

Reference: 02107362

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

13 January 2026

Dear,

### Freedom of Information request: Right to know request

Thank you for your request for information concerning Third-Party VPN Monitoring Provider and Data Processing under the Online Safety Act.

We received this request on 12 November 2025 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

On 10 December 2025 we informed you that we needed to extend the time limit to consider the public interest in withholding or disclosing the information requested – we have now concluded our considerations.

### Your request

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*"Recent public reporting indicates that Ofcom is using a "leading third-party provider" to obtain aggregated data on VPN usage in the United Kingdom as part of its duties under the Online Safety Act. Given the clear public interest and potential privacy implications, I request the following information.*

#### 1. Identity of the third-party provider

*Under Section 1(1)(a) of FOIA, I request the name of the third-party company or organisation supplying VPN-usage data or analytics to Ofcom.*

*If you believe any exemption applies, please specify the exact statutory exemption and provide a justification under Section 17(1).*

#### 2. Contracts, procurement records, and agreements

*Under Section 1(1), please provide:*

*Procurement documentation*

*Tenders or invitations to tender*

*Contracts, service agreements, MOUs, or purchase orders relating to this provider*

*Where applicable, please redact only those portions permitted under FOIA and cite the relevant exemptions per Section 17(1)(b).*

#### 3. Description of data categories collected or supplied

*Under Section 1(1), please provide:*

*All categories of data the provider collects, processes, infers, or supplies*

*The data sources used (e.g., app-level analytics, SDK telemetry, device-level data, ISP-level data, modelling derived from multiple sources, etc.)*

*Whether any user-level, pseudonymous, or potentially re-identifiable information is processed at any stage*

*Any assurances, statements, or documents regarding re-identification risk*

*If no such information is held, please confirm under Section 1(1)(a).*

#### *4. Data Protection Impact Assessments and privacy assessments*

*Under Section 1(1), please provide:*

*Data Protection Impact Assessments (DPIAs)*

*Legitimate interest assessments*

*Privacy risk assessments*

*Internal governance documentation that addresses the privacy impact of obtaining VPN-usage data via this provider*

*If you believe any exemptions apply (e.g., Section 40, Section 41, Section 43), please apply the public-interest test where required and justify the exemption under Section 17(1).*

#### *5. Internal policies governing use, access, retention, and security of this data*

*Under Section 1(1), please provide:*

*Internal policies, guidance, or procedures governing storage, access, analysis, sharing, and retention of this VPN-usage data*

*Data retention schedules applicable to this dataset*

*If the information is not held, please confirm this explicitly under Section 1(1)(a).*

#### *6. Internal communications and decision-making documents*

*Under Section 1(1), I request any:*

*Internal emails, memos, briefings, or minutes discussing the decision to acquire VPN-usage data*

*Communications with the third-party provider regarding data methodology, accuracy, limitations, privacy-impact, or operational use*

*Documents that justified the monitoring of VPN usage in relation to enforcement or evaluation of the Online Safety Act*

*If redactions are applied, please justify each under Section 17 and indicate where material has been withheld."*

## **Our response**

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### *1. Identity of the third-party provider*

*Under Section 1(1)(a) of FOIA, I request the name of the third-party company or organisation supplying VPN-usage data or analytics to Ofcom.*

*If you believe any exemption applies, please specify the exact statutory exemption and provide a justification under Section 17(1).*

The identity of the third-party provider is Apptopia.

### *2. Contracts, procurement records, and agreements*

*Under Section 1(1), please provide:*

*Procurement documentation*

*Tenders or invitations to tender*

*Contracts, service agreements, MOUs, or purchase orders relating to this provider*

### *3. Description of data categories collected or supplied*

*Under Section 1(1), please provide:*

*All categories of data the provider collects, processes, infers, or supplies*

*The data sources used (e.g., app-level analytics, SDK telemetry, device-level data, ISP-level data, modelling derived from multiple sources, etc.)*

*Whether any user-level, pseudonymous, or potentially re-identifiable information is processed at any stage*

*Any assurances, statements, or documents regarding re-identification risk*

*If no such information is held, please confirm under Section 1(1)(a).*

In response to questions 2 and 3, information regarding our initial contract with Apptopia can be found online: <https://www.contractsfinder.service.gov.uk/notice/affd2903-bba4-42fa-a96a-f65e7ff23329>.

We can confirm that whilst we hold further information responsive to these questions, we are unable to provide any contracts, procurement records and agreements relating to the third-party provider, as we consider that this information is exempt from disclosure 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 any person including the public authority holding it. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. In this case, we consider that the public interest favours withholding 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.

### *4. Data Protection Impact Assessments and privacy assessments*

*Under Section 1(1), please provide:*

*Data Protection Impact Assessments (DPIAs)*

*Legitimate interest assessments*

*Privacy risk assessments*

*Internal governance documentation that addresses the privacy impact of obtaining VPN-usage data via this provider*

While we hold information in regard to Data Protection Impact Assessments/privacy assessments, 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.

### *5. Internal policies governing use, access, retention, and security of this data*

*Under Section 1(1), please provide:*

*Internal policies, guidance, or procedures governing storage, access, analysis, sharing, and retention of this VPN-usage data*

*Data retention schedules applicable to this dataset*

### *6. Internal communications and decision-making documents*

*Under Section 1(1), I request any:*

*Internal emails, memos, briefings, or minutes discussing the decision to acquire VPN-usage data*

*Communications with the third-party provider regarding data methodology, accuracy, limitations,*

*privacy-impact, or operational use*

*Documents that justified the monitoring of VPN usage in relation to enforcement or evaluation of the Online Safety Act*

In regard to questions 5 and 6, we confirm that we do hold information in scope of your request. Please note, the policies held are not specific to our work with Apptopia. The information is being withheld as we consider this information is 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.

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](#).

## **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 FOI 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 otherwise prejudice, 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 his letter, please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

Date: 13 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"> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• The documentation in relation to which the exemption is claimed encompasses internal briefings, and internal communications.</li> <li>• The disclosure of these documents would or would be likely to impact Ofcom’s ability to give effective and open briefing information to employees going forward, and therefore impact Ofcom’s ability to be transparent in its communications to the public.</li> <li>• To fulfil its regulatory functions effectively, Ofcom teams need to be able to engage in free and frank discussions internally, and exchange opinions and recommendations in order for policy positions and regulatory actions to be clearly explained to the public.</li> <li>• Disclosing such communications would also likely prejudice the effective conduct of public affairs.</li> <li>• The disclosure of internal emails regarding the acquisition and monitoring of VPN usage data would be likely to affect Ofcom’s ability to effectively deliberate on and discuss matters regarding our duties under the OSA.</li> </ul>

	<ul style="list-style-type: none"> <li>• Colleagues need to be able to engage internally in frank discussions and exchange advice, opinions, and recommendations, in order for robust decisions to be made.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<b>Reasons why the public interest favours withholding information</b>	
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	

**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"> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The disclosure of a third-party vendor’s data sources and categories of data could enable its competitors to gain an unfair advantage in the market. Additionally, disclosure of third-party vendor’s data protection/privacy impact assessment would contain information of processing systems, proprietary technologies and management strategies and decisions, which could place the third-party at a competitive disadvantage.</li> </ul>
<p><b>Reasons why public interest favours withholding information</b></p>	

- 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. Similarly, Ofcom's bargaining position, and therefore ability to obtain value for money in services it contracts for, may be undermined in future negotiations if full details about the cost of these services were disclosed. These considerations go against the public interest in disclosing.
- Weighing the issues presented, it is considered that on balance, the factors for withholding the requested information outweigh those for disclosing the information.