

Reference: 02127957

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

6 February 2026

## Freedom of Information request: Right to know request

Thank you for your request for information concerning Grok, AI deepfakes and user liability for cached illegal content.

We received this request on 9 January 2026 and we have considered your request under the Freedom of Information Act 2000 (the 'FOI Act').

### Your request

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*I am particularly interested in the legal and regulatory risk to ordinary users where illegal content, including AI generated indecent images of children or other unlawful sexual content, is cached or auto downloaded to user devices by online services such as X's Grok image tools.*

*Please provide any recorded information held by Ofcom which addresses or discusses this risk, specifically:*

#### *A. Internal analysis and risk assessment*

*A1. Any internal risk assessments, briefing notes, policy papers or legal analyses that consider the possibility that ordinary users could be at risk of criminal liability under UK law where illegal content is:*

*(a) generated or served by an online service; and*

*(b) automatically cached, stored or downloaded to users' devices (for example in app caches, thumbnails or offline files), even where the user has not deliberately searched for or saved that content.*

*A2. Any recorded information that discusses how offences relating to indecent images of children, pseudo photographs or prohibited images may interact with:*

*(a) AI generated sexual imagery; and*

*(b) automatic caching or downloading by user facing platforms.*

#### *B. Grok, X and similar AI image tools*

*B1. Any internal documents, emails, meeting notes or briefings since 1 October 2025 that refer to X, xAI, Grok, or similar AI image generation tools, which specifically mention:*

*(a) risks to ordinary users arising from illegal content being cached or auto downloaded; or*

*(b) concerns that users might be technically liable for "making" or "possessing" illegal images simply by opening or using an app.*

*B2. Any recorded information that outlines how Ofcom intends to approach this issue in the context of its Online Safety Act duties, including:*

*(a) how Ofcom expects regulated services to mitigate the risk that users may be exposed to criminal liability due to automatic caching or downloads; and*

*(b) any expectations, guidance or enforcement considerations relating to the way services design caching, preview and storage of potentially illegal images.*

### *C. External engagement*

*C1. Any correspondence (emails, letters or formal meeting notes) between Ofcom and:*

*(a) the Department for Science, Innovation and Technology;*

*(b) the Home Office;*

*(c) the Ministry of Justice; or*

*(d) the National Crime Agency or CEOP;*

*that discusses the risk that ordinary users may be criminally liable where illegal content, including AI generated CSAM, is cached or auto downloaded to their devices by regulated services.*

*Please limit the information sought under C1 to the period 1 October 2025 to the present and to correspondence that explicitly mentions Grok, X, deepfakes, AI generated sexual imagery, or user liability for cached or downloaded illegal content.*

## **Our response**

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We can confirm that we do hold information falling within the scope of your request. However, we are unable to provide this information as we consider that disclosure of this information is exempt under section 12 of the FOI Act. Section 12 of the FOI Act provides that we are not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations"), and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time.

In order to satisfy your request and provide the required information, we have found that a minimum of 30 colleagues across different areas of our work would need to review emails, internal correspondence and any internal documents they may hold. We have estimated that this initial information gathering in itself would take upwards of 1 hour per person. We would then need to extract the relevant information and consider whether any exemptions to disclosure apply. This would take us beyond the 18-hour limit of complying with a request.

We may be able to provide the information if the request was narrowed to specific types of information, for example if the request were limited to the automatic caching of content, and if the request were narrowed to a shorter time period.

However, should you decide to make a further request for information, please note that the aforementioned appropriate limit and/or other exemptions under the FOI Act may apply.

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](mailto: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](#).