

Reference: O2107133

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 VPN usage monitoring services.

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 more time to consider the public interest in withholding or disclosing the information requested – we have now concluded our considerations.

### Your request and our response

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*"Recently it has been publicly disclosed that Ofcom is using a third-party tool/service/provider to collect and process data regarding VPN usage in the UK, as discussed here <https://www.techradar.com/vpn/vpn-privacy-security/exclusive-ofcom-is-monitoring-vpns-following-online-safety-act-heres-how>.*

*Whenever I refer to the third party tool or service or provider, I will be referring to the same one Ofcom referred to in their statement to TechRadar: "We use a leading third-party provider, which is widely used in the industry, to gather information on VPN usage. The provider combines multiple data sources to train its models and generate usage estimates. The data we access and use in our analyses is fully aggregated at the app level, and no personally identifiable or user-level information is ever included."*

*Please answer the following questions to the best of your ability:*

*1. Exactly which third-party tool or service is Ofcom using to collect, aggregate, and analyse information relating to VPN usage in the UK, which company is providing the tool or service, and how much does it pay the provider for its services? If commercial interests prevent the release of exact figures on payment, please round to the nearest order of magnitude.*

The third-party service is Apptopia.

The total value of the contract for the third-party vendor Apptopia for the fourth quarter of 2023-2024 can be found online along with information regarding the contract as awarded:

<https://www.contractsfinder.service.gov.uk/notice/affd2903-bba4-42fa-a96a-f65e7ff23329>.

We are unable to provide any further information relating to costings, 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. The attached Annex C to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

*2. What is the technical basis for the data collection and processing (i.e. from where is the data collected, where is it stored during processing, and how is VPN traffic separated from non-VPN traffic)? If the answer to the question of how VPN traffic is separated is "through the use of an AI model" or similar, then please provide the specific inputs to the AI model, which it uses to group internet traffic.*

Whilst we do hold information on the technical basis for data collection and processing information, this 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.

*3. Where is the service provider incorporated?*

Apptopia is incorporated in the USA.

*4. Has Ofcom carried out, or commissioned, any audits of the provider to ensure that it respects user privacy in general and in accordance with the law?*

Manual audits are carried out to review the accuracy of the data obtained. We have not carried out nor commissioned audits focused on the provider's approach to data privacy, however our contractual engagement with Apptopia included provisions to ensure compliance with data protection legislation.

*5. What data is collected, which sources is it collected from, and how is aggregation and anonymisation carried out?*

*6. Data from which internet service providers is used in generating these analytics?*

*7. Exactly what metrics does the third party provider allow Ofcom to access and measure?*

We have published information based on the data provided to us by Apptopia in our reports: [Online Safety in 2025: Summary of the technology sectors response to online safety rules](#) and [Online Nation report 2025](#).

Whilst we do hold other information on the third-party provider data, sources and metrics, 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.

*8. How long this provider has been used for?*

Ofcom's contract with Apptopia commenced on 31 December 2023.

*9. Have other, similar, tools or services been used prior to this one? Please provide details surrounding the providers, and timeframes.*

We can confirm that no other services have been used by Ofcom to provide information regarding VPN usage prior to Apptopia.

*It would also, I believe, be strongly in the public interest to know how VPN usage in the UK has changed since the implementation of the Online Safety Act. Please could you also disclose:*

*\* A range of headline figures (at a minimum: average concurrent VPN users, daily active VPN users, weekly active VPN users, and monthly active VPN users) obtained through the use of this tool/service over the last year, ideally on a monthly basis such that VPN usage patterns before and after the OSA's implementation can be seen and compared. I would assume that such data has likely been collated in internal reporting or presentations already, in which case I would like to request the release of a representative sample of such reporting (at least 3 detailed reports or presentations).*

We have published information based on the data provided to us by Apptopia in our reports: [Online Safety in 2025: Summary of the technology sectors response to online safety rules](#) and [Online Nation report 2025](#).

We do hold some other information in scope of your request, namely internal presentations including some information obtained through our work with Apptopia. 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 also consider that some of 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. The attached Annex C to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

*\* The full aggregated and anonymised dataset provided by the third-party service to Ofcom for the month of September 2025.”*

Whilst we do hold information on the dataset provided by the third-party provider, 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.

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 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.

<b>Factors for disclosure</b>	<b>Factors for withholding</b>
<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> </ul>	<ul style="list-style-type: none"> <li>• The documentation in relation to which the exemption is claimed encompasses internal policy and guidance documents.</li> <li>• Internal policies and guidance documents are subject to periodic updates. To release a static version of such guidance documents document to the public domain may misrepresent Ofcom’s policy position if and when this policy were to change.</li> <li>• 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.</li> <li>• 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 the transparency in how Ofcom manages data retention and sharing.</li> <li>• Given the above, disclosing such documents would also likely prejudice the effective conduct of public affairs.</li> </ul>
<p><b>Reasons why the public interest favours withholding information</b></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

<p><b>Section 43(2) of the Act provides that:</b>  <b>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).</b></p>	
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> <li>• Generally, there is a public interest in transparency of expenditure, especially if public money is involved.</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>• Ofcom engages with a number of individuals, and has a financial relationship with them. Individuals contracting with Ofcom need to be confident that information relating to their services or rates will not be disclosed if it would, or would be likely to, prejudice their commercial interests.</li> <li>• The disclosure of a third-party vendor’s datasets, technical basis for processing, processing steps or algorithms could enable its competitors to gain an unfair advantage in the market.</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.