

Reference: 02032991

Information Requests
information.requests@ofcom.org.uk

20 August 2025

Freedom of Information request: Right to know request

Thank you for your request for information concerning the Daily Star interview concerning the Online Safety Act.

We received this request on 7 July 2025 and have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request

The Daily Star recently published an article with an interview with Ofcom staff members about the forthcoming implementation of age verification under the Online Safety Act.

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dailystar.co.uk%2Fnews%2Flatest-news%2Fofcom-official-admits-under-age-35487613&data=05%7C02%7Cinformation.requests%40ofcom.org.uk%7C9e19733723c24dd9721b08ddb0a1feb%7C0af648de310c40688ae4f9418bae24cc%7C0%7C1%7C638873473887822549%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoiTWFpbClldUljoyfQ%3D%3D%7C80000%7C%7C%7C&sdata=qMjvFOeOsnB84Ak4Pcilo045U%2B17yZE8SCqhCsQfJps%3D&reserved=0<https://www.dailystar.co.uk/news/latest-news/ofcom-official-admits-under-age-35487613>>

In it, it claims "Ofcom claims that no data will be sent to the adult sites through their age assurance/verification technology." There is significant public interest in this request as this statement is categorically false. There is no requirement in the law or from Ofcom's guidance for this not to happen, merely that the data is collected in line with ICO requirements on collecting personal information. There are many "legitimate interests" why such data could be collected, and it's entirely possible that an adult content site could be running their own age verification technology and not rely on a third party provider at all. Therefore there is obvious concern that Ofcom staff seem to be misleading journalists to the point of stating outright falsehoods.

With this in mind please provide -

** Any briefing notes or email communication for Ofcom staff about the Online Safety Act that were given to staff members to prepare for this interview or discuss setting it up.*

** Any internal Ofcom discussion by members of staff who were present or involved with this meeting with Daily Star journalists, including reactions to the article's publication.*

** Any briefing given to Oliver Griffiths of Ofcom about the extent that websites that contain adult content receive data from age verification services.*

We can confirm that we do hold information within scope of your request. However, we are unable to disclose this correspondence as we consider that this information is exempt from disclosure under section 36 of the FOI Act. In particular, sections 36(2)(b)(ii) and (c) of the FOI Act provide that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information -

- Would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation, and
- Would otherwise prejudice, or would be likely to otherwise to prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in Annex B to this letter. In Annex A of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

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](#).

Annex A

Freedom of Information: Right to know request

Section 36 exemption

The information we hold that falls within the scope of your request is being withheld as it falls under the exemption in section 36 of the Freedom of Information Act 2000 (the Act). I am a "qualified person" as referred to section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section.

In my reasonable opinion, disclosure of the information requested would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation. In applying this exemption, I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out in Annex B the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned.

If you have any queries about his letter, please contact information.requests@ofcom.org.uk.

Date: 20 August 2025

Corporation Secretary

Annex B

Section 36: Prejudice to effective conduct of public affairs

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

- inhibit the free and frank provision of advice,
- inhibit the free and frank exchange of views for the purposes of deliberation, or
- otherwise prejudice the effective conduct of public affairs.

Key points:

- Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects.
- In this case, it is considered that disclosure would:
 - inhibit the free and frank exchange of views for the purposes of deliberation, and
- The application of section 36 is subject to a public interest balancing test.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Ofcom recognises that its approach to its duties under the Online Safety Act 2023 is a matter of interest to the wider public. Releasing such information could be said to increase transparency in our work and allow for discussion in a public forum. 	<ul style="list-style-type: none"> • The documentation in relation to which the exemption is claimed encompasses internal briefing notes and discussions regarding Ofcom’s policies. The disclosure of these documents would or would be likely to impact Ofcom’s ability to give effective and open briefing information to employees going forward, and therefore impact Ofcom’s ability to be transparent in its communications to the public. • To fulfil its regulatory functions effectively, Ofcom teams need to be able to engage in free and frank discussions internally, and exchange opinions and recommendations in order for policy positions and regulatory actions to be clearly explained to the public. • Ofcom has engaged in numerous interviews and published guidance and news releases regarding the introduction of highly effective age assurance measures. Disclosure of internal briefing notes provided prior to these interviews would not increase Ofcom’s transparency regarding its duties under the Online Safety Act.

	<ul style="list-style-type: none"> Given the above, disclosing such communications would also likely prejudice the effective conduct of public affairs.
Reasons why the public interest favours withholding information	
<ul style="list-style-type: none"> Ofcom is withholding the requested information. The public interest test has been applied based on disclosing information which would reveal internal discussions between Ofcom employees regarding briefings for interviews with journalists. We consider that the disclosure of this information is likely to prejudice the effective conduct of public affairs, as it would affect Ofcom’s ability to freely and effectively discuss and deliberate on such matters. Whilst there may be some weight attached to the public interest in disclosure to enable the public to understand how Ofcom is carrying out its role as the online safety regulator, we consider that prejudice would be caused by such a disclosure. 	