were sent to such firms/platforms. You can either provide us the specific names of the platforms/firms you wish your request to relate to or you could ask generally about numbers of RFIs under specific powers and we can consider this under the FOI Act.

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<sup>1</sup> See this page for some further details on this: [Consultation: Ofcom's general policy on information gathering - Ofcom](#). See also: [Consultation: Online Safety Information Guidance](#).

In case helpful, we have searched our system for any RFIs sent under the OSA (but not any other piece of legislation) in the specified period and can confirm that:

- Thirty RFIs were issued to recipients, including some which you may consider to provide social media platforms, under section 100 of the OSA for the purposes of supporting our work on online safety fees; and
- Ten RFIs were issued to recipients, including some which you may consider to provide social media platforms, under section 100 of the OSA to gather evidence to support our work setting up the regime relating to our power to issue notices to deal with child sexual exploitation and abuse (CSEA) and terrorism content under Chapter 5 of Part 7 of the OSA.

Please note that the next questions are answered in relation to the 40 RFIs mentioned above.

*\* What was the nature of the information requested*

For the purposes of supporting our work on online safety fees, we requested information on worldwide and UK revenues referable to regulated services as well as a breakdown of that revenue (for example between advertising revenue, subscription revenue and one-off payments). The information requested was for financial years ending in 2021, 2022 and 2023.

In preparation for Ofcom's consultation on its power to issue a 'technology notice' under Chapter 5 of Part 7 of the OSA, RFIs were issued to the developers of technology designed to identify or prevent users' encountering CSEA and/or terrorism content. Some of those developers are also the providers of regulated services. The information requested concerned those technologies, including how their performance is assessed before and after deployment.

*\* How many involved misinformation or disinformation*

None.

*\* How many were/were not complied with*

None of the recipients of the RFIs were found to be in breach of section 100 of the OSA.

*\* How many were investigated*

We have not opened any investigations as a result of the RFIs.

*\* How many fines have been issued or considered*

Ofcom has not taken any enforcement action, including imposing a financial penalty.

*2. Please provide the number and any other relevant information relating to complaints involving social media firms with "Disinformation/Misinformation" given in the "Relating to" category received by Ofcom during the last 3 years, up to and including 3 September 2024. Please identify any relating to the environment, green issues and/or climate change and any involving someone under 18.*

As explained above, Ofcom does not have a single definition as to what constitutes a 'social media firm' and the information we hold on our system is not categorised in this way too. We have however searched our systems for complaints received under our OS and Video Sharing Platform (VSP) work about disinformation or misinformation, where they relate to services online in general.

We have logged 58 cases under the category "disinformation/misinformation (not relating to health)" between 3 September 2021 and 3 September 2024. Of these, 4 complaints appear to mention or relate to under 18s/children; none refer to the environment, green issues or climate change.

Please note that the way in which complaints are categorised on our system means that in order to identify which (if any) of these complaints related to specific issues including the environment, green issues and/or climate change and any involving someone under 18, we have had to individually look at each of the 58 complaints to make this judgement call. In some cases, it was not clear whether the complaint clearly related to these matters so the figure above might not be completely accurate.

We are unable to provide further details on the complaints as we consider the disclosure of such information is exempt under the FOI Act. In particular, section 44 of the FOI Act exempts disclosure of information if another enactment prohibits it. In this case, section 393 of the Communications Act 2003 prohibits Ofcom from disclosing information which relates to a business obtained in the course of exercising its functions, unless Ofcom has the consent of that business or one of the statutory gateways to disclosure under section 393(2) is met, neither of which applies here. Section 44 is an absolute exemption and does not require a public interest test.

*3. The complaint form on your website states, "Ofcom is not able to respond to or adjudicate on individual complaints. However, the information you provide here will help us monitor whether online services are complying with their online safety obligations, and help us to determine if it is appropriate to take regulatory action. Complaints can, for example, be about particular content, or an online service's safety measures."*

*Please provide details of:*

*\* Policies and/or other relevant information relating to how you "monitor whether online services are complying with their online safety obligations" in relation to individual complaints received by Ofcom*

Ofcom currently receives complaints via its online webform about issues relating to online harm on platforms and services. Using particular software, a report of complaints received is produced weekly.

The Online Safety regime does not require Ofcom to take, respond to or adjudicate on individual complaints about online safety. However, these complaints nevertheless provide us with useful information and evidence that is relevant to how we exercise our online safety functions more widely. Like the approach Ofcom takes in telecoms regulation, we monitor trends in complaints as an indicator to help us identify where there might be issues with compliance. We also use this information to support our ongoing research into the harms experienced online and the safety measures of providers.

*\* Policies and/or other relevant information relating to how you "determine if it is appropriate to take regulatory action" in relation to individual complaints received by Ofcom and what regulatory activity has been taken or considered against social media firms in the last 3 years up to and including 3 September 2024*

The OSA received Royal Assent and became law on 26 October 2023. However not all duties on services under the OSA are yet in force, so in this phase we are using intelligence from complaints to build our understanding of users' experiences on online services. Individual complaints received by Ofcom are reviewed thematically to determine if there is an issue with compliance in relation to the VSP regulatory regime<sup>2</sup>, or, in the future once the relevant duties are in force, the OSA.

We consider trends identified in complaints data against our strategic priorities and available resource to determine what further action is appropriate, including whether to refer a matter to

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<sup>2</sup> See this webpage for some further information on the VSP regime (which differs from the regime under the OSA): [Video-sharing platform \(VSP\) regulation - Ofcom](#)

Policy, Supervision or Enforcement Teams for further consideration, taking into account [Ofcom's regulatory enforcement guidelines](#) where applicable.

We have taken some action against service providers under the VSP regime. For further information see: [VSP Enforcement programme](#) and [Enforcement page](#).

*\* Any monitoring activities, including the platforms/services involved, the complaints made against them, and what action was considered and/or taken by Ofcom (if you are not able to include the platforms/services involved, please provide anonymised information)*

From 1 September 2021 – 1 September 2024, Ofcom have received 2036 OS-related complaints against platforms and services. As set out above, the Online Safety regime does not require Ofcom to take, respond to or adjudicate on individual complaints about online safety. However, these complaints nevertheless provide us with useful information and evidence that is relevant to how we exercise our online safety functions more widely. Like the approach Ofcom takes in telecoms regulation, we monitor trends in complaints as an indicator to help us identify where there might be issues with compliance. We also use this information to support our ongoing research into the harms experienced online and the safety measures of providers.

*\* What information relating to the above has been shared with the government, government departments, ministers, civil servants and/or MPs*

Ofcom has shared information of our complaints procedure with Government. Information on Ofcom's general preparations for its duties under the OSA has also been shared with Government.

On 10 September 2024, the Secretary of State for Science, Innovation and Technology wrote to Ofcom's Chief Executive Dame Melanie Dawes to ask what Ofcom is doing about 'small but risky' services. Dame Melanie's response to this is published [here](#).

*4. Section 71 of the Online Safety Act 2023 requires category 1 services to ensure that they have adhered to their own terms and conditions. In your letter of 16 February 2024 to Global Action Plan and others you stated that "We will publish advice to the Secretary of State regarding categorisation in Spring 2024."*

*\* Please provide details of any advice on categorisation, including whether and when it has been provided to the Secretary of State or any other government department or minister*

We published our [advice here](#) on our website in March 2024 and this was also provided to the Secretary of State, as required by the OSA.

*\* Please provide details of which services Ofcom has considered for Category 1*

Category 1 services will be services that meet the Category 1 thresholds set by the Secretary of State. The Secretary of State is considering our advice and has not yet laid secondary legislation in Parliament to set thresholds. Once this happens, Ofcom will begin the process of engaging with industry to request information from providers so we can identify and consider which services should be categorised and in which categories, including Category 1.

*5. In your letter of 16 February 2024 to Global Action Plan and others you stated, "We are currently consulting on proposed specific measures that services can take to protect people from illegal harms. This consultation is open until 23 February 2024."*

*\* Please provide details of this consultation and its outcome*

You can find our consultation on illegal harms here: [Consultation: Protecting people from illegal harms online](#).

We published our online safety [progress update](#) on 17 October 2024 that confirmed we would be publishing our final illegal harms statement in December 2024 that will set out the outcomes for this consultation.

*6. In your letter of 16 February 2024 to Global Action Plan and others you stated, "Once our Codes and guidance are finalised, service providers will be required to comply with their new duties. We expect industry to work with us, and will drive improvements through continuous supervision of the largest and riskiest services; and ultimately, we will have powers to enforce compliance where necessary."*

Please provide details of:

*\* When the codes of guidance will be finalised*

Please see the progress update above.

*\* What form Ofcom's supervision of services take*

Please refer to page 9 of the progress update for a summary of our supervisory functions.

*\* What enforcement mechanisms and/or sanctions will be available to Ofcom.*

Please refer to page 10 of the progress update for a summary of our enforcement powers and Annex 11 to our consultation on illegal harms which contains our draft [Enforcement Guidance](#).

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) – quoting the reference number above in any future communications.

Yours sincerely,

## Information Requests

### Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team ([information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)) to request an internal review.

### Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).