

Reference: 01975932

Information Requests
information.requests@ofcom.org.uk

13 May 2025

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom, TikTok and the BBC.

We received this request on 16 March 2025. We sought clarification of your request on 17 March 2025 and you responded on 18 March 2025. We sought further clarification of your request on 26 March 2025 and you responded on 31 March 2025. We sought further clarification of your request on 11 April 2025 and you responded on 13 April 2025 (which we received on 14 April 2025). We have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Your request & our response

Most of the information you have requested relates to a business or businesses, specifically the BBC and TikTok. We consider that much of the information relating to these businesses, if held, would be exempt from disclosure under section 44(1) of the FOI Act. Section 44(1) of the FOI Act provides that information is exempt from disclosure if its disclosure is prohibited by or under any enactment. The enactment that prohibits the disclosure of this information is section 393(1) of the Communications Act 2003 ("the Communications Act"). Under this section, we are prohibited from disclosing information with respect to a particular business, in this case the BBC and/or TikTok, that has been obtained in the exercise of our regulatory functions, unless that business consents or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which apply here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to the public interest test.

Further, a number of your questions relate to Ofcom's 'awareness' of a number of articles and/or allegations. Section 84 of the FOI Act defines 'information' as "*information recorded in any form*". On the basis of this definition and guidance from the Information Commissioner's Office which states "*The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it.*", we consider that requests relating to Ofcom's 'awareness' are not requests for information in scope of the FOI Act and therefore we are unable to respond to these aspects of your request.

Please see responses to your specific questions below.

1) Confirmation that Ofcom is aware of the figure of 0.00015% in relation to BBC complaints "agreements". A long term set of percentages of BBC complaints "agreement" and "failure" numbers too if you have this.

In respect of the first part of this request we consider that this is not a request for information as set out above. In respect of the second part of your request, we can neither confirm nor deny we hold this information. If held, we consider this information would be exempt from disclosure under section 44 of the FOI Act as set out on page one of this response.

2) What documentation does Ofcom have in relation to discussions over the current BBC complaints procedure and its unimaginably remote from reality chance of success? What actions have Ofcom discussed implementing in relation to bringing this into line with an acceptable and functional system?

We can neither confirm nor deny holding this information. If held, we consider that this information would be exempt from disclosure under section 44 of the FOI Act as set out on page one of this response.

3) Does Ofcom have any affiliation with TikTok or associated companies, or does it use any of its/their products? How many of the Ofcom employees have TikTok of their devices.

We have interpreted 'affiliation' to mean 'relationship'. We engage closely with companies like TikTok, to learn about the safety measures they have in place and understand their effectiveness. Through this engagement we drive these companies to improve their systems and processes to protect users, including children. TikTok are regulated under the existing Video Sharing Platform regime. We have built a productive relationship with them through supervisory team and have regular engagement. We use supervision to learn about safety measures, pre-empt risks to users, and push for improvements to user safety.

We do not hold information as to whether employees have TikTok on their devices.

4) Does Ofcom have an information in relation to the mental health harms or concerns over TikTok use by employees? Clarified as meaning "... What information does Ofcom have in relation to the harms of TikTok use, either adult or children based?"

We can neither confirm nor deny holding this information. If held, we consider this information would be exempt from disclosure under section 44 of the FOI Act as set out on page one of this response.

5) Is Ofcom aware of the BBC article mentioned? And when did Ofcom become aware of it?

And now that Ofcom is definitely aware of it, with the documentation you have regarding Ofcoms position and future actions.

In respect of the first part of your question regarding Ofcom's 'awareness', we consider that this is not a request for information as defined by the FOI Act, as set out above. In respect of the second part of your question, we can neither confirm nor deny holding this information. If held, we consider this information would be exempt from disclosure under section 44 of the FOI Act as set out on page one of this response.

6) The BBC blocked and has continued to block legitimate complaints over their repeated Guideline breaking promotion and inappropriate relationship with TikTok, at the same time as knowing how they make their money and according to the BBC news harms to minors - FOI was Ofcom aware of this?

We consider that this is not a request for information as set out above.

7) What actions have you taken against TikTok? With the documentation of Ofcom's position and future actions re TikTok.

Although not related directly to the matters your request relates to, we can confirm that Ofcom has previously taken enforcement action against TikTok, as set out on our [website](#). Please note that we are unable to disclose further documentation in relation to this matter, as we consider it is exempt under section 44 of the FOI Act as set out on page one of this response.

In respect of our approach to enforcement more generally, our preference is to work with services to encourage voluntary compliance. But we will, if necessary, launch enforcement action where we determine that a service provider is not complying with its duties, for example where we consider it is not taking appropriate steps to protect users from harm. Under the Online Safety Act, where we identify compliance failures, we can impose fines of up to £18m or 10% of the service provider's qualifying worldwide revenue (whichever is greater). In the most serious cases of non-compliance, we can seek a court order imposing business disruption measures, which may require third parties (such as providers of payment or advertising services, or ISPs) to withdraw, or limit access to, the services in the UK. To support our investigations, we have powers to request information and obtain skilled person's reports, and can take enforcement action where service providers fail to respond or provide inaccurate information.

8) In the BBC article <https://www.bbc.co.uk/news/articles/c62xxz141plo> "Mr Edwards said TikTok's algorithm "feeds" on personal data gleaned from user profiles, preferences, links clicked and how long they spend watching a particular video - making it subject to UK rules." it suggests that TikTok is thus under UK law and rules, is this true as far as Ofcom rules too then? And if that is true, what actions have Ofcom taken in regards to the situations illustrated by <https://www.bbc.co.uk/news/videos/cx2xjdgdemlo> "Teenage girls targeted by sexual predators on TikTok, BBC told" and <https://www.bbc.co.uk/news/articles/cedl8eyy4pjo> "TikTok profiting from sexual livestreams involving children, BBC told". A technology company is according to the BBC News "TikTok profiting from sexual livestreams involving children, BBC told", this is surely a massive problem for Ofcom, as surely you are the Regulator of this? <https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/enforcing-the-online-safety-act-platforms-must-start-tackling-illegal-material-from-today/> and as a Platform that has this happening on it should it what actions if Ofcom taking? If it is actually hosting it, and then making money from this, there must be Ofcom documentation in relation to what you are doing about it, or indeed blocking the site from being used in the UK as it fails to comply? If a company is actively profiting from abuse of minors that would mean that it cannot be active in the UK market, legally, correct according to Ofcom rules?

9) What court action has Ofcom taken against TikTok in relation to the BBC <https://www.bbc.co.uk/news/articles/cedl8eyy4pjo> "TikTok profiting from sexual livestreams involving children, BBC told" which it has know about since 2022?

10) In addition to the sexual abuse problems highlighted by the BBC reporting, your protections bill has "Assisting or encouraging suicide", and it has been claimed that 4 year olds have been shown suicide content within five minutes of watching TikTok, can you confirm this and can you suggest what Ofcom has done to combat this and what specific steps Ofcom is taking to deal with this problem?

In relation to the three questions above, we can neither confirm nor deny holding this information. If held, we consider that such information would be exempt under section 44 of the FOI Act as set out on page one of this response.

11) Please provide under FOI what information sharing and/or content analysis sharing and/or data provision arrangement or similarly worded or described agreement(s) that there is between TikTok and/or associated companies and the BBC.

12) Also under FOI I would like you to provide us with the number of BBC staff who have TikTok on their devices.

13) The BBC Newsbeat seems to be obtaining its news from TikTok rather than gathering actual unbiased news, as one would expect from a public service broadcaster. Please FOI provide details of this news/content provision relationship/agreement.

In relation to the three questions above, we do not hold this information. You may wish to request this information from the BBC.

14) When did Ofcom become aware that there was abuse of minors in relation such as that referenced in the attached BBC News article of TikTok, and what actions has Ofcom taken in relation to this, and the documentation towards this? When did Ofcom become aware that the BBC was promoting/placing/using and in a relationship with a company that according to the BBC News is involved in "TikTok is profiting from sexual livestreams performed by teens as young as 15, the BBC has been told."?

We consider that this question is duplicative of the questions responded to above. Please refer to our responses above.

In your clarification email, dated 31 March 2025, you added the question:

15) Is Ofcom aware of whether BBC employees are making money from TikTok? I am told that they are, please confirm or deny.

We consider that this is not a request for information as set out above.

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](#).