

Reference: 1915530

Information Requests
information.requests@ofcom.org.uk

15 November 2024

Freedom of Information request: Right to know request

Thank you for your request for information about fines.

We received this request on 31 October 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

“The Online Safety Bill become law on 26th Oct 2023. Within it I believe it gave you powers to impose fines on companies that publish scam ads. So how many fines have you issued to date. Expecting the answer is zero , when do you estimate they first fines will be issued. Over the last year companies like youtube and facebook publish scam ads many times a day. No doubt scamming people out of millions of pounds. Fining companies is the only way to make them do better and reduce the massive number of scam ads they publish”.

Our response

Protecting users from encountering fraud online is a core concern for Ofcom as we begin to regulate online services under the Online Safety Act 2023 (“the Act”). The Act includes a number of duties on online services to tackle fraudulent content, but differentiates between *fraudulent user-generated content* and *fraudulent advertising*, and different parts of the Act apply to each of them.

Ofcom’s role under the Act is to make sure that regulated online services have appropriate measures in place to protect their users. We are currently implementing the Act in three phases: the first phase focusing on illegal harms (including fraudulent user-generated posts); the second phase on protecting children from content that is harmful to them; and the third phase on additional duties (including the fraudulent advertising duties) that apply to a subset of ‘categorised’ services which are larger and/or have particular features.

Because the duties relating to fraudulent content/advertising are not yet enforceable, we have not issued any fines for failure to comply with these duties and accordingly do not hold any information in response to your request. Details of when we expect different elements of the regime to become enforceable and the processes that need to be completed in advance of that are outlined below.

At the end of last year, we consulted on our draft illegal content Codes of Practice, which asked for feedback on a draft set of measures we would recommend that services take to prevent illegal harms, including fraudulent user-generated posts, on their service. We will publish our final illegal content Codes in December of this year, and they will come into force when they have passed through Parliament. Once these Codes come into force, we will be able to act where services are failing to comply with their duties.

In terms of the fraudulent advertising duties on categorised services, the Government needs to make secondary legislation determining which services they will apply to. Ofcom will then consult on a fraudulent advertising Code of Practice as part of our third phase of implementation. We will consider the consultation responses we receive before publishing a final Code. Once this Code has passed through Parliament, the duties will become enforceable. Our work in this area is ongoing; earlier this year we published a [call for evidence to support our work on fraudulent advertising](#).

We hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

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

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

Taking it further

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