

Reference: 01985061

Information Requests
information.requests@ofcom.org.uk

14 May 2025

Freedom of Information request: Right to know request

Thank you for your request for information concerning the decision-making process on not naming the suicide forum.

We received this request on 11 April 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

I fully understand the principle of preventing harm when not naming the subject of the first investigation under the act, but the decision-making process behind this is not clear and I have been unable to get any clarity from the regulator.

I have the parts of Ofcom's guidance and the Act which are relevant, but I would like to request Ofcom's internal written communications around how they decided not to name the suicide forum.

Our response

We can confirm that we hold information which is in scope of your request.

As set out in section 4 of our [Online Safety Enforcement Guidance](#), where potential compliance concerns are identified, an initial assessment is conducted to explore, amongst other things, whether to open an investigation. This initial assessment is then considered by a senior member of Ofcom staff with appropriate Board-delegated authority, who makes the decision as to the appropriate next steps.

As part of the initial assessment in this case, a recommendation was made by the case team not to name the service in question. The reason for this recommendation was that the case team considered there was a significant risk that publication of the name would drive traffic to the service in question. The decision not to name the service was taken when the initial assessment, which included the recommendation not to name the service, was approved by Ofcom’s Enforcement Director. There is no further recorded information relating to the making of the decision not to name the service.

We are withholding the initial assessment document in this case, as we consider it is exempt from disclosure under sections 31(1)(g) and 31(2)(c) of the FOI Act. Sections 31(1)(g) and 31(2)(c) provide that information is exempt from disclosure if its disclosure under the Act would, or would be likely to, prejudice the exercise by any public authority of its functions for the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise. We consider that disclosure of the initial assessment in this case would, or would be likely

to, prejudice the exercise of Ofcom's functions and therefore we consider that the above exemption applies.

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

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](#).

<p>Section 31: Law Enforcement</p> <ul style="list-style-type: none"> • Ss31(1)(g) and (2)(c) provide that information is exempt from disclosure where its disclosure would, or would be likely to, prejudice the exercise by any public authority of its functions for the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise. • The application of s31 is subject to a public interest balance. 	
<p>Factors for disclosure</p>	<p>Factors for withholding</p>
<ul style="list-style-type: none"> • Open policy making and public confidence in regulated activities. 	<ul style="list-style-type: none"> • Disclosure of the information would, or would be likely to, prejudice Ofcom’s ability to carry out assessments for the purpose of determining whether or not regulatory action is justified.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • The greater likelihood of the adverse effect, the greater the public interest in maintaining the exemption. This is affected by how extensive the adverse effect is – in this case the adverse effect on Ofcom’s ability to carry out initial assessments has the potential to affect Ofcom’s ability to fulfil its duties under the Online Safety Act 2023 and consequently affect the safety of United Kingdom citizens online. • The information requested by the requestor can be provided in another form in lieu of disclosure of the document withheld, and the document withheld does not contain further information in scope of the request. 	