

Reference: 02107953

Information Requests
information.requests@ofcom.org.uk

14 January 2026

Dear,

Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom's use of VPN Monitoring Tools.

We received this request on 13 November 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

On 11 December 2025 we informed you that we needed more time to consider the public interest in withholding or disclosing the information – we have now concluded our considerations.

Your request

"Please could you release information about the tools you are using to monitor the public's use of VPNs? According to Ofcom's statement given to TechRadar, you "use a leading third-party provider, which is widely used in the industry, to gather information on VPN usage." Despite your claim that "no personally identifiable or user-level information is ever included," this claim is not verifiable without knowing the specific third-party provider that you are using to do so; it is in the public's interest to know what data government bodies are collecting about them, and be able to inspect their respective privacy policies. Moreover, I'm sure that you're aware that even without personally-identifiable information necessarily being included in a data collection scheme, this doesn't eliminate the risk of re-identification.

The information I am seeking specifically is:

- The third-party provider being used to monitor VPN usage*
- How the contract with this third-party provider was procured*
- The data sources used for these monitoring purposes*
- Data retention and data sharing policies for collected data*
- Whether this data is used to train AI models. If so, how, and what these would be used for - is the public's data being used to train models that will then be commercialised?*
- Assurances that this monitoring tool will not be used to de-anonymise or re-identify any specific user/group's internet traffic*

I find the lack of transparency with regard to this data collection particularly troubling as the primary use of VPNs is to increase user privacy and security, and that public money is being used to do this."

Our response

We can confirm that the third-party provider is Apptopia.

The procurement route was a direct award. Information regarding the contract as awarded can be found online: [Provision of App data to support the development of Ofcom's understanding into Online Safety regulated services - Contracts Finder](#).

Whilst we do hold information on the data sources used for these monitoring purposes, this information is being withheld as we consider that its disclosure is exempt under section 43(2) of the FOI Act. This exemption deals with information that, if disclosed, would, or would be likely to, prejudice the commercial interests of a person or company. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. Annex C attached to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

With regard to your request for Data retention and sharing policies, we do hold information in scope of your request. However, 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.

We can confirm that Ofcom does not use any data obtained from Apptopia to train AI models, and that the information obtained from Apptopia contains no personal data.

In regard to your request for assurances that this monitoring tool will not be used to de-anonymise or re-identify any specific user/group's internet traffic, this is a request for an assurance as opposed to a request for information held by Ofcom. As such, we do not consider this to be a valid request for information under the FOI Act. We can, however, confirm that we do not collect any personal data with the use of the monitoring tool in question.

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 would be likely otherwise to 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 this letter, please contact information.requests@ofcom.org.uk.

Date: 14 January 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
 - otherwise prejudice the effective conduct of public affairs.
- 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 policy and guidance documents. • Internal policies and guidance documents are subject to periodic updates. To release a static version of such guidance documents into the public domain may misrepresent Ofcom’s policy position if and when this policy were to change. • If internal policy guidance documents were to be released, this would also be likely to inhibit the clear and open drafting of such documents which are intended only for internal use. • Ofcom has published a general privacy statement: General Privacy Statement – How we handle your personal data. Disclosure of internal guidance on data retention is unlikely to increase transparency in how Ofcom manages data retention and sharing. • Given the above, disclosing such documents would also likely prejudice the effective conduct of public affairs.
<p>Reasons why the public interest favours withholding information</p>	

- Ofcom is withholding the requested information. The public interest test has been applied based on disclosing information which would reveal internal guidance given to Ofcom employees regarding investigations and enforcement actions.
- 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 regulatory functions, we consider that prejudice would be caused by such a disclosure.

Annex C

Section 43(2) of the Act provides that:

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

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. • Enabling the public to gain a better understanding of the commercial relationships between Ofcom and its suppliers and the nature of the services provided, and thereby increasing public confidence in Ofcom’s work. 	<ul style="list-style-type: none"> • Ofcom contracts with a variety of companies in order to support its operations and has ongoing financial relationships with many of them. Companies need to be confident that information relating to their business, such as information about them as an organisation or relating to the detail of their products or services, will not be disclosed if it would, or would be likely to, prejudice their commercial interests. • Ofcom continues to negotiate and require contracts like those related to this request. To release the specific information requested would put Ofcom in a detrimental position for future contract negotiations and would undermine its bargaining position with potential suppliers. • The disclosure of a third-party vendor’s data sources could enable its competitors to gain an unfair advantage in the market.
<p>Reasons why public interest favours withholding information</p>	
<ul style="list-style-type: none"> • We consider that, on balance, the public interest in withholding disclosure of the requested information outweighs the public interest in disclosing the information. • Ofcom enjoys a positive relationship with those companies and individuals it contracts with. The release of information which would, or would be likely to, prejudice commercial interests into the public domain would impair both Ofcom’s relationship with providers of services, and adversely affect its commercial relationships with other contractors. If contractors could not be confident that such information provided by them to Ofcom would be withheld from disclosure, except in compelling circumstances, commercial activity may be impeded. • Weighing the issues presented, it is considered that on balance, the factors for withholding the requested information outweigh those for disclosing the information. 	

