

Reference: 02116858

Information Requests
information.requests@ofcom.org.uk

2 February 2026

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning AVS Group Ltd and associated entity TubeCorporate investigation and media handling.

We received this request on 4 December 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

On 6 January 2026 we informed you that we needed to extend the time limit to respond to your request to consider the public interest in withholding or disclosing the information – we have now concluded our considerations.

Your request & our response

“Please can I request the following information under the FOI Act regarding Ofcom's investigation into AVS Group Ltd (and the associated entity TubeCorporate) regarding the Online Safety Act fine announced recently, and the internal handling of media enquiries regarding this case. Please provide:

1) Correspondence with the investigation targets

Copies of all correspondence (including emails, letters, and attachments) sent to or received from representatives of AVS Group Ltd and/or TubeCorporate between 1 July 2024 and the date of this request.

This should include the initial requests for information, the notice of the fine, and any automated delivery receipts or "undeliverable" notifications received by Ofcom's email systems.

We have published various information in relation to our investigation of AVS Group Ltd on our website: [Investigation into AVS Group Ltd's compliance with the duty to prevent children from encountering pornographic content through the use of age assurance](#), and [Ofcom fines porn company £1 million for not having robust age checks](#).

We can confirm that we hold information in response to this question regarding correspondence with AVS Group Ltd and/or TubeCorporate. However, we are unable to disclose these documents for the following reasons.

We consider these documents are exempt from disclosure under section 44 of the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited by or under any enactment. Section 393 of the Communications Act 2003 (“the Act”) prohibits the disclosure of information about a particular business which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

2. Internal deliberations on lack of response/contact

Copies of internal communications (including emails, memos, briefing notes, and chat logs such as MS Teams) generated since 1 July 2024 regarding AVS Group Ltd's lack of response or acknowledgement to Ofcom's contact.

I am specifically seeking internal discussions regarding the validity of the contact details held for the firm, the decision to proceed with the fine despite the lack of engagement, and any discussions regarding the firm's registration status or links to shell companies/Belize.

We can confirm that we hold information in response to this question. However, we are unable to disclose these documents for the following reasons.

We consider these documents are exempt from disclosure under section 44 of the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited by or under any enactment. Section 393 of the Communications Act 2003 (“the Act”) prohibits the disclosure of information about a particular business which has been obtained in exercise of a power conferred by, among other legislation, the Act, so long as that business continues to be carried on, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

In addition, some of the information is being withheld as we consider this information exempt from disclosure under section 36 of the FOI Act. Section 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 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.

3. Media handling and correspondence with the BBC

Copies of all correspondence between Ofcom's press/media office and journalists representing the BBC (including Shiona McCallum and Liv McMahon) regarding AVS Group Ltd and/or TubeCorporate.

Please also include internal correspondence and documentation (such as drafted "lines to take," Q&A documents, or email threads) regarding how to respond to these specific BBC enquiries, particularly regarding the questions of whether AVS had actually responded to Ofcom or successfully received the fine.

We can confirm that we do hold information in scope of your request. However, we consider that this information amounts to personal information, and is exempt from disclosure under section 40(2) of the FOI Act. S40(2) states that personal information about persons other than the requester is exempt where, among other things, its disclosure would contravene any of the data protection principles in the UK General Data Protection Regulation and the Data Protection Act 2018. This includes the principle that personal data must be processed fairly and lawfully. Section 40(2) is an absolute exemption under the Act and does not require a public interest test.

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 or likely prejudice the effective conduct of public affairs. 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: 2 February 2026

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, relating to specific services or more generally, 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 reflects internal discussion relating to Ofcom's communication with, and investigation of AVS Group Ltd. The disclosure of these documents could affect Ofcom's ability to effectively deliberate on and discuss matters regarding regulation of online services. • In order to fulfil its regulatory functions effectively, colleagues need to be able to engage internally in frank discussions and exchange advice/opinions/recommendations, in order for robust decisions to be made. • The disclosure of information about such discussions would or would be likely to inhibit free and frank discussions in the future and this in turn would likely damage the quality of deliberation and lead to less robust decision making. • Given the above and the fact that colleagues need to be able to give their opinions to other staff members or decision makers, 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">• At this time, Ofcom is withholding the requested information. The public interest test has been applied on the basis of disclosing information which would reveal internal discussions in relation to the site in question. We consider that the public interest in withholding outweighs the public interest in disclosure.• This is because the disclosure of this information is likely to prejudice the effective conduct of public affairs, as it would affect Ofcom’s employees’ ability to freely and effectively deliberate on and discuss such matters.• Whilst there may be some weight attached to the public interest in disclosing to enable the public to understand how Ofcom is facilitating its role as online safety regulator, we consider that significant prejudice would be caused by such a disclosure.	