

Confirmation Decision: Investigation into the provider of fapello.com for failure to comply with requirements to implement Highly Effective Age Assurance

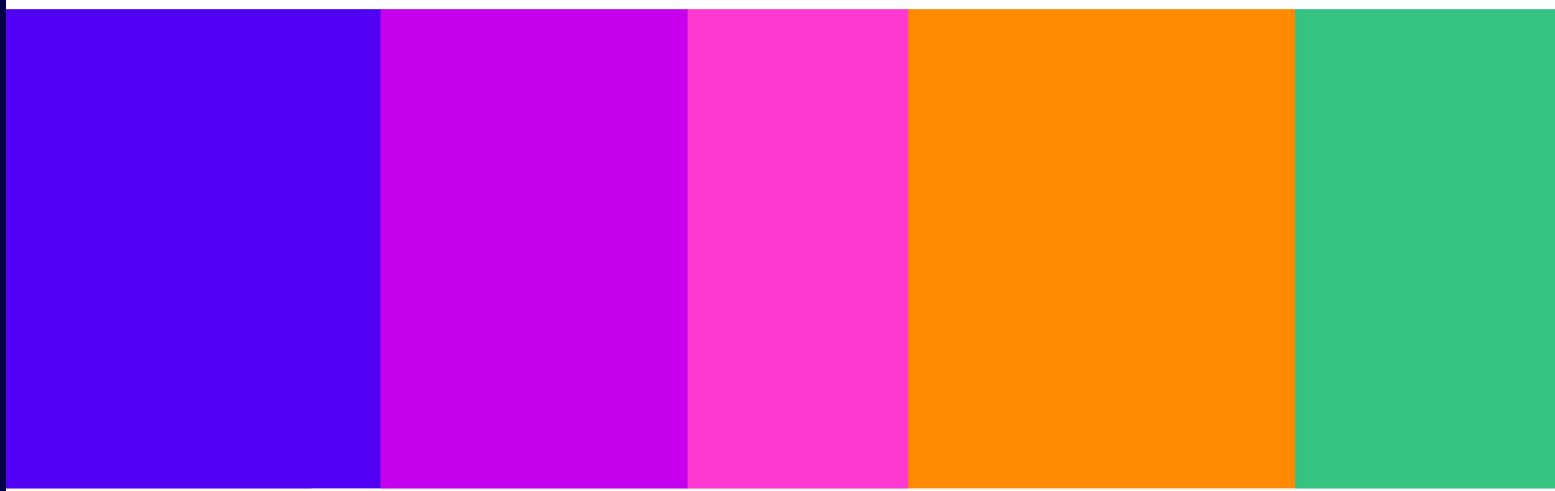
Issued under section 132 of the Online
Safety Act 2023

Non-confidential version – redactions marked with [X<]

Non-confidential Confirmation Decision

Issued: 18 August 2026

Case reference: CW/01328/11/25



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1. Overview

- 1.1 This is a Confirmation Decision (**'Confirmation Decision'**) under section 132 of the Online Safety Act 2023 (the **'Act'**) in respect of the provider of fapello.com.
- 1.2 For the purposes of this Confirmation Decision, the provider of fapello.com is referred to as **'Fapello'** unless otherwise stated.
- 1.3 For the reasons given in this document, Ofcom considers that Fapello has failed to:
 - a) comply with its duties under section 12 of the Act to protect children from encountering pornographic content through the use of highly effective age assurance; and
 - b) comply with a statutory information request issued by Ofcom under section 100 of the Act (**'the Notice'**).

What Ofcom has decided – in brief

Failure to comply with Section 12 of the Act

From 25 July 2025, section 12 of the Act required Fapello to implement age verification and/or age estimation (collectively referred to as **'age assurance'**) that is highly effective at determining whether a user is a child, in order to prevent children from encountering pornographic content on its service.

Ofcom has determined that Fapello has failed to comply with this requirement. During the period from 25 July 2025 to 26 November 2025 (the **'Relevant Period'**), the service fapello.com, operated by Fapello, did not implement age assurance measures. As a result, children were not effectively prevented from encountering pornographic content on the service.

On 27 November 2025, Fapello implemented age assurance measures on fapello.com. On 13 January 2026, Fapello removed these age assurance methods and implemented a block on fapello.com to prevent UK users accessing the service and informed us of this change.

Accordingly, Ofcom has determined that, during the Relevant Period, Fapello failed to comply with its duties under the following provisions of Part 3 of the Act:

- Section 12(3)(a): a duty to operate a service using proportionate systems and processes designed to prevent children of any age from encountering, by means of the service, primary priority content that is harmful to children.
- Section 12(4): a duty to use age verification or age estimation (or both) to prevent children from encountering primary priority content that is harmful to children which the provider identifies on the service.
- Section 12(6): a duty to ensure that any age verification or age estimation used is highly effective at correctly determining whether or not a particular user is a child.

As a result of the above breaches, Ofcom is imposing a single penalty of £600,000 on Fapello in respect of its failure to comply with the duties under Section 12 of Part 3 of the Act.

Failure to comply with Ofcom's Information Notice

On 12 December 2025, Ofcom issued a statutory information request (**'the Notice'**) to Fapello in connection with Ofcom's investigation, with a deadline of 19 December 2025, later extended to

14 January 2026, requiring Fapello to provide information regarding its qualifying worldwide revenue ('QWR') and a complete list of all services operated by Fapello. To date, Ofcom has not received a substantive response to the Notice.

Accordingly, Ofcom has determined that Fapello has contravened its duty under section 102(8) of the Act to act in accordance with the requirements of the Notice issued under section 100 of the Act.

As a result of the above breaches, Ofcom is imposing the following:

- A single penalty of £30,000 on Fapello in respect of its contravention of Section 102(8)(a) of the Act.
- A requirement for Fapello to comply with section 102(8)(a) by taking immediate steps to provide the full legal name(s) of the entity and/or individual(s) with control over who can use the user-to-user part(s) of your service.

In the event of continuing non-compliance, Ofcom will impose a daily penalty at a rate of £200 per day starting from 9 July 2026 (the day after the date of this Confirmation Decision) in respect of the breaches described in this Confirmation Decision until whichever is the sooner of:

- the date the section 102(8)(a) duty is complied with; or
- 7 September 2026 (60 days starting from the day after this Confirmation Decision.)

The overview section in this document is a simplified high-level summary only. Our findings and reasoning are set out in the full document.

2. Legal Framework

- 2.1 The Act creates a new regulatory framework with the general objective of making regulated internet services safer for users in the United Kingdom (UK), particularly for children.

Scope of the Act

- 2.2 This framework applies to regulated internet services, particularly those that host pornographic content. An “internet service” is broadly defined as any service made available via the internet.

Internet services subject to the Part 3 duties

- 2.3 Part 3 of the Act places duties of care on providers of user-to-user services and search services with “links with the United Kingdom”. The duties extend only to the design, operation and use of the service in the UK and, for duties expressed to apply in relation to “users”, as it affects the UK users of the service.¹
- 2.4 A service is a regulated user-to-user service (**‘U2U service’**) under the Act² if:
- a) it is an internet service³ by means of which content⁴ that is generated directly on the service by a user⁵ of the service or uploaded to or shared on the service by a user of the service, may be encountered⁶ by another user, or other users, of the service;⁷
 - b) it has “links with the United Kingdom”; and
 - c) it is not an exempt service under Schedule 1⁸ or a service described in Schedule 2 (services combining user-generated content or search content not regulated by the Act with pornographic content that is regulated).⁹

Links with the United Kingdom

- 2.5 A U2U service has “links with the United Kingdom”¹⁰ if one or more of the following criteria are met:

¹ Section 8(3) of the Act.

² A regulated user-to-user service is defined in section 4(2) of the Act. Reference in the Act to a U2U service include a service provided from within and outside of the United Kingdom (section 204(1)).

³ Section 228(1) “a service that is made available by means of the internet”.

⁴ “Content” means anything communicated by the means of an internet service, whether publicly or privately, including written material or messages, oral communication, photographs, videos, visual images, music and data of any description (section 236(1)).

⁵ “User” is defined in section 227 of the Act and includes registered and unregistered users (section 227(2)).

⁶ “Encounter” in relation to content, means read, view, hear or otherwise experience content (section 236(1)).

⁷ Section 3(1). It does not matter if content is actually shared with another user or users as long as a service has a functionality that allows such sharing, and it does not matter what proportion of content on a service is user-to-user content (section 3(2)).

⁸ Exempt U2U services under Schedule 1 include where the only user-generated content enabled by the service is email, SMS, MSS or one-to-one live aural communication, services where functionalities are limited to posting reviews or comments relating to provider content, where the U2U service is an internal business service, or where it is provided by a public body, and by education or childcare provider.

⁹ Section 4(2)(b) of the Act.

¹⁰ Section 4(5) of the Act.

- a) the service has a “significant number of United Kingdom users”;¹¹
 - b) “United Kingdom users form one of the target markets for the service (or the only target market)”;¹² or
 - c) the service is capable of being used in the United Kingdom by individuals and there are reasonable grounds to believe that there is a material risk of significant harm¹² presented to individuals in the United Kingdom by user-generated content¹³ present on the service.¹⁴
- 2.6 The Act does not prescribe a threshold for what constitutes a “significant number” of UK users or a “target market.” Ofcom considers these factors on a case-by-case basis, taking into account the nature and context of the service and all relevant evidence.
- 2.7 Where the above conditions are met, the provider must comply with the duties set out in section 12 of the Act.
- 2.8 Providers of regulated services must comply with the relevant duties in the Act, regardless of whether they are based in the UK or not. The Act treats the “provider” as being the entity that has control over who can use the U2U service (and that entity alone).¹⁵ If no entity has control over who can use the user-to-user part of a U2U service, but an individual or individuals have control over who can use that part, the provider of the service is that individual or those individuals.¹⁶

Children’s Access Assessments

- 2.9 Sections 35 and 36 of the Act require providers of regulated U2U services in scope of Part 3 to carry out a Children’s Access Assessment (“CAA”) in relation to each service. The purpose of a CAA is to assess and determine:
- a) whether children are able to access the service, or any part of the service; and
 - b) where children are able to access the service, whether the service meets the “child user condition” within the meaning of the Act.¹⁷
- 2.10 Under section 35(2) of the Act, a provider may only conclude that children are *not* able to access a service, or any part of it, where the service uses age verification or age estimation

¹¹ A “user” is a “United Kingdom user” if the user is an individual in the United Kingdom or an entity incorporated or formed under the law of any part of the United Kingdom (section 227(1)).

¹² The Act defines “harm” in section 234(1) as meaning “physical or psychological harm”. Under section 234(10), reference to “risks of harm” is to be read in the same way as “harm”. Section 234 gives further interpretation of risks of “harm” presented by content.

¹³ Under section 4(8), “user generated content” has the meaning in section 55(3) and (4). Under those sections, it is content that is (a) generated directly on the service by a user of the service or uploaded to or shared on that service by a user of the service and (b) that may be encountered by another user, or other users, of the service by means of the service. It includes content generated, uploaded or shared by means of software or an automated tool applied by the user. Section 55(4)(b) addresses when a bot or automated tool is regarded as a user.

¹⁴ Section 4(6).

¹⁵ Section 226(2). “Entity” means a body or association of persons or an organisation, regardless of whether the body, association or organisation is formed under the law of any part of the UK or of a country outside the UK, or a legal person under the law in which it is formed (section 236(1)).

¹⁶ Section 226(3).

¹⁷ Section 35(3) of the Act.

measures that have the effect that children are not normally able to access that service or that part of it.

- 2.11 Section 36 of the Act further requires providers to complete, record in writing, and retain a CAA for each relevant service. Providers were required to complete and record their first CAA by the statutory deadline of 16 April 2025.¹⁸
- 2.12 Where a provider has failed to complete the first required CAA by that statutory deadline, sections 37(4) and (5) of the Act provide that the service is to be treated as “likely to be accessed by children” from 16 April 2025 until such time as a CAA is completed and recorded.¹⁹
- 2.13 Section 12 of the Act sets out the safety duties that apply in relation to regulated U2U services that are “likely to be accessed by children”. Accordingly, where a service is treated as “likely to be accessed by children” under section 37 of the Act, the duties in section 12 apply to that service.

Section 12 children’s safety duties

- 2.14 Section 12 of the Act imposes the following core duties relating to age assurance on service providers in scope of Part 3:
- a) To operate a service using proportionate systems and processes designed to prevent children of any age from encountering, by means of the service, primary priority content²⁰ that is harmful to children; and
 - b) To comply with that duty through the use of age verification²¹ or age estimation²² (or both) to prevent children of any age from encountering primary priority content that is harmful to children which the provider identifies on the service.
 - c) Where a provider is required to use age verification or age estimation to comply with the duty to prevent children from encountering primary priority content that is harmful to children, the provider must use age verification or age estimation (or both) that is highly effective at correctly determining whether or not a particular user is a child.
- 2.15 The requirement to use age verification or age estimation applies in relation to a particular kind of primary priority content that is harmful to children in all cases, except where:
- a) the provider’s terms of service prohibit the presence of that kind of primary priority content on the service (however expressed), and
 - b) that prohibition applies to all users of the service.²³

¹⁸ Section 36(1) and Schedule 3 of the Act

¹⁹ Meaning of “likely to be accessed by children”: 37(4) The second case is where the provider of the service fails to carry out the first children’s access assessment as required by section 36(1).
(5) In that case—

(a) the service is to be treated as likely to be accessed by children from the date by which the first children’s access assessment was required to have been completed (see Part 1 of Schedule 3), and

(b) the service is to continue to be treated as likely to be accessed by children by reason of subsection (4) until such time as the provider completes the first children’s access assessment of the service.

²⁰ Section 12(3)(a). Section 61 sets out the definition of “primary priority content that is harmful to children”.

²¹ Section 230(2) states that “age verification” means any measure designed to verify the exact age of users of a regulated service.

²² Section 230(3) states that “age estimation” means any measure designed to estimate the age or age-range of users of a regulated service.

²³ Section 12(5).

Kinds of primary priority content harmful to children

- 2.16 Primary priority content that is harmful to children includes pornographic content.²⁴
- 2.17 Pornographic content means content of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal.²⁵
- 2.18 Not all pornographic content is included as primary priority content. The following content is expressly excluded:
- a) Pornographic content that consists only of text; or
 - b) Consists only of text accompanied by:
 - i) identifying content which consists only of text;
 - ii) other identifying content which is not itself pornographic content;
 - iii) a GIF which is not itself pornographic content;
 - iv) an emoji or other symbol, or
 - v) any combination of content listed in (i) to (iv).²⁶

Protection of Children Codes of Practice

- 2.19 Ofcom has also had regard to the Protection of Children Codes of Practice,²⁷ which are prepared and issued under the Act. As set out in the Codes, Ofcom is required to prepare and issue Codes of Practice for providers of Part 3 services, describing measures recommended for the purpose of complying with the statutory duties imposed on those providers, including the children's safety duties in section 12 of the Act. The Act further provides that where a provider implements the measures recommended to it in a Code, it is to be treated as complying with the relevant duty or duties to which those measures relate, as identified in the Code's index of recommended measures. Under Section 50 of the Act, when Ofcom is making a decision arising in connection with its statutory functions, it must take account of any relevant part of a Code of Practice - provided that part of the Code was in force at the time and is relevant to the issue Ofcom is considering.
- 2.20 Code measure PCU B2 applies to user-to-user services likely to be accessed by children, whose principal purpose is the hosting or dissemination of one or more kinds of primary priority content (as set out above, this includes pornographic content).
- 2.21 This measure recommends that such services implement highly effective age assurance at the point of entry to the service, ensuring that children are prevented from accessing any part of the service until they have successfully completed a highly effective age assurance check. Age assurance should operate before any user can view or interact with the service, so that no primary priority content is accessible to a user who has not been confirmed as an adult.
- 2.22 Code measure PCU B4 applies to user-to-user services likely to be accessed by children that:
- a) do not have the principal purpose of hosting or disseminating primary priority content; and

²⁴ Section 61(1) and (2).

²⁵ Section 236.

²⁶ Section 61(6).

²⁷ [Protection of Children Code of Practice for user-to-user services](#), issued 4 July 2025.

- b) either permit one or more kinds of primary priority content under their terms of service, or prohibit all primary priority content in their terms but are unable, at present, to effectively remove such content.
- 2.23 This measure recommends that such services implement highly effective age assurance mechanisms to ensure that children are prevented from encountering primary priority content identified on the service. Age assurance should operate wherever children could otherwise be exposed to primary priority content, and must be sufficiently reliable to prevent access until an adult user has successfully completed the age assurance process.
- 2.24 Providers may choose alternative measures to those set out in the Codes, but must be able to demonstrate that such measures enable them to comply with their statutory duties under section 12 of the Act, including the requirement to implement highly effective age assurance.²⁸

Age verification and age estimation

- 2.25 As set out above, where a provider is required to use age verification or age estimation to prevent children from encountering pornographic content, the method used must be highly effective at accurately determining whether a user is a child.²⁹
- 2.26 Ofcom's 'Guidance on highly effective age assurance for Part 3 Services'³⁰ ('the **Guidance**') explains that regardless of where the age assurance occurs in the ecosystem or whether it is implemented by the service provider or by a third-party, it is the responsibility of the regulated U2U service provider to ensure that age assurance is implemented in such a way that it is highly effective at determining whether or not a user is a child.

Kinds of age assurance that are capable of being highly effective

- 2.27 The Guidance sets out³¹ a non-exhaustive list of methods considered capable of being highly effective, including:
- a) open banking;
 - b) photo-identification matching;
 - c) facial age estimation;
 - d) mobile-network operator (MNO) age checks;
 - e) credit card checks;
 - f) email-based age estimation; and
 - g) Digital Identity Services.
- 2.28 Additionally, the Guidance sets out details of the kinds of age assurance that **are not capable** of being highly effective, including:³²
- a) self-declaration of age;

²⁸ [Protection of Children Code of Practice for user-to-user services](#)

²⁹ Section 12(6).

³⁰ [Guidance on highly effective age assurance for part 3 services](#), published 24 April 2025.

³¹ See paragraphs 3.7 to 3.13 of Ofcom's [Guidance on highly effective age assurance for part 3 services](#).

³² See paragraphs 3.14 to 3.16 of Ofcom's [Guidance on highly effective age assurance for part 3 services](#).

- b) age verification through online payment methods which do not require a user to be over the age of 18; and
 - c) general contractual restrictions on the use of the regulated service by children.
- 2.29 The Guidance further notes that implementing one of the example methods is not a guarantee that the service is acting in accordance with the requirements of the Act – service providers need to be able to demonstrate that the method has (or methods have) been implemented in such a way that ensures the overall process as a whole is highly effective.³³
- 2.30 To be considered highly effective, age assurance should meet each of the following four criteria:³⁴
 - a) technically accurate;
 - b) robust;
 - c) reliable; and
 - d) fair.

Ofcom's information gathering powers and relevant duties on providers

- 2.31 Under section 100(1) of the Act, Ofcom may require providers of regulated services (and other persons) to provide them with any information required for the purposes of exercising, or deciding whether to exercise, any of Ofcom's online safety functions.³⁵ This includes any information required for the purposes of assessing compliance with any duty or requirement set out in section 12 of the Act.
- 2.32 Section 100(4) requires that the powers conferred by section 100(1) of the Act 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.
- 2.33 Section 100(5) sets out the persons who are required to provide Ofcom with the information as described in Section 100(1). This includes a provider of a user-to-user service or a search service,³⁶ and a person who appears to Ofcom to have, or to be able to generate or obtain, information required by Ofcom.
- 2.34 Section 100(6) outlines the purposes for which Ofcom may require the provision of information. Ofcom has set out the relevant duties for which it sought the information requested in the Notice below.
- 2.35 Under section 102(8)(a) of the Act, a person who received an information notice under section 100 of the Act has a duty to act in accordance with the requirements of the notice. This includes responding to the information notice by the deadline set out in the notice.

³³ See paragraph 3.3 of Ofcom's [Guidance on highly effective age assurance for part 3 services](#).

³⁴ The full, detailed criteria to ensure an age assurance process is highly effective is set out in Section 4 of Ofcom's [Guidance on highly effective age assurance for part 3 services](#).

³⁵ Section 100(5) sets out the persons to whom Ofcom has the power to issue an information notice under the Act. Ofcom's power to request information includes, under section 204(2), a power to request documents held outside the UK.

³⁶ Section 100(5)(a).

Service of notices

- 2.36 Section 208(2)(d) of the Act allows Ofcom to serve a notice by sending it by email to a person's email address.
- 2.37 Under section 208(10) of the Act, a person's email address for this purpose is: (a) any email address published for the time being by that person as an address for contacting that person; or (b) if there is no such published address, any email address by means of which Ofcom believes, on reasonable grounds, that the notice will come the attention of that person or (where that person is an entity) any director or other officer of that entity.³⁷
- 2.38 Under section 208(11) a notice sent by email is treated as served 48 hours after it was sent, unless the contrary is proved.

Ofcom's powers to issue Confirmation Decisions

- 2.39 Where Ofcom has issued a Provisional Decision to a person and the period allowed for representations has expired, Ofcom has powers under section 132(3) of the Act to issue a confirmation decision to that person if they are satisfied that the person has failed, or is failing, to comply with a notified requirement. For the purposes of section 132, a 'notified requirement' means a duty or requirement to which a Provisional Decision relates.
- 2.40 A confirmation decision issued by Ofcom under section 132(3) of the Act may require the person to take steps to comply with the notified requirement and/or remedy the failure to comply. It may also require the person to pay a penalty.³⁸
- 2.41 Where a person is required to take steps to comply with the notified requirement and/or remedy the failure to comply, the confirmation decision must specify the steps that are required; set out Ofcom's reasons for the decision to impose those requirements; specify each notified requirement to which the steps relate; specify the period during which the failure to comply with a notified requirement has occurred, and whether the failure is continuing; specify a reasonable period within which each of the steps specified must be taken; contain details of the rights of appeal under section 168 of the Act; and contain information about the consequences of not complying with the requirements included in the decision (including information about the further kinds of enforcement action that it would be open to Ofcom to take).³⁹
- 2.42 Where a confirmation decision imposes a daily rate penalty in respect of a continuous failure to comply with a notified requirement, it must, in addition to the matters outlined at paragraph 2.41 above, state the daily rate of the penalty and how the penalty is calculated; state that the person will be liable to pay the penalty if that same failure continues after the compliance date; state the date from which the penalty begins to be payable, which must not be earlier than the day after the compliance date; and provide for the penalty to continue to be payable at the daily rate until i) the date on which the notified requirement is complied with, ii) if the penalty is imposed in respect of a failure to comply with more than one notified requirement, the date on which the last of those requirements is

³⁷ Section 208 of the Act defines "officer" in relation to an entity, as including a director, a manager, a partner, an associate, a secretary or, where the affairs of the entity are managed by its members, a member.

³⁸ Section 132(5).

³⁹ Section 133(4) of the Act.

complied with, or iii) an earlier date specified in the confirmation decision or Ofcom otherwise directs that the daily penalty shall cease.⁴⁰

⁴⁰ Section 137(8) of the Act.

3. Our investigation and final determinations

Content warning – explicit descriptions of sexual activity included in this section

A: Ofcom's investigation

- 3.1 On 16 January 2025, Ofcom announced it was opening an enforcement programme into the implementation of age assurance measures by certain regulated providers of pornographic content. On 25 July 2025, Ofcom expanded the enforcement programme to include assessing the implementation of age assurance by services that allow user-generated pornographic content.⁴¹
- 3.2 From 25 July 2025 Ofcom conducted reviews of services whose primary purpose appeared to be to allow pornographic content to establish if they were likely to be within scope of Part 3 duties.
- 3.3 Ofcom initially reviewed the site fapello.com - the provider of which is referred to as 'Fapello' - on the following dates: 12 November, 13 November and 18 November 2025 (**Annex 1**). On each of these dates, Ofcom identified concerns that Fapello had not implemented age verification or age estimation on the service.
- 3.4 Ofcom has conducted additional reviews of fapello.com throughout the investigation (**Annex 2**).⁴²

Correspondence with Fapello

- 3.5 As part of Ofcom's efforts to promote compliance with the age assurance duties across the industry, prior to 25 July 2025 Ofcom sought to engage with providers of certain adult services, including Fapello. These efforts included offering support and requesting information about the age assurance measures that Fapello intended to implement to comply with its duties under section 12 of the Act.
- 3.6 Despite Ofcom's repeated attempts to contact Fapello via its published email address 'johnfapello@gmail.com', Fapello did not respond to Ofcom's queries regarding the age assurance measures that Fapello intended to implement to comply with its duties under section 12 of the Act. Prior to the opening of this investigation, Ofcom made Fapello aware on multiple occasions of the requirement to implement highly effective age assurance from 25 July 2025. Copies of this correspondence dated 24 April 2025, 27 May 2025, 20 August 2025 and 04 November 2025 are provided in **Annexes 3 to 6**.
- 3.7 On 12 and 13 November 2025 Ofcom reviewed the service fapello.com and identified concerns that Fapello had not implemented age verification or age estimation measures on its service (**Annex 1**).

⁴¹ See the programme updates of 16 January and 24 July 2025: [Enforcement Programme to protect children from encountering pornographic content through the use of age assurance](#)

⁴² In addition to the initial review of 12 and 13 November 2025 evidenced in **Annex 1**, additional reviews were conducted on 24 November, 1, 8 and 15 December 2025, and 13 January 2026 as evidenced in **Annex 2**.

- 3.8 On 19 November 2025, Ofcom wrote to Fapello to confirm that it had opened an investigation into whether Fapello had complied with its duties under section 12 of the Act, specifically the requirement to implement highly effective age assurance (**Annexes 7, 7a and 7b**).
- 3.9 On the same day, Ofcom issued a draft Notice to Fapello, requiring a response by 26 November 2025 (**Annex 7b**).
- 3.10 Fapello replied on 19 November 2025 to the Ofcom email containing the investigation opening letter and draft Notice, but did not provide any comments on the draft Notice (**Annex 8**).
- 3.11 Between Ofcom issuing the draft Notice on the 19 November 2025, and issuing the final Notice on 12 December 2025, Ofcom engaged with Fapello regarding its duties to implement highly effective age assurance:
- a) On 21 November 2025, Fapello responded to the case opening documents asking which service they could use to verify age on fapello.com and requesting an extension to implement age assurance (**Annex 9**).
 - b) On 22 November 2025, Fapello sent a follow-up email to their response dated 21 November 2025, outlining their age assurance implementation plan. They requested that the deadline to implement age assurance on fapello.com be moved to “the second quarter of 2026” (**Annex 10**).
 - c) On 25 November 2025, Ofcom responded to Fapello, explaining that Ofcom cannot endorse or certify specific third-party age assurance solutions and that the deadline for implementing highly effective age assurance had passed on 25 July 2025. Ofcom reminded Fapello that the deadline to provide comments on the draft Notice was 26 November 2025 (**Annex 11**).
 - d) On 26 November 2025, Fapello responded to Ofcom stating they tested the age verification software on fapello.com, and that it would be live from the morning of the 27 November 2025 (**Annex 12**).
 - e) On 27 November 2025, Fapello confirmed that their age verification software was live on fapello.com (**Annex 13**).
 - f) On 4 December 2025, Ofcom responded to Fapello, reminding them that the deadline to implement age assurance was 25 July 2025 and that the final Notice would be issued soon (**Annex 14**).
- 3.12 On 12 December 2025, Ofcom issued the final Notice requiring Fapello to provide the specified information by 19 December 2025, including a copy of the written record of Fapello’s first Children’s Access Assessment (**Annexes 15 and 15a**). Following the issue of the final Notice, Fapello engaged with Ofcom regarding the information requested in the final Notice:
- a) On 12 December 2025, Fapello responded to the final Notice stating that age verification had been ‘turned on’ on fapello.com since 27 November 2025 (**Annex 16**).
 - b) On 17 December 2025, Ofcom re-stated the information required and again noted that the deadline to implement age assurance was by 25 July 2025 (**Annex 17**).
 - c) On 18 December 2025, Fapello responded to Ofcom, stating that Fapello had no relation to another service that Ofcom had enquired about in the final Notice (**Annex 18**).

- 3.13 Following Fapello's failure to provide in full the information requested in the final Notice, Ofcom issued a final warning on 22 December 2025 with a deadline to respond by 5 January 2026 (**Annexes 19 and 19a**). The subsequent correspondence is as follows:
- a) On 23 December 2025, Fapello responded to the final warning, explaining that they were seeking independent legal advice and requesting an extension until 'shortly after' 7 January 2026 to respond. Fapello also expressed regret that age assurance was not implemented on fapello.com before the investigation was formally commenced and stated that they were acting in good faith and committed to cooperation with Ofcom (**Annex 20**).
 - b) On 23 December 2025, Ofcom responded to Fapello granting an extension until 14 January 2026 to respond to the final Notice (**Annex 21**).
 - c) On 13 January 2026, Fapello responded to Ofcom with screenshots of the block Fapello had implemented on fapello.com to prevent UK users accessing the service and stated the following:
 - i) there is 'no legal entity, registered company or corporate structure' behind fapello.com, and that it is operated by the non-UK based author of the email;
 - ii) the revenue generated from fapello.com is 'incidental' as a small-scale operation, and Fapello is therefore unable to provide QWR; and
 - iii) Fapello had implemented a full geo-block to prevent UK users accessing fapello.com, and therefore Fapello asserted that the site no longer has links to the UK (**Annex 22**).
 - d) On 15 January 2026, Ofcom responded to Fapello to note the deadline to respond to the questions in the final Notice by 20 January 2026. Ofcom also stated that:
 - i) where there is no entity controlling a service, the individuals are treated as the provider and requesting the individual's full legal name(s);
 - ii) Ofcom had reasonable grounds to believe fapello.com hosted advertising on the service; and
 - iii) the investigation concerns the period when the service was accessible to the UK, acknowledging that fapello.com has now implemented a block (**Annex 23**).
 - e) On 15 January 2026, Fapello responded re-stating their position that they are not subject to UK law as a non-UK based private individual, that they will not be providing QWR and that fapello.com is no longer accessible to UK users (**Annex 24**).
- 3.14 On 11 February 2026 Ofcom expanded the scope of the investigation to include a potential breach of section 102(8) of the Act (**Annexes 25 and 25a**). To date, Ofcom has not received a substantive response from provider to the information requested in the final Notice.
- 3.15 On the same day, Fapello responded acknowledging receipt of the scope expansion letter and reiterating their position that they are a 'private individual residing outside the United Kingdom' and therefore not 'subject to compulsory disclosure obligations under the Online Safety Act 2023' (**Annex 26**).
- 3.16 On 12 May 2026, Ofcom issued a Provisional Decision to Fapello via email in which we set out our provisional findings that during the relevant period Fapello had failed to implement highly effective age assurance to prevent children from encountering pornographic content

and had failed, and was continuing to fail, to comply with the duty set out within section 102(8)(a) of the Act in respect of the Notice.

- 3.17 In the Provisional Decision, we informed Fapello that it had until 17:00 on 10 June 2026 to make written representations to Ofcom about the matters set out in the Provisional Decision and to inform Ofcom if it would also like to make oral representations.
- 3.18 Ofcom did not receive any representations from Fapello about the matters set out in the Provisional Decision.

B: Application of Part 3 Duties of the Act to Fapello

- 3.19 Ofcom considers that fapello.com is an internet service which allows users to upload and/or share pornographic content, specifically images and videos, that can be encountered by other users of the service.
- 3.20 For the reasons set out below, Ofcom considers that the service meets the conditions set out in the Act and was within scope of Part 3 of the Act during the Relevant Period (and remains in scope).

‘Fapello’ is the provider of fapello.com

- 3.21 Under section 226(2) of the Act, a provider is defined as the entity that has control over who can use the U2U part of a service. This includes control over whether users can register, upload content, or interact with other users.
- 3.22 Under section 226(5) of the Act, if no entity has control over who can use the U2U part of a service, but an individual or individuals do, then those individual(s) are treated as the provider(s) of the service.
- 3.23 Ofcom has been unable to identify a legal entity operating fapello.com. As noted above, on 13 January 2026, the person corresponding with Ofcom stated that ‘fapello.com is a small-scale, private project operated by myself as a non-UK based individual webmaster. There is no legal entity, registered company, or corporate structure behind this website.’ The email was signed off by the ‘Administrator’ of Fapello.com (**Annex 22**).
- 3.24 In a further email to Ofcom, dated 15 January 2026, the same individual stated that they are a ‘private individual resident outside the United Kingdom’ with ‘no legal presence, establishment, assets, business or personnel in the UK’ (**Annex 24**). They further asserted that they are therefore ‘not subject to compulsory disclosure obligations under UK law in respect of personal identifying information’ (**Annex 24**).
- 3.25 Ofcom has not been able to establish the identity of the individual in control of the U2U part of fapello.com. However, Ofcom’s view is that the individual with whom Ofcom has been corresponding via the email ‘johnfapello@gmail.com’ (**Annex 1, p. 12**) exercises control over the user-to-user functionality of the service and is therefore the provider of fapello.com within the meaning of section 226(2) and 226(5) of the Act and was the provider during the Relevant Period. For the purposes of this Confirmation Decision, that provider is referred to as “Fapello”.

Fapello.com is a user-to-user service

- 3.26 Ofcom has determined that fapello.com is, and was during the Relevant Period, a regulated user-to-user service within the meaning of section 4(2) of the Act. Specifically, Ofcom's reviews on 12 and 13 November 2025 (see **Annex 1**) found that fapello.com is an internet service which includes functionalities that enable users to generate, upload, or share "content"⁴³ that can then be "encountered" (e.g. read or viewed) by other users of the service. This is demonstrated by the following:
- 3.27 As evidenced on the relevant pages of **Annex 1**:
- a) During the Relevant Period- registered users, once logged in to fapello.com, could submit posts to fapello.com, by clicking "submit" on the 'Users Posts' page (**p. 21**). Users could then select the category of their submission, insert its title and accompanying text, and click "Upload" and "Submit" (**p. 22**). At no point during the submission process is a user asked for payment details.
 - b) Once logged in, users can comment beneath other users' posts with "upload" and "submit" buttons (**p. 24**).
 - c) The "Users Posts" page hosts a feed of content, each with the titles "Posted by [username]" (**p. 21**).
- 3.28 Ofcom does not consider that fapello.com is an exempt service as provided for by Schedule 1 of the Act,⁴⁴ nor is it a service of a kind described in Schedule 2.⁴⁵

Fapello's website allows (user-generated) pornographic content

- 3.29 Paragraph 2.17 of this Confirmation Decision explains how "pornographic content" is defined in the Act and paragraph 2.4 explains what "user-generated content" means.
- 3.30 The "submit" and "upload" on the "Users Posts" page on fapello.com (**Annex 1, p. 22**) confirm that user-generated content is permitted. The page "What is Fapello.com" confirms that fapello.com did not prohibit pornographic content for all users during the Relevant Period (**Annex 1, p. 17**). A provider of a service likely to be accessed by children must use highly effective age assurance unless its terms of service prohibit pornographic content for all users.⁴⁶
- 3.31 The "What is Fapello.com?" page states that "Fapello.com has been ranked as the #1 site [redacted] on [redacted] (**Annex 1, p. 17**). The "Welcome" page also describes Fapello as "a huge collection of [redacted] content." There is also a page dedicated to the "Top 100 Popular Adult Models", which offers daily search rankings for the top searched models on the site (**Annex 1, p. 14**).

⁴³ Section 236(1) of the Act: "content" is defined as anything communicated by means of an internet service, whether publicly or privately, including written material or messages, oral communications, photographs, videos, visual images, music and data of any description.

⁴⁴ Schedule 1 states that a Part 3 service is exempt if the conditions in paragraph 7(2) of Schedule 1 (internal business service conditions) are met in relation to that part.

⁴⁵ Services combining user-generated content or search content not regulated by the Act with pornographic content that is regulated.

⁴⁶ Section 12(4) and 12(5)(a) of the Act.

- 3.32 As set out in section C, Ofcom’s review found that content on the site, such as images and videos, are frequently explicitly sexual and pornographic in nature.⁴⁷
- 3.33 In summary, fapello.com is, and was during the Relevant Period, operated as a dedicated pornographic service and the content on the website is primarily pornographic. Based on the nature of the user-generated content encountered on the service, Ofcom has determined that such content was produced solely or principally for the purpose of sexual arousal and therefore meets the definition of pornographic content under the Act.

Fapello had “links with the United Kingdom”

- 3.34 A service may have “links with the UK” because:
- a) it has a significant number of UK users;
 - b) UK users form one of its target markets; and/or
 - c) the service is capable of being used by users in the UK and there are reasonable grounds to believe that there is a material risk of significant harm to individuals in the UK presented by user-generated content present on the service.

Significant number of UK users

- 3.35 The Act does not define a “significant number” of UK users for the purposes of considering whether a service has “links with the UK”. Ofcom considers this on a case-by-case basis, taking into account the nature and context of the service.
- 3.36 Ofcom considers “significant number of UK users” to mean UK user numbers that are material in the context of the service, rather than necessarily large or substantial. Providers should therefore err on the side of caution when assessing whether they have a significant number of UK users. A user does not need to be registered to count, but persons acting in the course of the provider’s business should be excluded. Providers should be able to distinguish these categories when determining whether there is a significant number of UK users.
- 3.37 The number of UK unique monthly users for fapello.com, using data provided by [redacted], is as follows:

Table 1: UK unique monthly users

Service	September 2025	October 2025	November 2025	December 2025
Fapello.com	c.750k – 800k	c.750k – 800k	c.650k – 700k	c.800k – 850k

- 3.38 As set out at paragraph 2.4 (footnote 5), the definition of a “user” includes registered and unregistered users, and so Ofcom considers the [redacted] unique visitor data (which would include both registered and unregistered users) to be an appropriate data source to rely on for the unique monthly user numbers for fapello.com.
- 3.39 On this basis, Ofcom finds that during the Relevant Period fapello.com had monthly UK unique user numbers that were significant within the meaning of section 4(5)(a) of the Act.

⁴⁷ See **Annex 1** for the full user mapping journey conducted for Fapello, which evidences the examples listed in section C.

UK users do not form one of fapello.com’s “target markets”

- 3.40 The Act does not define what constitutes a “target market”. Ofcom’s Overview of Regulated Services Statement⁴⁸ sets out a number of factors which could indicate that the UK is a target market, such as the way a service is designed, promoted, or how it receives revenue.
- 3.41 From its reviews, Ofcom did not identify content on fapello.com that was targeted towards UK users and/or indicated that the UK is a target market.
- 3.42 Ofcom therefore does not consider that the UK was a target market for fapello.com for the Relevant Period under section 4(5)(b) of the Act.
- 3.43 After implementing an age assurance method on fapello.com on 27 November 2025 (**Annex 2, p.4**), on 13 January 2026 Fapello implemented a block which prevents users with a UK IP address from accessing fapello.com (**Annex 2, p. 10**). The impact of Fapello’s decision to restrict access to UK users is considered below in paragraph 3.65.

The service was capable of being used by users in the UK and there are reasonable grounds to believe that there is a material risk of significant harm to individuals in the UK presented by user-generated content present on the service

- 3.44 The Act requires providers to implement age assurance to prevent children of any age from encountering primary priority content because such content is considered particularly harmful to children. Ofcom’s Children’s Register of Risks⁴⁹ sets out some of the harmful impacts that encountering pornographic content can have on children.
- 3.45 In relation to fapello.com, Ofcom relies on Section 4(6). While the service does not appear to target UK users, it was capable of being used by users in the UK and had a significant number of monthly UK users during the Relevant Period. Given the nature of the user-generated content available on the service, Ofcom considers that there are reasonable grounds to believe that there was a material risk of significant harm to individuals in the UK.
- 3.46 During the Relevant Period, fapello.com was capable of being used by users in the UK⁵⁰ and did not implement any form of age assurance to ensure that such users were not children. As a result, there was a material risk that UK children could have experienced significant harm from encountering pornographic content on Fapello’s service.
- 3.47 Therefore, in addition, or in the alternative, Ofcom also considers there are reasonable grounds to believe that fapello.com presented a material risk of significant harm to individuals in the UK, specifically UK child users, due to the user-generated content on the service.

Application of the Section 12 duties to Fapello’s Website

- 3.48 Section 12 of the Act applies to regulated user-to-user services that are “likely to be accessed by children”. Under sections 37(4) and 37(5), where a provider has not completed and recorded the first CAA for a service by the statutory deadline of 16 April 2025, that service must be treated as “likely to be accessed by children” until the first CAA for each service is completed.

⁴⁸ [Overview of regulated services](#), published 16 December 2024.

⁴⁹ See Ofcom’s [Children’s Register of Risks](#), published 24 April 2025, particularly the ‘impacts’ section, pp.38-41.

⁵⁰ Ofcom’s review demonstrated that site was freely accessible on the open web from a UK IP address.

- 3.49 On 12 December 2025, Ofcom issued a final Notice requiring Fapello to provide specified information, including a copy of the first CAA for fapello.com. Fapello did not provide a copy of the CAA in any of their subsequent communication with Ofcom. **(See Annexes 16 - 24 and Annex 26).**
- 3.50 Ofcom considers there are reasonable grounds to believe that Fapello has not completed the first required CAA. Accordingly, Ofcom finds that the section 12 duties applied to fapello.com from 25 July 2025 and for the duration of the Relevant Period.

C: Fapello's compliance with its duties under Part 3, section 12 of the Act

- 3.51 For the following reasons, Ofcom has determined that there are reasonable grounds to believe that Fapello failed to comply with the duty set out within section 12 of the Act to implement highly effective age assurance to prevent children from encountering pornographic content on its service fapello.com.
- 3.52 In making this determination, Ofcom has had regard to the relevant measures in the Codes of Practice⁵¹ (including measures B2 and B4).⁵²
- 3.53 Ofcom makes this finding in respect of the period from 25 July 2025 to 26 November 2025 (the Relevant Period).

Pornographic content was available on the service

Content warning – explicit descriptions of sexual activity included in this section

- 3.54 As noted at paragraphs 3.29-3.33 of this Confirmation Decision, Ofcom's review of the service found that fapello.com is marketed and operated as a dedicated pornographic service. In particular, the reviews between 12 and 13 November 2025 showed that pornographic content was available on fapello.com.
- 3.55 A summary of Ofcom's findings is set out in the rest of this section. Please see the full user mapping journey for fapello.com at **Annex 1**.

Fapello.com is marketed and operated as a dedicated pornographic service

- 3.56 The "What is Fapello.com" page on fapello.com states it has been ranked "as the #1 site in the [X] category on [X], one of the most trusted adult site directories" (**Annex 1, p. 17**).
- 3.57 On immediately accessing the home page of fapello.com, the user is presented with many pictures displaying nudity and/or pornographic images. The home page feed includes images of nude models (**Annex 1, p. 4**) and explicit sexual activity (**Annex 1, p. 6-9**), such as [X] or [X].
- 3.58 The "Popular videos" page accessed through the home page presents a selection of videos including [X]. The user journey contains an example of a video of [X] under the "Popular Videos in the last 12 hours" tab (**Annex 1, p.10**).

⁵¹ [Protection of Children Code of Practice for user-to-user services.](#)

⁵² It is not necessary to determine which measure applies in this case. Regardless of whether a service has a principal purpose of disseminating pornographic content, section 12 of the Act requires providers of services that are likely to be accessed by children and that allow such content to implement highly effective age assurance.

- 3.59 Upon selecting “Users Posts”, the user is presented with a feed with different user profiles’ recent images, including images that display nudity and/or sexual activity. (**Annex 1, p. 21**)

Final determinations

- 3.60 The user-generated content that is allowed and can be encountered on fapello.com by other users of the service is sexually explicit and constitutes pornographic content, in that the content is of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal.⁵³
- 3.61 For these reasons, Ofcom has determined that pornographic content was available on fapello.com during the Relevant Period.

The service did not use highly effective age verification or age estimation to identify children and prevent them from encountering pornographic content

- 3.62 To comply with section 12(3)(a) of the Act, providers of Part 3 services that allow pornographic content must use age verification or age estimation (or both) to ensure that children are prevented from encountering user-generated pornographic content on its services. The age verification or age estimation used must be of such a kind, and used in such a way, that it is highly effective at correctly determining whether or not a particular user is a child.
- 3.63 Paragraphs 3.7-3.13 of Ofcom’s Guidance⁵⁴ sets out the kinds of age verification or age estimation that may be capable of being highly effective at determining whether or not a particular user is a child.
- 3.64 Ofcom’s user journey reviews of fapello.com on 12-13 November 2025, and additional checks conducted on 18 and 24 November 2025 (**Annexes 1 and 2**) demonstrated that at no stage while accessing the service were Ofcom’s reviewers required to complete any form of age verification or age estimation, including registering to the site to allow the user to upload and comment on content.
- 3.65 On 21 November 2025, Fapello responded to the case opening documents asking which service they could use to verify age on fapello.com and requesting an extension to implement age assurance (**Annex 9**) We note that on 27 November 2025, Fapello implemented Age Assurance on fapello.com and this was in place until 13 January 2026 when Fapello implemented a block to prevent users with a UK IP address from accessing the platform (**Annex 2, p. 10**). By fully restricting access to users with a UK IP address Fapello has, in apparent good faith, attempted to prevent UK users, including children, from accessing the site. As such, we consider that the period of 25 July 2025 to 26 November 2025 is an appropriate period in which to consider Fapello’s compliance, and we make no formal findings as to Fapello’s compliance with Section 12 of the Act from 27 November 2025 onward. We reserve our position in relation to Fapello’s ongoing compliance with the Act.

Final determinations

⁵³ Section 236.

⁵⁴ [Guidance on highly effective age assurance for part 3 services](#), published 24 April 2025.

- 3.66 Ofcom considers that Fapello was required to implement age assurance of a kind that is highly effective at determining whether or not a user is under the age of 18, prior to pornographic material being displayed to its users, from 25 July 2025.
- 3.67 Ofcom has determined that for the duration of the Relevant Period, no age verification or age estimation was in place on fapello.com. As such, Ofcom has determined that Fapello failed to comply with its duties under section 12 of the Act in respect of fapello.com, from 25 July 2025 to 26 November 2025.

D: Fapello's compliance with section 102(8) of the Act

The Notice

- 3.68 As noted at paragraph 3.12, as part of its investigation, Ofcom issued a formal request for information to Fapello on 12 December 2025 ('the Notice'). The Notice required the provider of fapello.com to provide:
- a) The full legal names of the entity and/or individual(s) with control over who can use the user-to-user parts of the service;
 - b) details of its QWR;
 - c) a complete list of all services – in addition to fapello.com – operated by Fapello;
 - d) full details of Fapello's relationship with the service [redacted];
 - e) a copy of Fapello's Children's Access Assessment, which was required to have been completed by 16 April 2025, under section 36 of the Act.
- 3.69 Ofcom served the Notice on 12 December 2025 via email to the following email address: johnfapello@gmail.com, in accordance with section 208 of the Act.
- 3.70 Following service of the Notice to Fapello on 12 December 2025 (**Annex 15a**), Ofcom engaged in further correspondence with Fapello. However, as at the date of this provisional decision, Ofcom has not received a full response to the information requested in the Notice. That correspondence is summarised below. On 12 December 2025, Fapello responded stating that "age verification" had been implemented on fapello.com since 27 November 2025 (**Annex 16**).
- 3.71 On 17 December 2025, Ofcom responded re-stating the information required by the Notice and explaining that the investigation concerned compliance with the statutory deadline for implementing Age Assurance (**Annex 17**). On 18 December 2025, Fapello responded stating that Fapello has 'no relation with [redacted]' (**Annex 18**). On 23 December 2025, Fapello responded to Ofcom's final warning requesting an extension of time to respond to the Notice until 'shortly after' 7 January 2026 (**Annex 20**). On the same day, Ofcom formally extended the deadline for compliance with the Notice until 14 January 2026 (**Annex 21**).
- 3.72 On 13 January 2026, Fapello provided screenshots evidencing a block on fapello.com preventing access by users with a UK IP address, and stated that:
- i) Fapello has "no legal entity, registered company or corporate structure" and that it is operated by "myself as a non-UK based individual webmaster".
 - ii) the revenue generated on Fapello is "incidental" and "as a small-scale operation" Fapello is therefore "unable to provide Qualifying Worldwide Revenue".
 - iii) a "full geo-block via [redacted] to prevent UK users accessing fapello.com" had been implemented, and that therefore the site "no longer ha[d] links to the UK" (**Annex 22**).

- 3.73 On 15 January 2026, Ofcom informed Fapello that they had failed to meet the deadline for responding to the Notice, and requested that Fapello respond to the questions in the Notice by 20 January 2026, stating the following:
- i) that where there is no entity controlling a service, the individuals are treated as the provider and requesting the individual's full legal name(s).
 - ii) that Ofcom had reasonable grounds to believe fapello.com hosted advertising on the service and offering guidance on how to calculate the QWR.
 - iii) the investigation is concerning the period when the service was accessible to the UK, acknowledging that fapello.com has now implemented a block via  (**Annex 23**).
- 3.74 On 15 January 2026, Ofcom wrote to Fapello reiterating that, where no legal entity controls a service, the individual(s) exercising control are treated as the provider for the purposes of the Act, and requested the relevant individual's full legal name(s). Ofcom also explained that it had reasonable grounds to believe that fapello.com hosted advertising and provided guidance on calculating QWR. Ofcom further clarified that the investigation concerned the period during which the service was accessible in the UK (**Annex 23**).
- 3.75 On 15 January 2026, Fapello responded re-stating their position that they are not subject to UK law as a non-UK based private individual, that they will not be providing QWR and that fapello.com is no longer accessible to UK users (**Annex 24**).
- 3.76 On 11 February 2026, Ofcom wrote to Fapello informing them that Ofcom had expanded the scope of the investigation into Fapello to include a potential breach of section 102(8) of the Act. On the same day, Fapello responded maintaining their position that they are "unable to provide the personal or financial information requested in the Notice" (**Annexes 25, 25a and 26**).
- 3.77 Fapello did not provide a full response to the Notice by the extended deadline of 14 January 2026. On multiple occasions, Fapello expressly stated that it would not be providing the information requested and that it did not accept that it was subject to compulsory disclosure obligations under the Online Safety Act 2023 (**Annex 24**). As such, Ofcom extended its investigation to consider whether Fapello had failed to respond to a statutory information request.

Fapello has failed to comply with its duties under section 102(8)(a)

- 3.78 Fapello was required to act in accordance with the requirements of the Notice to provide the requested information by 14 January 2026. Fapello did not provide the information requested in full by that deadline and, as at the date of this Confirmation Decision, Ofcom has still not received the required information from Fapello.
- 3.79 We therefore find that there are reasonable grounds for believing that Fapello has failed, and is continuing to fail, to comply with the duty set out within section 102(8)(a) of the Act in respect of the Notice.

E: Confirmation Decision on Fapello's compliance with section 12 and section 102(8) of the Act

Failure to comply with Section 12 of the Act

- 3.80 From 25 July 2025, section 12 of the Act required Fapello to implement age assurance that is highly effective at determining whether a user is a child, in order to prevent children from encountering pornographic content on its service.
- 3.81 Ofcom has determined that Fapello failed to comply with this requirement. Specifically, during the period from 25 July 2025 until 26 November 2025 (the Relevant Period), Fapello did not implement any age assurance measures.
- 3.82 As a result, children were not effectively prevented from encountering pornographic content on the service.

Failure to comply with Section 102(8) of the Act

- 3.83 On 12 December 2025, Ofcom issued the Notice to Fapello in connection with Ofcom's investigation requiring Fapello to provide the requested information by 14 January 2026. To date, Fapello has not responded in full to the Notice.
- 3.84 As a result, Ofcom has determined that Fapello has contravened its duty under section 102(8) of the Act to act in accordance with the requirements of the Notice issued under section 100 of the Act.

4. Remedy and Penalty

Remedy

- 4.1 Section 133 of the Act gives Ofcom the power to require that the provider of a regulated service takes steps to comply with a notified requirement or remedy the failure to comply with a notified requirement – in this case, section 102(8)(a) of the Act.

Representations by Fapello on remedy and penalty

- 4.2 As noted in paragraph 3.18 above, Fapello did not make any representations about the remedy or penalty proposed in the Provisional Decision.
- 4.3 Taking into account all relevant evidence, we consider it appropriate to confirm the remedy and penalty proposed in the Provisional Decision. We set these out in more detail below.

Confirmation Decision on remedy

Complying with an information duty

- 4.4 Where a Confirmation Decision requires a person to take steps for the purpose of complying with an information duty, under section 133(5) of the Act Ofcom may require the person to take those steps immediately.
- 4.5 Given that Ofcom's powers under section 100 of the Act are crucial to Ofcom's ability to effectively regulate the online sector, it is important that providers of regulated services submit required information to allow Ofcom to fulfil its duties.
- 4.6 As such, we require Fapello to immediately take steps to provide Ofcom with the full legal name(s) of the entity and/or individual(s) with control over who can use the user-to-user part(s) of fapello.com. This requirement will come into effect from 8 July 2026 (the date of issue of this Confirmation Decision.) This information should be readily available to Fapello and can be easily provided to Ofcom. As such, we consider this period of time to be sufficient for Fapello to provide this information.

Penalty

- 4.7 Under the Act, Ofcom can, in a Confirmation Decision, impose a single penalty amount and/or a daily rate penalty (or a combination of both), depending on what is proposed in the provisional notice of contravention.⁵⁵
- 4.8 A single penalty amount is one amount covering the specified breaches.⁵⁶ A daily rate penalty may be imposed where the contravention that Ofcom has identified is continuing and the Confirmation Decision requires the subject of the decision to take action to bring itself into compliance. A daily penalty will be payable for the period specified in the

⁵⁵ Section 137(1).

⁵⁶ Section 130(7)(b) and 137(1)(a).

decision, which will generally be until the date on which the subject takes the action required in the decision to bring it into compliance.⁵⁷

- 4.9 Section 143 of the Act and Schedule 13 to the Act set out the principles that apply when determining the amount of any penalties to be imposed upon a person. In particular, paragraph 2(4) of Schedule 13 to the Act requires that a penalty must be of an amount that Ofcom considers to be appropriate and proportionate to the failure (or failures) in respect of which it is imposed.
- 4.10 Paragraph 2(1) of Schedule 13 to the Act requires that in determining the amount of a penalty to be imposed on a person, Ofcom must take into account any representations made, and evidence provided, by the person, and the effects of the failure (or failures) in respect of which the penalty is imposed.⁵⁸
- 4.11 As set out in Ofcom's Enforcement Guidance,⁵⁹ Ofcom may impose a financial penalty in respect of a contravention if it considers that appropriate and proportionate, taking account of the circumstances in the round. In considering the appropriate level of penalty, Ofcom will also take into account the principles set out in its Penalty Guidelines⁶⁰ published under section 392 of the Communications Act 2003.⁶¹
- 4.12 The maximum penalty Ofcom can impose on a person in respect of a regulated service is £18 million or 10% of the person's QWR for the person's most recent complete accounting period, whichever is greater.⁶² Ofcom's Online Safety Fees & Penalties Statement⁶³ defines a provider's QWR as the total amount of revenue the provider receives during the qualifying period that is referable to the regulated service.⁶⁴ Revenue is treated as referable to a regulated U2U service only if and so far as it arises in connection with the provision of those parts of the regulated service where regulated user-generated content may be encountered.⁶⁵

⁵⁷ See section 130(7)(b), section 137(1)(b), (2) and (8) and [Online Safety Enforcement Guidance](#), para 6.43.

⁵⁸ Schedule 13, para 2(1). Where the penalty is imposed in a Confirmation Decision, Ofcom must also take into account any steps taken by the person towards complying with the duty or requirement specified in the provisional notice of contravention or to remedy the failure (Schedule 13, para 2(3)).

⁵⁹ [Online Safety Enforcement Guidance](#).

⁶⁰ [Penalty Guidelines](#).

⁶¹ Schedule 13, para 2(5) and [Online Safety Enforcement Guidance](#), para 6.43.

⁶² Schedule 13, para 4(1). Under section 85(1)(a) of the Act Ofcom has a power to make regulations for the purposes of determining the qualifying worldwide revenue of a provider of a regulated service for an accounting period. Ofcom will also make regulations determining the qualifying worldwide revenue for the purposes of considering financial penalties for group entities, see ss 85(1)(a) and (6) and paragraph 5(9), Schedule 13 to the Act. On 26 June 2025, Ofcom published its [Statement on the implementation of the fees and penalties regime](#) under the Act. The [Online Safety Act 2023 \(Qualifying Worldwide Revenue\) Regulations 2025](#) were laid before Parliament on 26 June 2025 and are now in force.

⁶³ [Online Safety Fees & Penalties Statement](#).

⁶⁴ [Online Safety Act 2023 \(Qualifying Worldwide Revenue\) Regulations 2025](#), para 6(2), read with Schedule 13, para 4(9) of the Act.

⁶⁵ "Regulated user-generated content" is defined in section 55(2) of the Act to mean user-generated content, except emails, SMS messages, MMS messages, one-to-one live aural communications, comments and reviews on provider content, identifying content that accompanies such content, and news publisher content. [Online Safety Act 2023 \(Qualifying Worldwide Revenue\) Regulations 2025](#), para 4(2).

Penalty considerations

It is appropriate to impose a financial penalty in this case

- 4.13 Ofcom finds that it is appropriate to impose a penalty for Fapello's failure to comply with section 12 because:
- a) **Preventing children from encountering pornographic content is a priority outcome for the UK's online safety regime:** One of the strategic priorities of the Act is to ensure that children do not encounter harmful content online, including pornographic content. Imposing a financial penalty would send a strong message to the industry that non-compliance in this space will not be tolerated.
 - b) **Fapello was made aware of the requirements in advance of the implementation date:** Prior to the opening of this investigation, Ofcom sought to engage with Fapello on multiple occasions between 24 April 2025 and 04 November 2025. These efforts included offering support and requesting information about the age assurance measures that Fapello intended to implement to comply with its duties under section 12 of the Act. Despite Ofcom's repeated contact via published email addresses, Fapello did not respond substantively to Ofcom's queries regarding the age assurance measures that it intended to implement (**Annexes 3-6**).
 - c) **Imposing a penalty would deter Fapello, and the wider sector, from future contraventions:** As set out in Ofcom's Penalty Guidelines,⁶⁶ the central objective for imposing a financial penalty is to effectively deter contraventions of regulatory requirements. Ofcom considers that imposing a financial penalty in this case would incentivise Fapello's management to take appropriate steps to ensure that it complies in future. It would also send out a broader message to the industry to demonstrate that Ofcom takes compliance with the highly effective age assurance duties extremely seriously and is willing to take action should providers fail to comply.
- 4.14 Additionally, Ofcom finds that it is appropriate to impose a penalty for Fapello's failure to comply with its duties under section 102(8) of the Act for the following reasons:
- a) **Gathering accurate and timely information is critical to Ofcom's functions:** Ofcom's powers under section 100 of the Act are crucial to Ofcom's ability to effectively regulate the online sector and protect UK users from primary priority content. A contravention of a requirement to provide information in the manner and form required under section 102(8) is inherently a serious matter as it materially hinders Ofcom's ability to carry out its functions, including Ofcom's ability to assess Fapello's compliance with its duties under the Act.
 - b) **Imposing a penalty would deter Fapello - and the wider sector - from future contraventions:** As set out in Ofcom's Penalty Guidelines,⁶⁷ the central objective for imposing a financial penalty is to effectively deter contraventions of regulatory requirements. Ofcom considers that imposing a financial penalty in this case would incentivise Fapello's management to take appropriate steps to ensure that it complies in future. It would also ensure that both Fapello's and the wider sector understand how seriously Ofcom takes compliance with these duties.

⁶⁶ [Penalty Guidelines](#).

⁶⁷ [Penalty Guidelines](#).

Amount of penalty

- 4.15 Ofcom has published Penalty Guidelines which set out the factors it may take into account when determining the appropriate amount of a financial penalty.⁶⁸ In accordance with paragraph 2(5) of Schedule 13 to the Act, section 392 of the Communications Act 2003, and Ofcom's Online Safety Enforcement Guidance,⁶⁹ Ofcom has had regard to the Penalty Guidelines and has set out below its consideration of these factors, to the extent that they are relevant to this case.
- 4.16 Ofcom has also considered whether there are any relevant precedents, noting that while past decisions may be relevant, they are not binding and Ofcom may, considering the circumstances of each case, impose higher penalties in future cases than in previous ones to secure effective deterrence.⁷⁰ On the basis of the various elements considered in this section of our Confirmation Decision, we consider that the penalties in this case are both appropriate and proportionate, while being sufficiently high to effectively deter future breaches.

Deterrence

- 4.17 As set out in Ofcom's Penalty Guidelines, the central objective of imposing a penalty is deterrence.⁷¹
- 4.18 Any penalty Ofcom imposes should be sufficiently high to both deter a provider of a regulated service from contravening regulatory requirements, and to deter the wider industry from doing so. The level of the penalty should be high enough that the provider recognises that it is not more profitable for a business to break the law and pay the consequences than it is to comply with the law in the first instance, therefore encouraging good practice and a culture of compliance across the organisation.⁷²
- 4.19 In relation to the breach of section 12 of the Act, deterrence is a particularly important objective as the adult sector is large and dispersed, with many hundreds of thousands of services potentially caught by the Act. The introduction of age assurance to prevent children from encountering pornographic content has been strongly resisted by the providers of adult services across the world, and there are obvious incentives for providers to refuse to comply with their duties. It is therefore essential that penalties imposed for a breach of these duties under the Act, act as a strong message both to the provider under investigation and the wider adult sector, to show that Ofcom will not tolerate providers of such services putting profit above the safety of children.
- 4.20 In addition, as a general matter, Ofcom is of the view that the need for deterrence in any penalty set for a contravention of information requirements is important, as information notices are fundamental to Ofcom's regulatory functions, including in the context of online safety regulation.

⁶⁸ [Penalty Guidelines](#).

⁶⁹ Ofcom is required to have regard to these penalty guidelines when determining the amount of any penalty under s. 392(6) Communications Act 2003; see also paragraph 6.42 of Ofcom's [Online Safety Enforcement Guidance](#).

⁷⁰ See paragraph 1.3 of [Penalty Guidelines](#).

⁷¹ See paragraph 1.11 of [Penalty Guidelines](#).

⁷² See paragraph 1.5 of [Penalty Guidelines](#).

Seriousness, harm and culpability

Seriousness

- 4.21 The requirement of providers to implement highly effective age assurance on their services under section 12 of the Act is key in achieving the Act's primary objective of making regulated internet services safer for UK users, and particularly for children. Where providers contravene these requirements, children are at risk of encountering harmful content online.⁷³ In our view, this is therefore a serious contravention of the Act.
- 4.22 In addition, under section 3(2)(g) of the Communications Act 2003, Ofcom is required to secure the adequate protection of citizens from harm presented by content on regulated services, through the appropriate use by providers of systems and processes designed to reduce the risk of such harm. Under section 3(4A) of the Communications Act, in undertaking this provision, Ofcom must have regard to, in part, the need for a higher level of protection for children than for adults. As such, it may be appropriate to impose higher penalties for infringements that expose children to risks of harmful content than contraventions of other duties, but this will necessarily be considered on a case-by-case basis.
- 4.23 Fapello was in contravention of its duties under section 12 of the Act from 25 July 2025 until the end of the Relevant Period (26 November 2025). Throughout this period, any user, including children, could view pornographic content on fapello.com without highly effective age assurance being in place to prevent child users from encountering such content.
- 4.24 In respect of Fapello's duties under section 102 of the Act, Ofcom's powers under section 100 of the Act are crucial to Ofcom's ability to effectively perform its functions under the Act. A contravention of a requirement to provide information in the manner and form required under section 102(8) is therefore inherently a 'serious' matter as it materially hinders Ofcom's ability to carry out its functions.⁷⁴
- 4.25 We consider that the continuing failure to provide the specified information in the Notice materially hinders our ability to assess Fapello's compliance with its duties under the Act, and therefore to ensure that UK children are prevented from normally encountering pornographic content. This is a serious failure.

Harm

- 4.26 Ofcom has also considered the degree of harm, whether actual or potential, caused by the alleged contravention.⁷⁵
- 4.27 The protection of children from normally encountering pornographic content is a cornerstone of the online safety regime in the UK, as provided for in the Act, and is therefore a fundamental priority for Ofcom in exercising its functions under the Act. Ensuring that providers comply with their duties under the Act to prevent children from normally encountering pornographic content from their services is central to securing Parliament's intention to create a safer life online for UK children.
- 4.28 Further, Fapello's failure to provide the information requested in the Notice prevented Ofcom from being able to efficiently assess Fapello's compliance with the Act. This has had

⁷³ As defined under section 60(2)(a) of the Act, in accordance with section 61(2).

⁷⁴ See section 1.12 of [Penalty Guidelines](#).

⁷⁵ See section 1.12 of [Penalty Guidelines](#).

an impact on Ofcom's ability to effectively regulate the online sector in line with its statutory duty to ensure the adequate protection of citizens from harm presented by content on regulated services, through the appropriate use by providers of such services of systems and processes designed to reduce the risk of such harm.⁷⁶

Culpability

- 4.29 In line with Ofcom's Penalty Guidelines, Ofcom has considered the extent to which the contraventions occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur.⁷⁷
- 4.30 Given the wide-ranging publicity and communications designed to raise industry awareness of the new duties under the Act, as well as the notifications sent directly to Fapello on 24 April, 27 May, 20 August and 04 November 2025 by Ofcom in relation to its duties under Part 3, Ofcom considers that Fapello was aware of the need to implement highly effective age assurance on its service and had sufficient opportunity to do so. Ofcom also considers that Fapello was aware of the potential consequences if it did not comply with the requirements of the Act or the Notice.
- 4.31 The Notice issued to Fapello on 12 December 2025 explained the potential consequences if Fapello did not respond to the request for information. Following Fapello's failure to respond before the original deadline of 19 December 2025, Ofcom issued a final warning on 22 December 2025. A deadline extension was granted until 14 January 2026, which Fapello also failed to adhere to. Subsequently, the scope of the investigation was expanded on 11 February 2026. Despite these communications, at the date of this Confirmation Decision, Fapello has failed to respond substantially to the information requested in the Notice.

The size and financial position of Fapello

- 4.32 In line with Ofcom's Penalty Guidelines,⁷⁸ Ofcom considers the size and turnover of the regulated body to ensure that the overall amount of the penalty is appropriate and proportionate to the contravention in respect of which it is imposed.
- 4.33 Ofcom requested financial information from Fapello in the Notice but received no response. Ofcom was not able to find reliable revenue information for Fapello. Absent this information, Ofcom has therefore been unable to consider Fapello's financial position when determining the penalty amount.
- 4.34 However, Ofcom notes that Fapello's website reaches a large number of UK users and displays advertising, indicating that Fapello may have significant financial size and strength.
- 4.35 Ofcom notes that Fapello had the opportunity to provide representations in response to the Provisional Decision, including on the amount of the proposed penalty, but did not provide any such representations.

⁷⁶ See section 3(2)(g) of the Communications Act 2003.

⁷⁷ By 'culpability' Ofcom means 'the extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur', taken from [Penalty Guidelines](#).

⁷⁸ [Penalty Guidelines](#).

Precedent

- 4.36 Ofcom has previously imposed penalties under the Act for breaches of section 12 and 102(8) and those penalties have been taken into account when assessing an appropriate penalty amount.
- 4.37 While Ofcom has imposed penalties for breaches of section 12 and 102(8) in previous decisions, those penalties are not determinative. Ofcom may depart from earlier penalty levels where necessary to secure effective deterrence, in accordance with the Penalty Guidelines.⁷⁹
- 4.38 Regarding the contravention of section 12, to secure effective deterrence across the adult sector, Ofcom has taken into account the nature of the contraventions identified, including:
- a) the scale and reach of the service and number of UK users affected;
 - b) the ease of access to pornographic content;
 - c) the extended duration of non-compliance despite clear opportunities to implement measures; and
 - d) the nature of the content and associated risks of harm to children.
- 4.39 We consider that the penalties are proportionate and appropriate in the facts and context of this case for the reasons set out in this section.

Additional considerations

Co-operation with investigation

- 4.40 While Fapello has engaged with Ofcom throughout the investigation process, it objected to Ofcom's request for information relating to the entity with control over the user-to-user part of fapello.com and relating to Fapello's QWR. Fapello has repeatedly stated in their communication to Ofcom that the administrator of the site does "not accept that I am subject to compulsory disclosure obligations under the Online Safety Act 2023" (**Annex 26**). Ofcom has therefore considered Fapello's lack of cooperation with the investigation into account as an aggravating factor when determining what it considers to be an appropriate penalty.
- 4.41 However, this is balanced against the fact that Fapello did implement a form of age assurance to prevent children from accessing fapello.com on 27 November 2025, in response to Ofcom's decision to open an investigation into its compliance with the Act. Fapello also subsequently implemented a block preventing users with a UK IP address from accessing fapello.com on 13 January 2026. Ofcom has taken this into account as a mitigating factor when considering the level of penalty.

Gain

- 4.42 By failing to comply with the requirements under section 12 of the Act, we consider that Fapello would have benefitted from significant financial gain through the alleged contravention, both by avoiding the costs associated with implementing highly effective age assurance, and also potentially by attracting additional UK users to its service, who may have wished to avoid age assurance measures in place on services complying with

⁷⁹ Paragraph 1.7, [Penalty Guidelines](#).

their duties under Part 3 of the Act, to the detriment of those compliant services which may have lost customers as a result.

- 4.43 When determining the provisional penalty amount, Ofcom has also considered the potential harm caused to other businesses that have complied with their duties under the Act. Providers of compliant services invested time and resources to meet these duties, which may have caused them to lose users and business to non-compliant competitors. If not complying with the Act allows providers to benefit, it discourages compliance. In addition to any potential gain made by Fapello, the penalty therefore also reflects the unfair disadvantage placed on providers in the sector who have implemented the required measures.
- 4.44 As such, and while we do not consider it necessary to quantify these amounts, we consider that any penalty imposed should be set at a level to at least remove any financial benefit gained through non-compliance, and ensure that regulated providers recognise that it is not more profitable for a business to break the law and pay the consequences, than it is to comply with the law in the first place.

Previous breaches

- 4.45 Ofcom has not previously found Fapello to be in breach of the Act.

Confirmation Decision on penalty

- 4.46 We have determined that Fapello has failed to comply with both section 12 and section 102(8) of the Act. As such, we find that it is appropriate to impose a penalty for each breach within a single Confirmation Decision. This approach reflects the fact that the Notice was issued to (1) understand Fapello's QWR for the purpose of assessing a penalty in relation to its non-compliance with section 12 and (2) for assessing the age assurance measures in place on any other services operated by Fapello that allow pornographic content.
- 4.47 We have decided to impose a single financial penalty in relation to section 12 and both a single and daily rate element in regard to section 102(8). The daily rate aims to incentivise Fapello to comply with its duties under section 102(8) of the Act as soon as possible, while acknowledging that single penalties are appropriate to the seriousness of the failures to comply with sections 12 and 102(8) to date and to incentivise Fapello to comply with its duties under the Act in the future.
- 4.48 Taking into consideration the factors set out above, we have therefore decided to impose a single penalty of:
- a) £600,000 in respect of Fapello's contravention of section 12 of the Act during the Relevant Period, by failing to implement age verification or age estimation (or both) to ensure that children are prevented from encountering pornographic content; and
 - b) £30,000 in respect of its contravention of section 102(8) of the Act, by failing to provide information requested under section 100(1).
- 4.49 In respect of the contravention of section 102(8) of the Act, in the event of continuing non-compliance, we also impose a daily rate penalty at a rate of £200 per day starting from 9 July 2026 (the day after the date of this Confirmation Decision) until whichever is the sooner of:
- a) the date the section 102(8)(a) duty is complied with; or

- b) 7 September 2026 (60 days starting from the day after this Confirmation Decision is issued).
- 4.50 Ofcom requires Fapello to pay the single penalty by no later than 8 September 2026 and to pay the total daily rate penalty by no later than two calendar months from the final day on which a daily rate penalty is incurred.
- 4.51 Taking into account all the circumstances of this case, we consider that these penalties are compatible with Article 10 of the Human Rights Act 1998.
- 4.52 In the event that Fapello fails to pay any of the penalties specified above, Ofcom may seek recovery of those penalties in accordance with paragraph 6 of Schedule 13 to the Act. In addition, if Fapello fails either to pay any penalty or comply with one or both of the requirements imposed by this Confirmation Decision, Ofcom may seek a court order to impose business disruption measures, as described at Section 9 of our Online Safety Enforcement Guidance.⁸⁰
- 4.53 Under section 168 of the Act, if Fapello wishes to challenge this Confirmation Decision, it has a right to appeal to the Upper Tribunal. The Upper Tribunal will decide such an appeal by applying judicial review principles and has the power to quash the Confirmation Decision. Further information about the Upper Tribunal, including guidance about the appeal process, is available on its website: <https://www.judiciary.uk/courts-and-tribunals/tribunals/upper-tribunal/>.

⁸⁰ [Online Safety Enforcement Guidance](#)

5. Annex index

Annex reference	Summary of contents	Name of document
Annex 1 Content warning: explicit content	Document containing screenshots of the user journey mapping process to evidence access to pornographic content without going through age assurance, for Fapello's service fapello.com.	Annex 1 – Fapello.com user mapping journeys
Annex 2 Content warning: explicit content	Document containing screenshots of the user journey to evidence access to pornographic content without going through age assurance, for fapello.com, both prior to, and after the investigation was opened 19 November 2025.	Annex 2 – Fapello.com additional user journey reviews Nov to Jan 2026
Annex 3	Email from Ofcom to johnfapello@gmail.com dated 24 April 2025 providing a letter regarding the upcoming requirement to introduce highly effective age assurance.	Annex 3 – 20250424 cover email Supervision team to Fapello
Annex 3a	Letter from Ofcom to johnfapello@gmail.com dated 24 April 2025 regarding the upcoming requirement to introduce highly effective age assurance.	Annex 3a – 20250424 Ofcom letter to Fapello
Annex 4	Email from Ofcom to johnfapello@gmail.com dated 27 May 2025 following up on previous correspondence asking Provider to provide a named contact and information about plans to meet Age Assurance duties by 10 June 2025.	Annex 4 – 20250527 email Supervision team to Fapello
Annex 5	Email from Ofcom to johnfapello@gmail.com dated 20 August 2025 informing Fapello that Ofcom was unable to identify an age assurance on their service and reminding Fapello of the requirement to introduce highly effective age assurance.	Annex 5 – 20250820 email Supervision team to Fapello
Annex 6	Email from Ofcom Age Checks to johnfapello@gmail.com dated 04 November 2025 informing Fapello that Ofcom was unable to identify an age assurance on their service.	Annex 6 - 20251104 Ofcom email to Fapello with advisory letter attached
Annex 6a	Letter attached to the Ofcom email from Age Checks to johnfapello@gmail.com dated 04 November 2025.	Annex 6a - 20251104 Ofcom Advisory Letter to Fapello

Annex 7	Email from Ofcom to johnfapello@gmail.com dated 19 November providing an investigation opening letter and draft Notice.	Annex 7 – 20251119 email from Ofcom to Fapello
Annex 7a	Investigation opening letter regarding compliance with section 12 duties addressed to Fapello dated 19 November 2025.	Annex 7a – 20251119 provider of fapello.com investigation opening letter CW013281125
Annex 7b	Draft Notice issued to Fapello requiring a response dated 19 November 2025.	Annex 7b – 20251119 (2)02106675 Fapello s100 Legal Notice - draft
Annex 8	Email from Fapello response to Ofcom investigation opening letter and draft Notice dated 19 November 2025.	Annex 8 - 20251119 email from Fapello to Ofcom
Annex 9	Email from Fapello to Ofcom asking about age verification services dated 21 November 2025.	Annex 9 – 20251121 email from Fapello to Ofcom
Annex 10	Email from Fapello to Ofcom outlining Fapello’s age assurance implementation plan dated 22 November 2025.	Annex 10 – 20251122 email from Fapello to Ofcom
Annex 11	Email from Ofcom to Fapello reminding Fapello of the deadline to respond to draft Notice dated 25 November 2025.	Annex 11 – 20251125 email from Ofcom to Fapello
Annex 12	Email from Fapello to Ofcom stating that age verification will be live on fapello.com on 27 November, dated 26 November 2025.	Annex 12 – 20251126 email from Fapello to Ofcom
Annex 13	Email from Fapello to Ofcom informing Ofcom that age verification was live on fapello.com, dated 27 November 2025.	Annex 13 – 20251127 email from Fapello to Ofcom
Annex 14	Email from Ofcom to Fapello informing Fapello that the final Notice will be issued soon, dated 4 December 2025.	Annex 14 – 20251204 email from Ofcom to Fapello
Annex 15	Email from Ofcom to Fapello issuing the Final Notice dated 12 December 2025.	Annex 15 – 20251212 email from Ofcom to Fapello
Annex 15a	Final Notice from Ofcom to johnfapello@gmail.com dated 12 December 2025	Annex 15a - 20251212 Part 3 QWR FINAL legal notice to Fapello
Annex 16	Email from Fapello to Ofcom informing Ofcom they had implemented age assurance on 27 November, dated 12 December 2025.	Annex 16 – 20251212 email from Fapello to Ofcom
Annex 17	Email from Ofcom to Fapello re-stating the information required in the Final Notice dated 17 December 2025.	Annex 17 – 20251217 email from Ofcom to Fapello

Annex 18	Email from Fapello to Ofcom, stating that Fapello has 'no relation with [REDACTED]' dated 18 December 2025.	Annex 18 – 20251218 email from Fapello to Ofcom
Annex 19	Email from Ofcom to Fapello requiring response to the Final Notice by 05 January 2026, dated 22 December 2025	Annex 19 – 20251222 Final Warning email from Ofcom to Fapello
Annex 19a	Letter from Ofcom to Fapello requiring response to the Final Notice by 05 January 2026, dated 22 December 2025	Annex 19a - 20251222 Final warning letter - duty to comply with legal notice
Annex 20	Email from Fapello to Ofcom in response to Final Notice, requesting an extension to respond, dated 23 December 2025.	Annex 20 – 20251223 email from Fapello to Ofcom
Annex 21	Email from Ofcom to Fapello granting an extension until 14 January 2026 to respond to the Final Notice, dated 23 December 2025.	Annex 21 – 20251223 email from Ofcom to Fapello
Annex 22	Email from Fapello to Ofcom informing Ofcom they will not be providing QWR or entity information dated 13 January 2026.	Annex 22 – 20260113 email from Fapello to Ofcom
Annex 23	Email from Ofcom to Fapello, asking Fapello to respond to the Final Notice by 20 January 2026, dated 15 January 2026.	Annex 23 – 20260115 email from Ofcom to Fapello
Annex 24	Email from Fapello to Ofcom re-stating their position that they will not be providing QWR information dated 15 January 2026.	Annex 24 – 20260115 email from Fapello to Ofcom
Annex 25	Email from Ofcom to Fapello informing them that Ofcom had expanded the scope of the investigation to include a potential breach of section 102(8) of the Act, dated 11 February 2026.	Annex 25 – 20260211 email from Ofcom to Fapello
Annex 25a	Letter from Ofcom informing Fapello that Ofcom had expanded the scope of the investigation Letter addressed to Fapello advising that the scope of the investigation is being expanded to include failure to comply with the Final Notice, dated 11 February 2026.	Annex 25a - 20260211 investigation update letter
Annex 26	Email from Fapello to Ofcom acknowledging receipt of scope expansion letter and re-stating their intention not to reply to the information requested in the Final Notice dated, dated 11 February 2026.	Annex 26 - 20260211 email from Fapello to Ofcom